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SNL1999 CHAPTER M-24

**MUNICIPALITIES ACT, 1999**

Amended:

1999 c38 s39; 2000 c12; 2000 c16; 2000 cU-8; 2001 cM-20.2;  
2001 c22 s18; 2001 cN-3.1 s2; 2002 cE-14.2 s124; 2002 cW-4.01 s102; 2003 c5 s4; 2004 cL-3.1  
s51; 2004 c33; 2004 c47 s25; 2005 c9 s3; 2005 c21 ss1-4; 2006 c7 s4; 2006 c8; 2006 c40 s13; 2006  
cA-18.1 s48; 2007 c20; 2008 c10 s3; 2008 cF-11.01 s40; 2009 c40 s6; 2010 c36; 2011 c7; 2011 c16;  
2012 c10 s1; 2013 c16 s25; 2014 c5 ss7-9;  
2014 c31; 2014 cC-10.1 s62; 2016 c41; 2017 c10 s21

**CHAPTER M-24**

**AN ACT RESPECTING MUNICIPALITIES**

*(Assented to May 27, 1999)*

*Analysis*

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*Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:*

### Short title

1. This Act may be cited as the *Municipalities Act, 1999* .

[1999 cM-24 s1](#)

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### Interpretation

2. (1) In this Act
  - (a) "administrator" means an administrator or a commission of administration appointed under section 250;
  - (b) "building" includes those structures commonly known as mobile homes or trailers that are adopted as residences, shops, offices or for other similar uses;
  - (c) "business" includes
    - (i) a commercial, merchandising or industrial activity or undertaking,
    - (ii) a profession, trade, occupation, calling or employment,
    - (iii) an activity which provides goods or services, and
    - (iv) a credit union, co-operative, corporation, sole proprietorship or association of persons,  
whether or not it is for profit;
  - (d) "city" means a city incorporated under the *City of Corner Brook Act*, *City of Mount Pearl Act* and the *City of St. John's Act*;
  - (e) "clerk" means a town clerk or a regional clerk as the context may require;
  - (f) "council", unless the context indicates otherwise, means a town council continued or incorporated under this Act and a regional council continued or incorporated under this Act;
  - (g) "councillor" includes a mayor and a councillor of a town council and a chairperson and councillor of a regional council;
  - (h) "court" means, unless the context indicates otherwise, the Provincial Court of Newfoundland and Labrador;
  - (i) "department" means the department presided over by the minister;
  - (j) "election" means a general election, by-election or special election held under the *Municipal Elections Act*;

- (k) "firefighter" means a full-time or part-time employee of a fire department or a volunteer member of a fire department whether or not a volunteer receives consideration or an honorarium for his or her services;
- (l) "highway" means a highway as defined in the *Highway Traffic Act*;
- (m) "manager" means a town manager or a regional manager as the context may require;
- (n) "minister" means the minister responsible for the administration of this Act under the *Executive Council Act*;
- (o) "monetary interest" means an interest or benefit
  - (i) consisting of money, exacted in money, relating to money or of which money is the object,
  - (ii) capable of being measured by its financial value, cost, benefit, advantage or disadvantage, or
  - (iii) affecting or potentially affecting a person's financial position or worth, his or her assets or asset value but does not include remuneration or a benefit to which a councillor is entitled under this Act;
- (o.1) "municipal service delivery corporation" means a corporation incorporated under the *Corporations Act* for the purpose described in section 192.1;
- (p) "municipality" includes a town and a region;
- (q) "parking lot" includes a parking garage;
- (r) "place of entertainment" includes a theatre, cinema, amusement premises, concert hall, pool hall, circus, race course, baseball park, athletic ground, fair ground, skating rink, dance hall, a place where there are coin operated games or a hotel, restaurant, club or café in which facilities are supplied for and used by the public for dancing or other forms of entertainment and other places that a council may declare to be a place of entertainment;
- (s) "real property" means
  - (i) land or an interest arising from land, and includes land under water,
  - (ii) land and buildings, structures, improvements, building service systems and storage facilities and fixtures erected or placed upon, in, over or under land or affixed to land,
  - (iii) a building that is erected on land under a lease, licence or permit, but does not include the land upon which the building is erected, and
  - (iv) a mobile home;
- (t) "region" means an area continued or incorporated under this Act as a region;
- (u) "regional council" means a council of a region;
- (u.1) "regional service board" means a regional service board established under the *Regional Service Boards Act*;
- (u.2) "remuneration" includes contributions by a municipality to a pension plan for councillors;

(v) "town" means an area continued or incorporated under this Act as a town; and

(w) "town council" means a council of a town.

(2) All docks, quays, wharves and structures touching the boundaries of a municipality and all ships attached either permanently or temporarily to a dock, quay, wharf, ship or structure shall be considered to be within and to be a part of the municipality.

[1999 cM-24 s2](#); [2001 cM-20.2 s104](#); [2001 cN-3.1 s2](#); [2007 c20 s1](#); [2011 c7 s1](#)

## **PART I TOWNS**

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#### **Incorporation of towns**

3. (1) The Lieutenant-Governor in Council may, by order, on the recommendation of the minister and subject to a feasibility study being prepared under section 9,

- (a) incorporate an area in the province as a town;
- (b) amalgamate towns and annex areas to towns;
- (c) establish and alter boundaries of towns; and
- (d) disincorporate a town.

(2) An order made under subsection (1) shall have effect from a date which may be stated in the order and that date may be earlier or later than the date on which the order is made.

(3) An order made under subsection (1) may provide that for the purpose of an election of a council in an area affected by an order, the order may have effect on a different date than for other purposes.

(4) Notwithstanding subsections (1), (2) and (3) and section 9 an Inuit Community shall cease to be considered to be a municipality under this Act on the first date upon which an Inuit Community Council for that Inuit Community takes office in accordance with the *Labrador Inuit Land Claims Agreement Act*.

(5) In subsection (4), "Inuit Community" means an Inuit Community as defined in the *Labrador Inuit Land Claims Agreement Act*.

[1999 cM-24 s3](#); [2004 cL-3.1 s51](#)

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#### **Assessment of needs**

4. (1) The minister

- (a) shall appoint persons to assess the special needs of a municipality or an area with respect to an amalgamation; or
- (b) may appoint persons to assess the special needs of a municipality with respect to an annexation,



under paragraph 3(1)(b) and those persons shall recommend to the minister the appropriate actions to be carried out upon that amalgamation or annexation.

(2) The persons appointed under subsection (1) shall be representatives from the municipalities or areas affected by the amalgamation or annexation and from the department.

(3) The minister may establish the terms of reference for an assessment carried out by persons appointed under subsection (1).

[1999 cM-24 s4](#)

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#### **Names of towns**

5. (1) Upon the incorporation of a town, the Lieutenant-Governor in Council may, by order, establish the name of that town.

(2) The minister may, by order, change the name of a town.

[1999 cM-24 s5](#)

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#### **Order respecting assets and liabilities**

6. Notwithstanding paragraph 11(1)(c), in an order annexing an area to a town or amalgamating towns, the Lieutenant-Governor in Council may provide for the adjustment of assets and liabilities between areas and towns affected by the order.

[1999 cM-24 s6](#)

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#### **Existing towns**

7. A town continued or constituted under the *Municipalities Act* is continued as a town under this Act.

[1999 cM-24 s7](#)

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#### **Publication of orders**

8. In addition to the requirements for publication in the *Gazette* under the *Statutes and Subordinate Legislation Act*, an order made under this Part shall be published by the minister in a newspaper having general circulation in the area affected by the order, where there is a newspaper in the area, and by public notice posted up in the area.

[1999 cM-24 s8](#)

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## **Feasibility report**

9. (1) The minister shall order the preparation of a feasibility report in the required form before making a recommendation for an order of the Lieutenant-Governor in Council under section 3.

(2) The minister shall appoint a committee of at least one and not more than 3 persons to prepare the feasibility report.

(3) The minister may, where he or she considers it necessary, appoint a chairperson for the committee from among those persons appointed under subsection (2).

(4) The persons appointed under subsection (2) have the powers of a commissioner under the *Public Inquiries Act* .

(5) The committee shall, before preparing a feasibility report under this section, hold a public hearing with respect to a proposed order under subsection 3(1) and shall, where reasonable, hold the hearing in the affected area.

(6) Notwithstanding subsection (5), where the committee specifies that a written or oral submission is to be made by a specified date before a public hearing, and where a written or oral submission is not made by that date, the minister may cancel that public hearing and a further public hearing shall not be required.

(7) Where a feasibility report is ordered prepared under subsection (1) as a result of the request of a municipality or an unincorporated area, the cost of that preparation and the feasibility study required to produce the report shall be a cost of that municipality or unincorporated area.

[1999 cM-24 s9](#)

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### **Notice of intent**

10. Before ordering the preparation of a feasibility report under section 9, the minister shall publish a notice of his or her intent to make that order in a newspaper having general circulation in the area affected by the feasibility report, where there is a newspaper in the area, and by public notice posted up in the area.

[1999 cM-24 s10](#)

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### **Reduction or increase in area**

11. (1) Where an order is made under section 3 reducing the area of a town,

- (a) a councillor who lives in the area that was taken out of the town by the order stops being a councillor when the order comes into effect;
- (b) the minister may order the reduction of the number of persons to serve as councillors to be effective when the term of office of the councillors then serving expires, and where a vacancy occurs in the office of councillor before that term expires, the vacancy shall not be filled, unless the number of councillors is then below the number fixed by the order;
- (c) all assets of the council may be retained by it, except highways, lanes, sidewalks, bridges and other public ways in the area taken out of the town and the council may

dispose of those assets for the consideration and upon the terms that it considers appropriate; and

- (d) the council may collect money due to it and take legal action, where the right to that money arose before the order came into effect, as if the order had not been made.
- (2) Where an order is made increasing the area of a town,
  - (a) the minister may, by order, increase the number of persons to serve as councillors, effective as of the date of the order;
  - (b) all highways, lanes, sidewalks, bridges and other public ways in the area taken into the town shall become the property of that town; and
  - (c) the minister may, in accordance with section 6, make an order that he or she considers necessary.

[1999 cM-24 s11](#)

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### **Taxes upon amalgamation**

**11.1** (1) Notwithstanding that a town has imposed taxes and tax rates under Part V, where an order is made under paragraph 3(1)(b) to amalgamate that town or annex an area to that town, the minister may, in writing, direct the

- (a) manner in which taxes and tax rates applicable to the amalgamating towns and annexed areas are to be harmonized; and
- (b) time by which the harmonization referred to in paragraph (a) is to be carried out.

(2) A direction of the minister under subsection (1) is binding upon the amalgamated towns and annexed areas to which it applies.

[2004 c33 s1](#)

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### **Establishment of town council**

**12.** The Lieutenant-Governor in Council shall, by order, constitute a town council for a town established under this Act to control and manage the town in accordance with this Act.

[1999 cM-24 s12](#)

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### **Number of councillors**

**13.** A town council shall consist of not fewer than 5 nor more than 9 persons as prescribed by the minister.

[1999 cM-24 s13](#)

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## Youth representative

**13.1** (1) A town council may appoint one or more persons with the title "youth representative" to sit with the council and participate in its deliberations for a term and on conditions that the council may decide.

(2) A person appointed as a youth representative shall be less than 18 years of age at the time of appointment.

(3) A person appointed as a youth representative is not a member of the town council and shall not be counted for the purpose of determining a quorum or deciding a vote of the council.

[2014 c5 s7](#)

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## Wards

**14.** (1) Where a town is first constituted, the minister may, by order, divide a town into 2 or more wards, define the boundaries of those wards and fix the number of councillors to be elected for each ward.

(2) A town council may, by a 2/3 vote of the councillors in office, divide its town into 2 or more wards, define the boundaries of those wards and fix the number of councillors to be elected for each ward.

(3) A town council may, by a 2/3 vote of the councillors in office, vary or repeal the wards and their boundaries established under subsections (1) and (2).

(4) Notwithstanding subsections (1), (2) and (3), where the minister or a town council fixes the number of councillors to be elected for each ward, the minister or council shall also fix the number of councillors to be elected at large and the number of councillors elected at large shall be not less than the total number of councillors elected for the wards plus one councillor.

(5) Notwithstanding subsection (4), where a town is first constituted, the minister may

(a) fix a number of councillors to be elected for each ward that results in the total number of councillors elected for the wards being equal to or exceeding the number of councillors elected at large; or

(b) direct that all the councillors to be elected shall represent wards.

(6) At least 6 months before the next scheduled election under section 5 of the *Municipal Elections Act*, the town council of a town where

(a) the total number of councillors elected for the wards at the previous election was equal to or exceeded the number of councillors elected at large; or

(b) all the councillors elected were for wards,

shall comply with subsection (4) for the purpose of the next and subsequent scheduled elections.

(7) Where a town council does not comply with subsection (6), the minister may fix the number of councillors as if the minister were the council.

[1999 cM-24 s14; 2010 c36 s1](#)

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### **Corporate status**

15. A town council is a corporation.

[1999 cM-24 s15](#)

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### **First election**

16. The first council of a town established under section 3 shall be elected on a date fixed by the minister.

[1999 cM-24 s16](#)

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### **Mayor's election**

17. (1) The minister may direct that there be a separate election of the mayor in the first election of a town council or where an election of council has been ordered by him or her.

(2) A town council may by a 2/3 vote of the councillors in office, provide for the election of the mayor by a separate election, and may in the same manner change that decision, or a direction made by the minister under subsection (1).

(3) Where a person is not nominated for the post of mayor as provided for under subsection (1) or (2), a mayor may be elected by the councillors as if a provision had not been made for the separate election of the mayor.

(4) Where a person is not nominated for the position of mayor and a mayor is elected by the councillors under subsection (3), the person who receives the next highest number of votes to the person who was elected with the least number of votes shall be considered to be elected to the town council.

[1999 cM-24 s17](#)

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### **Election of mayor and deputy**

18. (1) At the first meeting held following the first election and each general election the councillors shall

(a) where there has not been a separate election for mayor, elect one councillor to be mayor;  
and

(b) elect one councillor to be deputy mayor.

(2) An election under subsection (1) shall be conducted by the town clerk or returning officer and shall be done by a secret ballot of councillors.

[1999 cM-24 s18](#)

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**Vacancy re mayor**

19. (1) Where a vacancy occurs in the office of a mayor who was originally elected in a separate election, the town council shall fill that vacancy by

- (a) having the deputy mayor assume the office of mayor for the remainder of the elected mayor's term; or
- (b) having the deputy mayor assume the office of mayor until a by-election is held to fill the vacant position of mayor; or
- (c) electing, by secret ballot, from among the remaining members of council, a person to assume the office of mayor for the remainder of the originally elected mayor's term.

(2) A councillor who wishes to run for election as mayor in a by-election referred to in paragraph (1)(b) shall resign as a councillor before running for election as mayor.

(3) Where a vacancy occurs in the office of a mayor who was originally elected by the town council, that vacancy shall be filled in accordance with paragraph (1)(a) or (c).

[1999 cM-24 s19](#)

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**Mayor and deputy mayor status**

20. (1) The mayor is the presiding officer of the town council and is the official head of the town for all ceremonial purposes.

(2) In the absence or incapacity of the mayor, the deputy mayor has the powers and shall exercise the duties of the mayor.

[1999 cM-24 s20](#)

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**Duties**

21. (1) The mayor

- (a) shall make all reasonable efforts to ensure that the laws of the town are executed and obeyed and shall advance the aims of the town council; and
- (b) shall exercise the powers and perform the duties that may be conferred or imposed upon him or her by the town council or under the Act.

(2) Notwithstanding subsection (1), the mayor is subject to the direction and control of the town council and shall abide by decisions of the town council.

(3) A town councillor is subject to the direction and control of the town council and shall abide by the decisions of the town council.

[1999 cM-24 s21](#)

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## **Presiding officer**

**22.** (1) The mayor, and in his or her absence, the deputy mayor shall preside at all meetings of the town council.

(2) Where both the mayor and deputy mayor are absent from a meeting, the other councillors shall appoint a temporary chairperson who may exercise the powers and carry out the duties of the mayor at the meeting.

(3) The mayor or other person presiding at a meeting of a town council may, when he or she speaks on a subject, be replaced as the presiding person by the deputy mayor or temporary chairperson for the time during which the mayor or presiding person is speaking.

[1999 cM-24 s22](#)

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## **First meeting**

**23.** (1) The first meeting of a town council following a general or special general election shall be called by the town clerk or the returning officer within 14 days of the election.

(2) Notwithstanding subsection (1), where an order made under section 3 contains a provision respecting the date on which a town council shall take office, the first meeting of the council shall be called by the town clerk or the returning officer within 14 days of that date.

[1999 cM-24 s23](#)

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## **Meetings**

**24.** (1) The mayor or 2 councillors shall request that the town clerk call and there shall be held, at least once a month, a meeting of the town council to which the public shall be admitted.

(2) A meeting called and held under subsection (1) shall be for the dispatch of general business.

(2.1) A town council may allow a councillor to participate in a meeting by electronic means where the electronic means enables the councillor to listen to the proceedings and to be heard.

(2.2) A councillor participating in a meeting by electronic means is considered to be in attendance at the meeting.

(2.3) Subsections (2.1) and (2.2) also apply to meetings held under sections 23 and 213.

(3) A town council shall adopt rules of procedure for its meetings.

(4) The minister may provide a model set of rules of procedure that town councils may adopt or vary.

[1999 cM-24 s24; 2014 c5 s8](#)

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## **Committees**

**25.** (1) A town council may establish the standing or special committees that it considers desirable to consider and make recommendations on matters referred to them by the council.

(2) A town council may appoint persons to serve on a committee established under subsection (1) and where a council does not appoint persons to a committee, the mayor shall appoint those persons.

[1999 cM-24 s25](#)

## **PART II REGIONS**

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#### **Establishment of regions**

**26.** (1) The Lieutenant-Governor in Council may, by order, on the recommendation of the minister and subject to a feasibility report being prepared under section 31,

- (a) establish an area in the province as a region;
- (b) amalgamate regions and annex areas to regions;
- (c) establish and alter boundaries of regions; and
- (d) disestablish a region.

(2) An order made under subsection (1) shall have effect from a date that may be stated in the order, and that date may be earlier or later than the date on which the order is made.

(3) An order made under subsection (1) may provide that for the purpose of an election of a regional council in an area affected by an order, the order may have effect on a different date than for other purposes.

(4) Section 4 applies, with the necessary changes, to a region amalgamated or annexed under this section.

[1999 cM-24 s26](#)

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#### **Names**

**27.** (1) Upon the incorporation of a region, the Lieutenant-Governor in Council may, by order, establish the name of that region.

- (2) The minister may, by order, change the name of a region.

[1999 cM-24 s27](#)

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## **Order respecting assets and liabilities**

28. Notwithstanding paragraph 33(c), in an order made establishing a region, annexing an area to a region or amalgamating regions, the Lieutenant-Governor in Council may provide for the adjustment of assets and liabilities between the cities, towns and regions affected by the order.

[1999 cM-24 s28](#)

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## **Existing regions**

29. A region continued or constituted under the *Municipalities Act* is continued as a region under this Act.

[1999 cM-24 s29](#)

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## **Publication**

30. In addition to the requirements for publication in the *Gazette* under the *Statutes and Subordinate Legislation Act*, an order made under this Part shall be published by the minister in a newspaper having general circulation in the area affected by the order, where there is a newspaper in that area, and by public notice posted up in the area.

[1999 cM-24 s30](#)

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## **Feasibility report**

31. (1) The minister shall order the preparation of a feasibility report in the required form before making a recommendation for an order of the Lieutenant-Governor in Council under section 26.

(2) The minister shall appoint a committee of at least one and not more than 3 persons to prepare the feasibility report.

(3) The minister may, where he or she considers it necessary, appoint a chairperson for the committee from among those appointed under subsection (2).

(4) The persons appointed under subsection (2) have the powers of a commissioner under the *Public Inquiries Act*.

(5) The committee shall, before preparing a feasibility report under this section, hold a public hearing in all cases under subsection 26(1) and shall, where reasonable, hold the hearing in the affected area.

(6) Notwithstanding subsection (5), where the committee specifies that a written or oral submission is to be made by a specified date before a public hearing, and where a written or oral submission is not made by that date, the minister may cancel that public hearing and a further public hearing shall not be required.

(7) Where a feasibility report is ordered prepared under subsection (1) as a result of the request of a region or unincorporated area, the cost of that preparation and feasibility study required to produce the report shall be a cost of that region or unincorporated area.

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**Notice of intent**

32. Before ordering the preparation of a report under section 31, the minister shall publish a notice of his or her intent to make that order in a newspaper having general circulation in the area affected by the feasibility report, where there is a newspaper in that area, and by public notice posted in the area.

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**Reduction in area**

33. Where an order is made under section 31 reducing the area of a region,
- (a) a councillor who lives in the area that was taken out of the region by the order stops being a councillor when the order comes into effect;
  - (b) the minister may order the reduction of the number of persons to serve as councillors effective when the term of office of the councillors then serving expires, and where a vacancy occurs in the office of councillor before that term expires, the vacancy shall not be filled, unless the number of councillors is then below the number fixed by the order;
  - (c) all assets of the regional council may be retained by it, except highways, lanes, sidewalks, bridges and other public ways in the area taken out of the region and the regional council may dispose of those assets for the consideration and upon the conditions that it considers appropriate; and
  - (d) the regional council may collect money due to it and take legal action where the right to that money arose before the order came into effect, as if the order had not been made.

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**Prescribed powers**

34. (1) The Lieutenant-Governor in Council may, by order, subject to a feasibility report being made under section 31, designate powers that a regional council shall exercise for the entire region or a portion of the region governed by the regional council and those powers shall be from among those set out in section 35 as the Lieutenant-Governor in Council considers advisable in the circumstances.

(2) Where powers are designated under subsection (1), those powers stop being the responsibility of a city, town, local service district committee, or other body which performed the designated power before the order, and the regional council assumes those powers and may exercise them in accordance with the Act establishing that body as if it were the body described in that Act.

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## Potential powers

35. The powers that may in whole or in part be designated under section 34 are

- (a) the construction and operation of regional water supply systems, regional sewage disposal systems, regional storm drainage systems and regional solid waste disposal sites, including facilities designated in the order as regional facilities, and the charging of user fees on cities or municipalities benefited by those facilities;
- (b) the provision of regional police services, ambulance services, animal and dog control, and other similar services within the region as may be prescribed;
- (c) the provision, subject to the *Urban and Rural Planning Act*, of regional planning, local area planning in areas outside the jurisdiction of towns and cities within the region, joint planning and development control along protected roads, in protected areas and other designated areas within the region;
- (d) the undertaking of another municipal function that a municipality or city performs or is permitted to perform under this Act by agreement with municipalities or cities subject to the recovery of the full cost from the municipality or city; and
- (e) the provision, by agreement with municipalities or cities, subject to the recovery of the full cost from the municipality or city, of
  - (i) contract services,
  - (ii) tax billing and collection services,
  - (iii) engineering services,
  - (iv) management consulting services,
  - (v) data processing, and
  - (vi) other technical and administrative services that may be required by municipalities.

[1999 cM-24 s35](#)

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## Application of Act to regional councils

36. Parts V, VI, VII, VIII, X and XIV and section 414 apply to a region and to a regional council only with respect to those areas of a region under the jurisdiction of that council which are not a city or a town.

[1999 cM-24 s36; 2001 cM-20.2 s104](#)

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## Local service areas

37. In addition to the powers set out in section 36 the regional council may establish local service areas which are outside the jurisdiction of towns and cities within the region, and may prescribe and alter the boundaries of those local service areas.

[1999 cM-24 s37](#)

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**Advisory committees**

38. (1) Where a local service area is established under section 37, the regional council may
- (a) provide for an advisory committee to be elected by public meeting from among the voters in the local service area;
  - (b) establish the size and, by regulations, the procedures of advisory committees;
  - (c) establish terms of reference for an advisory committee including the right to recommend
    - (i) on the application of provincial grants received with respect to the local service area,
    - (ii) on the provision of services in the local service area requiring additional taxes, rates or charges,
    - (iii) on local planning and development control, and
    - (iv) on other matters relating to local government in the local service area; and
  - (d) vary the amounts of taxes, rates and charges between different local service areas.

(2) Where a regional council assumes the power of a local service district established under Part XIII, the local service district committee is considered to be the advisory committee for the voters in the local service area until the regional council provides for an election under paragraph (1) (a).

[1999 cM-24 s38](#)

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**Ancillary powers**

39. (1) The Lieutenant-Governor in Council may, by order, state the ancillary powers that may be exercised by a regional council in carrying out their designated powers.

- (2) The Lieutenant-Governor in Council may, by order, state that the regional council may
- (a) acquire fixed assets of the municipalities and cities necessary for the exercise of the powers of the regional council, without compensation but including the assumption of the liabilities and obligations associated with these assets;
  - (b) require towns and cities within the region to connect to and use regional services; and
  - (c) assess towns and cities within the jurisdiction of the regional council for a general service charge and in making that assessment consider, in relation to the towns or cities,
    - (i) the number of persons who are 18 years of age or older who ordinarily live in the towns and cities,
    - (ii) the assessed value of the real property within the towns and cities, or
    - (iii) the assessed value of the property used by businesses within the towns and cities.

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**Establishment of council**

40. (1) The Lieutenant-Governor in Council may, by order, constitute a regional council for a region established under this Act to control and manage the region in accordance with this Act.

(2) A regional council is a corporation.

[1999 cM-24 s40](#)

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**Number of councillors**

41. A regional council shall consist of the number of persons that may be prescribed by the Lieutenant-Governor in Council.

[1999 cM-24 s41](#)

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**Wards**

42. The Lieutenant-Governor in Council may, by order, establish and change the number and boundaries of wards for a region and fix the number of councillors to be elected for each ward

[1999 cM-24 s42](#)

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**Status of council**

43. (1) The Lieutenant-Governor in Council may, by order, designate and change the number or proportion of councillors of a regional council that are to be appointed from elected councils of cities and towns in the region, elected at large or to represent wards.

(2) Where, under subsection (1), there are to be councillors appointed to a regional council, the minister may appoint those councillors who shall be from among the councillors of towns and cities which make up the region as designated by the councils of those towns and cities.

(3) Where town and city councils do not, within a reasonable period, make a designation for the purpose of subsection (2), the minister may make that designation.

[1999 cM-24 s43](#)

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**First election**

44. (1) The first election of members of a regional council shall take place on a date fixed by the minister.

(2) The minister may defer the holding of an election under subsection (1) to a date not later than one year after the region has been established.

[1999 cM-24 s44](#)

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### **Election of chairperson**

45. (1) At the first meeting held following the first election and each general election or, where a regional council consists only of appointed councillors, at the first meeting following the appointment, the councillors shall elect one councillor to be chairperson and one councillor to be deputy chairperson.

(2) An election under subsection (1) shall be conducted by the regional clerk or returning officer and shall be carried out by a secret ballot of councillors.

[1999 cM-24 s45; 2000 c12 s2](#)

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### **Vacancy re chairperson**

46. Where a vacancy occurs in the office of chairperson, the regional council shall fill that vacancy by

- (a) having the deputy chairperson assume the office of chairperson for the remainder of the chairperson's term; or
- (b) electing by secret ballot from among the remaining members of the council, a person to assume the office of chairperson for the remainder of the chairperson's term of office.

[1999 cM-24 s46](#)

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### **Chairperson's and deputy's status**

47. (1) The chairperson is the presiding officer of the regional council and is the official head of the region for all ceremonial purposes.

(2) In the absence or incapacity of the chairperson the deputy chairperson has the powers and shall exercise the duties of the chairperson.

[1999 cM-24 s47](#)

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### **Duties**

48. The chairperson

- (a) shall be vigilant and active in causing the laws of the government of the region to be executed and obeyed and in making all reasonable efforts to advance and promote the aims and objects of the regional council; and

(b) shall exercise the powers and perform the duties that may be conferred or imposed upon him or her by the regional council and under this Act.

[1999 cM-24 s48](#)

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#### **Authority of council**

49. A chairperson and a regional councillor are subject to the direction and control of the regional council and shall abide by the decisions of the regional council.

[1999 cM-24 s49](#)

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#### **Presiding officer**

50. (1) The chairperson, and in his or her absence, the deputy chairperson, shall preside at all meetings of the regional council.

(2) Where both the chairperson and deputy chairperson are absent from a meeting, the other councillors shall appoint a temporary chairperson who has and may exercise the powers and carry out the duties of the chairperson at the meeting.

[1999 cM-24 s50](#)

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#### **Frequency of meetings**

51. (1) The chairperson or 2 councillors shall request that the regional clerk call and there shall be held, at least once a month, a meeting of the regional council to which the public shall be admitted.

(2) A meeting called and held under subsection (1) shall be for the dispatch of general business.

(2.1) A regional council may allow a councillor to participate in a meeting by electronic means where the electronic means enables the councillor to listen to the proceedings and to be heard.

(2.2) A councillor participating in a meeting by electronic means is considered to be in attendance at the meeting.

(3) A regional council shall adopt rules of procedure for its meetings.

(4) The minister may provide a set of rules of procedure that a regional council may adopt or vary.

[1999 cM-24 s51; 2014 c5 s9](#)

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## **Committees**

**52.** (1) A regional council may establish standing or special committees that it considers desirable to consider matters referred to it by the council and make recommendations on those matters to the council.

(2) A regional council may appoint persons to serve on committees established under subsection (1), and where a regional council does not appoint persons to those committees, the chairperson shall appoint those persons.

[1999 cM-24 s52](#)

## **PART III ADMINISTRATION AND STAFF**

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## **Manager**

**53.** (1) A town council may establish the position of town manager and may, by a vote of 2/3 of the councillors in office, appoint a person to the position of town manager.

(2) A regional council shall establish the position of regional manager and shall by a vote of 2/3 of the councillors in office, appoint a person to the position of regional manager.

(3) A manager may be appointed clerk or acting clerk in addition to his or her other duties under this Act.

(4) Where the office of manager is vacant, or the manager is unable to carry out his or her duties, the council may appoint a person to act as manager and the acting manager has and may exercise the powers and shall carry out the duties of the manager.

[1999 cM-24 s53; 2000 c12 s3](#)

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## **Duties**

**54.** (1) A manager is the chief executive and administrative officer of the council and head of its administrative branch and is responsible to the council for the proper planning, execution, conduct and the proper administration of the affairs of the council.

(2) A manager shall administer his or her office in accordance with this Act and policies determined by the council.

(3) Notwithstanding subsection (2) and subsection 55(1), where a manager carries out a policy or an act that has been directed by council and that policy or act contravenes this Act or another Act of the province, an action shall not lie against that manager for a matter arising from his or her carrying out that policy or act.

(4) A manager may delegate his or her powers and duties to those officers of the council that he or she may consider appropriate, except those powers and duties that the council may specifically exempt from delegation.

(5) Notwithstanding subsection (4), in the case of an emergency, the manager may delegate his or her powers without reservation.



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**Overall power of council**

55. (1) A manager shall not disobey, disregard or overrule a decision of the council.

(2) A manager may advise or make a recommendation to the council which shall receive, consider and make a record of the advice or recommendation in its minutes but is not bound to follow that advice or recommendation, nor is the advice or recommendation of the manager required before an action of the council.

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**Attendance at meetings**

56. (1) A manager shall, unless otherwise approved by the council, attend meetings of the council and may, at the discretion of the council, attend meetings of its committees, but he or she has no vote.

(2) Where the manager is unable to attend a meeting of the council, the council shall appoint a person who shall attend the meeting in place of that manager.

(3) A manager is entitled to take part in the discussion of all matters coming before a meeting of the council or its committees but he or she has no vote.

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**Use of employees**

57. (1) A manager may use the services of the heads of departments and of other employees of the council for the purpose of carrying out his or her duties.

(2) A manager shall, where requested in writing by a department head, giving reasons for the request, report to the next meeting of the council that the department head is not in agreement with a plan, proposal or appointment of the manager.

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**Expenditures**

58. (1) A manager may make or authorize the making of expenditures for the purchase of equipment, supplies, work or other thing required for the carrying on of the business of the council, and he or she may enter into contracts for the expenditures on behalf of the council

(a) where the expenditure does not exceed in a single case a sum which the council shall by resolution set as a maximum amount; and

- (b) where the expenditure exceeds in a single case the amount referred to in paragraph (a) with the prior approval of the council,

where the proposed expenditure is not in excess of the amount provided in the budget for the purchase of the equipment, supplies, work or thing.

(2) Notwithstanding subsection (1), where, in the opinion of the manager, the immediate expenditure of an amount exceeding the amount established by the council under paragraph (1)(a) is necessary to meet an emergency situation, the manager may make that expenditure without the prior approval of the council and shall report on the expenditure to the council at its next meeting.

(3) Where an expenditure is proposed by a council that exceeds the expenditure amount established under paragraph (1)(a), that council shall not make the expenditure until it has requested the recommendations of the manager with respect to that expenditure.

(4) When the manager's recommendations under subsection (3) are received, or where that manager does not make his or her recommendations within a reasonable time, the council may make the expenditure in the manner and subject to the conditions that it considers appropriate.

(5) A council is not bound to adopt recommendations made to it by the manager under subsection (3).

[1999 cM-24 s58](#)

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#### **Clerk**

**59.** (1) A council shall establish the position of clerk and shall, by a vote of 2/3 of the councillors in office, appoint a person to the position of clerk.

(2) A clerk may be appointed manager or acting manager in addition to his or her other duties under this Act.

(3) Where the office of clerk is vacant, or the clerk is unable to carry out his or her duties, the council shall appoint a person to act as clerk.

(4) The acting clerk may exercise the powers and shall carry out the duties of the clerk.

[1999 cM-24 s59](#)

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#### **Oaths and affirmations**

**60.** A clerk may administer oaths and affirmations and receive affidavits for the purpose of this Act.

[1999 cM-24 s60](#)

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#### **Duties**

**61.** (1) A clerk is the secretary to the council and is responsible to it for recording the proceedings and decisions of the council and for the safekeeping of all documents of the council.

(2) Notwithstanding subsection (1), a council may delegate responsibility for the safekeeping of documents, which the council may prescribe, to another employee of the council.

(3) Where the clerk carries out a policy or an act that has been directed by the council and that policy or act contravenes this Act or another Act of the province, an action shall not lie against that clerk for a matter arising from his or her carrying out the policy or act.

[1999 cM-24 s61](#)

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### **Clerk to attend meetings**

**62.** (1) The clerk shall attend all meetings of the council and may, at the discretion, of the council attend meetings of its committees.

(2) The clerk or a person appointed under subsection (3) is entitled to speak at council and committee meetings but has no vote.

(3) Where the clerk is unable to attend a meeting of the council, the council shall appoint a person who shall attend the meeting in place of the clerk.

[1999 cM-24 s62](#)

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### **Departments**

**63.** (1) A council may

- (a) establish departments;
- (b) appoint for those departments the department heads that are necessary for the effective operation of the council; and
- (c) set out the roles and responsibilities of those department heads.

(2) Where there is a manager, the council shall seek his or her recommendation before establishing a department or appointing a department head.

(3) The council may appoint one person to head 2 or more departments established under paragraph (1)(a).

(4) The department heads are responsible to the manager, or, to the council, where there is no manager.

[1999 cM-24 s63; 2011 c7 s2](#)

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### **Rep. by 2011 c7 s3**

**64.** [Rep. by 2011 c7 s3]

[2011 c7 s3](#)

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**Positions**

65. (1) A council may establish employee positions for the administration of the town or region.

(2) A council shall establish written job specifications for each position established by it, setting out the duties for each position and the qualifications of persons to fill those positions.

(3) Where there is a manager, the council shall seek his or her recommendation before they exercise their powers under subsections (1) and (2).

[1999 cM-24 s65](#)

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**Salaries**

66. A council may establish the salaries of its employees.

[1999 cM-24 s66](#)

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**Suspension**

67. (1) Where a council is of the opinion that the manager, clerk or a departmental head has misconducted himself or herself in the performance of his or her duties or in the exercise of his or her powers under this Act, the council may, by a vote of 2/3 of the councillors in office, suspend the manager, clerk or department head from his or her office for a period which the council may determine.

(2) A council may determine, by a vote of 2/3 of the councillors in office, if a suspended manager, clerk or department head is to receive his or her salary during the period of suspension and may include periods without pay and with pay during that suspension.

[1999 cM-24 s67](#)

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**Dismissal**

68. (1) A manager, clerk or department head may be dismissed by a vote of 2/3 of the councillors in office, where the vote to dismiss is confirmed by a similar vote at a meeting of the councillors held not earlier than 30 days after the meeting at which the first vote to dismiss was carried.

(2) A meeting of councillors may not hold a vote on a motion to dismiss under subsection (1) unless

(a) a written notice of the meeting signed by the councillors intending to make and second the motion is deposited with the clerk, mayor or chairperson; and

(b) a copy of the notice addressed to the person who is the subject of the motion is served on him or her personally or by leaving it at his or her latest known address at least one week before the date of the meeting of the council at which the motion to dismiss is to be made.

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**Retirement**

69. A manager, clerk or department head may be retired in accordance with a pension scheme established under this Act when that person becomes qualified for a pension, allowance or gratuity under that pension scheme.

[1999 cM-24 s69](#)

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**Employment, etc.**

70. (1) Where there is a manager, he or she may, after consultation with the head of the department concerned, employ, suspend or dismiss an employee of the council, other than the clerk or a department head.

(2) The authority that may be exercised by the manager under subsection (1) is subject to the terms of a collective agreement or other employment contract to which the council is a party.

(3) Where there is no collective agreement or other contract regulating the procedures to be followed under subsection (1), a council shall, upon the written recommendation of the manager, where there is a manager, establish written procedures governing the exercise of the powers set out in subsection (1).

(4) A council may employ, suspend or dismiss an employee of the council, subject to subsections (2) and (3), after consulting with the manager, where there is a manager.

[1999 cM-24 s70](#)

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**Bonding**

71. (1) An employee of a council whose duties include the collecting, receiving or depositing of money shall be bonded in the amount specified by the council.

(2) A council shall pay the premiums on bonds entered into under this section.

[1999 cM-24 s71](#)

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**Pension scheme**

72. (1) A council may provide a pension scheme for councillors, full-time employees, regular part-time employees, or a class of those employees, who have worked for a stated period and discontinued their employment or, in the case of a councillor, his or her tenure as a councillor, or have suffered permanent disability before reaching retirement age.

(2) A pension scheme provided under subsection (1) shall be a defined contribution plan as defined in the *Pension Benefits Act, 1997* unless the minister approves an alternative type of plan.

(3) A person who, before becoming a councillor or an employee of the council, was employed by the Government of Canada, the government of a province, a municipality in Canada or of a corporation or institution having a pension plan may have credited to him or her with respect to his or her tenure as a councillor or council employment the whole or part of the pensionable service credited to him or her by that tenure as a councillor or employment.

(4) Notwithstanding subsection (3), a council may make an agreement with a body described in that subsection providing for the crediting, on a reciprocal basis, of the whole or part of the pensionable service served by the councillor or employee with that body, as pensionable service with the municipality.

(5) A pension scheme entered into under subsection (1) shall be based upon a plan of contributions by the council and its councillors or the council and its employees.

[2011 c7 s4](#)

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### **Group insurance**

**73.** (1) A council may arrange to provide a group insurance scheme for its councillors, employees or a class of employees, and for volunteer members of its fire department and for that purpose may enter into arrangements which the council may determine with insurance or other companies or with the Crown.

(2) A group insurance scheme entered into under subsection (1) shall be based on a plan of contributions by the council and its councillors or the council and its employees, except for volunteer members of its fire department, where all contributions shall be paid by the council.

[2011 c7 s5](#)

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### **Training**

**74.** Where councillor and staff training is carried out by a council or in co-operation with other councils or bodies engaged in councillor or staff training programs, the council shall arrange to support its councillors and employees financially and otherwise in taking those training programs.

[1999 cM-24 s74; 2000 c12 s5](#)

## **PART IV FINANCE**

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### **Financial year**

**75.** (1) The financial year of a council is from January 1 to December 31.

(2) For the first year of a council the financial year is from the date the council takes office until the next December 31.

[1999 cM-24 s75](#)

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## **Bank account**

76. (1) A council shall open accounts in a financial institution approved by the council and shall deposit to its credit all money received by it.

(2) Cheques or orders withdrawing money from an account of a council shall be signed by the mayor or deputy mayor or by the chairperson or deputy chairperson or in the absence or incapacity of both of them, by a councillor designated for that purpose by the council, and countersigned by the treasurer or, where there is no treasurer, by the clerk.

(3) Where a comptroller is appointed under section 247 all cheques shall be countersigned by him or her.

(4) In this section, "financial institution" means a trust company approved by the Lieutenant-Governor in Council, a bank within the meaning of the *Bank Act* (Canada) and a credit union registered under the *Credit Union Act*.

[1999 cM-24 s76](#)

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## **Annual budgets**

77. (1) A town council shall, not later than 90 days after the day on which the council takes office following a general election of councillors and not later than December 1 in each succeeding year, prepare and adopt a budget containing estimates of the revenue and expenditure of the council for the next financial year and a statement showing tax rates that shall be imposed during that year.

(2) A budget adopted under this section shall be in the required form and a copy shall be sent to the minister before the end of the calendar year of its adoption or in the case of a new council, within 30 days of its adoption.

(3) Notwithstanding subsections (1) and (2), a town council may adopt a 3 year budget containing estimates of the revenues and expenditures of the council for that period and showing the tax rates that are to be imposed during that period.

(4) Notwithstanding subsections (1), (2) and (3), the minister may approve and authorize the postponement of the preparation, adoption and submission of a budget to a date which he or she may determine.

(5) A regional council shall, not later than 90 days after the day on which the council takes office following a general election of councillors, and not later than September 30 in each succeeding year, prepare a budget in the required form containing estimates of the revenue and expenditures of the council for the next financial year and a statement showing the general service charges to be assessed against the towns and cities in the region during that year and the rate of tax that will be imposed in the remaining areas of the region during that year.

(6) Copies of the budget of a regional council shall be sent to the town or city councils in the region not later than October 1 in each year and immediately after its adoption in the first year of the regional council.

(7) The budget of a regional council is subject to the approval of the minister who may

(a) approve the budget as submitted to him or her;

(b) send the budget back to the regional council for its reconsideration; or

(c) revise the budget.

(8) The budget of a regional council as approved by the minister is the budget of that regional council.

[1999 cM-24 s77](#)

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### **Budget**

78. In a budget proposed expenditures shall not exceed anticipated revenues.

[2011 c7 s6](#)

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### **Contents of budget**

79. (1) A budget shall only include

- (a) local revenue; and
- (b) federal and provincial revenue for which written authorization has been received.

(2) Expenditures shall not be provided in a budget for capital reserves except where a council has considered it necessary to set aside in the financial statements a reserve from the accumulated surplus to invest for specific purposes of a capital nature.

(3) Notwithstanding subsection (2), a municipality may provide for an expenditure in its budget for a capital reserve where the municipality considers it necessary to establish a capital reserve for a specific capital project and that reserve shall appear in its audited financial statement.

(4) The unappropriated accumulated surplus or accumulated deficit, appearing in the audited financial statements at the end of the previous financial year, shall be credited or debited as items of revenue or expenditure in the budget of the next financial year.

(5) Where the amounts of unappropriated accumulated surplus or accumulated deficit, referred to in subsection (4) are, in the opinion of the minister, substantial they may be credited or debited in future budgets over a period of years that may be determined by the minister.

(6) An operating reserve fund may be provided for in a budget, subject to the prior written approval of the minister, for a specific purpose, a specified annual amount and over a specified period of years that the council shall approve.

(7) A reserve fund under subsections (3) and (6) may be invested by the council.

[1999 cM-24 s79; 2011 c7 s7](#)

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### **Revised budget**

80. (1) Where, during a financial year, it appears that the actual revenue and expenditure is likely to be substantially greater or less than estimated, the council shall prepare and adopt a revised budget in the required form.

(2) A copy of the revised budget shall be sent to the minister and in the case of a region to the city and town councils in the region within 2 weeks of its adoption.



- (3) A revised budget shall take effect
  - (a) in the case of a town council, on the first day of the month following the date of its adoption by the council; and
  - (b) in the case of a regional council, on the first day of the month following the date of its approval by the minister.

[1999 cM-24 s80](#)

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#### **Effect of town budget**

**81.** A town council shall not, without the prior approval of the minister, incur, enter into, contract, or become liable for an expenditure or indebtedness exceeding the total estimated expenditure or indebtedness approved in the annual or revised budget.

[1999 cM-24 s81](#)

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#### **Ministerial approval**

**82.** (1) The revised budget of a region is subject to the approval of the minister who may

- (a) approve the budget as submitted to him or her;
- (b) send the budget back to the council for its reconsideration; or
- (c) revise the budget.

(2) A revised budget as approved by the minister is the revised budget of the regional council for the remainder of the financial year.

[1999 cM-24 s82](#)

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#### **Effect of regional budget**

**83.** A regional council shall not incur, enter into, contract, or become liable for an expenditure or indebtedness exceeding the total estimated expenditure or indebtedness approved in the annual or revised budget.

[1999 cM-24 s83](#)

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#### **Partnership budgeting**

**84.** (1) Where a town has incurred major deficits in a financial year, the minister may, where he or she considers it advisable, require the town council to submit its budgets or revised budget to him or her for approval and the minister may approve or disapprove that budget or revised budget.

(2) Where a minister has required the submission of a budget or a revised budget under subsection (1), he or she may also assign officials of his or her department to help the town council in the preparation of its budget or revised budget.

[1999 cM-24 s84](#)

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### **Books of account**

**85.** A council shall ensure that complete books of account are kept of the financial dealings of the council.

[1999 cM-24 s85](#)

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### **Financial statements**

**86.** (1) A council shall prepare and adopt, before June 1 of each year, financial statements in a manner consistent with generally accepted accounting principles established periodically by the Public Sector Accounting Board.

(2) The mayor or chairperson and the treasurer, or, where there is no treasurer, the clerk, shall sign the financial statement and shall attach a report that an auditor has made with respect to the financial statement.

[1999 cM-24 s86; 2011 c7 s8; 2014 cC-10.1 s62](#)

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### **Appointment of auditor**

**87.** (1) A council shall appoint an auditor before August 1 in the year preceding the year in which the audit is required to be reported on under section 92 to audit the accounts of the council and report on the financial statement prepared by the council.

(2) An auditor appointed under subsection (1) shall be a member of

(a) the Association of Chartered Professional Accountants; or

(b) the auditor general and the auditor general's staff

licensed as a public accountant under the *Chartered Professional Accountants and Public Accountants Act* and his or her appointment remains in effect until revoked by council.

(3) [Rep. by 2011 c7 s9]

(4) The minister may, where he or she considers it necessary, appoint an auditor to conduct a special audit and the cost of that special audit shall be a cost of the council with respect to which that appointment was made.

[1999 cM-24 s87; 2011 c7 s9; 2014 cC-10.1 s62](#)

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## **Appointment by minister**

**88.** (1) Where a council does not appoint an auditor within the time set out in section 87 or the auditor is not a qualified person under that section, the minister shall appoint an auditor to audit the accounts of the council and report on the financial statement prepared by the council.

(2) The costs of an audit prepared by a person appointed under subsection (1) shall be a cost of the council for which that appointment was made.

[1999 cM-24 s88](#)

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## **Waiving of audit**

**89.** Notwithstanding sections 87 and 88, the minister may waive the requirement of an audit for a council where he or she is satisfied that an inspection by the officials of his or her department is sufficient to ensure adequate financial control and accountability with respect to that council.

[1999 cM-24 s89](#)

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## **Auditor's powers**

**90.** An auditor may request, and the council shall supply, all documents, books of account and records of the council that the auditor considers necessary to enable him or her to properly audit its accounts.

[1999 cM-24 s90](#)

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## **Auditor's report**

**91.** The auditor shall examine and report on the annual financial statement of the council and its books of account and in the report shall particularly direct his or her attention to

- (a) an expenditure in excess of the total annual budget of the council;
- (b) the financial position of the council with regard to arrears of revenue;
- (c) the manner in which the accounts of the council have been kept;
- (c.1) the extent of insurance carried with respect to all municipal property;
- (d) the adequacy of the council safeguards against fraud;
- (e) the sufficiency of bonds entered into under section 71; and
- (f) other matters connected with the accounts that the auditor may consider of sufficient interest or importance to mention.

[1999 cM-24 s91; 2011 c7 s10](#)

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### **Time of completion and interim report**

**92.** (1) The auditor shall complete and submit the report on his or her audit to the council before June 1 of the year immediately following the financial year that he or she is auditing and, not more than 30 days later, the auditor shall submit a copy of that report to the minister.

(2) The auditor shall, at the request of the council or the minister, make an interim report on the accounts of the council and shall send a copy of that report to the council and to the minister within 30 days of its completion.

[1999 cM-24 s92](#)

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### **Current account borrowing**

**93.** (1) A council may borrow sums of money for current account purposes.

(2) A regional council which borrows money in accordance with this section shall, within 30 days of borrowing the money, notify the minister of that borrowing.

(3) The indebtedness of a council incurred as a result of borrowing an amount under subsection (1) shall not exceed 20% of its estimated tax yield, grants-in-lieu and other assured revenue, other than water and sewage subsidies paid by the province to the council, in the financial year in which the borrowing takes place.

(4) All amounts borrowed under subsection (1) shall be repaid before the end of the fiscal year in which the borrowing takes place.

(5) Notwithstanding subsections (3) and (4), a council may, with the prior written approval of the minister,

- (a) borrow money for current account purposes in an amount which is greater than 20% of its estimated tax yield, grants-in-lieu and other assured revenue; and
- (b) finance the repayment of money borrowed under this subsection and subsection (3) beyond the year in which it is borrowed.

[1999 cM-24 s93](#)

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### **Long term borrowing**

**94.** (1) Subject to the prior written approval of the minister, a council may

- (a) borrow money for capital purposes and issue securities for the repayment of money borrowed; and
- (b) enter into a financing agreement as lessee with respect to the lease of personal or real property where the lease is for a term of 3 years or more.

(2) A council shall, before the end of each year, submit to the department a 5-year forecast of its anticipated capital expenditure requirements.

[1999 cM-24 s94; 2011 c7 s11](#)

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**Currency**

95. Where a council borrows money under section 93 or 94, the money shall be stated in Canadian currency.

[1999 cM-24 s95](#)

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**Unauthorized expenditure**

96. (1) Where, without the prior approval of the minister, a council uses money borrowed under section 94 for a purpose other than the purpose for which the minister approved the raising of the loan, the councillors who voted for the use of the money are personally, jointly and individually, liable for the restoration of that money to the council, and the council or the Crown may recover the money as a civil debt due to the council.

(2) Where a person entitled to vote in an election for councillors files a written request with the council asking it to bring an action against councillors who incur liability under subsection (1) for the recovery of the money referred to in that subsection and the council refuses or neglects to do so for one month, the person who filed the request may bring the action on behalf of himself or herself and other persons in the municipality or may ask the minister to commence an action in right of the Crown to recover the money.

[1999 cM-24 s96](#)

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**Certificate**

97. (1) A debenture issued by a council shall have on it the following certificate:

"This debenture is valid and binding according to its terms and its validity is not open to question in a court in the province, and this certificate is given under the *Municipalities Act, 1999*. Dated at St. John's, Newfoundland and Labrador, \_\_\_\_\_.

Deputy Minister of Municipal Affairs."

(2) The certificate as set out in subsection (1) on a debenture, when signed by the Deputy Minister of Municipal Affairs, is evidence that

- (a) the council had full authority in law and in fact to make and issue the debenture;
- (b) the debenture has been lawfully and validly made and issued;
- (c) the debenture is valid and binding on the council according to its terms; and
- (d) its validity is not open to question in a court in the province.

(3) The Deputy Minister of Municipal Affairs may impress his or her signature by machinery on debentures, and a certificate on which his or her signature has been impressed is good and valid for all intents as if it had been signed in the handwriting of the deputy minister.

[1999 cM-24 s97](#); [2001 cN-3.1 s2](#); [2011 c7 s12](#)

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### **Signature of mayor, chairperson**

**98.** The mayor, chairperson, treasurer and, in the absence of a treasurer, the clerk, may impress their signatures by machinery on debentures issued by the council, and debentures that have been impressed are valid as if they had been signed in the handwriting of the mayor, chairperson, treasurer or clerk.

[1999 cM-24 s98](#)

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### **Powers of expenditure**

**99.** (1) A council may, out of the funds at its disposal, pay salaries or remuneration to the councillors, officers, auditors and employees of the council, and all the other expenditures incurred in the execution of the powers and duties vested by this Act or another law in that council, subject to there being a provision for the expenditure in the adopted budget or revised budget.

(1.1) A council may, out of the funds at its disposal, and by a 2/3 vote of councillors in office, provide a grant for charitable or philanthropic causes that it considers appropriate but grants may not be provided to political parties or candidates in municipal, provincial or federal elections.

(2) Expenditures made under subsections (1) and (1.1) shall not exceed the total approved budget or revised budget of the council and shall be supported by appropriate documentation.

[1999 cM-24 s99; 2011 c7 s13](#)

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### **Guaranteed loans expenditure**

**100.** (1) Where a council has raised money by a loan advanced or guaranteed by the Crown or under bonds or debentures issued by the council with their repayment guaranteed by the Crown, the council shall not invite tenders, award a contract or undertake an obligation with respect to the execution of work, the performance of services, or the purchase of materials or goods that are to be financed in whole or in part by that money, without the prior written approval of the minister.

(2) Except with the consent of the Lieutenant-Governor in Council, money described in subsection (1) shall not be attached, held or otherwise taken under power of law to satisfy an obligation of a council arising out of a contract entered into by that council without the prior approval of the minister.

[1999 cM-24 s100](#)

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### **Imposition of taxes**

**101.** (1) All taxes that may be imposed or varied by a council shall be imposed or varied by a resolution of that council before April 1 in the financial year in which the tax or tax variation is to be applied.

(2) A council may, in the resolution imposing or varying the tax, set out the date when the tax is due but that date shall not be later than June 30 of the financial year in which the tax is imposed.

(3) Where a tax is imposed or varied by a council before April 1 of the financial year, that tax shall be considered to have been due from the beginning of the financial year, unless a later date is set out under subsection (2).

(4) Where a tax is imposed or varied by a council after March 31 of the financial year, it shall not take effect until the beginning of the next succeeding financial year unless a later date is established under subsection (2).

[1999 cM-24 s101; 2005 c21 s1](#)

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### **Imposition of service charge**

**102.** (1) A regional council may impose service charges upon a city or town in the region and may vary those service charges which it has imposed.

(2) Service charges that may be imposed or varied by a regional council shall be imposed or varied by a resolution of that council.

(3) A regional council may, in the resolution of that council imposing or varying a service charge, set out the date when the service charge is due.

[1999 cM-24 s102](#)

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### **Tax payment**

**103.** (1) A council may determine the manner of payment of a tax or service charge imposed under this Act.

(2) A determination made under subsection (1) may permit the payment of a tax by the provision to the council of a service or materials of a value equal to the amount of the tax.

[1999 cM-24 s103](#)

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### **Notice of tax status**

**103.1** The clerk shall, in writing, not more than 40 days and not fewer than 30 days before the end of the financial year, advise each councillor of the status of that councillor's tax account.

[2006 c8 s1](#)

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### **Effect of extensions**

**104.** (1) Notwithstanding section 101, where the time for the completion of the assessment roll is extended or the time for the closing of the Assessment Review Commission is extended under the

*Assessment Act, 2006* and as a result a council is unable to impose or vary the real property tax by April 1 of the financial year, the real property tax is considered to be due from the beginning of that financial year, unless the council sets a later date under section 101.

(2) Notwithstanding section 101, where a water system, sewage system or water and sewage system are installed during a financial year, the water and sewage tax imposed is considered to be due from the beginning of that financial year, unless the council sets a later date under that section.

[1999 cM-24 s104; 2006 cA-18.1 s48](#)

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### **First year**

**105.** (1) Notwithstanding section 101, taxes imposed or varied by a council in its first financial year within 3 months of its taking office become due and payable when rendered unless the council sets a later date under that section.

(2) Notwithstanding section 102, service charges imposed by a regional council in its first financial year become due from the first day of the next financial year of the council, unless the council sets a later date under section 102.

[1999 cM-24 s105](#)

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### **Duration**

**106.** (1) Taxes imposed or varied by a council remain in effect and are due according to the nature of the tax and its method of payment until the resolution of the council imposing it has been cancelled.

(2) Service charges imposed or varied by a regional council remain in effect and are due according to the nature of the service charge and its method of payment, until the resolution of the council imposing it has been cancelled.

[1999 cM-24 s106](#)

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### **Interest on arrears**

**107.** (1) A council may charge simple or compound interest on taxes that are not paid on or before the date on which they become due, if, before making that charge, the council passes a resolution establishing whether the interest shall be simple or compound, the rate of interest to be charged and when that interest shall be applied.

(2) A regional council may charge simple or compound interest on service charges that are not paid before the date on which they become due, if before making that charge the regional council passes a resolution establishing whether the interest shall be simple or compound, the rate of interest to be charged and when that interest shall be applied.

[1999 cM-24 s107; 1999 c38 s39; 2009 c40 s6](#)

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### **Discount allowed**

**108.** A council may allow a discount in respect of taxes imposed under this Act where the tax is paid within the time period which that council may establish, so long as before allowing that discount that council passes a resolution establishing the rate of discount and the time period within which the tax is to be paid.

[1999 cM-24 s108](#)

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### **Publication**

**109.** (1) A council shall publish annually a copy of its tax structure in a newspaper circulated in the municipality and by public notice in the municipality.

(2) A regional council shall, in a newspaper circulated in the region, publish a copy of a resolution of the council where a service charge is imposed or varied.

(3) The liability of a person to pay a tax or a service charge is not affected by the failure of a municipality to comply with subsection (1) or (2).

[1999 cM-24 s109](#)

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### **Proof of tax or service charge**

**110.** In an action under this Act in which it is necessary to show that a tax or service charge was imposed or varied, a copy of the resolution of council imposing or varying the tax or service charge and a minute of the council signed by the clerk indicating that resolution is, in the absence of evidence to the contrary, proof that the tax or service charge was properly imposed or varied.

[1999 cM-24 s110](#)

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### **Exemption and remission**

**111.** (1) A person may apply to a council for, and the council may, by a vote of 2/3 of the councillors in office, grant an exemption, remission or deferment of taxes and interest on the taxes, either in whole or in part, for those periods of time that the council decides and the council may determine the evidence which it shall require to warrant the exemption, remission or deferment.

(2) A council may, by a vote of 2/3 of the councillors in office, enter into tax agreements and offer tax incentives which vary existing rates of tax.

[1999 cM-24 s111](#)

## **PART V TAXATION**

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## **Real property tax**

**112.** (1) A council may impose an annual tax, to be known as "the real property tax", on the owners of real property within the municipality.

(2) For the purpose of establishing a real property tax, there may be imposed with respect to real property used for residential purposes one rate of tax and, with respect to commercial property, another rate of tax.

(3) Where there are 2 or more owners of the same real property within the municipality, the council may designate one of those owners to be the owner for the purpose of the imposition and collection of the real property tax.

[1999 cM-24 s112](#)

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## **Rate of tax**

**113.** The rate of tax imposed under section 112 shall be

- (a) fixed as a percentage of the assessed value of the real property as set down in the last assessment roll of the municipality prepared under the *Assessment Act, 2006*; and
- (b) one that is estimated to be sufficient, together with the anticipated revenues from other sources, to cover the expenditures of the council to be made from current funds during the current financial year of the council.

[1999 cM-24 s113; 2006 cA-18.1 s48](#)

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## **Minimum tax**

**114.** A council may, by resolution, establish different minimum annual real property taxes in a municipality for

- (a) residential property;
- (b) commercial property;
- (c) vacant land; and
- (d) land that has upon it a structure which
  - (i) is not used for residential purposes, and
  - (ii) does not exceed the square meterage area prescribed by the municipality.

[2011 c7 s14](#)

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## **Occupier considered owner**

**115.** Where real property is occupied and the owner is not known, the occupier is considered to be the owner for the purpose of the imposition and collection of the real property tax.

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**Tenant of tax exempt property**

**116.** (1) Where real property is exempt from the real property tax, a tenant who pays valuable consideration to rent that real property shall pay a tax equivalent to the real property tax that would have been payable by the owner of the real property if that property were subject to that tax.

(2) Notwithstanding subsection (1), where the owner of real property pays to the council a grant-in-lieu of taxes, a tenant who pays valuable consideration to rent that real property is not liable for a real property tax that would have been payable by the owner if that property were subject to a real property tax.

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**Representative capacity**

**117.** (1) Where real property is under the control of a person in a representative capacity as executor, administrator, trustee, guardian or agent, that person is liable for the payment of the real property tax only in his or her representative capacity.

(2) Where the owner of real property has not reached the age of majority, the person whose name has been entered on the assessment roll of the municipality prepared under the *Assessment Act, 2006* as the parent, guardian or other legal representative of the owner is, where the owner defaults in the payment, liable for the payment of the real property tax.

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**Tax exempt property**

**118.** The following real property is exempt from the real property tax:

- (a) real property belonging to Canada or a province or territory of Canada;
- (b) real property belonging to a municipality or its agents, a regional service board or a municipal service delivery corporation;
- (c) real property exempted by an Act of the Legislature;
- (d) churches and other places of worship together with the land
  - (i) on which they are situated, and
  - (ii) that in relation to the places of worship, is in active use;
- (e) cemeteries operated by churches or non-profit organizations;
- (f) the rectory or other principal place of residence of a priest, minister or rabbi in charge of a church or other place of worship where that residence is owned by the church or other place of worship, together with the land

- (i) on which it is situated, and
  - (ii) that in relation to the places of residence, are in active use;
- (g) hospitals as defined in the *Hospitals Act* and the land on which they are situated, including student residences, but not including other residences and apartments;
- (h) schools as defined in the *Schools Act, 1997* and the land on which they are situated, including student residences and playing fields and other recreational facilities owned by a school board or group of school boards but not including other residences and apartments;
- (i) universities and colleges established under the *Memorial University Act* and the *College Act, 1996*, and the land on which they are situated, including student residences and playing fields and other recreational facilities owned by them, but not including other residences and apartments; and
- (j) productive farm land and woodland and buildings on and used with respect to farm or wood production as the Minister of Forest Resources and Agrifoods may designate.

[1999 cM-24 s118; 2005 c21 s3; 2007 c20 s2](#)

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### **Supplementary assessment**

**119.** (1) The owner of real property that has been made subject to a supplementary assessment under paragraph 24(1)(a) of the *Assessment Act, 2006* is liable for the payment of the real property tax on the basis of the supplementary assessment for the remaining portion of the calendar year from the earlier of the date of substantial completion or the date of occupancy of the real property.

(2) The owner of real property that has been made subject to a supplementary assessment under paragraphs 24(1)(b) to (f) of the *Assessment Act, 2006* is liable for the payment of the real property tax on the basis of the supplementary assessment for the remaining portion of the calendar year from the date of the event that gave rise to that supplementary assessment.

(3) Where real property has been made subject to an original or supplementary assessment under the *Assessment Act, 2006* and an appeal is taken under that Act against the assessment, the real property tax is, notwithstanding an appeal, payable on the basis of that assessment.

(4) The difference between the amount of the tax collected under subsection (3) and the amount payable on the basis of the assessment as later determined on the appeal under the *Assessment Act, 2006* shall be paid by the owner or refunded by the council, according to the decision in the appeal.

[2011 c7 s15](#)

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### **Business tax**

**120.** (1) A council shall impose an annual tax, to be known as "the business tax", on all businesses carrying on business in the municipality.

(2) This section shall not apply to a regional service board or a municipal service delivery corporation which may be carrying on business in the municipality.

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**Gross revenue and assessed value business tax**

**121.** (1) Where a property tax has not been imposed by a council, property tax is not applicable to a business because it has no fixed place of business or a place of business cannot be assessed under the *Assessment Act, 2006*, the council shall set the business tax as a percentage of the gross revenue of the business.

(2) Notwithstanding subsection (1), where a council has not imposed a real property tax, it may by resolution set the business tax as a percentage of the assessed value of the property used by a business, where there is a fixed place of business that can be assessed under the *Assessment Act, 2006*.

(3) Where a resolution is made under subsection (2), the council shall carry out an assessment of the real property affected under the *Assessment Act, 2006*.

(4) For the purpose of this section a business has no fixed place of business if it does not operate from a specific location for a period of at least one month.

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**Gross revenue**

**122.** (1) A business subject to the business tax calculated under subsection 121(1) shall submit a sworn or affirmed statement as to its gross revenue in the preceding year by February 1 of the following year.

(2) Where a business does not submit a statement of its gross revenue the council shall estimate the gross revenue of the business for the preceding year and bill for taxes based on its estimate.

(3) Where a business which is subject to a business tax as calculated under section 123, has not been carrying on business in the preceding year, the council may estimate the gross revenue of the business and bill for taxes based on its estimate.

(4) Where a business provides records to the council after the council makes an estimate under subsection (2) or (3) that shows to the satisfaction of the council an amount of gross revenue different from that estimated by the council, the council shall adjust its tax records at the end of its financial year and shall either rebate excess taxes paid by crediting the rebate to the next year's business tax or add additional tax owing to the next year's business tax.

(5) Where a council has estimated the gross revenue of a business under subsection (2) or (3), the business may appeal to that council for a revised estimate where the business is able to show a valid reason for the revision to the council.

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## **Rate where property tax**

**123.** (1) Where a council has imposed the real property tax, it shall set the business tax as a percentage of the assessed value of the real property used by the business, where there is a fixed place of business.

(2) Notwithstanding subsection (1), where the fixed place of business cannot be assessed under the *Assessment Act, 2006*, the council may impose the tax on that business under subsection 121(1).

[1999 cM-24 s123; 2006 cA-18.1 s48](#)

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## **Variation of rate**

**124.** A council may vary the rate of business tax between different classes of businesses.

[1999 cM-24 s124](#)

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## **Minimum business tax**

**125.** (1) A council may impose a minimum business tax on all businesses operating in the municipality.

(1.1) Subsection (1) shall not apply to a regional service board or municipal service delivery corporation operating in the municipality.

(2) There may be differing minimum business taxes under subsection (1) for different classes of businesses.

(3) Notwithstanding sections 121 and 123, a council may impose a minimum business tax under subsection (1) as a fixed amount.

[1999 cM-24 s125; 2007 c20 s4](#)

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## **Poll tax**

**126.** (1) A council may impose an annual tax, to be known as "the poll tax" on

- (a) a person who is 18 years of age or older and who is ordinarily resident in the municipality during the financial year;
- (b) a person who is 18 years of age or older and who is employed in the municipality for not fewer than 90 days in total during the financial year of the council; and
- (c) an individual, partnership, association or corporation who is not ordinarily resident in the municipality but owns real property in the municipality.

(2) A person to whom paragraph (1)(a) refers who does not ordinarily reside in a municipality for the full current financial year is entitled to a rebate of the poll tax that the person has paid for the full year, the rebate to be in proportion to the duration of time that person is not resident.

(3) For the purpose of this section and section 127, the rules for determining the residency of a person under section 24 of the *Municipal Elections Act* shall apply to the determination of whether or not a person is ordinarily resident or non- resident in a municipality.

(4) Notwithstanding section 127, a poll tax is payable by a person when he or she becomes liable under subsection (1).

[1999 cM-24 s126; 2004 c47 s25](#)

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### **Exemption from poll tax**

**127.** (1) The following persons or class of persons are not liable for a poll tax imposed under section 126:

(a) a person who is liable to pay the real property tax in the municipality;

(a.1) a regional service board or a municipal service delivery corporation;

(b) a non-resident of the municipality who is employed in the municipality for a period of not fewer than a total of 90 days during the financial year of the council which would impose that tax where that non-resident pays a

(i) real property tax,

(ii) poll tax, or

(iii) fee for service

to the municipality or local service district in which he or she resides; and

(c) upon application to a council, a person whose income from all sources for the taxation year under the *Income Tax Act* (Canada) immediately before the date on which a poll tax is due is less than the basic personal exemption provided for under that Act, or a greater amount which the council may determine.

(2) An application for an exemption under paragraph (1)(c) shall be made before July 1 in a financial year in order for that exemption to be applicable to that financial year.

(3) For the purpose of paragraph (1)(c), pension income received under the *Old Age Security Act* (Canada) and pensions and allowances that the Lieutenant-Governor in Council may prescribe by regulation shall not be considered to be income.

[1999 cM-24 s127; 2000 c12 s6; 2007 c20 s5](#)

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### **Employer's duty**

**128.** (1) An employer in a municipality shall, on demand of the council, give to that council within 2 weeks of the demand the names and addresses of its employees and the dates on which their employment began.

(2) Where the council asks a person resident in the municipality for the name of his or her employer, that person shall immediately give the information to that council.

(3) An employer not referred to in subsection (1) shall, on demand of a council in relation to an individual named by that council, give to that council within 2 weeks of the demand, the fact of whether or not the individual is employed by the employer, and if so, the dates on which the employment began.

(4) Where a person has been employed in a municipality for not fewer than 90 days in total during the financial year of the council, or, where a person is ordinarily resident in the municipality, the council may demand that the person's employer deduct the poll tax for the current year and arrears and interest on arrears of poll tax for previous years, from that person's wages and that employer shall forward the tax, arrears and interest collected to the council within the time limit specified by the council unless the person obtains a certificate from the clerk stating that the person is exempt from the payment of the poll tax or has made other payment arrangements with the council.

(5) For the purpose of this section, "employer" includes the Crown and an agency of the Crown.

[1999 cM-24 s128; 2000 c12 s7; 2011 c16 s1](#)

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#### **Direct sellers tax**

**129.** (1) A council may impose an annual tax upon a direct seller.

(2) A tax imposed under subsection (1) shall be imposed as a fixed amount.

(3) A direct seller shall not do business within a municipality except under and in accordance with the terms of a permit which the council for that municipality may issue.

(4) This section shall not apply to a business upon which a tax is imposed under section 121 or 123.

(5) In this section, "direct seller" means a direct seller as defined in the *Consumer Protection and Business Practices Act*.

[1999 cM-24 s129; 2000 c12 s8; 2011 c7 s16](#)

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#### **Water and sewage tax**

**130.** A council of a municipality served by a water system, sewage system or a water and sewage system shall impose upon the owner of real property located inside or outside the municipality that is connected or is capable of being serviced by that system, a tax, to be known as the water and sewage tax.

[1999 cM-24 s130](#)

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#### **Method of taxation**

**131.** (1) Where a real property tax is imposed in a municipality, the water and sewage tax shall, for residential and commercial buildings or property on which there is no building, be set as a

(a) fixed amount in addition to the mill rate that may be determined by the council;



(b) mill rate that may be determined by the council; or

(c) fixed amount or metered rate,

and the amount or rate of tax may differ in respect of residential and commercial buildings, and different classes of residential buildings and commercial buildings.

(2) Where a real property tax has not been imposed in a municipality, the water and sewage tax shall be a fixed amount but the council may fix different amounts in respect of different classes of real property.

(3) A council may require that a water meter be installed on a building in the municipality or may install a water meter in a building in the municipality, and the cost of that installation shall be a cost of the owner of the building.

(4) Where the water and sewage tax is set at a metered rate and there is no meter installed or working in relation to a building to which a metered rate applies, the council may for the purpose of imposing the tax estimate the quantity of water used in that building until a meter is installed and working.

(5) Where a council estimates the quantity of water used in a building under subsection (4) and the person who is liable for the water and sewage tax calculated on that estimate feels the estimate is incorrect, that person may appeal to the council for an adjustment in the estimate.

(6) Notwithstanding that a person appeals an estimate under subsection (4), the person shall pay the water and sewage tax as calculated on the estimate of the quantity of water used and an adjustment on the payment of tax shall be made in accordance with the appeal decision.

(7) Notwithstanding subsections (1) and (2), an amount or rate charged for a building owned by the Crown or an agency of the Crown including schools as defined in the *Schools Act, 1997* and authorities as defined in the *Regional Health Authorities Act*, shall be the same amount or rate as charged to similar properties in the municipality.

(8) Notwithstanding section 130 and subsections (1), (2) and (7), the minister may make regulations to establish a water and sewage tax rate applicable to and a maximum allowable amount of water and sewage tax payable by the owner of real property located inside or outside a municipality that is connected to the water system or sewage system of that municipality or to both where that real property is the location of a

(a) school operated under the *Schools Act, 1997*;

(b) authority as defined in the *Regional Health Authorities Act*; and

(c) building owned by the Crown,

and a tax rate imposed in accordance with this subsection shall be considered to have been imposed, with the necessary changes, under sections 130 and subsections (1), (2) and (7).

[1999 cM-24 s131; 2005 c9 s3; 2017 c10 s21](#)

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### **Disconnection of service**

**132.** (1) Where a tax, fee, levy, assessment, fine or other charge imposed by a council is in arrears, in addition to other remedies that a council has to enforce payment, a council may disconnect the service of a water system, sewage system or water and sewage system provided to the person who owes the tax, fee, levy, assessment, fine or charge to the council.

(2) Where it is necessary for the purpose of subsection (1), an employee or agent of a council may enter upon real property, whether publicly or privately owned, and at reasonable times enter into the buildings or structures on that real property.

[1999 cM-24 s132; 2006 c7 s4](#)

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### **Collection as a civil debt**

**133.** All taxes imposed under this Part, together with interest owing on those taxes and reasonable costs of collection for those taxes may, in addition to all other lawful methods of civil debt collection, be sued for and collected by an action in the name of the council as a civil debt due to the council.

[2011 c7 s17](#)

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### **Lien**

**134.** (1) Taxes fixed, established and imposed in respect of real property, including the real property tax, business tax, where the owner of the business is also the owner of the real property occupied by that business, and water and sewage tax, where the water and sewage system services the real property owned by the person who is taxed for that service, together with interest owing on those taxes, constitute a lien upon that real property except where the real property is sold for tax arrears by the council.

(2) A lien under subsection (1) attaches on the date on which the relevant tax was due to the council and continues for a period of 6 years after that attachment or 6 years after the last payment on account of the tax or acknowledgement of the tax has been made or given to the council, whichever is later.

(3) A lien under this section ranks in priority over a grant, deed, lease or other conveyance and over a judgment, mortgage or other lien or encumbrance affecting the real property or the title to the real property to which the lien applies.

(4) Where proceedings are taken to enforce a lien imposed under this section, the lien shall continue in force until the completion of the proceedings or for 10 years, whichever is sooner.

(5) The registration of a grant, deed, lease or other conveyance or of a judgment, mortgage or other lien or encumbrance, whether it was before or after the time the lien attached, does not affect the priority of the lien.

(6) It shall not be necessary to register a lien imposed under this section in the Registry of Deeds established under the *Registration of Deeds Act, 2009*.

[1999 cM-24 s134; 2011 c7 s18; 2017 c10 s21](#)

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### **Occupied residential property**

**135.** Notwithstanding section 134, real property that is occupied for full time residential purposes by the owner shall not be sold for tax arrears by the council while it is occupied in that manner.

[1999 cM-24 s135](#)

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### **Tax certificate**

**136.** The clerk shall, on payment of a fee set by the council, give a tax certificate to the owner or mortgagee of real property or his or her solicitor certifying the tax position of the property and other charges imposed by the council on the real property and that tax certificate is binding upon the council as to all taxes and other charges then imposed with respect to the real property.

[1999 cM-24 s136](#)

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### **Notice of arrears**

**137.** (1) Where taxes on real property owed under this Part are in arrears, the clerk shall serve upon the owner, mortgagee, judgment creditor, lienholder or other person having a charge or encumbrance upon or against the real property to which the taxes apply a notice signed by the clerk which shall contain

- (a) a general description of the real property affected;
- (b) the amount of arrears of taxes owing in respect of the real property, the year in which the arrears of taxes were imposed and the person in whose name the real property was then assessed; and
- (c) a statement that the real property is liable to be sold under this Act for the arrears, with interest and the expenses of and incidental to the arrears unless they are paid within 60 days from the date of the notice.

(2) Service of the notice upon a person under subsection (1) is made where it is sent by registered mail to the last known address of the person, or, where the address of the person is not known, by leaving the notice with the tenant or occupant of the real property affected or by posting a copy of the notice in a conspicuous place on the property.

(3) Where the owner of the real property taxed under this Part is unknown or the clerk has not been able to obtain information respecting ownership or encumbrances, the notice shall be posted in a conspicuous place on the real property affected.

[1999 cM-24 s137](#); [2000 c12 s9](#); [2011 c7 s19](#)

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### **Right of mortgagee**

**138.** (1) A mortgagee, judgment creditor or other person having a lien, charge or encumbrance upon or against real property liable to be sold for taxes, or in respect of which taxes are due, may, after the lien for taxes has attached and before sale, pay to the clerk the amount of the taxes, together with all interest and expenses incurred in respect of the real property affected.

(2) Where a person pays taxes under subsection (1), the person may add the amount paid to his or her mortgage, judgment or other security, notwithstanding a clause or condition to the contrary contained in the security and shall have the same rights, remedies and privileges against the real property that he or she has under the security held by him or her and may sue for and recover in an action for debt the amount paid, together with interest, against the person liable under this Part to pay that amount.

(3) Notwithstanding subsections (1) and (2), it shall be considered to be a condition of all mortgages of real property within the municipality that the mortgagee may pay money owing to the council and unpaid in respect of the mortgaged property and add the money to the mortgagee's security, notwithstanding a clause or condition to the contrary contained in the mortgage.

[1999 cM-24 s138](#)

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#### **Direction to sell**

**139.** After the time limit indicated in the notice required to be given under section 137, the council on the application of the clerk shall, by resolution, direct that the real property be sold.

[1999 cM-24 s139](#)

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#### **Notice**

**140.** (1) The clerk shall immediately upon receipt of a copy of the resolution referred to in section 139

- (a) advertise the real property referred to in the resolution for sale by public auction at a time and place that shall be stated in the advertisement; and
- (b) provide written notice of the sale of that property to a mortgagee, judgment creditor, lienholder or other person having a charge or encumbrance upon or against the real property.

(2) Advertisement under paragraph (1)(a) shall be effected by posting the advertisement in not fewer than 2 conspicuous places in the municipality and publishing in a daily or weekly newspaper in circulation in the municipality by one insertion each week, where there is such a newspaper, at least 30 days immediately before the sale.

(3) Notice under paragraph (1)(b) shall be provided through personal service or by mailing a copy of the notice to the last known address of the person and obtaining a signed document acknowledging receipt at least 30 days immediately before the sale.

(4) It is sufficient in the notice and the advertisement to put the street and number of the real property, or to put another short reference by which the real property may be identified, together with a statement that a full description may be seen at the office of the clerk.

[2011 c7 s20](#)

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#### **Sale by auction**

**141.** (1) At the time and place mentioned in the notice of sale the clerk shall, unless the arrears of taxes and interest and the expenses incidental to those proceedings and sale are then, or have been previously, paid to him or her, proceed to sell at public auction the real property or portions of the real property that in his or her judgment are sufficient to pay those taxes, interest and expenses.

(2) Where the real property described or referred to in the notice of sale is only a portion of real property for which a tax is owed and the portion does not sell for a sufficient sum to satisfy the taxes, interest and expenses due with respect to the real property of which it forms a part, the clerk

may immediately, and without further notice, sell the whole or a portion of the remainder of the real property to satisfy the taxes, interest and expenses.

(3) The municipality, by an official or agent, may bid for and purchase real property being sold to satisfy taxes, interest and other expenses due.

[1999 cM-24 s141](#)

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#### **Further notice of sale**

**142.** (1) Where at the time appointed for the sale of real property no bidder appears, or where the clerk fails at the sale to sell that real property for the full amount of the arrears of taxes, interest and expenses due, he or she shall adjourn the sale until a day to be publicly named by him or her, not earlier than one week and not later than 2 weeks after the time originally appointed for the sale.

(2) The clerk shall give notice to a person entitled to notice under paragraph 140(1)(b) through personal service or by mailing a copy of the notice to the last known address of the person and obtaining a signed document acknowledging receipt and shall advertise in the paper in which the sale was originally advertised, or where not then in circulation, in another newspaper circulating in the municipality, if there is one, of the time and place to which the sale is adjourned and he or she shall again put up the real property at public auction and may sell the real property for a sum that can be realized.

[1999 cM-24 s142; 2011 c7 s21](#)

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#### **Sale set aside**

**143.** Where real property is sold for taxes and the sale is set aside for an error, irregularity or other cause, the lien on the real property shall not as a result be discharged but shall continue for the same time as if the date of the setting aside were the date on which the sale took place and the property may again be sold unless the taxes, interest and expenses against it are paid.

[1999 cM-24 s143](#)

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#### **Tax payment from proceeds**

**144.** (1) The clerk shall, out of the money received on the sale of real property, deduct the amount of taxes, interest and expenses owing to the municipality, at the time of the sale.

(2) Where there is a balance remaining after making the deductions under subsection (1), the municipality shall

- (a) where the balance is less than \$200, pay the balance to the former property owner; or
- (b) where the balance is \$200 or more, pay the balance to the former property owner unless an application is made to the Trial Division within 90 days of the auction by a person claiming entitlement to the balance and if an application is made, pay the balance to the Trial Division.

(3) Where paragraph 2(b) applies, the municipality shall immediately provide written notice to a person entitled to notice under paragraph 140(1)(b), in the manner set out in subsection 140(3),

of the amount of the balance and the requirement to apply to the Trial Division within 90 days of the auction to claim entitlement to the balance or a portion of the balance.

(4) Where the former owner of the real property is unknown or cannot be located and there is a balance remaining after making the deductions under subsection (1), the municipality shall pay the balance to the Trial Division.

(5) Payment of the balance to the Trial Division under subsection (2) or (4) shall have the same effect as payment to the owner, and a judge of the Trial Division, on the application of an interested person, may order the payment out of court of the balance or a portion of the balance to the person entitled to it.

[1999 cM-24 s144; 2011 c7 s22; 2017 c10 s21](#)

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### **Failure to pay**

**145.** Where the purchaser of real property at a sale under this Act fails to immediately, after the sale being knocked down to him or her,

- (a) pay the clerk or his or her agent the amount of the purchase money; or
- (b) deposit with the clerk an amount equal to the amount of the taxes, interest and expenses of sale for which the real property has been sold,

the clerk shall immediately put up the real property for sale again.

[1999 cM-24 s145](#)

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### **Future assessments**

**146.** (1) Where real property has been sold under this Act for arrears of taxes, it shall be assessed to the purchaser, his or her executors, administrators or assigns.

(2) Where the municipality is the purchaser, the real property shall be assessed to the municipality.

(3) Where real property has been sold under this Act for arrears of taxes, the council shall give to the purchaser a valid conveyance in the name of the municipality signed by the mayor or chairperson and the clerk or the person appointed by council and sealed by the municipality.

[1999 cM-24 s146](#)

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### **Vesting of property**

**147.** The conveyance referred to in section 146 shall be conclusive evidence that the provisions of this Act with reference to the sale of the real property described in that conveyance have been fully complied with, and everything necessary for the legal perfection of that sale has been performed, and shall have the effect of vesting the real property in the purchaser, his or her executors, administrators or assigns absolutely free from encumbrances except a claim of the Crown and an easement.

[1999 cM-24 s147; 1999 c38 s39; 2011 c7 s23](#)

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### **Seizure of rentals**

**148.** (1) In addition to all other powers of enforcing payment of taxes that a council possesses, it may seize so much of the rentals payable by tenants of real property that is subject to the real property tax, business tax or water and sewage tax that may be needed to discharge the liability of the owners of that real property for the tax due by the owners to the council whether or not the taxes are in respect of the real property occupied by the tenants.

(2) The clerk shall serve, on a tenant referred to in subsection (1), a written notice signed by the clerk requiring the tenant to pay his or her rent to the council instead of to the tenant's landlord.

(3) The clerk shall deliver or mail to the landlord a duplicate copy of the notice served under subsection (2), before the date of service of the notice on the tenant.

(4) The tenant shall, from the date on which he or she receives the notice under subsection (2), until the clerk cancels the notice in writing, pay his or her rent to the council, or so much of it as the clerk specifies in the notice, and a receipt signed by the clerk is to the extent of the payment a good discharge to the tenant as against a claim by his or her landlord for rent.

(5) The clerk shall deliver or mail to the landlord a duplicate copy of a receipt given to a tenant under subsection (4).

(6) The clerk shall credit against the indebtedness of the landlord to the council, payments made by tenants under subsection (4), and the council is not obliged to release the tenant from liability to continue making payments to the council under that subsection, until the landlord's liability has been completely discharged.

[1999 cM-24 s148](#)

## **PART VI ASSESSMENTS AND LEVIES**

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### **Assessments and levies**

**149.** (1) A council may assess its cost or a portion of its cost, together with financing charges, upon real property that is directly benefited by a public work of the council, including

- (a) the construction of water lines, sewer lines, storm systems and the service connections of storm systems; and
- (b) the construction of curbs, gutters, sidewalks or streets or the upgrading or paving of streets,

and this cost shall be known as "the local improvement assessment".

(2) Where a public work of a council or an action of a council on or off a real property designed to

- (a) develop municipal services; or
- (b) expand the capacity of municipal services;

makes that real property

- (c) capable of being developed;
- (d) have an increased density of potential development; or
- (e) have an enhanced value,

that council may impose a charge on that real property to be known as a "service levy".

(3) A service levy shall not exceed the cost or estimated cost, including financing charges to the municipality of improving or constructing the public works referred to in subsection (2) that are necessary for the real property to be developed in accordance with the standards required by the council and permitted by that council on that real property.

[1999 cM-24 s149](#)

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### **Method**

**150.** (1) Local improvement assessments made under subsection 149(1) shall be assessed according to the frontage of the real property abutting the highways directly benefited by the public work.

(2) The amount of the local improvement assessment against each portion of real property shall bear the same ratio to the total cost to the council of the public work, together with financing charges, that the frontage of that portion bears to the total of the frontages to be assessed.

(3) Where the portion of real property to be assessed is a corner lot or an irregularly shaped lot, the council may consider the length of frontage for local improvement assessment purposes to be more or less than the actual frontage directly benefited by the public work.

(4) A service levy imposed under subsection 149(2) shall be assessed on the real property based upon the

- (a) amount of real property benefited by the public work related to the total of the real property that is benefited; and
- (b) density of development made capable or increased by the public work.

[1999 cM-24 s150](#)

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### **Agricultural land**

**151.** A council may defer the payment of all or a portion of the payment of a local improvement assessment on land primarily used for agriculture while that land continues to be used for that purpose.

[1999 cM-24 s151](#)

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## **Non-discriminatory**

**152.** Where a council decides to impose a local improvement assessment under subsection 149(1), it shall, afterward, impose an assessment on other portions of real property similarly benefited by a public work of that council.

[1999 cM-24 s152](#)

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## **Payment**

**153.** A local improvement assessment or service levy imposed under section 149 shall be paid by the owner of real property at the time and in the manner which the council may determine.

[1999 cM-24 s153](#)

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## **Lien**

**154.** (1) Arrears in instalments of a local improvement assessment or service levy attach to the real property assessed and constitute a lien upon that real property except where the real property is sold for taxes or arrears in an assessment or service levy.

(2) A service levy attaches to the real property in respect of which it has been made and constitutes a lien upon that real property, except where the real property is sold for taxes, arrears in an assessment, or arrears of a service levy.

(3) Sections 134 to 147 apply, with the necessary changes, to a lien constituted under subsections (1) and (2).

[1999 cM-24 s154](#)

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## **Collection as civil debt**

**155.** Arrears of payment of a local improvement assessment, or arrears in a service levy imposed by a council may be collected in addition to the other methods of collection provided for in this Act by action in the name of the council as a civil debt due to the council.

[1999 cM-24 s155](#)

## **PART VII SERVICES**

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## **Water and sewage systems**

**156.** (1) A council may, subject to the *Water Resources Act* and regulations made under that Act, construct, acquire, establish, own and operate

- (a) a public water supply system for the distribution of water within or, with the approval of the minister, outside of the municipality;

(b) a public sewage system, either independently of or in conjunction with a public water supply system, for the collection and disposal of sewage within or, with the approval of the minister, outside of the municipality; and

(c) a storm drainage system within or, with the approval of the minister, outside of the municipality.

(2) For the purpose of subsection (1) the council may

(a) acquire waters required for the purpose of providing a sufficient supply of water for the municipality; and

(b) acquire by purchase or expropriation lands adjacent to those waters to prevent pollution of those waters.

(3) For the purpose of exercising its powers under subsection (1), a council may lay out, excavate, dig, make, build, maintain, repair and improve all drains, sewers, and water supply pipes that the council considers necessary.

[1999 cM-24 s156; 2002 cW-4.01 s102](#)

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#### **Acquisition of private systems**

**157.** (1) A council may acquire and take possession of a drain, sewer, or water supply pipes, machinery and plant constructed by a person, upon terms of compensation to a person having an interest or right as owner or otherwise in the drain, sewer, or water supply pipes, machinery or plant that may be agreed between the council and that person.

(2) Where an agreement cannot be made under subsection (1), the compensation shall be determined and paid in accordance with the expropriation provisions of this Act.

[1999 cM-24 s157](#)

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#### **Right of entry**

**158.** (1) Employees or agents of a council authorized by that council may enter upon all real property and at reasonable times into the buildings and structures on real property, whether publicly or privately owned, to do all things necessary for the purpose of making surveys or examinations or obtaining information relative to the construction, alteration, repair, maintenance or inspection of a water supply system, sewage system, storm drainage system or other works that the council is empowered to undertake or to control in the municipality.

(2) Employees or agents of a council may at reasonable times enter upon all real property, whether publicly or privately owned, and enter into the buildings or structures on real property for the purpose of carrying into effect the work and system of water supply, sewage and storm drainage or other works that the council is empowered to undertake or control in the municipality.

[1999 cM-24 s158](#)

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## **Right to construct**

**159.** (1) A council may

- (a) break up, dig, excavate and open up highways, or real property, whether publicly or privately owned, that may be necessary to operate, construct, maintain, repair or improve a system described in section 156;
- (b) pass and repass and carry material over highways or real property described in paragraph (a); and
- (c) lay down pipes, drains and other components of systems described in section 156 upon or in the lands described in paragraph (a).

(2) Notwithstanding subsection (1), a council shall not enter upon, break up or otherwise interfere with a highway vested in the Crown under section 5 of the *Works, Services and Transportation Act* without the written consent of the minister responsible for that Act under the *Executive Council Act*.

[1999 cM-24 s159](#)

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## **Council to give notice**

**160.** Before engaging in an activity authorized by section 157, 158 or 159 on private property a council shall give the owner of the property reasonable notice that it intends to engage in that activity.

[1999 cM-24 s160](#)

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## **Diversion of watercourses**

**161.** (1) Subject to the *Water Resources Act* and regulations made under that Act, a council may alter or divert a watercourse, whether publicly or privately owned, within the municipality for the purpose of improvement of a watercourse or of the water supply or of the removal of the sewage of the municipality or for storm drainage purposes, or for the purpose of carrying out a development, and may remove impure or offensive soil, lay pipes, construct drains, grade surrounding land, change the directions of or fill up the watercourse, as the council considers necessary.

(2) A council may for the purpose of subsection (1) enter upon all lands within the municipality and dig and excavate upon those lands and go under all buildings and structures that may be erected on the lands, and may require the owner or occupier of all buildings and structures upon those lands to make alterations in the walls, cellars and other portions of the buildings and structures that may be necessary for those purposes.

[1999 cM-24 s161](#); [2002 cW-4.01 s102](#)

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## **Compensation for injurious affection**

**162.** A council shall compensate a person injuriously affected by anything done under sections 158 to 161 in a sum that may be agreed, and where an agreement cannot be made, the compensation shall

be determined and paid in accordance with the expropriation provisions of the *Urban and Rural Planning Act, 2000* as if the injurious affection had been caused by expropriation.

[1999 cM-24 s162; 2011 c7 s24](#)

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### **Ownership of highways**

**163.** (1) The ownership, management and control of all highways, sidewalks and bridges in the municipality, except highways vested in the Crown under section 5 of the *Works, Services and Transportation Act*, are vested in the council.

(2) Where a council is established to govern an area that was a township or other area owned by a corporation, all highways, sidewalks and bridges are considered to be public except those specifically retained by the corporation that are necessary to the corporation's operations.

[1999 cM-24 s163](#)

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### **Private roads**

**164.** (1) A privately constructed road that is to be used by the public may be taken over by a council as a highway, without compensation, upon that council being satisfied that the road has been brought up to a standard satisfactory to it and may reasonably be regarded as necessary for public use.

(2) A person shall not open or make a new highway designed for public use through privately owned land in a municipality except with the prior written approval of the council and in accordance with conditions and specifications imposed by that council in its approval.

[1999 cM-24 s164](#)

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### **Construction**

**165.** (1) A council may construct public highways, sidewalks and bridges and improve, realign, alter the level of, and repair existing public highways, sidewalks and bridges.

(2) A person shall not break up the surface of a public highway, sidewalk or bridge or erect or place a structure or erection in, on or under them without the prior written approval of the town council and in accordance with conditions imposed by the council in its approval.

[1999 cM-24 s165](#)

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### **Closing**

**166.** A council may order the closing of a public highway, sidewalk or bridge either temporarily, in order to effect repairs or to prevent damage to the highway, sidewalk or bridge, or permanently, where the council considers it necessary to do so.

[1999 cM-24 s166](#)

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### **Acquisition of property**

**167.** A council may acquire, by agreement or expropriation, real property contained within highway reservations, highway improvement lines and highway lines.

[1999 cM-24 s167](#)

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### **Removal of projections**

**168.** (1) A person shall not construct or place steps, a fence, building, erection or other projection on or over land reserved for a public highway or sidewalk.

(2) The owner of a projection set out in subsection (1) that has been placed into or over a reservation after it has been designated by a council, without the written approval of that council, shall pay the cost of that removal.

(3) Where the projection described in subsection (1) has been placed into or over a reservation before it has been designated or approved by the council, that council shall pay the cost of removal and shall compensate the owner in an amount to be agreed for the loss of his or her property, or where an agreement cannot be reached, in an amount determined as if it were an expropriation under the *Urban and Rural Planning Act, 2000* .

[1999 cM-24 s168; 2011 c7 s25](#)

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### **Parking lots**

**169.** (1) A council may acquire, by agreement or expropriation, real property necessary for parking lots, and may establish and construct parking lots and charge for their use in an amount that the council may establish.

(2) A person shall not, within a municipality, operate or construct a parking lot except under and in accordance with a written permit from the council.

[1999 cM-24 s169](#)

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### **Lighting**

**170.** A council may provide highway and area lighting within the municipality and may enter into agreements with a person to provide that lighting.

[1999 cM-24 s170](#)

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### **Names and numbering**

**171.** (1) A council may name and mark all highways within the municipality and may require the owners of all buildings on the highways to number those buildings.

(2) A council may establish an appropriate form and size for the numbering under subsection (1).

[1999 cM-24 s171](#)

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### **Removal of vehicles**

**172.** (1) Where a vehicle

- (a) is parked upon a public highway, sidewalk or bridge in a position that may
  - (i) interfere with pedestrian or vehicular traffic,
  - (ii) constitute a hindrance to the maintenance, repair or improvement of the highway, sidewalk or bridge,
  - (iii) hinder or impede the ploughing of or removal of snow or ice from the highway, sidewalk or bridge, or
  - (iv) hinder or impede the carrying out of an undertaking of the council; or
- (b) has been apparently abandoned upon a public highway, sidewalk or bridge for longer than 24 hours,

a person authorized for the purpose by the council may remove the vehicle to a place selected by the authorized person.

(2) Before the vehicle is returned to its owner, the owner shall pay the costs of its removal and storage as determined by the council and where those costs are not paid by the owner, that council may, after giving notice to the owner, sell the vehicle by public auction to satisfy those costs.

(3) A sale under subsection (2) vests clear title in the purchaser free from all encumbrances and residual amounts received over and above the costs of its removal, storage and sale shall be paid over to the owner or to a person who satisfies the council that he or she has a prior encumbrance.

[1999 cM-24 s172](#)

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### **Movement of vehicles**

**173.** (1) A structure, object or vehicle, other than a vehicle licensed under the *Highway Traffic Act*, shall not move over a public highway or bridge without the written consent of the council.

(2) Notwithstanding subsection (1), a vehicle that is propelled over tracks or other device, other than tires, shall not move over a public road or bridge without the written consent of the council.

[1999 cM-24 s173](#)

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## **Recreational facilities**

174. A council may acquire or establish parks, stadiums and other recreational facilities within the municipality, and, subject to the approval of the minister, outside the municipality.

[1999 cM-24 s174](#)

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## **Grants and loans**

175. A council may guarantee loans, make grants-in-aid or provide loans to a corporation or commission created for the purpose of providing parks, stadiums or other recreational facilities of benefit to the municipality, subject to the conditions which the council may prescribe.

[1999 cM-24 s175](#)

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## **Collection, etc. of waste**

176. A council shall provide for the collection of solid waste within the municipality and for its disposal in a manner and in a place, either inside or outside the boundaries of the municipality, in accordance with the *Environmental Protection Act* and regulations made under that Act.

[1999 cM-24 s176; 2017 c10 s21](#)

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## **Charges**

177. (1) A council may charge a fee to a person who occupies real property, either as owner or tenant of the property, for the collection and disposal of solid waste and may vary these charges by class of premises or by volume of solid waste removed.

(2) For the purpose of subsection (1) a tenant does not include a lodger or a boarder.

(3) A council may exempt from payment of the fee imposed under subsection (1) persons who are subject to the poll tax or to a real property tax imposed with respect to the real property from which solid waste is removed.

[1999 cM-24 s177](#)

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## **Removal of waste**

178. A council may remove from real property solid waste, noxious substances and anything that poses a hazard to public health and safety or adversely effects the amenities of the surrounding property, and charge the owner or occupier of the real property for the costs of its collection and disposal.

[1999 cM-24 s178](#)

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## **Municipal enforcement officers**

**179.** (1) A council may appoint one or more municipal enforcement officers.

(2) A municipal enforcement officer appointed under subsection (1) has the powers of a member of the Royal Newfoundland Constabulary with respect to the enforcement of this Act and regulations made under this Act within the municipality for which he or she is appointed.

[1999 cM-24 s179](#)

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## **Agreements re policing**

**180.** A council may enter into agreements

- (a) with the government of the province for the use of members of the Royal Newfoundland Constabulary; or
- (b) subject to the approval of the Lieutenant-Governor in Council, with the Government of Canada for the use of members of the Royal Canadian Mounted Police

to perform the duties of a municipal enforcement officer.

[1999 cM-24 s180](#)

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## **Powers and duties**

**181.** A member of a police force set out in section 180 has the powers and may exercise the duties of a municipal enforcement officer, where an agreement has been entered into under that section.

[1999 cM-24 s181](#)

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## **Agreement re jails**

**182.** A council may enter into an agreement with the government of the province for providing and maintaining a jail in the municipality and for maintaining and caring for prisoners.

[1999 cM-24 s182](#)

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## **Fire department**

**183.** A council may establish, operate and maintain a fire department composed entirely or partly of volunteer members or of paid employees, and acquire or provide a fire hall, fire alarm system, fire engines, hydrants and other apparatus and appliances for the purpose of fire fighting, fire prevention and responding to and providing emergency services for other emergencies that may be authorized by the council, either inside or outside the municipality's boundaries.

[1999 cM-24 s183; 2011 c7 s26](#)



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### **Agreements**

**184.** A council may enter into agreements with other municipalities, local service districts or persons for joint fire fighting or for responding to other emergencies.

[1999 cM-24 s184](#)

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### **Fire spread prevention**

**185.** (1) The officer in charge of a fire department may attach and fix to a private or public building or structure, in a manner satisfactory to him or her, fire alarms, wires and fastenings that he or she considers necessary for carrying on the work of the department or staying the progress of or preventing fire.

(2) The officer in charge of a fire department at a fire may, where he or she considers it necessary in order to extinguish or stay the progress of a fire, pull down or remove a private or public building or structure, or part of the building or structure.

[1999 cM-24 s185](#)

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### **Right re traffic**

**186.** (1) The officers and members of a fire department, together with their fire engines, apparatus and appliances have the right of way over all traffic while proceeding to answer an alarm of fire or responding to other emergencies.

(2) The officer in charge of a fire department at a fire or other emergency may close all highways in the vicinity of a fire or other emergencies.

[1999 cM-24 s186](#)

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### **Power to enter building**

**187.** (1) Members of a fire department may enter and convey hose and other fire fighting appliances and apparatus through a public or private building or structure or over real property for the efficient fighting of a fire.

(2) An action shall not lie against an officer or member of the fire department, or the council, with respect to damage necessarily occasioned to the buildings or structure as a result of an action under subsection (1).

[1999 cM-24 s187](#)

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## **Other fire department**

**188.** The officers or members of a fire department of another municipality or a local service district fire department, or person that gives aid to a fire department in fighting a fire or responding to other emergencies are considered to be officers and members of that fire department while they are giving that aid.

[1999 cM-24 s188](#)

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## **Prohibition**

**189.** (1) A person shall not obstruct an officer or member of a fire department in the discharge of his or her duties or wilfully retard the passage of an engine, apparatus or appliance used by that officer or member.

(2) A person shall not wilfully give a false alarm of fire to a fire department or to another person by ringing an alarm signal or operating a siren or other device used to signal the existence of a fire or by telephone or by other means.

[1999 cM-24 s189](#)

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## **Public transportation system**

**190.** (1) A council may establish and operate a public transportation system either on its own or through a commission established for that purpose, and may establish and charge fares for the use of the system.

(2) A council may enter into an agreement with a person, for a period that the council considers appropriate, granting to that person an exclusive right to establish and operate a public transportation system within the municipality, subject to rates for fares and other conditions that may be set out in the agreement.

(3) A council may erect, or authorize the erection of, public waiting areas for public transportation.

[1999 cM-24 s190](#)

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## **Public libraries**

**191.** A council may contribute towards the establishment, conduct and maintenance of a public library in the municipality, and may provide accommodation and other services to the library.

[1999 cM-24 s191](#)

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## **Cemeteries**

**192.** (1) A council may acquire, establish, own and operate a cemetery or crematorium and may, for that purpose, acquire land within or outside the boundaries of the municipality.

(2) A council may sell or lease the whole or part of property acquired under subsection (1) for the purpose of establishing a cemetery or crematorium, or for burial plots, under terms that the council may set out in the sale or lease.

(3) A cemetery or crematorium may not be established in a municipality except with the consent of the council.

[1999 cM-24 s192](#)

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### **Municipal service delivery corporation**

**192.1** (1) A municipality, a local service district and an unincorporated area, or a combination of at least 2 of those entities, may, with the prior written approval of the minister, incorporate a corporation under the *Corporations Act* for the purpose of delivering one or more of the services described in this Part.

(2) The minister may prescribe terms and conditions for the operation of a municipal service delivery corporation incorporated under subsection (1).

[2007 c20 s6](#)

## **PART VIII CONTROLS**

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### **Minimum lot size**

**193.** Notwithstanding regulations which a council may make with respect to lot size, a council may by resolution establish minimum lot sizes for the municipality.

[1999 cM-24 s193](#)

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### **Building prohibition**

**194.** A person shall not within a municipality

- (a) erect a building;
- (b) extend, repair, relocate or demolish an existing building;
- (c) change the use for which an existing building is or was last held or occupied; or
- (d) occupy a building that has been vacant for a period of 6 months or more or a newly constructed building,

except in accordance with a written permit from the council.

[1999 cM-24 s194](#)

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## **Water and sewage prohibition**

**195.** (1) A person shall not within a municipality

- (a) construct a privy or sewer system, septic tank, or sewer; or
- (b) make or use a new water supply or system

except in accordance with a written permit from the council.

(2) A council shall not approve a permit under subsection (1) without the prior written approval of the Department of Health and Community Services and the department.

[1999 cM-24 s195; 2017 c10 s21](#)

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## **Storm drainage**

**196.** (1) A person shall not within a municipality

- (a) dig or construct ditches, drains or culverts;
- (b) make greater use of existing ditches, drains or culverts; or
- (c) connect to an existing storm drainage system, whether publicly or privately owned,

except in accordance with a written permit from the council.

(2) A council shall not approve a permit under subsection (1) without the prior written approval of the Department of Environment and Labour.

[1999 cM-24 s196](#)

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## **Signs**

**197.** A person shall not, within a municipality, erect a sign except in accordance with the terms of a written permit issued by the council.

[1999 cM-24 s197; 2011 c7 s27](#)

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## **Sales from vehicles and stands**

**198.** Where a council by regulation requires a permit for the sale of food or goods from or in association with a vehicle, stand or other movable, collapsible or temporary structure whether inside or outside a building, a person shall not carry out that sale unless he or she has a written permit issued by that council.

[1999 cM-24 s198; 2011 c7 s28](#)

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## **Place of entertainment prohibition**

**199.** A person shall not operate a place of entertainment within a municipality except in accordance with the terms of a written permit from the council.

[1999 cM-24 s199](#)

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## **Heritage areas**

**200.** (1) A building, structure or land designated by a council as a heritage building, structure or land shall not be demolished or built upon nor the exterior of the building or structure altered, except under a written permit of the council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.

(2) A council may establish a heritage advisory committee to advise the council on regulations made with respect to heritage buildings, structures and lands and the preservation of the real property designated under that section.

[1999 cM-24 s200](#)

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## **Property acquisition**

**201.** (1) A council may acquire and hold real and personal property which is not necessary for the operations of the council under this Act.

(2) Notwithstanding subsection (1), a council shall not acquire and hold real and personal property under that subsection without the prior written approval of the minister.

[1999 cM-24 s201](#)

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Sale of property valued at less than \$500

**201.1** Where the estimated fair market value of real or personal property is less than \$500, a council may by resolution sell the real or personal property by private sale.

[2014 c31 s1](#)

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Sale or lease of property valued at \$500 or more

**201.2** (1) This section only applies to real or personal property with an estimated fair market value of \$500 or more.

(2) A council may by resolution sell or lease real or personal property.

(3) A council shall give public notice of the council's intention to sell or lease real or personal property.

(4) Public notice under subsection (3) shall include an advertisement in not fewer than 2 conspicuous places in the municipality and publication in a newspaper having general circulation in the municipality, where there is one.

(5) A council shall only accept an offer to sell or lease real or personal property if that offer is the highest offer for the property.

(6) Notwithstanding subsection (5), a council shall not accept an offer to sell or lease real or personal property that is less than the estimated fair market value.

(7) Notwithstanding subsections (5) and (6), a council may, by resolution of 2/3 vote of the councillors in office and with the prior approval of the minister, accept an offer to sell or lease real property at less than the estimated fair market value, or accept an offer to sell or lease real property that is not the highest offer, where the purpose of the sale or lease is social or economic development.

(8) Notwithstanding subsection (6), a council may, by resolution of 2/3 vote of the councillors in office and with the prior approval of the minister, accept an offer to sell real property at less than the estimated fair market value where the sale is to the owner of adjacent real property and the real property is of minimal value to another person.

[2014 c31 s3](#)

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#### **Disposition of property valued at \$500 or more**

**201.3** (1) Where the estimated fair market value of real or personal property is \$500 or more, a council may, by resolution of 2/3 vote of the councillors in office and with the prior approval of the minister, accept an offer to dispose of the real or personal property at less than the estimated fair market value, or accept an offer to dispose of the real or personal property that is not the highest offer, where the purpose of the disposition is social or economic development.

(2) A council shall give public notice of the council's intention to dispose of real or personal property under subsection (1).

(3) Public notice under subsection (2) shall include an advertisement in not fewer than 2 conspicuous places in the municipality and publication in a newspaper having general circulation in the municipality, where there is one.

(4) In this section, "dispose" does not include sell or lease.

[2014 c31 s3; 2016 c41 s1](#)

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#### **Other requirements not affected**

**201.4** Nothing in section 201.1, 201.2 or 201.3 relieves the council from complying with section 95 of the *Urban and Rural Planning Act, 2000* .

[2014 c31 s3](#)

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## **Adverse possession abolished**

**201.5** Notwithstanding a law or practice to the contrary, no period of possession of lands that are owned by a municipality counts for the purpose of conferring upon a person an interest in the lands so possessed.

[2011 c7 s30; 2014 c31 s2](#)

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## **Business improvement areas**

**202.** (1) In this section

- (a) "board" means a board of management of a designated business improvement area established by a council under this section; and
- (b) "business improvement area" means a commercial area of a municipality which, in the opinion of a council and in the interest of that council requires improvement, beautification or maintenance and which has been designated as such under this section.

(2) A council may make regulations

- (a) to declare and designate business improvement areas within a municipality;
- (b) respecting the enhancement and improvement of a business improvement area;
- (c) respecting special projects, activities or events to improve an area;
- (d) respecting the powers, duties, election and procedures of a board;
- (e) respecting grants to promote a business improvement area;
- (f) respecting the imposition of a surcharge, no greater than 10% of the business tax imposed, for the purpose of covering the operating expenses of a board;
- (g) respecting the allotments of funds for a business improvement area;
- (h) respecting the raising of funds for a business improvement area; and
- (i) respecting the expenditure of funds by a board.

(3) A council shall before designating a business improvement area give written notice of the intended regulations to all persons, groups, businesses, organizations and companies within the proposed business improvement area which have been assessed for business tax in the last revised assessment roll of the municipality.

(4) A council shall not designate a business improvement area where, within 30 days of giving written notice, 1/3 of those entitled to that notice under subsection (3) and representing 1/3 of the assessed business tax in the proposed business improvement area give written notice to the clerk of the objections to the designation of a business improvement area.

(5) Where a council designates a business improvement area under subsection (2), it shall appoint annually a board of management which shall be responsible for the management of that business improvement area.

(6) A council may by regulation dissolve a business improvement area and a board of a business improvement area

- (a) upon receipt of a petition by persons qualified to reject the establishment of a business improvement area referred to in subsection (4); and
- (b) where a board has not functioned for a period of one or more years.

[1999 cM-24 s202](#)

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### **Economic development**

**203.** (1) A council may encourage economic development as it considers appropriate and for that purpose, may enter into an agreement with another municipality, local service district, agency, person or the government of the province.

(2) In this section, "economic development" means the continuation, expansion or establishment of a business or industry.

[1999 cM-24 s203](#)

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### **State of emergency**

**204.** Where, in the opinion of a council, chairperson or mayor, an emergency exists because of

- (a) a disaster;
- (b) a snowstorm or flood; or
- (c) a shortage of water

the council, chairperson or mayor may declare a state of emergency in the municipality or part of the municipality.

[1999 cM-24 s204](#)

## **PART IX COUNCIL MATTERS**

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### **Remuneration and expenses**

**205.** Notwithstanding section 99, a council

- (a) may pay to the chairperson, deputy chairperson, mayor, deputy mayor and other councillors the annual or other remuneration that may be agreed upon by the council as determined by a 2/3 vote of the councillors in office and in accordance with the regulations; and
- (b) may by a vote of the majority of the councillors reimburse the chairperson, deputy chairperson, mayor, deputy mayor and other councillors for reasonable expenses incurred by them in the conduct of municipal business.

[1999 cM-24 s205](#)



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**Vacancies**

**206.** (1) The office of a councillor becomes vacant where

- (a) he or she resigns, in writing, from the date specified in his or her resignation, or, where a date is not specified, from the date when he or she files his or her resignation with the clerk or, where he or she resigns at a meeting of the council, from the time of that resignation;
- (b) he or she is a member of a council of a municipality that is dismissed under the *Municipal Affairs Act*, or where under that Act, he or she is dismissed as a member of a council;
- (c) he or she stops being ordinarily resident in the municipality;
- (d) he or she has been absent from the municipality for more than one year;
- (e) he or she remains indebted to the council for outstanding taxes 31 days after the end of the financial year;
- (f) without leave of the council, he or she
  - (i) is not sworn into office within 60 days after his or her election, or
  - (ii) does not attend regular public meetings of the council for 3 successive months;
- (g) he or she accepts without the prior written approval of the minister, an office or employment under the council to which a salary or remuneration, not including an honorarium payable out of the funds of the council, is attached;
- (h) he or she fails to vote on a matter before the council when required to vote; or
- (i) the council declares the councillor's office vacant under subsection (2).

(2) A council shall, by resolution, declare vacant the office of an elected councillor where that councillor

- (a) fails to disclose that he or she has a conflict of interest in a matter being discussed by the council; or
- (b) discusses or votes on a matter on which he or she has a conflict of interest.

(3) A councillor in respect of whom a resolution is made under subsection (2), shall not vote on that resolution.

(4) A councillor shall not sit or act as a councillor after his or her office becomes vacant.

[1999 cM-24 s206](#); [2000 c12 s10](#); [2005 c21 s4](#); [2006 c8 s2](#)

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**Conflict of interest**

**207.** (1) A councillor shall not vote on or speak to a matter before the council or a committee of the council where

- (a) the councillor has a monetary interest in the matter distinct from an interest arising from his or her functions as a councillor;
- (b) the councillor has a monetary interest directly or indirectly in the matter;
- (c) a relative of the councillor has a monetary interest in the matter; or
- (d) the councillor is an officer, employee or agent of an incorporated or unincorporated company, or other association of persons, that has a monetary interest in the matter.

(2) For the purpose of subsection (1) a relative of a councillor means a father, mother, spouse, cohabiting partner, sister, brother, child, step-child, ward, mother-in-law, father-in-law, sister-in-law, or brother-in-law of the councillor.

(3) For the purpose of subsection (2)

- (a) "cohabiting partner" means a person with whom a councillor is living in a conjugal relationship outside marriage; and
- (b) "spouse" means a person to whom a councillor is married, unless the person and the councillor have made a separation agreement or their support obligations and family property have been dealt with by a court order.

(4) In order for an interest to be considered as one falling within the prohibition set out in subsection (1) it shall be an interest distinct from an interest held in common with the other citizens or classes of citizens of the municipality.

[1999 cM-24 s207; 2001 c22 s18](#)

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### **Disclosure**

**208.** (1) Where a councillor has an interest described in subsection 207(1), the councillor shall

- (a) state that he or she has that interest; and
- (b) state the nature of the interest at the beginning of discussion on the matter in which he or she has that interest,

and that statement respecting his or her interest shall be recorded in the minutes of the council, or a committee of the council, where that statement was made at a committee meeting.

(2) Where a councillor declaring a conflict of interest under subsection (1) is the presiding officer, he or she shall vacate the chair.

(3) Where a councillor declares a conflict of interest under subsection (1) he or she shall immediately leave the meeting while the matter on which he or she has a conflict of interest is being discussed.

(4) Where one or more councillors have declared a conflict of interest under subsection (1) and there is no longer a quorum to vote on a matter, the minister may direct that the remaining councillors make a decision on the matter as if those remaining councillors constituted a quorum.

(5) Where all councillors have declared a conflict of interest under subsection (1), the minister may require that an official of his or her department prepare a report respecting the matter and where the report indicates that the councillors should proceed with making a decision, the

minister may exempt the council from the application of section 207, and the councillors may vote on the matter.

[1999 cM-24 s208](#)

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### **Decision of council**

**209.** (1) Where a councillor is in doubt as to whether or not he or she has a monetary interest that is a conflict of interest under section 207, he or she shall make a disclosure and the council may decide the question by majority vote and its decision on the matter is final.

(2) A councillor whose possible conflict of interest is being voted on is not entitled to vote.

[1999 cM-24 s209](#)

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### **Disclosure statement**

**210.** (1) The councillors, clerk, manager, treasurer and department heads of a municipality, shall complete annually, a disclosure statement in a form which the council may establish setting out the interest of a councillor or an employee that may place him or her in a conflict of interest.

(2) A disclosure statement completed under subsection (1) shall list

- (a) real property or an interest in real property within the municipality that is owned by the councillor or employee;
- (b) corporations in which the councillor or employee holds 10% or more shares;
- (c) partnerships and sole proprietorships in which the councillor or employee holds a 10% or more interest; and
- (d) businesses located within the municipality that are owned by the councillor or employee.

(3) A disclosure statement required under subsection (1) shall be filed with the council by

- (a) a councillor, not more than 60 days after taking office immediately after his or her election or appointment and not later than March 1 in each subsequent year; and
- (b) the clerk, manager, treasurer and department heads, not more than 60 days after commencing employment with the council and not later than March 1 in each subsequent year.

(4) Notwithstanding subsection (3), a change in the information contained in a disclosure statement filed under that subsection shall be reported to the council, in writing, by a councillor, clerk, manager, treasurer or department head not more than 60 days after that change occurs.

(5) A disclosure statement filed under this section shall be retained by the clerk and reviewed at a privileged meeting of the council not more than 30 days after the date required for filing under subsections (3) and (4).

[1999 cM-24 s210; 2000 c16 s1](#)

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## **Quorum**

**211.** (1) A majority of the number of councillors that may be elected or appointed for a municipality constitutes a quorum for the purpose of a meeting of the council.

(2) Notwithstanding subsection (1), where the number of councillors available to attend meetings is less than a quorum, the minister may authorize the councillors who are available to attend meetings to perform the functions of the council that he or she may prescribe.

(3) Notwithstanding subsection (1), where the number of councillors holding office is less than a quorum, the minister may appoint a sufficient number of councillors to make a quorum.

(4) Notwithstanding subsections (1) and (3), where the number of councillors holding office is less than a quorum, the minister may authorize the councillors remaining in office to perform those functions of the council that he or she may prescribe.

[1999 cM-24 s211](#)

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## **Voting**

**212.** (1) A motion or resolution before a council shall be decided by a majority vote of the councillors in attendance at the meeting except where a 2/3 vote of the councillors in office is required.

(2) A councillor shall not abstain from voting on a motion or resolution before the council unless he or she is required to abstain from voting because of a conflict of interest under section 207 or he or she has been permitted to abstain by a majority vote of the other councillors in attendance at the meeting.

(3) Where a councillor abstains from voting on a motion or resolution, a decision shall not be made on that motion or resolution unless the number of councillors in favour of the motion or resolution is equivalent to or more than a majority of the councillors in attendance at the meeting.

(4) The minutes of a council meeting shall indicate the names of the councillors who vote for and against and who abstain from voting on a motion or resolution.

(5) Where there is a tie vote on a motion or resolution, that motion or resolution shall be considered to be defeated.

[1999 cM-24 s212](#)

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## **Privileged meetings**

**213.** (1) A meeting of a council shall be open to the public unless it is held as a privileged meeting or declared by vote of the councillors present at the meeting to be a privileged meeting.

(2) Where a meeting is held as a privileged meeting or declared to be a privileged meeting, all members of the public present at the meeting shall leave.

(3) A decision of the councillors made at a privileged meeting shall not be valid until that decision has been ratified by a vote of the councillors at a public meeting.

[1999 cM-24 s213](#)

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### **Public tenders**

**214.** The execution of public works, the acquisition of goods or services and the leasing of space by a council shall be in accordance with the *Public Tender Act* and in this section, "public works" and "goods or services" have the same meaning as in that Act.

[1999 cM-24 s214](#)

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### **Inspection of documents**

**215.** (1) The following documents shall be made available by the council for public inspection during the normal business hours of the council:

- (a) adopted minutes of the council;
  - (b) assessment rolls;
  - (c) regulations;
  - (d) municipal plans;
  - (e) opened public tenders;
  - (f) financial statements;
  - (g) auditor's reports;
  - (h) adopted budgets;
  - (i) contracts;
  - (j) orders;
  - (k) permits; and
  - (l) Rep. by 2000 c16 s2
  - (m) all other documents tabled or adopted by council at a public meeting.
- (2) A person making an inspection under subsection (1)
- (a) shall not remove the document from the place where it is located or interfere with an employee of the council in the performance of his or her duties; and
  - (b) may make extracts from the documents, and may, where the council has copying equipment, have a copy made of the documents upon payment of a fee equal to the actual cost of providing that copy.

[1999 cM-24 s215; 2000 c16 s2](#)

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## **Copies of documents**

**216.** (1) Where an action has begun in a court or the Trial Division and the clerk of a municipality is satisfied or the court or the Trial Division has ordered that an extract from a document in the possession of or under the control of the clerk is required in evidence in the action, the clerk shall, upon payment of a charge that may be prescribed by the council, provide to the person requiring the extract a certified copy of the extract with the seal of the council attached to the extract.

(2) An extract provided under subsection (1) purporting to be certified by the clerk and having the seal of the council attached to it shall be received in evidence as presumptive proof without proof of the appointment or signature of the clerk or the seal of the council.

[1999 cM-24 s216](#)

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## **Authentication of documents**

**217.** (1) All deeds and documents to which the council is a party and to which a seal is necessary shall be authenticated by the seal of the council and the chairperson or mayor, and the clerk, when authorized by the council, shall authenticate the deeds and documents by signing and initialling each page of them.

(2) Where a mayor, chairperson or clerk disqualifies himself or herself from acting as a signatory to a deed or other document to which the council is a party, the council shall appoint a councillor to act as a signatory in the place of the person who disqualifies himself or herself.

[1999 cM-24 s217](#)

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## **Agent**

**218.** A council may act as the agent of the Government of Canada or the province, or another municipality, for the management of property in the municipality owned or leased by that government or municipality, by agreement with that government or municipality.

[1999 cM-24 s218](#)

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## **Joint ventures**

**219.** A council may enter into an agreement with the government of the province, a regional service board or municipal service delivery corporation or another municipality, agency or person for the joint construction, ownership, maintenance and operation of a facility or service that the council is permitted to construct, own, maintain and operate under this Act.

[2007 c20 s7](#)

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## **Plebiscites**

**220.** (1) A council may, by a vote of 2/3 of the councillors in office, hold a plebiscite in the municipality for the purpose of determining the views of the voters in the municipality and may

- (a) set the date for the holding of the plebiscite; and
- (b) define the question to be voted on in the plebiscite.

(2) A plebiscite shall, with the necessary changes, be held in accordance with the *Municipal Elections Act* .

[1999 cM-24 s220; 2001 cM-20.2 s104](#)

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#### **Private services**

**221.** A council may contract to do work, supply goods or provide a service not authorized for the council under this Act where it has equipment, staff or goods surplus to its needs and charges normal commercial rates for the work, goods or service, as long as that work, supply or service is not in competition with a non-council entity that is located in the municipality.

[1999 cM-24 s221](#)

### **PART X EXPROPRIATION**

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#### **Expropriation**

**222.** (1) A council may, in accordance with Part IX of the *Urban and Rural Planning Act, 2000*, expropriate land, property or an interest in land or property where

- (a) the person who owns the land, property or interest refuses to accept the sum offered in writing by the council;
- (b) the person who owns the land, property or interest is incapable of conveying the land property or interest, or cannot be found in the province or is not known;
- (c) for another reason, agreement cannot or may not be reached with the person; or
- (d) for another reason the council considers it advisable to do so.

(2) An expropriation of land, property or an interest in land or property commenced under the *Municipalities Act* or the *Municipalities Act, 1999* before the coming into force of this section shall be considered to have been commenced in accordance with this section and Part IX of the *Urban and Rural Planning Act, 2000* shall apply to that expropriation.

[2000 cU-8 s113](#)

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#### **Rep. by 2000 cU-8 s113**

**223.** [Rep. by 2000 cU-8 s113]

[2000 cU-8 s113](#)

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224. [Rep. by 2000 cU-8 s113]

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225. [Rep. by 2000 cU-8 s113]

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[2000 cU-8 s113](#)

## **PART XI ADMINISTRATION AND RECEIVERSHIP**

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### **Appointment of comptroller**

247. (1) Where a municipality

- (a) defaults in the payment of the whole or a part of the principal of or interest upon a loan, bond or debenture issued or made to the council by the Crown or guaranteed by the Crown;
- (b) is, in the opinion of the minister, in serious financial difficulty; or
- (c) is, in the opinion of the minister, in default under a contract,

the minister may appoint a comptroller of the municipality and prescribe his or her duties.

(2) The comptroller shall be paid out of the funds of the municipality the sum for his or her services and those travelling and other expenses that the minister may determine.

[1999 cM-24 s247](#)

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### **Expenditures where comptroller**

248. Where a comptroller has been appointed under section 247, the council, or a person acting for the council, shall not, without the prior written approval of the comptroller, spend money, incur an expenditure, or enter into an agreement that may commit the council to an expenditure of money and the comptroller shall countersign all cheques issued by the municipality.

[1999 cM-24 s248](#)

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### **Ministerial direction**

249. Where the comptroller recommends to the minister, the minister may direct in writing that the council issue a cheque to meet those payments that the minister lists in the direction.

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**Appointment of administrator**

**250.** (1) Where a municipality is, in the opinion of the minister, in serious financial difficulty and the Lieutenant-Governor in Council considers it in the best interests of the municipality and its residents that its affairs be conducted by an independent administrator, the minister may appoint an administrator.

(2) Where the minister may appoint an administrator he or she may appoint in the administrator's place a commission of administration consisting of 3 persons, and shall designate one member to be chairperson and convenor and another to be deputy chairperson and deputy convenor.

[1999 cM-24 s250](#)

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**Retirement of council**

**251.** Upon the appointment of an administrator, the council of the municipality for which the administrator was appointed is retired from office and may no longer act for or on behalf of the municipality or exercise the functions, powers, or authority vested in the council.

[1999 cM-24 s251](#)

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**Powers of administrator**

**252.** (1) An administrator may exercise the powers and authority of the council he or she replaces and is subject to the restrictions and responsibilities of the council.

(2) The administrator may dismiss the officers and employees of the municipality.

[1999 cM-24 s252](#)

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**Duty of officers**

**253.** (1) The officers of a municipality shall pass over to the administrator at his or her request all money, securities, evidences of title, books, assessment rolls, tax invoices, by-laws, papers, records and documents, belonging to or relating to the affairs of the municipality that they have in their possession or under their control.

(2) A person shall immediately comply with a request of an administrator under subsection (1).

[1999 cM-24 s253](#)

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## **Budget**

**254.** (1) The administrator shall submit a budget, in a form prescribed by the minister, within 3 months of his or her appointment.

(2) The minister may approve or amend the budget and the administrator shall only make expenditures within the budget as finally approved.

[1999 cM-24 s254](#)

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## **Local committee**

**255.** The minister may appoint a local committee of 2 persons who pay taxes to the municipality with whom the administrator may consult with reference to the affairs of the municipality.

[1999 cM-24 s255](#)

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## **Appointment of officers**

**256.** The administrator shall appoint all employees necessary for the requirements of the municipality and shall fix the amount of the salary to be paid to each employee.

[1999 cM-24 s256](#)

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## **Realization of assets**

**257.** (1) For the purpose of realizing upon the outstanding assets of a municipality, comprising arrears of taxes and other liquid assets at the time of his or her appointment, the administrator has the powers that the council previously had and shall use lawful means to realize the assets.

(2) Money received from the realization of the assets shall be devoted towards the payment of the then existing liabilities of the municipality in the manner and to the extent that the minister may determine.

(3) The minister may decide the rates of taxation for a municipality under administration.

[1999 cM-24 s257](#)

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## **Books of account and records**

**258.** (1) An administrator shall keep correct books of account relating to the affairs of a municipality showing the financial condition of that municipality.

(2) The minister or a person authorized by him or her may examine and inspect the books of account.

(3) The books of account shall be audited as required under sections 87 to 92.

(4) An administrator shall keep a correct record of all the proceedings taken by him or her relating to the affairs of the municipality.

(5) An administrator shall at least once a month provide the minister with statements showing the assets and liabilities and the financial condition of the municipality for the preceding month.

[1999 cM-24 s258](#)

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### **Status of regulations**

**259.** All rules and regulations in force in the municipality immediately before the appointment of an administrator remain in force until amended or revoked by him or her with the approval of the minister.

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### **Remuneration of administrator**

**260.** An administrator shall be paid out of the funds of the municipality for which the administrator was appointed the sum for his or her services and those travelling and other expenses that the minister may determine.

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### **Restoration of status**

**261.** (1) Where the Lieutenant-Governor in Council considers it advisable that the affairs of a municipality be again conducted by a council, the Lieutenant-Governor in Council may revoke the appointment of the administrator for that municipality and provide for the election of a new council for the municipality.

(2) Where a new council has been elected, the administrator shall pass over to the clerk or, in his or her absence, to the council, the records of the municipality.

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### **Receivership**

**262.** (1) Where the Lieutenant-Governor in Council has reason to believe that a municipality is insolvent, or is in imminent danger of insolvency and that it is in the best interest of the municipality, and its creditors that the municipality be disbanded and its affairs wound up, or that the municipality no longer continue in existence, the Lieutenant-Governor in Council may, by order, disband the municipality and appoint a receiver.

(2) The receiver is subject to the direction of the minister in all things concerning the performance of his or her duties.

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#### **Effect of order**

**263.** Upon the effective date of an order made under section 262, the municipality is disbanded and no longer exists and the council or the administrator and all officers of that municipality are retired from office and are no longer qualified to act for or on behalf of the municipality or to exercise the functions, powers, and authority vested in the council, or the administrator, and the officers.

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#### **Duty of officers**

**264.** (1) The former officers of the municipality or the former administrator shall pass over to the receiver at his or her request all money, securities, evidences of title, books, assessment rolls, tax invoices, by-laws, papers and documents, belonging to or relating to the affairs of the municipality, that they have in their possession or under their control.

(2) A person shall immediately comply with a request under subsection (1).

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#### **Powers of receiver**

**265.** Upon his or her appointment the receiver

- (a) shall realize upon all the assets of the municipality comprising arrears of taxes and other liquid assets possessed by the municipality; and
- (b) shall, with the approval of the minister and in the manner prescribed by him or her, sell or otherwise dispose of the property of the municipality and execute in the name of and on behalf of the municipality all deeds, conveyances, transfers, assignments, receipts and other documents, and for that purpose use where necessary the seal of the municipality.

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#### **Books of account and records**

**266.** (1) The receiver shall keep proper and correct books of account relating to the affairs of the municipality, showing the true financial condition of the municipality.

(2) The minister or a person authorized by him or her may inspect the books of account.

(3) The books of account shall be audited as required under sections 87 to 92.

(4) The receiver shall keep a correct record of all the proceedings taken by him or her relating to the affairs of the municipality and shall give the minister a full statement upon completion of his or her duties.

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### **Application of money**

**267.** (1) Money realized by the receiver shall be applied by him or her in payment of the liabilities of the municipality as far as circumstances permit after paying the costs and expenses incidental to the receivership or the disestablishment, including the remuneration of the receiver, in the following order of priority:

- (a) in payment of salaries to officers of the municipality up to the time of the disbanding or disestablishing of the municipality;
- (b) in payment of amounts owing to the province by the municipality; and
- (c) in payment of the other just debts of the municipality rateably and without preference or priority.

(2) A surplus remaining after the payment of the liabilities of the municipality shall be paid into the Consolidated Revenue Fund by the receiver.

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### **Payment of receiver**

**268.** The receiver shall be paid out of the funds of the municipality the sum for his or her services and the travelling and other expenses that the minister may determine.

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### **PART XIII LOCAL SERVICE DISTRICTS**

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**Local service district**

387. (1) The minister may, by order,

- (a) establish an unincorporated area in the province as a local service district;
- (b) establish and alter boundaries of local service districts;
- (c) disestablish a local service district;
- (d) amalgamate 2 or more local service districts; and
- (e) include one or more unincorporated areas in an amalgamation under paragraph (d).

(2) Where a local service district committee is disestablished, sections 262 to 268 apply, with the necessary changes.

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**Publication of order**

388. In addition to the requirements for publication in the *Gazette* under the *Statutes and Subordinate Legislation Act*, an order made under section 387 shall be published by the minister in a

newspaper having general circulation in the area affected by the order, where there is a newspaper in that area, and by public notice posted up in the area.

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#### **Status of district**

**389.** A local service district is not a municipality for the purpose of this or another Act.

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#### **Committee**

**390.** (1) The minister may, by order, establish a local service district committee for a local service district established under this Part to control and manage the local service district in accordance with this Part.

(2) The minister may determine the number of persons to be elected to a committee established under subsection (1).

[1999 cM-24 s390](#)

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#### **Status of committee**

**391.** (1) A local service district committee is a corporation.

(2) A waste disposal committee established under the *Waste Material Disposal Act* in a local service district is continued under that Act until the establishment under this Part of a local service district committee in that local service district.

[1999 cM-24 s391](#)

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#### **Water supply**

**392.** A local service district committee may, subject to the *Water Resources Act*, contract for or construct, acquire, establish, own and operate a public water supply system and may in relation to the public water supply system determine the time, manner, extent, nature and recipients of the supply.

[1999 cM-24 s392; 2002 cW-4.01 s102](#)

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#### **Sewage**

**393.** A local service district committee may, subject to the *Water Resources Act*,

(a) contract for the collection and treatment of sewage;

- (b) construct, acquire, establish, own and operate a public sewage system; or
- (c) upon terms and conditions that it feels appropriate, and with the approval of the majority of residents of the local service district attending a meeting called for that purpose, financially help by grant or loan residents of the local service district that the committee decides with the installation of an individual septic tank system or other systems approved by the minister for the benefit of a resident in the local service district.

[1999 cM-24 s393; 2002 cW-4.01 s102](#)

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### **Nuisance**

**394.** A local service district committee is not liable for a nuisance.

[1999 cM-24 s394](#)

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### **Fire protection**

**395.** The local service district committee may

- (a) contract for fire protection; or
- (b) construct, acquire, establish, own and operate a fire hall, fire engines and other apparatus necessary for fire fighting, fire protection and responding to and providing services for other emergencies that may be authorized by the local service district committee, either inside or outside the local service district.

[1999 cM-24 s395; 2011 c7 s32](#)

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### **Other fire department and liability**

**396.** (1) A firefighter of a municipal fire department, or another local service district fire department, who gives aid to a fire department in fighting a fire or providing emergency services for other emergencies is considered to be an officer and a member of that fire department while he or she is giving that aid.

(2) A firefighter of a municipal fire department, or another local service district fire department, who gives aid to a fire department in fighting a fire or for providing emergency services for other emergencies is responsible to the officers and members of that fire department while he or she is giving that aid.

[1999 cM-24 s396](#)

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### **Garbage collection**

**397.** A local service district committee may

- (a) establish and maintain a system for the collection and removal and disposal of garbage;  
or
- (b) contract for the collection, removal and disposal of garbage

and may determine the time, manner, extent, nature and recipients of that service.

[1999 cM-24 s397](#)

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### **Street lighting**

**398.** A local service district committee may contract with a person generating, transmitting or distributing power, or proposing to do so,

- (a) for the supply of street or area lighting in the local service district; or
- (b) for the supply of power and acquire by purchase or lease the equipment, apparatus, appliances devices and works necessary to provide street or area lighting in the local service district.

[1999 cM-24 s398](#)

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### **Names and numbering**

**398.1** (1) A local service district committee may name and mark all highways within the local service district and may require the owners of all buildings on the highways to number those buildings.

(2) A local service district committee may establish an appropriate form and size for the numbering under subsection (1).

[2016 c41 s2](#)

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### **Other services**

**399.** A local service district committee may provide additional services in the local service district that may be designated by the Lieutenant-Governor in Council.

[1999 cM-24 s399](#)

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### **Borrowing powers**

**400.** A local service district committee may borrow money for capital expenditures to an amount not exceeding that authorized and for a period specified by the minister.

[1999 cM-24 s400](#)

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## **Fee for service**

**401.** (1) A local service district committee may charge a fee for the cost of services or supply, provided under this Part and regulations made by a local service district committee, to the residents of the local service district or to the users of the service or supply as may be prescribed by the local service district committee.

(2) In addition to other remedies that the local service district committee has to enforce payment of a fee imposed under subsection (1), the local service district committee may disconnect the service provided by a water system where the fee is in arrears.

[1999 cM-24 s401](#)

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## **Representation**

**402.** In all proceedings, in a court, to which a local service district committee is a party, it may be represented by an employee of the committee or by any of the committee members.

[1999 cM-24 s402](#)

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## **Expropriation**

**403.** The local service district committee may, with the approval of the minister or, the minister may, on behalf of the local service district committee, acquire by agreement or expropriation, land, water, water rights, water privileges or works necessary for carrying out the purposes and provisions of this Part.

[1999 cM-24 s403](#)

## **PART XIII.1 WASTE DISPOSAL AREAS**

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### **Definitions**

#### **403.1** In this Part

- (a) "area" means an area established as a waste material disposal area under this Part and, with respect to
  - (i) a committee, means the area for which a committee is appointed, and
  - (ii) a franchise holder, means the area in respect of which that franchise holder has entered into an existing agreement under section 403.5;
- (b) "committee" means a waste material disposal committee appointed under section 403.4;
- (c) "council" includes the St. John's Municipal Council, the Corner Brook City Council, the Mount Pearl City Council and a council or local service district established under this Act;

- (d) "franchise holder" means a person to whom a right to hold a franchise under section 403.5 has been granted under an agreement entered into under that section;
- (e) "operator" means the person in occupation or having the charge, management or control of a waste disposal site or a waste management system;
- (f) "owner" means a person that owns or is responsible for the operation of a waste disposal site or waste management system;
- (g) "person" includes a council, firm, committee or franchise holder;
- (h) "waste disposal site" means real property and a building or structure upon or in which, waste material is deposited;
- (i) "waste management system" means facilities, equipment and operations for the management of waste, including the collection, handling, transportation, storing, processing, use and disposal of waste, and includes one or more waste disposal sites within a system; and
- (j) "waste material" means
  - (i) refuse, garbage, rubbish, litter, scrap and discarded material, including tailings, offal, machinery, products, vehicles and other articles which are dumped, discarded, abandoned or otherwise disposed of,
  - (ii) a material or thing that may be a danger to the health of human beings, animals, wild life or fish, or is of unsightly appearance, and
  - (iii) a substance designated as waste material under the *Environmental Protection Act*.

[2002 cE-14.2 s124](#)

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### **Powers of minister**

**403.2** The powers, functions and duties of the minister under this Part are to

- (a) establish, construct, take over and operate, or manage those waste disposal sites and waste management systems that he or she may approve as being necessary or desirable to establish, construct, take over and operate, or manage in the public interest; and
- (b) make arrangements or enter into agreements with a department, agency, council, authority or commission to the extent that the minister may consider desirable to achieve maximum efficiency in the field of waste disposal and waste management.

[2002 cE-14.2 s124](#)

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### **Minister may establish area**

**403.3** (1) The minister may by order establish an area in the province other than in a municipality or a local service district as a waste material disposal area and may establish rates to be charged for the collection and disposal of waste material and those rates may differ for different areas and classes of waste material.

- (2) The minister may,
  - (a) amend an order to extend or reduce an area established under subsection (1);
  - (b) revoke an order and substitute another order for it, and

where an area is extended, this Act and those orders or regulations in force in the area immediately before the date of the extension apply to the extended area from that date.

[2002 cE-14.2 s124](#)

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### **Appointment of committee**

**403.4** (1) On or after making an order under subsection 403.3(1), the minister may appoint a committee for the area in respect of which the order was made.

- (2) A committee shall consist of not fewer than 5 persons.
- (3) The members of a committee shall hold office for the period and upon the terms that the minister may prescribe.
- (4) A committee is a corporation.
- (5) A committee may with the approval of the minister appoint the officers, clerks and employees that may be necessary for the conduct of its business and may fix their remuneration.
- (6) A committee member shall not be an officer, clerk or employee referred to in subsection (5).

[2002 cE-14.2 s124](#)

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### **Franchises**

**403.5** Instead of appointing a committee under section 403.4, the minister may, on or after making an order under subsection 403.3(1), enter into an agreement with a person granting to that person the exclusive right to be a franchise holder and to carry out the duties and exercise the powers set out in section 403.6.

[2002 cE-14.2 s124](#)

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### **Duties and powers of committee**

**403.6** (1) A committee or a franchise holder shall

- (a) in accordance with the *Environmental Protection Act*,
  - (i) construct, operate and maintain waste disposal sites and waste management systems,

- (ii) arrange for the collection at regular intervals of waste material from persons who reside in or have a business, industry or manufacturing operation in the area and who pay a rate established under section 403.3,
  - (iii) arrange for the disposing of waste material in waste disposal sites, and
  - (iv) take those measures that the committee or the franchise holder considers necessary, or that may be required under the *Environmental Protection Act*, to prevent waste material in an area from becoming a nuisance to the public, from having an unsightly appearance or from becoming a hazard to health;
- (b) collect the rates payable to the committee or franchise holder under this Part;
  - (c) out of money collected by the committee, pay the salaries of persons appointed under section 403.4 and other expenses incurred in carrying out the committee's operations;
  - (d) take those measures that the committee or the franchise holder considers necessary to prevent persons from entering a part of a waste management site for the purpose of removing waste material from it;
  - (e) annually submit to the minister
    - (i) an audited balance sheet and audited statement of receipts and disbursements, together with the auditor's report on them, and
    - (ii) a report on the operation of the committee or the franchise holder; and
  - (f) carry out those orders that the minister may consider necessary.

(2) A committee or a franchise holder may, subject to subsection (3), make those arrangements for services that the committee or the franchise holder considers appropriate with businesses, industry or manufacturing operations in its area and with those other persons engaged in commercial or industrial enterprises in the area with respect to the disposal of waste.

(3) A person who occupies residential premises in an area and businesses, industry or manufacturing operations shall pay to the committee or the franchise holder the rates fixed by the minister under section 403.3, and in this section, "residential premises" means premises that are occupied wholly or partly for residential purposes.

(4) A payment owed by a person under subsection (3) that has not been collected by a committee or a franchise holder may be assessed and collected by a subsequent committee or franchise holder succeeding the committee or franchise holder that originally billed the person.

(5) A payment owed by a person under subsection (3) or (4) is a debt due to the committee or the franchise holder and is recoverable with costs by civil action in a court but, failure to make those payments does not constitute an offence.

[2002 cE-14.2 s124](#)

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#### **Use of waste disposal site**

**403.7** (1) A waste disposal site within a waste management system in an area shall be used only for the disposing of waste material by a committee or a franchise holder or by another person with the permission of the committee or the franchise holder.



(2) Where there is a system of collection and rates for the collection of waste material in an area, residents of the area who are paying the rates may deposit material in a waste disposal site within the waste management system in the area by means of their own vehicles, at a rate established under section 403.3.

(3) Notwithstanding subsection (2), a committee or franchise holder may, with respect to a waste disposal site, control

- (a) the time of access to the site;
- (b) the location within the site where waste material may be disposed of; and
- (c) substances that may be disposed of in accordance with the *Environmental Protection Act* and approvals issued under that Act.

[2002 cE-14.2 s124](#)

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#### **Binding requirements**

**403.8** A waste disposal site or waste management system shall be constructed, operated and maintained in accordance with the *Environmental Protection Act* and regulations and by-laws of a municipality, provided that those regulations and by-laws equal or exceed the requirements of the *Environmental Protection Act* .

[2002 cE-14.2 s124](#)

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#### **Notice of proposal**

**403.9** Before submitting an application for an approval for a waste disposal site or a waste management system or an alteration of them under the *Environmental Protection Act*, a person shall publish a notice of his or her proposal to make the application in a newspaper having general circulation in the locality where the waste disposal site or waste management system is or is to be located or used, once a week for 3 successive weeks.

[2002 cE-14.2 s124](#)

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#### **Prohibition against removal of waste material**

**403.10** A person shall not remove waste material from a waste disposal site unless that removal is

- (a) in accordance with the *Environmental Protection Act*; and
- (b) in accordance with an approval issued for that site under the *Environmental Protection Act*; and
- (c) with the prior written consent of the committee or franchise holder responsible for that site.

[2002 cE-14.2 s124](#)

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## **Transitional**

**403.11** (1) A waste disposal area and a franchise agreement established under the *Waste Material Disposal Act* shall continue in force as if ordered, established or agreed upon under this Part.

(2) Notwithstanding subsection (1), an area and a franchise agreement is subject to the requirements of the *Environmental Protection Act*.

(3) A certificate issued under the *Waste Material Disposal Act* in force before the coming into force of this section continues in force for 2 years after the coming into force of this section, or the expiry of the certificate, whichever occurs first.

(4) A certificate shall, for the purposes of subsection (3) be considered to be an approval issued under the *Environmental Protection Act*.

[2002 cE-14.2 s124](#)

## **PART XIV ORDERS AND PERMITS**

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#### **Council orders**

**404.** (1) A council may make an order that

- (a) a vehicle or stand used for the sale of food or goods and not operating in accordance with a permit issued by the council be removed;
- (b) the owner or occupier of a property stop construction, fill in, remove or alter a privy, septic tank, sewer, sewer system, well or water system
  - (i) not constructed in accordance with or under a permit issued by that council, or
  - (ii) located or constructed so that it is or may be a danger to public health;
- (c) the owner or occupier of a parking lot constructed or operated without a permit or not in accordance with the regulations of council and the terms of a permit, to stop operations and return the property to its original state or maintain it;
- (d) a place of entertainment not operating in accordance with a permit or operating without a permit comply with that permit and regulations made by the council with respect to that place or that the place of entertainment stop operating;
- (e) the person pull down, stop construction, remove, fill in, alter or destroy the building and restore the site to its original state or make the alterations or disposition of the building that the order directs where a person has
  - (i) erected, extended, repaired, relocated or demolished,
  - (ii) changed the use of, or
  - (iii) after a 6 month vacancy, newly constructed or reoccupied,a building without a permit as required under section 194;

- (f) where a building is in a dilapidated state, or is, in the opinion of the council, unfit for human habitation, or another use for which it is then being used, or is a public nuisance, the owner or occupier is to pull down, remove, fill in or otherwise destroy the building and restore the site to its original state, or make the disposition or alteration of the building that the order directs;
  - (g) a building constructed on heritage lands be removed and the lands restored and that the exterior of a heritage building or structure not altered in accordance with a permit be restored as required by the council;
  - (h) a person stop construction of, remove or repair a sign erected without a permit or not in accordance with the terms of a permit or a regulation of the council;
  - (i) a fence, building, steps, erection or other object which projects into or over land reserved for a public highway or sidewalk be removed;
  - (j) a person who causes a nuisance contrary to the regulations of the council cease causing that nuisance;
  - (k) the construction, filling in or removal of a ditch, drain or culvert or connection to a storm drainage system constructed or made without a permit or not in accordance with the terms of a permit or regulations of the council be stopped; and
  - (l) that the owner or occupier of real property remove from that property, solid waste, noxious substances and substances or things which may be a hazard to public health and safety or which adversely affects surrounding properties.
- (2) A person ordered to carry out an action or to stop an action under subsection (1) shall be served with that order and shall comply with that order at that person's own expense.
- (3) An order made under this section continues in force until revoked by the council which made that order.
- (4) A council may, in an order made under subsection (1), specify a time within which there shall be compliance with the order.
- (5) Where a person to whom an order is directed does not comply with the order or a part of an order made under subsection (1), the council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by the council in carrying out the terms of the order are recoverable from the person against whom the order was made as a debt owed to the council.
- (6) A council may delegate to an official or employee of the council the power to issue orders under this section.

[1999 cM-24 s404](#)

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**Council order re:** emergency

**405.** (1) Where a state of emergency is declared under section 204, a council, chairperson or mayor may order

- (a) the closing of or the hours of operation of businesses and schools or a class of businesses and schools, in the municipality;
- (b) the banning or controlling of public gatherings;

- (c) the evacuation of buildings;
- (d) the restriction or prohibition of the use of vehicles or a class of vehicles on the streets of the municipality;
- (e) that children below a stated age or in certain age categories not be permitted on a public road, park or in a place of amusement during prescribed hours, whether alone or in the company of a parent, guardian or other adult; and
- (f) the restriction or prohibition of the use of water in the municipality.

(2) Subsections 404(2) to (6) apply, with the necessary changes, to an order made by a council under subsection (1).

[1999 cM-24 s405](#)

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### **Service**

**406.** (1) A notice, order or other document required to be given or served under this Act or the regulations is sufficiently given or served where delivered personally or sent by registered mail addressed to the person to whom delivery or service is to be made at the latest address appearing on the records of the applicable council.

(2) Where a person to whom a notice, order or other document is to be given or served as described in subsection (1) is a corporate body, it shall be considered to be sufficiently given or served where delivered personally to a director or chief executive officer of that corporate body.

(3) Where an order which can be made under this Act cannot be given or served under either subsection (1) or (2), that order is considered served if it is posted in a conspicuous place on the property to which the order relates.

[1999 cM-24 s406](#)

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### **Permits**

**407.** (1) A person may apply to a council for a permit required under this Act in the required form and accompanied by the information which the council may require.

(2) A council may, where a person makes an application under subsection (1), require that person to submit additional information that it considers necessary.

[1999 cM-24 s407](#)

## **PART XV APPEALS AND REMEDIES**

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### **Appeal**

**408.** (1) A person aggrieved by an order made under subsection 404(1) may, within 14 days of the service or posting of the order, appeal to the appropriate regional appeal board established under the

*Urban and Rural Planning Act, 2000* and the board may make an order with respect to the matter that appears just.

(2) Where an appeal has been started under subsection (1), the council shall not begin to carry out an order made under section 404 until the appeal has been heard or otherwise disposed of.

(3) Notwithstanding subsection (2), a stop construction order remains in full effect and a person who violates that order contravenes this Act.

(4) Notwithstanding subsection (2), where a building poses an immediate threat to public health and safety, a council may take the action it considers necessary to eliminate that threat and the costs of that action may be collected from the owner of that building as a civil debt owed to that council.

[1999 cM-24 s408; 2017 c10 s21](#)

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### **Appeal**

**409.** A person aggrieved by the refusal of a council to issue a permit required under section 194 may, within 14 days from the date of that refusal, appeal against the refusal to the appropriate regional appeal board established under the *Urban and Rural Planning Act, 2000* and the board may make an order with respect to the matter that appears just.

[1999 cM-24 s409; 2017 c10 s21](#)

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### **Appeal to Trial Division**

**410.** (1) A councillor whose seat has been vacated under paragraphs 206(1)(c), (d), (e), (f), (g) or (h) or declared vacant under subsection 206(2) may appeal to a judge of the Trial Division by filing a notice of appeal with the court within 21 days of the date on which he or she is notified by the clerk of the council that his or her position as councillor is vacant and upon paying into the court a sum, or upon giving a bond for the sum, that the judge considered sufficient to defray the costs of the appeal.

(2) A copy of the notice of appeal shall be filed with the clerk by the appellant or by his or her solicitor.

(3) The notice of appeal shall set out in detail the allegations of the appellant and the grounds of the appeal and shall be signed by the appellant or his or her solicitor.

(4) The appellant shall, within 14 days after the service of the notice of appeal under this section, apply to the judge for the appointment of a day for the hearing of the appeal.

(5) A clerk shall, not less than 4 days before the date of the hearing of the appeal, produce before the judge all papers and documents in the possession of the council relevant to the appeal.

(6) A judge shall hear the appeal and the evidence brought forward by the appellant and the council in a summary manner and may

(a) uphold the vacancy or reinstate a councillor whose seat was vacated under paragraphs 206(1)(c), (d), (e), (f), (g) or (h);

(b) uphold, amend or rewrite the resolution made under subsection 206(2); or

(c) make another decision that he or she considers to be appropriate in the circumstances.

(7) A judge may make an order as to costs, either for or against the appellant or the council, and may fix the amount of the costs.

(8) A person who has filed an appeal under this section is not entitled to sit as a councillor while the appeal is being heard.

[1999 cM-24 s410; 2013 c16 s25](#)

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### **Liability of councillors**

**411.** (1) An action for damages shall not lie or be instituted against a councillor or member of a local service district committee for anything said or done or omitted to be said or done by that councillor or member in the performance or intended performance of his or her duty or the exercise of a power or for an alleged neglect in the performance or intended performance of his or her duty or exercise of a power under this Act.

(2) A municipality and a council are not liable for a nuisance.

[1999 cM-24 s411](#)

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### **Civil debt and injunctive relief**

**412.** (1) Where

(a) an owner or occupier of real property has been charged a fee or charge under section 177 or 178;

(b) fees and charges payable to a council under sections 177 and 178 are in arrears; and

(c) arrears in an assessment or levy imposed under Part VI have accrued,

the council may sue for and collect costs, fees, charges or that levy in the name of the council as a civil debt due to the council.

(2) A council or its employees or agents may take an action by way of prosecution or other legal proceeding, including an application for an injunction or declaratory relief, which the council considers necessary to enforce section 194 or an order made with respect to that section.

[1999 cM-24 s412](#)

## **PART XVI REGULATIONS**

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### **Adoption of regulations**

**413.** (1) Regulations made by a council under this Act shall be adopted by a majority vote of the councillors in attendance at the meeting at which the regulations are made.

(2) A copy of all regulations adopted by a council and certified by the clerk shall be sent to the minister by the clerk within 14 days of their adoption by council.

[1999 cM-24 s413](#)

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### **Council regulations**

**414.** (1) A council shall make regulations

- (a) to control the construction, location, use and maintenance of privies, sewer systems, septic tanks and sewers;
- (b) respecting the digging, drilling, use and construction of wells and water supply systems;
- (c) prohibiting and controlling the use of a source of water that the council considers dangerous to public health and restricting or prohibiting the use of water in a municipality;
- (d) controlling and respecting the design, construction, alteration, reconstruction, minimum lot size and occupancy of buildings and classes of buildings and the demolition, removal, relocation and maintenance of buildings;
- (e) subject to the approval of the minister, respecting
  - (i) the control of and management of its fire department, and
  - (ii) participation of the fire department in emergency activities not related to firefighting or fire prevention; and
- (f) subject to the approval of the minister and the *Fire Protection Services Act*, respecting the prevention of fire in a municipality and the inspection of buildings in a municipality for fire prevention purposes.

(2) A council may make regulations

- (a) respecting the control and management of water and sewage systems, storm drainage systems and water catchment areas;
- (a.1) respecting the control and management, at source, of the discharge of prohibited materials into the sanitary sewer and storm water sewer systems including regulations
  - (i) protecting the integrity of the sewage collection system, pumping stations and the treatment facility,
  - (ii) ensuring municipal wastewater meets provincial effluent criteria,
  - (iii) providing for the sampling, inspection and monitoring of the discharge of materials to the sanitary sewer and storm water sewer systems, and
  - (iv) establishing Codes of Practice for designated sector operations;
- (b) respecting the maintenance of public waiting areas;
- (c) controlling or prohibiting the use of a stand or vehicle, whether or not that stand or vehicle is self moving, drawn by another vehicle or person or is temporarily or permanently stationary, or is a stand or vehicle for the sale of food or goods;

- (d) respecting the method of the display for sale or rental in shops of pornographic books, magazines, films or other pornographic reading or viewing material;
- (e) respecting the entrance of minors into shops whose primary purpose is the sale or rental of material referred to in paragraph (d);
- (f) defining terms for the purpose of giving effect to regulations made under paragraphs (d) and (e);
- (g) prohibiting, restricting and controlling the running at large of dogs and other animals and restricting and controlling the keeping of dogs and other animals;
- (h) providing for the seizure and impounding of animals found at large or kept contrary to regulations;
- (i) prescribing fees for the impounding of dogs and other animals;
- (j) providing for the sale, seizure, destruction and disposal of diseased and impounded dogs and other animals not claimed and for which a fee is not paid in the time established by regulations;
- (k) providing for the licensing and registration of dogs within the municipality and the renewal of licences and the period of validity of the licences;
- (l) prescribing the form of dog licences and licence tags to be issued with the licences;
- (m) prescribing the fees to be paid for dog licences and licence tags;
- (n) providing for the appointment of dog licensing officers in the municipality;
- (o) prescribing remuneration to be paid to licensing officers for licensing dogs and collecting and forwarding the fees to the municipality and providing for the payment to licensing officers of the cost to them of remitting the fees in addition to remuneration;
- (p) respecting the number of dogs which a person may keep in a municipality;
- (q) prescribing fines for the non-compliance or contravention of regulations made under this section;
- (r) respecting the use, operation and location of places of entertainment subject to regulations made under the Act and the *Liquor Control Act*;
- (s) prohibiting or controlling the time of operation and the operation in general of recreational vehicles, including motorized snow vehicles and all terrain vehicles, within the municipality and may require that a recreational vehicle be licensed;
- (t) respecting parking lots and parking garages and controlling or prohibiting the parking of commercial vehicles within the municipality or certain areas of the municipality;
- (u) to prevent the pollution of waters within or, subject to the minister's approval, outside the municipality, used or possessed by the council for the provision of the municipality's water supply or necessary for the future use of the municipality;
- (v) respecting
  - (i) the cutting of timber, or
  - (ii) the erection or establishment of a building, structure or work,



on, in, over or under land or water within the water catchment area providing the water supply, whether the watershed is wholly or partially within or outside the boundaries of the municipality;

- (w) prescribing the specifications and quality of materials to be used to connect drains, sewers and water supply pipes to a building;
- (x) for the protection of drains, sewers, and water supply pipes and for keeping them free from obstruction;
- (y) requiring the owner or occupier, or both, of a building or part of a building that is within the boundaries of the municipality and within 60 metres, or the greater distance that may be prescribed in the regulations, of a public water supply system or a public sewage system to connect the building or other premises or part of the building or other premises to the system;
- (z) providing that the connection of a building, or part of the building to a public water supply system, a public sewage system or a storm drainage system shall be done wholly or partly at the expense of the council or the owner or occupier of the building or part of the building or partly at the expense of both;
- (aa) prohibiting the connecting of sewers, drains and water supply pipes to a building by a person other than an employee of, or other person engaged by, the council for that purpose and prescribing the conditions under which the council shall permit a person other than an employee of or other person engaged by the council to connect drains, sewers and water supply pipes to a building;
- (bb) respecting the fixing, collecting, holding and repayment, with or without interest, by the council of deposits to be paid, in an amount in the discretion of the council, by the owner or occupier of a building to which water supply pipes, drainage pipes or sewage pipes are connected;
- (cc) fixing the charges that the council may make for services it provides or performs for the purpose of connecting sewers, drains or water supply pipes to a building and fixing different charges in respect of different buildings or classes of buildings or in respect of different parts or the same part of an area serviced by the sewers, drains and water supply pipes;
- (dd) designating real property as a heritage building, structure or land;
- (ee) respecting noise or other nuisances, including the use of pellet and air guns;
- (ff) establishing highway reservations, improvement lines, lines and building lines to existing and proposed highways and sidewalks;
- (gg) with respect to economic development in the municipality;
- (hh) prescribing the height and type of construction of fences and requiring the owner or occupier of a lot abutting on a public highway within the municipality to fence the lot and to keep and maintain the fence in repair to the satisfaction of the council;
- (ii) prohibiting or controlling, subject to rights existing at the commencement of the regulations, the erection, maintenance and use upon or near public highways, sidewalks and bridges of telephone and electricity poles, signs and other objects and requiring their removal from one place to another and the removal shall be at the expense of the owner unless the location in that one place had been approved by the council;
- (jj) prohibiting or controlling

- (i) coasting, skating or sliding on snow or ice on public highways, bridges or sidewalks,
  - (ii) the use of, riding or driving of children's wagons, push carts, inline skates, skateboards, tricycles and other similar objects on public highways or sidewalks,
  - (iii) the wearing of bicycle helmets and bicycle and other safety equipment necessary for activities referred to in this paragraph, and
  - (iv) the operation of recreational and other vehicles not licensed under the *Highway Traffic Act* on public highways, bridges or sidewalks;
- (kk) respecting the operation of bicycles within the municipality and the licensing of bicycles operated in the municipality;
- (ll) prohibiting or controlling vehicular or pedestrian access onto or over a public highway or bridge;
- (mm) protecting and preventing injury to public highways, bridges and sidewalks and trees, plants and structures contained within a highway reservation, and providing for the cleaning and removal of foreign matter from these public highways, bridges and sidewalks;
- (nn) respecting winter maintenance of highways and snow clearing, including regulations which
- (i) prohibit or control parking during winter months,
  - (ii) prohibit or control the erection of structures which impede or hinder winter maintenance of highways and snow clearing, and
  - (iii) prohibit or control the deposits of snow on sidewalks and public highways;
- (oo) in accordance with sections 189 and 190 of the *Highway Traffic Act*;
- (pp) respecting
- (i) subject to the *Environmental Protection Act*, the administration and management of waste disposal sites, and waste management systems,
  - (ii) the storage and collection of solid waste,
  - (iii) the prevention of littering, and
  - (iv) the definitions of waste and litter;
- (qq) respecting the location, development and maintenance of cemeteries and crematoria;
- (rr) respecting the use, size, illumination, erection and maintenance of signs in the municipality;
- (ss) respecting taxis including
- (i) fixing the number of taxis in the municipality,
  - (ii) requiring the operators of taxis to have a licence to operate in the municipality and fixing a fee for those licences,

- (iii) fixing fares for users of taxis,
- (iv) requiring the inspection of taxis on an annual or other basis that the council may establish in the regulations,
- (v) establishing standards for taxis, and
- (vi) authorizing and assigning stands for taxis and the erection and maintenance of those stands,

and, for the purpose of regulations made under this paragraph, the word "taxi" includes any vehicle which carries a passenger for a fare, fee or other remuneration;

- (tt) respecting permits and licences and requiring that permits or licences be obtained, including temporary permits or licences, as required under this Act or regulations and fixing terms, conditions and fees applicable to those permits and licences;
- (tt.1) respecting the square meterage area of a non-residential structure for the purpose of paragraph 114(d);
- (uu) establishing curfews for children of stated ages, stating that children of these ages not be permitted on a public road, park or place of amusement during certain hours, alone or accompanied by a parent, guardian or other adult; and
- (vv) respecting the use, protection and operation of recreational facilities acquired or established under this Act and the fixing of charges for admission to and for the use of those facilities.

(2.1) Regulations made under paragraph (2)(a.1) shall provide that the more stringent requirements of the regulations made under that paragraph and the *Environmental Control Water and Sewage Regulations, 2003*, made under the *Water Resources Act*, shall apply.

(3) In making regulations under paragraph (1)(d), a council shall adopt the National Building Code of Canada and supplements or amendments to that Code and may adopt standards which exceed the requirements of that Code and its supplements and amendments.

(4) The National Building Code and supplements and amendments to that Code adopted under subsection (3) shall be kept at the offices of the council and shall be available for inspection by members of the public.

(5) In making regulations under paragraphs (1)(e) and (f) a council may adopt the National Fire Code of Canada and supplements or amendments to that Code and may adopt standards which exceed the requirements of that Code and its supplements and amendments.

(6) Where a council has adopted the National Fire Code of Canada under subsection (5) the Code and supplements and amendments to the Code then in force shall be kept at the offices of the council and shall be available for inspection by members of the public.

(6.1) Where a council adopts a code under subsection (5) and the minister has, by regulation, exempted the municipality from section 8 of the *Fire Protection Services Act*, the adoption of the code shall, in all respects, comply with the requirements of section 9 of that Act.

(7) Notwithstanding subsections (4) and (6), the minister may, in writing, exempt a municipality from the application of a portion or portions of the National Fire Code and the National Building Code or supplements and amendments to them.

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**Ministerial regulations**

**415.** The minister may make regulations

- (a) respecting the responsibilities and duties of fire chiefs and respecting the financial, administrative and other reports which a fire department is to make to a council or a local service district committee;
- (b) providing for the manner of determining that persons ordinarily resident in an unincorporated area or a local service district wish to
  - (i) form a local service district,
  - (ii) amalgamate 2 or more local service districts into one local service district, and
  - (iii) as an unincorporated area join with a local service district or an amalgamation of local service districts;
- (c) providing for the election of the local service district committee for a local service district including
  - (i) the procedure for and timing of conducting an election,
  - (ii) the procedure for and time of conducting an election where an order has been made under paragraph 387(1)(d) or (e),
  - (iii) persons eligible to vote in an election,
  - (iv) persons eligible to be elected at an election, and
  - (v) other matters relating to an election that appear necessary or desirable to fully implement the purpose and intent of this Part;
- (d) respecting the tenure of office, re-election and removal of members elected to the local service district committee;
- (e) exempting local service districts from the *Public Utilities Act*;
- (f) controlling the construction, location, use and maintenance of privies, sewer systems, septic tanks, and sewers;
- (g) governing the digging, drilling, use and construction of wells and water supply systems;
- (h) prohibiting and controlling the use of a source of water considered dangerous to public health;
- (i) with respect to the control and management of the local service district committee fire department, and, subject to the *Fire Protection Services Act* and regulations under that Act, for the fighting of fires, the prevention of fire in the local service district and the inspection of buildings in the local service district for fire prevention purposes;
- (j) providing for the storage of solid waste and its collection by a local service district;
- (k) respecting the operations and proceedings of local service district committees and the allowable remuneration of members;

- (l) providing for grants to local service district committees and the amount and times of payment, and prescribing the terms and conditions under which those grants may be made, including conditions respecting contributions to be made by householders;
- (m) providing for loans to local service district committees and the amount and times of repayment of the loans, and prescribing the terms and conditions of and under which those loans may be made;
- (n) respecting the appointment of an auditor by a local service district and the carrying out of his or her duties;
- (o) disallowing works proposed by a local service district committee or the discontinuance of works already started and prescribing how that disallowance or discontinuance shall be made known to the local service district committee concerned; and
- (p) for carrying out the provisions of Part XIII.

[1999 cM-24 s415; 2008 cF-11.01 s40](#)

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#### **Lieutenant-Governor in Council regulations**

**416.** (1) The Lieutenant-Governor in Council may make regulations

- (a) setting out a scale of remuneration for chairpersons, deputy chairpersons, mayors, deputy mayors and councillors; and
- (b) setting out rules as to the amount of reimbursement for expenses, that may be paid out under section 205.

(2) Payments made under paragraphs (1)(a) and (b) shall be made out of funds of the council and shall not be considered to be salary or remuneration in respect of which the office of a councillor would be vacated under section 206.

[1999 cM-24 s416](#)

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#### **Local service district regulations**

**417.** A local service district committee may make regulations

- (a) prohibiting, restricting and controlling the roaming and running at large of dogs and other animals and restricting and controlling the keeping of dogs and other animals;
- (b) providing for the seizure and impounding of dogs and other animals found at large or kept contrary to the regulations;
- (c) prescribing impounding fees for dogs and other animals;
- (d) providing that impounded dogs or other animals may be sold, destroyed or otherwise disposed of if diseased, not claimed and where the impounding fee is not paid in the time set out in the regulations;
- (e) providing for the licensing and registration of dogs within the local service district and the renewal of licences and the period of validity of those licences;

- (f) prescribing the form of licences and the kind of licence tags to be issued with the licences;
- (g) prescribing the fees to be paid for licences and licence tags;
- (h) providing for the appointment of licensing officers in the local service district;
- (i) prescribing the allowance to be paid to licensing officers for licensing dogs and collecting and forwarding the fees to the local service district and providing for the payment to licensing officers of the cost to them of remitting the fees in addition to an allowance;
- (j) respecting the number of dogs which a person may keep in a local service district; and
- (k) prescribing fines for the non-compliance or contravention of regulations made under this section.

[1999 cM-24 s417](#)

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#### **Fees and forms**

**418.** (1) The minister may set fees and establish forms for the purpose and administration of this Act.

(2) In this Act, "required form" means the form prescribed under this Act or as established by the minister under subsection (1).

[1999 cM-24 s418](#)

### **PART XVII OFFENCES AND PENALTIES**

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#### **Offence**

**419.** (1) A person

- (a) on whom an order has been served under this Act who refuses or fails to comply with the order within the time specified by the council;
- (b) who fails to immediately comply with a request of an administrator under section 253 or of a receiver under section 264;
- (c) [Rep. by 2001 cM-20.2 s104]
- (d) [Rep. by 2001 cM-20.2 s104]
- (e) [Rep. by 2001 cM-20.2 s104]
- (f) [Rep. by 2001 cM-20.2 s104]
- (g) who fails to pay a tax that the person is liable to pay under the Act;

- (h) who fails to collect and pay to the council a tax that the person is directed to collect and pay over under the Act;
- (i) who tears down, removes or damages a regulation, order or notice posted by a council;  
and
- (j) contravenes this Act or a regulation made under this Act,

commits an offence.

(2) Each day upon which the same offence is committed or continued is a separate offence.

(3) A prosecution shall not be commenced with respect to an offence under the Act until after an appeal period which may apply to the activity giving rise to the offence has passed.

(4) A councillor who votes in favour of an expenditure, the incurring of an expenditure or an agreement contrary to section 248 and another person who contravenes or fails to comply with that subsection is guilty of an offence and, in addition to liability to prosecution under this Act, is personally liable jointly and individually with the other councillors or persons for the payment back to the council of money spent or payment of an expenditure incurred or financial commitment entered into contrary to that subsection.

[1999 cM-24 s419; 2001 cM-20.2 s104](#)

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### **Penalty**

**420.** (1) A person who commits an offence under section 419 or who otherwise contravenes this Act is liable on summary conviction

- (a) for a first offence to a fine of not less than \$100 and not more than \$500 or to a term of imprisonment of not more than one month or to both the fine and imprisonment;
- (b) for a subsequent offence to a fine of not less than \$500 and not more than \$1,000 or to a term of imprisonment of not more than 3 months or to both the fine and imprisonment.

(2) Where a fine imposed under subsection (1) is not paid within the time allowed for payment, or immediately if no time is allowed, the council or local service district committee or a person acting on the council's or committee's behalf, may, by filing the conviction, enter as a judgement in the Trial Division the amount of the fine, together with an applicable late payment penalty, and the judgement is enforceable against the convicted defendant in the same manner as if it were a judgement rendered against the defendant in that court in a civil proceeding.

(3) A fine recovered under this Act shall be forwarded by the court imposing the fine to the council to which it relates.

(3.1) Where a fine imposed for a violation of this Act or a regulation or by-law made under it is for a ticketable offence, the council to which it relates shall pay to the province an amount that the Minister of Justice may establish for every ticket processed by the province.

(4) A penalty or imprisonment, and a conviction for an offence, does not operate as a bar to the recovery of another penalty, or to a prosecution or proceeding to which the person would otherwise be liable.

(5) Where a person has been convicted of an offence referred to in paragraph 419(1)(g) for failing to pay a tax, the court shall, when imposing sentence, also order that person to pay the amount of the tax and the court costs of the municipality.

(6) Sections 736 and 737 of the *Criminal Code* shall not be applied in disposing of a prosecution for an offence under paragraphs 419(1)(g) and (h) or imposing punishment for that offence.

[1999 cM-24 s420; 2012 c10 s1](#)

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### **Prosecutions**

**421.** (1) Prosecutions for offences under this Act may be carried out by a council or a local service district committee or its agent or a peace officer, notwithstanding section 76 of the *Law Society Act, 1999*.

(2) For the purpose of this section a peace officer includes a municipal enforcement officer, a member of the Royal Newfoundland Constabulary, the Royal Canadian Mounted Police and a traffic officer under the *Highway Traffic Act*.

[1999 cM-24 s421; 2006 c40 s13](#)

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### **Violation notice**

**421.1** (1) A council may, where authorized by the minister and by regulation, issue a violation notice to a person who contravenes a regulation made by the minister or that council under this Act.

(2) A violation notice issued to a person under this section shall state on that notice

- (a) the contravention to which the notice applies;
- (b) the time and date of the contravention;
- (c) that a voluntary payment out of court of a stated amount may be made to the municipality within a time stated on the notice and the amount to which it will increase where payment is voluntarily made to the municipality by a later date stated on the notice;
- (d) that where payment is voluntarily made to the municipality for the contravention stated on the notice, no further action will occur with respect to that contravention; and
- (e) that where payment is not voluntarily made to the municipality as laid out in the notice, a summons will be issued with respect to the contravention stated on the violation notice.

(3) Where a violation notice is issued to a person for a contravention of a regulation to which this section applies, that person may voluntarily pay to the municipality

- (a) the amount; and
- (b) within the time,

stated on that notice.

(4) A council shall not issue a violation notice except in accordance with this section and regulations made under section 421.3.

[2003 c5 s4](#)



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### **Issuance of summons**

**421.2** (1) Where a person who has received a violation notice under section 421.1 does not voluntarily make a payment to the municipality within the time stated on that notice, the municipality may charge that person by way of a summons, including a summons that is issued by means of a ticket under the *Provincial Offences Act*, with an offence in respect of the contravention stated on that notice.

(2) Notwithstanding that a municipality has not issued a violation notice under section 421.1, the municipality may charge a person by way of a summons, including a summons that is issued by means of a ticket under the *Provincial Offences Act*, with an offence for a contravention of a regulation for which a violation notice may be issued under that section.

(3) Where a person is convicted of an offence for which a summons referred to in subsection (1) or (2) was issued, and as a result of that conviction is liable to pay a fine, the amount of that fine paid into the court shall be paid out of the court to the municipality.

(4) Where a person

(a) is convicted of an offence for which a summons referred to in subsection (1) or (2) was issued; and

(b) does not pay the fine imposed with respect to that conviction within the required time; and

(c) owns the property or business to which the offence relates,

that fine shall be collected and recovered from that person in the same manner that taxes and assessments may be collected and recovered under this Act with respect to that property or business.

[2003 c5 s4](#)

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### **Regulations**

**421.3** The minister may make regulations

(a) to authorize a council to issue violation notices;

(b) to establish the regulatory contraventions for which a council may issue violation notices and summonses to which sections 421.1 and 421.2 apply;

(c) to establish the times by which a payment is to be made with respect to a violation notice issued under section 421.1;

(d) to establish voluntary payment amounts that may be paid with respect to a violation notice issued under section 421.1; and

(e) to establish fines with respect to offences for which a summons was issued in accordance with section 421.2.

[2003 c5 s4](#)

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## **Employee designation**

**421.4** A council may designate an employee or a class of employees who may issue a

- (a) violation notice under section 421.1; and
- (b) summons under section 421.2.

[2004 c47 s25](#)

## **PART XVIII REPEAL AND COMMENCEMENT**

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#### **Repeal**

**422.** The *Municipalities Act* is repealed.

[1999 cM-24 s422](#)

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#### **Commencement**

**423.** This Act shall come into force on January 1, 2000 .

[1999 cM-24 s423](#)