

TOWN OF BERWICK BYLAW

DESTRUCTION OF CERTAIN DOCUMENTS

Short Title 1. This bylaw shall be known as and may be cited as the “Destruction of Documents Bylaw”.

Destruction pursuant to resolution

2. The council may by resolution which may be in form as set out in Schedule “A” of this bylaw or to the like effect, cause the destruction of any documents or records of the Town after they are no longer required, provided that the clerk submits to the Council his affidavit setting forth each of the documents or records to be destroyed and that he has personally examined each of the documents or records proposed to be destroyed and that there is nothing of value therein.

Affidavit of Clerk

3. The affidavit of the clerk setting out that he has personally examined each document or record and that there is nothing of value therein may be in form as set out in Schedule “B” of this bylaw or to the like effect.

Limitations

4. Nothing in this bylaw shall authorize the destruction of the following documents:

- (a) deeds, mortgages or other documents or records relating to the title of real property;
- (b) court records;
- (c) records required to be kept by any statute;
- (d) records less than five years old;
- (e) minutes, bylaws or resolutions of the Council;
- (f) plans and surveying records; and
- (g) affidavits of the clerk made pursuant to this bylaw.

Repeal

5. All formal Disposal of Records Bylaws passed by the Council are hereby repealed and this bylaw substituted therefor.

History of this Bylaw:

Enacted - August 25, 1983

SCHEDULE "A"
TOWN OF BERWICK
RESOLUTION OF COUNCIL

WHEREAS the documents and records of the Town of Berwick as set out in the affidavit of the Town Clerk, sworn to the day of A.D., 19 are no longer required;

AND WHEREAS according to the said affidavit the said documents and records have been personally examined by the said Clerk and he has determined that there is nothing of value therein and that the said documents and records do not include any documents or records which are exempt from destruction pursuant to Section 4 of the Destruction of Documents Bylaw;

BE IT THEREFORE RESOLVED that the said documents and records as set out in the said affidavit of the said clerk be forthwith removed and destroyed.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution duly passed at a duly called meeting of the Town Council of the Town of Berwick duly held on the day of A.D., 19 .

GIVEN under the hand of the Town Clerk and under the corporate seal of the said town this day of A.D., 19 .

**SCHEDULE “B”
TOWN OF BERWICK
AFFIDAVIT**

IN THE MATTER of the Town Act,

- and -

IN THE MATTER of the Destruction of Documents Bylaw of the Town _____

I, _____ of _____ in the County of _____, Province of Nova Scotia, Clerk of the Town of Berwick do make oath and say:

1. THAT I am the Town Clerk of the Town of Berwick.
2. THAT I have personally examined each of the documents and records listed immediately below pursuant to the Destruction of documents Bylaw of the Town of Berwick which permits the destruction of documents and records which are no longer required.
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)
3. THAT the aforesaid list does not contain any document or record exempt from destruction pursuant to Section 4 of the said bylaw.
4. THAT to the best of my knowledge and belief there is nothing of value contained therein.
5. THAT the said documents and records are no longer required by the said Town Council.

SWORN TO at _____ in the
County of Kings, Province of Nova

Scotia, this day of , A.D.
19. .

A Commissioner of the Supreme Court of Nova Scotia