

**BY-LAW NO. 2000.1A
Of the Millbrook band
A By-law Regulating Advertising Signs
Adjacent to the 102 Controlled Access Highway**

WHEREAS the Council of the Millbrook Band desires to make a by-law regulating advertising signs of businesses on reserve adjacent to controlled access Highway No. 102;

AND WHEREAS the Council of the Millbrook Band is empowered to make such a by-law pursuant to section 81(1) (b), (c), (d), (f), (g), (h), (m), (n), (q) and (r) of the *Indian Act*;

AND WHEREAS it is considered necessary for the benefit of the reserve community of Millbrook that the signage of businesses located on reserve be regulated by community standards to ensure safety to the Band's members and others;

AND WHEREAS by section 5 of By-Law No. 1999.1A the Council of the Millbrook Band may regulate the location of signs on Reserve, size and construction of signs and safety concerns for highway traffic affected by signs;

NOW THEREFORE the Council of the Millbrook Band hereby makes the following by-law:

Short Title

1. This by-law may be cited as the "Millbrook Band Advertising Signs By-law".

Interpretation

2. In this by-law:

"Band" means the Millbrook Band;

"Business" means an office, store, restaurants, craft outlet, roadside stand or any establishment offering the sale of goods or services or practicing any profession owned by way of sole proprietorship, partnership or incorporated body;

"Council" means the Millbrook Band Council as defined in the *Indian Act*;

"Reserve" means those reserve lands adjacent to Highway No. 102, a controlled access highway, at Millbrook Reserve No. 27;

"Signs" means any posted notice meant to advertise a Business to the public.

Application of By-law

3. The provisions of this By-law apply only to those lands of Millbrook Reserve No. 27 that are adjacent to Highway No. 102.

Regulations

4. The Council may, from time to time by By-law, create and amend regulations pursuant to this By-law and attach said regulations hereto forming a part of this By-law as fully and to all intents and purposes as though recited in full herein.

Advertising Signs Adjacent to Highway No. 102

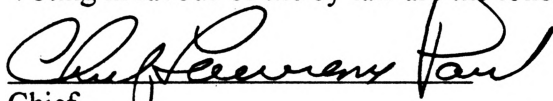
5. Advertising Signs - Controlled Access Highway 102.
 - (A) Advance Advertising Sign - means an advertising sign erected at a location that is more than 30 m from the building in which the business being advertised is conducted.
 - (B) Highway Centre Line
 - (i) the centreline of the traveled way on interchange ramps;
 - (ii) the centre of the median in divided highways;
 - (iii) the centre between existing lanes and future lanes where additional right-of-way is in place but additional lanes have not been constructed.
 - (C) Advance Advertising Signs - Highway 102
 - (i) Outside Town Limits - not permitted within 150 m of centreline of controlled access highway 102;
 - (ii) Within City or Town Limits - not permitted within 45 m of centreline of controlled access highway 102 or centreline of any interchange ramps.
 - (D) For business constructed adjacent to controlled access highway 102 both within and outside town limits. Signs must be under permit and must conform to the following:
 - (i) Maximum of 2 signs permitted, one sign only may exceed 3 square metres but must not be greater than 18 square metres;
 - (ii) Must be on building or on a lot of land on which such building or other place in which the business is conducted;
 - (iii) Signs located on lot of land must be within 30 m of building;
 - (iv) Must be minimum of 10 m from boundary of controlled access highway 102 and boundary of interchange ramps of highway 102;
 - (v) Must be non-flashing type;
 - (vi) May be illuminated but must not produce any glare towards highway;
 - (vii) Sign must be stationary and must not produce effect of movement.

Enforcement

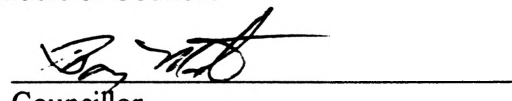
6. The Council will appoint and authorize a By-law Enforcement Officer to monitor and enforce compliance with this By-law and regulations.
7. The By-law Enforcement Officer will notify a Business, by registered letter, of any contravention of this By-law and regulations and any compliance orders necessary to rectify the contravention.
8. A Business will have ten (10) calendar days to satisfactorily address the compliance order or to appeal the order to the Council. Upon appeal the Council will set a date to hear from the Business regarding the alleged contravention and compliance order.
9. Upon appeal, the Council may approve the actions of the By-law Enforcement Officer, disallow the actions of the By-law Enforcement Officer or modify the conclusions of the By-law Enforcement Officer. The Council will make their decision ten (10) calendar days after hearing the presentation of the Business. Decision of the Council shall be final.
10. Upon decision of Council, the Business shall have ten (10) calendar days to comply with the final order of Council.
11. In the event that the Business has not complied with the order of the By-law Enforcement Officer, appealed the order or complied with the decision of Council within the allotted time, the Council may, pursuant to s. 81 of the *Indian Act*, seek a summary offence conviction in the Provincial Court of Nova Scotia pursuant to this By-law and restrain the Business from further non-compliance.
12. Every Business and every person found liable for the actions of said Business who contravenes the provisions of this By-law is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand (\$1,000) dollars or imprisonment for a term not exceeding 30 days or both.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Millbrook Band this 25th day of July A.D., 2000.

Voting in favour of the by-law are the following members of Council:



Chief



Councillor



Councillor



Councillor

Barry Wood
Councillor

[Signature]
Councillor

Colin Bernard
Councillor

Peter [Signature]
Councillor

[Signature]
Councillor

[Signature]
Councillor

Councillor

Being the majority of the Council of the Millbrook Band present at the aforesaid meeting of the Council.

The quorum of the Council is 7 members.

Number of members of the Council present at the meeting: 10

I, Lawrence Paul, Chief of the Millbrook Band, do hereby certify that a true copy of the foregoing By-law was mailed to the Minister of Indian Affairs and Northern Development at the Atlantic Regional Office, Amherst, Nova Scotia pursuant to subsection 82(1) of the *Indian Act*, this _____ day of _____, 2000.

[Signature]
Witness

Chief Lawrence Paul
Chief Lawrence Paul