

This is an official version.

Copyright © 2025: King's Printer,
St. John's, Newfoundland and Labrador, Canada

[Important Information](#)

(Includes details about the availability of printed and electronic versions of the Statutes.)

[Table of Public Statutes](#)

[Main Site](#)

[How current is this statute?](#)

[Responsible Department](#)

SNL2023 CHAPTER T-6.2

TOWNS AND LOCAL SERVICE DISTRICTS ACT

Amended:

CHAPTER T-6.2

AN ACT RESPECTING TOWNS AND LOCAL SERVICE DISTRICTS

(Assented to November 16, 2023)

Analysis

[1. Short title](#)

[2. Interpretation](#)

PART I

PURPOSES AND POWERS

[3. Purposes of town](#)

[4. Natural person powers](#)

[5. Corporation](#)

[6. Broad interpretation of powers of town](#)

[7. By-laws - mandatory](#)

[8. By-laws - discretionary](#)

[9. Restrictions re:by-laws](#)

[10. By-laws - general powers](#)

[11. By-laws - permits, licences and approvals](#)

[12. Adoption of by-laws](#)

PART II

INCORPORATION AND RESTRUCTURING OF TOWNS

[13. Existing towns](#)

[14. Town](#)

[15. Feasibility report](#)

[16. Notice of intent](#)

[17. Name of town](#)

[18. Assessment of needs](#)

[19. Order respecting assets and liabilities](#)

[20. Publication of orders](#)

[21. Reduction or increase in area](#)

[22. Taxes on amalgamation](#)

PART III

TOWN COUNCIL

[23. Establishment of first town council](#)

[24. Number of councillors](#)

[25. Wards](#)

[26. First election](#)

[27. Mayor's election](#)

[28. Election of mayor and deputy mayor](#)

[29. Vacancy re: mayor](#)

[30. Mayor status](#)

[31. Powers and duties of mayor](#)

[32. Powers and duties of deputy mayor](#)

[33. Councillor duties](#)

[34. Remuneration and expenses](#)

[35. Delegation](#)

[36. Presiding officer](#)

[37. First meeting](#)

[38. Actions and decisions of town council](#)

[39. Frequency of meetings](#)

[40. Open meetings](#)

[41. Closed meetings](#)

[42. Meeting by electronic means](#)

[43. Quorum](#)

[44. Voting](#)

[45. Vacancy of office](#)

[46. Rules of procedure](#)

[47. Committees](#)

[48. Advisory committees](#)

PART IV TOWN COUNCIL MATTERS

[49. Plebiscites](#)

[50. Inspection of documents](#)

[51. Copies of documents](#)

[52. Authentication of documents](#)

[53. Public procurement](#)

[54. Agent](#)

[55. Joint ventures](#)

[56. Private services](#)

[57. Expropriation](#)

PART V STAFF

[58. Town manager](#)

[59. Duties of town manager](#)

[60. Relationship between town council and town manager](#)

[61. Town manager attendance at meetings](#)

[62. Use of employees](#)

[63. Expenditures – town manager](#)

[64. Emergency expenditures](#)

[65. Recommendations for expenditures](#)

[66. Town clerk](#)

[67. Duties of town clerk](#)

[68. Town clerk attendance at meetings](#)

[69. Departments](#)

[70. Report of disagreement](#)

[71. Employee positions](#)

[72. Salaries](#)

[73. Suspension](#)

[74. Dismissal](#)

[75. Retirement](#)

[76. Town employees](#)

[77. Bonding](#)

[78. Pensions](#)

[79. Pension portability](#)

[80. Group insurance](#)

[81. Training](#)

PART VI FINANCE

[82. Financial year](#)

[83. Bank account](#)

[84. Budget](#)

[85. Contents of budget](#)

[86. Revised budget](#)

[87. Expenditures in excess of budget](#)

[88. Reserve funds](#)

[89. Powers of expenditure](#)

[90. Ministerial budget approval](#)

[91. Books of account](#)

[92. Financial statements](#)

[93. Appointment of auditor](#)

[94. Appointment of auditor by minister](#)

[95. Extension or waiver of audit](#)

[96. Auditor's powers](#)

[97. Auditor's report](#)

[98. Interim audit report](#)

[99. Current account borrowing](#)

[100. Long-term borrowing](#)

[101. Currency](#)

[102. Unauthorized expenditure](#)

[103. Debenture certificate](#)

[104. Signatures](#)

[105. Guaranteed loans expenditures](#)

PART VII

TAXES AND FEES

Division 1

Taxation

[106. Imposition of taxes](#)

[107. Effect of extensions](#)

[108. First year](#)

[109. Duration](#)

[110. Tax payment](#)

[111. Interest on arrears](#)

[112. Discount allowed](#)

[113. Publication](#)

[114. Proof of tax](#)

[115. Exemption, remission and deferment](#)

[116. Tax agreements](#)

Division 2

Real Property Tax

[117. Real property tax](#)

[118. Rate of tax](#)

[119. Representative capacity](#)

[120. Occupier considered owner](#)

[121. Tax exempt property](#)

[122. Tenant of tax exempt property](#)

[123. Supplementary assessment](#)

[124. Appeals of assessments](#)

Division 3
Business Tax

[125. Business tax](#)

[126. Gross revenue](#)

[127. Classes and subclasses of businesses](#)

Division 4
Direct Sellers Tax

[128. Direct sellers tax](#)

Division 5
Tourist Accommodation Tax

[129. Tourist accommodation tax](#)

Division 6
Fees

[130. Fee for service](#)

[131. Water and sewer fee](#)

[132. Method of calculating water and sewer fees](#)

[133. Publication](#)

[134. Interest on arrears](#)

Division 7
Local Improvement Fees

[135. Local improvements](#)

[136. Local improvement by-law](#)

[137. Notice of local improvement](#)

[138. Public hearing](#)

[139. Decision of council](#)

[140. Agricultural land](#)

[141. Equitable application](#)

[142. Local improvement fee](#)

[143. Interest on arrears](#)

Division 8
Liens and Arrears

[144. Lien](#)

[145. Arrears certificate](#)

[146. Notice of arrears](#)

[147. Right of mortgagee, judgment creditor and lien holder](#)

[148. Uncollectable debts](#)

[149. Notice of taxes and fees status](#)

Division 9
Arrears Sales

[150. Arrears sale](#)

[151. Notice of arrears sale](#)

[152. Arrears sale by public auction](#)

[153. Further notice of arrears sale](#)

[154. Arrears sale set aside](#)

[155. Proceeds of arrears sale](#)

[156. Failure to pay](#)

[157. Future assessments](#)

[158. Vesting of real property following arrears sale](#)

Division 10
Enforcement of Payment of Taxes and Fees

[159. Seizure of rent](#)

[160. Disconnection of service](#)

[161. Collection as civil debt](#)

PART VIII
SERVICES

[162. Mandatory services](#)

- [163. Fire department](#)
- [164. Fire spread prevention](#)
- [165. Right re: traffic](#)
- [166. Power to enter building](#)
- [167. Other fire department](#)
- [168. Prohibition](#)
- [169. Minimum standards](#)
- [170. Providing services outside town](#)
- [171. Acquisition of water and sewer systems](#)
- [172. General right of entry](#)
- [173. Town council to give notice](#)
- [174. Compensation for injurious affection](#)
- [175. Ownership of highways](#)
- [176. Private roads](#)
- [177. Recreational facilities](#)
- [178. Names and numbering](#)
- [179. Municipal service delivery corporation](#)

PART IX CONTROLS

- [180. Building prohibition](#)
- [181. Water and sewer prohibition](#)
- [182. Storm drainage](#)
- [183. Signs](#)
- [184. Private roads](#)
- [185. Removal of projections](#)
- [186. Construction](#)
- [187. Parking lots](#)
- [188. Heritage buildings, structures and lands](#)
- [189. Sale of property valued at less than \\$500](#)
- [190. Sale or lease of property valued at \\$500 or more](#)
- [191. Disposition of property valued at \\$500 or more](#)

[192. Binding requirements](#)

[193. Adverse possession abolished](#)

[194. Business improvement areas](#)

[195. Economic development](#)

[196. State of emergency](#)

PART X

APPOINTMENT OF COMPTROLLER, ADMINISTRATOR OR RECEIVER

[197. Appointment of comptroller](#)

[198. Expenditures where comptroller](#)

[199. Ministerial direction](#)

[200. Appointment of administrator](#)

[201. Dismissal of council](#)

[202. Powers of administrator](#)

[203. Duty to administrator](#)

[204. Budget](#)

[205. Employees and officers](#)

[206. Realization of assets](#)

[207. Books of account and records](#)

[208. Status of by-laws and policies](#)

[209. Restoration of status](#)

[210. Receivership](#)

[211. Effect of order](#)

[212. Duty to receiver](#)

[213. Powers of receiver](#)

[214. Books of account and records](#)

[215. Application of money](#)

PART XI

LOCAL SERVICE DISTRICTS

[216. Definitions](#)

[217. Existing local service districts](#)

[218. Local service district](#)

- [219. Corporation](#)
- [220. Status of local service district](#)
- [221. Publication of order](#)
- [222. Local service district committee](#)
- [223. General elections](#)
- [224. By-election](#)
- [225. Composition of committee](#)
- [226. Qualification of members](#)
- [227. Appointment of members](#)
- [228. Composition of committee after amalgamation](#)
- [229. Composition of committee after alteration or annexation](#)
- [230. Term of office](#)
- [231. Vacancy of office](#)
- [232. First meeting](#)
- [233. Meetings required](#)
- [234. Closed meetings](#)
- [235. Presiding officer](#)
- [236. Quorum of committee](#)
- [237. Decision on motion](#)
- [238. Annual meeting of residents](#)
- [239. Special meeting of residents](#)
- [240. Quorum of residents](#)
- [241. Presiding officer](#)
- [242. Voting](#)
- [243. Financial year](#)
- [244. Borrowing powers](#)
- [245. Budget](#)
- [246. Audited financial statements](#)
- [247. Records](#)
- [248. Bank account](#)

[249. Insurance](#)

[250. Inspection of documents](#)

[251. Staff](#)

[252. Volunteer fire department](#)

[253. Signature on deeds and documents](#)

[254. Appointment of comptroller](#)

[255. Appointment of administrator](#)

[256. Appointment of receiver](#)

[257. Mandatory garbage collection and removal](#)

[258. Services](#)

[259. Fee for service](#)

[260. Fee collection methods](#)

[261. Name and numbering](#)

[262. Representation](#)

[263. Expropriation](#)

[264. Public procurement](#)

[265. Public works by committee](#)

[266. By-laws](#)

PART XII

WASTE DISPOSAL AREAS

[267. Definitions](#)

[268. Powers, duties and functions of minister](#)

[269. Waste disposal area](#)

[270. Rates](#)

[271. Committee](#)

[272. Franchise agreement](#)

[273. Powers and duties of committee and franchise holder](#)

[274. Use of waste disposal site](#)

[275. Binding requirements](#)

[276. Notice of proposal](#)

[277. Prohibition against removal of waste](#)

PART XIII
ENFORCEMENT

Division 1
By-Law Enforcement Officers

[278. By-law enforcement officers](#)

Division 2
Inspections

[279. Inspectors](#)

[280. Powers of inspectors](#)

[281. Order of inspector](#)

[282. Contravention of Act suspected](#)

[283. Telewarrant](#)

Division 3
Removal of Vehicles

[284. Removal of vehicles](#)

Division 4
Council Orders

[285. Council orders](#)

[286. Appeal](#)

Division 5
Violation Notices

[287. Violation notices](#)

[288. Issuance of summons re: contravention of by-laws](#)

Division 6
Offences and Penalties

[289. Offences](#)

[290. Penalty](#)

[291. Prosecutions](#)

PART XIV
GENERAL

[292. Publication](#)

[293. Service](#)

[294. No liability](#)

[295. Immunity for liability in nuisance](#)

[296. Orders](#)

[297. Fees and forms](#)

[298. Statutory review](#)

PART XV
REGULATIONS

[299. Lieutenant-Governor in Council regulations](#)

[300. Ministerial regulations](#)

PART XVI
TRANSITIONAL

[301. Real property tax](#)

[302. Water and sewer fee](#)

[303. Licences, permits and approvals](#)

[304. Regulations, orders, by-laws and decisions](#)

[305. Contracts and agreements](#)

PART XVII
CONSEQUENTIAL AMENDMENTS, REPEAL AND COMMENCEMENT

[306. SNL2015 cA-1.2 Amdt.](#)

[307. SNL2021 cA-1.001 Amdt.](#)

[308. SNL2010 cA-9.1 Amdt.](#)

[309. SNL2006 cA-18.1 Amdt.](#)

[310. RSNL1990 cB-8 Amdt.](#)

[311. RSNL1990 cC-15 Amdt.](#)

[312. RSNL1990 cC-16 Amdt.](#)

[313. SNL2001 cE-5.2 Amdt.](#)

[314. SNL2022 cE-7.03 Amdt.](#)

[315. SNL2008 cE-9.1 Amdt.](#)

[316. SNL2002 cE-14.2 Amdt.](#)

[317. RSNL1990 cE-19 Amdt.](#)

[318. SNL2008 cF-11.01 Amdt.](#)

[319. SNL1996 cF-11.1 Amdt.](#)

- [320. RSNL1990 cG-3 Amdt.](#)
- [321. RSNL1990 cH-3 Amdt.](#)
- [322. RSNL1990 cH-4 Amdt.](#)
- [323. SNL2000 cI-1.1 Amdt.](#)
- [324. SNL2004 cL-3.1 Amdt.](#)
- [325. SNL1991 c36 Amdt.](#)
- [326. SNL2005 cL-24.2 Amdt.](#)
- [327. SNL1995 cM-20.1 Amdt.](#)
- [328. SNL2021 cM-20.01 Amdt.](#)
- [329. SNL2001 cM-20.2 Amdt.](#)
- [330. SNL2012 cM-25 Amdt.](#)
- [331. SNL2021 cO-5.1 Amdt.](#)
- [332. SNL2001 cO-7.1 Amdt.](#)
- [333. SNL2022 cP-3.02 Amdt.](#)
- [334. SNL1995 cP-31.1 Amdt.](#)
- [335. SNL2016 cP-41.001 Amdt.](#)
- [336. SNL2012 cR-8.1 Amdt.](#)
- [337. SNL2009 cR-15.01 Amdt.](#)
- [338. RSNL1990 cS-15 Amdt.](#)
- [339. RSNL1990 cS-16 Amdt.](#)
- [340. SNL2005 cS-16.2 Amdt.](#)
- [341. SNL2007 cS-34 Amdt.](#)
- [342. SNL1992 cT-0.1 Amdt.](#)
- [343. SNL2000 cU-8 Amdt.](#)
- [344. RSNL1990 cV-5 Amdt.](#)
- [345. SNL2002 cW-4.01 Amdt.](#)
- [346. SNL2022 cW-11.1 Amdt.](#)
- [347. RSNL1990 cY-1 Amdt.](#)
- [348. NLR 74/10 Amdt.](#)
- [349. NLR 26/01 Amdt.](#)

[350. NLR 59/22 Amdt.](#)

[351. NLR 41/12 Amdt.](#)

[352. NLR 33/18 Amdt.](#)

[353. NLR 78/99 Amdt.](#)

[354. NLR 85/07 Amdt.](#)

[355. NLR 73/11 Amdt.](#)

[356. SNL1999 cM-24 Rep.](#)

[357. Commencement](#)

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 *Towns and Local Service Districts Act*.

[2023 cT-6.2 s1](#)

[Back to Top](#)

Interpretation

2. (1) In this Act

- (a) "accommodation" means

- (i) a building, part of a building or group of buildings containing one or more units and includes cabins, cottages and other permanent structures,

- (ii) land maintained as grounds for tents, trailers, recreational vehicles or other temporary or seasonal structures,

- (iii) a boat, or

- (iv) any other real or personal property prescribed in the *Tourist Accommodations Regulations*;

- (b) "administrator" means a person appointed under section 200 or 255;

- (c) "arrears sale" means the sale of real property by a town to recover unpaid real property taxes, water and sewer fees or local improvement fees in relation to the real property;

- (d) "business" includes the following, whether or not it is for profit:

- (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;
- (e) "business tax" means a tax referred to in section 125;
- (f) "by-law enforcement officer" means a person appointed under section 278;
- (g) "city" means
 - (i) the City of St. John's,
 - (ii) the City of Corner Brook, and
 - (iii) the City of Mount Pearl;
- (h) "comptroller" means a person appointed under section 197 or 254;
- (i) "councillor" means an elected member of a town council, including the mayor and deputy mayor;
- (j) "department" means, unless the context indicates otherwise, the department presided over by the minister;
- (k) "economic development" means any activity that a town may undertake to expand or maintain the town's tax base;
- (l) "election" means a general election, by-election or special election held under the *Municipal Elections Act*;
- (m) "emergency" means a real or anticipated event or an unforeseen combination of circumstances which poses either
 - (i) an imminent danger to public safety, or
 - (ii) an imminent danger of serious harm to property or the environment;
- (n) "former Act" means the *Municipalities Act, 1999*;
- (o) "highway" means a highway as defined in the *Highway Traffic Act*;
- (p) "Inuit community government" means Inuit Community Government as defined in the Labrador Inuit Land Claims Agreement in the Schedule to the *Labrador Inuit Land Claims Agreement Act*;
- (q) "local improvement fee" means a fee imposed by a town council in accordance with section 135;
- (r) "local roadways" means roadways and parking lots that are either
 - (i) under the jurisdiction of, owned by or otherwise vested in a town, or
 - (ii) maintained by a town;
- (s) "local service district" means a geographical area incorporated or continued as a local service district under this Act or the corporation, as the context requires;
- (t) "minister" means the minister responsible for the administration of this Act under the *Executive Council Act*;
- (u) "municipal service delivery corporation" means a corporation incorporated under the *Corporations Act* for the purpose described in section 179;

- (v) "off-road vehicle" means off-road vehicle as defined in the *Off-Road Vehicles Act*;
- (w) "parking lot" includes a parking garage;
- (x) "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 or trailer that is adopted as a residence, shop, office or for another similar use;
- (y) "receiver" means a person appointed under section 210 or 256;
- (z) "regional service board" means a regional service board established under the *Regional Service Boards Act, 2012*;
- (aa) "remuneration" includes contributions by a town to a pension plan for councillors;
- (bb) "ride-sharing service" means "ride-sharing service" as defined in the *Highway Traffic Act*;
- (cc) "short-term rental" means the provision of an accommodation for compensation to an individual or group of individuals for overnight lodging for a period of 30 days or less;
- (dd) "tourist accommodation" means an accommodation that is offered for short-term rental to the travelling or vacationing public and is registered under the *Tourist Accommodations Act*;
- (ee) "town" means a geographical area incorporated or continued as a town under this Act or the corporation, as the context requires, but does not include an Inuit community government;
- (ff) "town clerk" means a person appointed under section 66;
- (gg) "town council" means the councillors of a town;
- (hh) "town manager" means a person appointed under section 58;
- (ii) "unincorporated area" means an area of the province not incorporated as a city, town, local service district or Inuit community government; and
- (jj) "water and sewer fee" means a fee imposed by a town in accordance with section 131.

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

[2023 cT-6.2 s2](#)

PART I PURPOSES AND POWERS

[Back to Top](#)

Purposes of town**3.** The purposes of a town are

- (a) to provide good government;
- (b) to provide services, facilities or other things necessary or desirable for all or part of the town;
- (c) to develop and maintain a healthy, safe and viable town; and
- (d) to foster the economic, social and environmental well-being of the town.

[2023 cT-6.2 s3](#)

[Back to Top](#)

Natural person powers

4. (1) A town has the capacity, rights, powers and privileges of a natural person except to the extent they are limited by this Act or any other Act.

(2) A town only has the capacity, rights, powers and privileges of a natural person in respect of town purposes.

(3) The powers of a town are vested in and shall be exercised by its town council.

[2023 cT-6.2 s4](#)

[Back to Top](#)

Corporation

5. A town is a corporation and shall not operate for profit.

[2023 cT-6.2 s5](#)

[Back to Top](#)

Broad interpretation of powers of town

6. Recognizing that a town is a responsible and accountable level of government, the powers of a town under this or any other Act shall be interpreted broadly in order to provide broad authority to the town council to enable it to govern the affairs of the town as it considers appropriate and to enhance the town council's ability to respond to issues in the town.

[2023 cT-6.2 s6](#)

[Back to Top](#)

By-laws - mandatory

7. (1) A town council shall adopt by-laws for town purposes respecting the following matters:

- (a) rules of procedure at town council meetings;
- (b) prohibiting and controlling the use of a source of water that the town council considers to be dangerous to public health;

- (c) controlling and respecting the design, construction, alteration, reconstruction, minimum lot size and occupancy of buildings and classes of buildings and the demolition, removal and relocation and maintenance of buildings;
- (d) arrears sales;
- (e) subject to the *Fire Protection Services Act*, the prevention of fire in a town and the inspection of buildings in a town for fire protection services; and
- (f) where the town has a fire department, the control and management of the fire department and the participation of the fire department in emergency activities not related to firefighting or fire prevention.

(2) Notwithstanding paragraph (1)(a), the minister may make regulations prescribing matters required to be included in the town's rules of procedure referred to in paragraph (1)(a) and the rules of procedure shall comply with the regulations made by the minister.

(3) In making by-laws under paragraph (1)(c), a town council

(a) shall adopt

- (i) the National Building Code of Canada and supplements or amendments to that code,
- (ii) the National Energy Code of Canada and supplements or amendments to that code, and
- (iii) the National Energy Code of Canada for Buildings and supplements or amendments to that code; and

(b) may adopt standards which exceed the requirements of the codes referred to in paragraph (a) and their supplements and amendments.

(4) In making by-laws under paragraphs (1)(e) and (f), a town council may adopt

- (a) the National Fire Code of Canada and supplements or amendments to that code; and
- (b) standards which exceed the requirements of that code and its supplements and amendments.

(5) Where there are supplements or amendments to a code referred to in subsection (3), the town council shall adopt the supplements and amendments not later than 6 months after the supplements or amendments are published.

(6) Where a town council adopts the code under subsection (4) and there are supplements or amendments to the code, the town council shall adopt the supplements or amendments not later than 6 months after the supplements or amendments are published.

(7) The codes referred to in subsections (3) and (4) and the supplements and amendments to the codes adopted under subsections (5) and (6) shall be kept at the offices of the town council and shall be available for inspection by members of the public.

(8) Notwithstanding subsections (3) and (4), the minister may, in writing, exempt a town from the application of a portion or portions of the codes referred to in subsection (3) or (4) or the supplements or amendments to the codes referred to in those subsections.

[2023 cT-6.2 s7](#)

[Back to Top](#)

By-laws - discretionary

8. (1) A town council may adopt by-laws for town purposes respecting the following matters:

- (a) subject to the *Public Health Protection and Promotion Act*, safety, health and well-being of people and the protection of people and property;
- (b) public facilities, public works, utilities and improvements on public and private land;
- (c) services and programs provided by or on behalf of the town, including establishing fees for providing the services and programs;
- (d) people, activities and things in, on or near a public place or a place that is open to the public;
- (e) businesses, business activities and persons engaged in business;
- (f) nuisances, dangerous or unsightly property, pollution and waste in or on public or private property;
- (g) subject to the *Highway Traffic Act*, the management and control of local roadways, sidewalks and property adjacent to local roadways and sidewalks;
- (h) subject to the *Highway Traffic Act* and the *Off-Road Vehicles Act*, the use of off-road vehicles on or off local roadways and the regulation of pedestrians;
- (i) subject to the *Highway Traffic Act* and the *Motor Carrier Act*, local transport and transportation systems including carriers of persons or goods, taxis and other forms of public transportation but not including vehicles used for a ride-sharing service;
- (j) parking lots, parking and other non-moving use of local roadways;
- (k) subject to the *Animal Health and Protection Act*, domestic, feral, exotic and wild animals and activities in relation to them;
- (l) vegetation, including trees, and activities related to vegetation;
- (m) subject to the *Environmental Protection Act* and the *Water Resources Act*, protection of the natural environment;
- (n) parks and recreation;
- (o) designation and protection of heritage property and practices and the commemoration of historic events and people;
- (p) cemeteries and crematoriums;
- (q) the enforcement of by-laws made under this or any other Act; and
- (r) other matters prescribed in this Act.

(2) By-laws adopted by a town council under paragraph (1)(j) shall meet or exceed the requirements of the *Highway Traffic Act* in relation to parking lots, parking and other non-moving use of local roadways.

(3) Where a town council adopts a by-law under paragraph (1)(j), the provisions of the *Highway Traffic Act* do not apply in relation to parking lots, parking and other non-moving use of local roadways in the town that are subject to those by-laws.

(4) A penalty prescribed in a by-law under paragraph (1)(j) shall be equal to the amount of the penalty prescribed in the *Highway Traffic Act* and the regulations under the *Highway Traffic Act*

for the same contravention under that Act and regulations.

[2023 cT-6.2 s8](#)

[Back to Top](#)

Restrictions re: by-laws

9. (1) A by-law of a town

- (a) shall be consistent with town purposes; and
- (b) shall not conflict with this Act or any other Act or regulation of the province or of Canada.

(2) A by-law of a town applies only inside the territorial limits of the town unless a provision of this or another Act provides otherwise.

[2023 cT-6.2 s9](#)

[Back to Top](#)

By-laws - general powers

10. Without limiting the generality of sections 7 and 8, a by-law made under those sections respecting a matter may

- (a) regulate, control or prohibit activity; and
- (b) deal with developments, activities, industries, businesses or things in different ways, divide each of them into classes, distinguish between the classes and deal with each class in different ways.

[2023 cT-6.2 s10](#)

[Back to Top](#)

By-laws - permits, licences and approvals

11. Without limiting the generality of sections 7 and 8, a by-law made under those sections respecting a matter may

- (a) provide for a system of licences, inspections, permits or approvals, including any of the following:
 - (i) establishing fees for the activity authorized,
 - (ii) establishing fees that are higher for persons who or businesses that do not reside or maintain a place of residence in the town,
 - (iii) prohibiting any development, activity, industry, business or thing until a licence, permit or approval has been granted or an inspection has been performed,
 - (iv) setting out the conditions that shall be met before a licence, permit or approval is granted or renewed, the nature of the conditions and who may impose them,
 - (v) providing that terms and conditions may be imposed on any licence, permit or approval, the nature of the terms and conditions and who may impose them,

- (vi) providing for the duration of licences, permits and approvals and their suspension or cancellation for failure to comply with a term or condition of the licence, permit or approval or for any other reason specified in the by-law, and
- (vii) authorizing the undertaking of remedial action and the charging and collecting of the costs of remedial action, for failure to pay a fee or comply with a term or condition of the licence, permit or approval or for any other reason specified in the by-law;
- (b) require a licence, permit or approval in order to take any action respecting the matter; and
- (c) prohibit the taking of any action without a licence, permit or approval if a licence, permit or approval is required.

[2023 cT-6.2 s11](#)

[Back to Top](#)

Adoption of by-laws

12. (1) By-laws tabled by a town council under this Act shall be adopted by a majority vote of the councillors in attendance at the meeting at which the by-laws are tabled.

- (2) A copy of all by-laws adopted by a town council and certified by the town clerk shall be
 - (a) available for public viewing during the normal business hours of the town; and
 - (b) posted on the town's website, where the town has a website.

[2023 cT-6.2 s12](#)

PART II INCORPORATION AND RESTRUCTURING OF TOWNS

[Back to Top](#)

Existing towns

13. A town continued or incorporated under the former Act is continued as a town under this Act.

[2023 cT-6.2 s13](#)

[Back to Top](#)

Town

14. (1) The Lieutenant-Governor in Council may, by order, on the recommendation of the minister

- (a) incorporate an area in the province as a town;
- (b) amalgamate towns;
- (c) annex areas to towns;
- (d) establish and alter boundaries of towns; and
- (e) 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 town council in an area affected by an order, the order may have effect on a different date than for other purposes.

[2023 cT-6.2 s14](#)

[Back to Top](#)

Feasibility report

15. (1) The minister may order the preparation of a feasibility report before making a recommendation to the Lieutenant-Governor in Council under paragraphs 14(1)(a), (b), (c), (d) or (e).

(2) Where the minister orders the preparation of a feasibility report under subsection (1), the minister shall appoint at least one person but no more than 3 persons to prepare the feasibility report in accordance with the regulations.

(3) Where the minister appoints more than one person under subsection (2), the minister may, where the minister considers it necessary, appoint a chairperson from among the persons appointed under subsection (2).

(4) Persons appointed under subsection (2) have the powers of a commissioner under the *Public Inquiries Act, 2006*.

(5) Before preparing a feasibility report under this section, the persons appointed under subsection (2) shall hold a public hearing with respect to a proposed order under subsection 14(1) and shall, where reasonable, hold the hearing in the area affected by the order.

(6) Notwithstanding subsection (5), where the persons appointed under subsection (2) specify that a written or oral submission is required 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 the public hearing and a further public hearing shall not be required.

(7) Unless otherwise ordered by the minister, all costs associated with a feasibility report shall be the responsibility of the town.

[2023 cT-6.2 s15](#)

[Back to Top](#)

Notice of intent

16. Before ordering the preparation of a feasibility report under section 15, the minister shall, in accordance with section 292, publish a notice of the minister's intent to make the order.

[2023 cT-6.2 s16](#)

[Back to Top](#)

Name of town

17. (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.

[2023 cT-6.2 s17](#)[Back to Top](#)**Assessment of needs**

18. (1) Following an amalgamation under paragraph 14(1)(b), annexation under paragraph 14(1)(c) or an alteration of boundaries under paragraph 14(1)(d), the minister may appoint a person to assess the needs of a town or an area within the town.

(2) A person appointed under subsection (1) shall recommend to the minister the appropriate actions to be carried out upon the amalgamation, annexation or alteration of boundaries.

(3) A person appointed under subsection (1) shall be a representative from either

(a) the town or areas affected by the amalgamation, annexation or alteration of boundaries;
or

(b) from the department.

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

[2023 cT-6.2 s18](#)[Back to Top](#)**Order respecting assets and liabilities**

19. Notwithstanding paragraph 21(1)(c), in an order amalgamating towns or annexing an area to a town, the Lieutenant-Governor in Council may provide for the adjustment of assets and liabilities between areas and towns affected by the order.

[2023 cT-6.2 s19](#)[Back to Top](#)**Publication of orders**

20. 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 accordance with section 292.

[2023 cT-6.2 s20](#)[Back to Top](#)**Reduction or increase in area**

21. (1) Where an order is made under paragraph 14(1)(d) 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 town may be retained by it, except highways, lanes, sidewalks, bridges and other public ways in the area taken out of the town and the town council may dispose of those assets for the consideration and upon the terms that it considers appropriate; and
 - (d) the town council may collect money due to the town 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 under paragraph 14(1)(c) or (d) 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 make an order that the minister considers necessary.

[2023 cT-6.2 s21](#)

[Back to Top](#)

Taxes on amalgamation

22. (1) Notwithstanding that a town has imposed taxes and tax rates under Part VII, where an order is made under paragraph 14(1)(b) to amalgamate the town or under paragraph 14(1)(c) to annex an area to the town, the minister may, in writing, direct

- (a) the manner in which taxes and tax rates applicable to the amalgamating towns and annexed areas are to be harmonized; and
- (b) the 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.

[2023 cT-6.2 s22](#)

PART III TOWN COUNCIL

[Back to Top](#)

Establishment of first town council

23. Where a town is incorporated under this Act, the Lieutenant-Governor in Council shall, by order, establish a town council to control and manage the town in accordance with this Act.

[2023 cT-6.2 s23](#)

[Back to Top](#)

Number of councillors

24. (1) A town council shall consist of an odd number of councillors that is not less than 5 and not more than 9.

(2) Notwithstanding subsection (1), upon the request of the town and with the prior written approval of the minister, a town may increase the maximum number of councillors.

[Back to Top](#)**Wards**

25. (1) Where a town is first incorporated, the minister may, by order,

- (a) divide a town into 2 or more wards;
- (b) define the boundaries of the wards; and
- (c) fix the number of councillors to be elected for each ward.

(2) Where the minister does not divide a town into wards under subsection (1), a town council may, by a vote of 2/3 of the councillors in office,

- (a) divide the town into 2 or more wards;
- (b) define the boundaries of the wards; and
- (c) fix the number of councillors to be elected for each ward.

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

(4) Notwithstanding subsections (2) and (3), a town council shall not divide a town into wards or vary or repeal wards and their boundaries within 12 months following a general election or 6 months before a general election.

(5) Where the minister or a town council fixes the number of councillors to be elected for each ward, the minister or town council shall also determine the number of councillors to be elected at large.

(6) The number of councillors determined under subsection (5) to be elected at large shall be greater than the total number of councillors elected for the wards.

(7) Notwithstanding subsection (6), where a town is first incorporated, the minister may

- (a) fix the 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 greater than the number of councillors elected at large; or
- (b) direct that all the councillors to be elected shall represent wards.

(8) Where

- (a) the total number of councillors elected for the wards at the previous election was equal to or greater than the number of councillors elected at large; or
- (b) all the councillors elected represent wards,

the town council shall, at least 6 months before the next general election under section 5 of the *Municipal Elections Act* determine the number of councillors to be elected at large for the purposes of the next and subsequent general elections.

(9) Where a town council does not comply with subsection (8), the minister may determine the number of councillors to be elected at large as if the minister were the town council.

[Back to Top](#)

First election

26. In the first election of a town council established in accordance with section 23, the councillors shall be elected in accordance with the *Municipal Elections Act* on a date set by the minister.

[2023 cT-6.2 s26](#)

[Back to Top](#)

Mayor's election

27. (1) The minister may direct that there be a separate election of the mayor in the first election of a town council or in an election of a town council ordered by the minister.

(2) A town council may by a vote of 2/3 of the councillors in office,

(a) provide for the election of the mayor by a separate election;

(b) change the decision in paragraph (a); or

(c) change a direction made by the minister under subsection (1).

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

(4) Where subsection (3) applies, the person who received the next highest number of votes after the councillor who was elected with the least number of votes shall be considered elected and shall become a councillor.

[2023 cT-6.2 s27](#)

[Back to Top](#)

Election of mayor and deputy mayor

28. (1) At the first meeting of the town council held following the first election and each general election, the councillors shall

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

[2023 cT-6.2 s28](#)

[Back to Top](#)

Vacancy re: mayor

29. (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 either

(a) having the deputy mayor assume the office of mayor

- (i) for the remainder of the mayor's term, where there is less than one year remaining in the mayor's term, or
 - (ii) until a by-election is held to fill the vacant position of mayor, where there is one or more years remaining in the mayor's term; or
 - (b) electing, by secret ballot, from among the remaining councillors, 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 subparagraph (1)(a)(ii) 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 subparagraph (1)(a)(i) or paragraph (1)(b).

[2023 cT-6.2 s29](#)

[Back to Top](#)

Mayor status

30. The mayor is the presiding officer of the town council and is the official head of the town for all ceremonial purposes.

[2023 cT-6.2 s30](#)

[Back to Top](#)

Powers and duties of mayor

31. (1) The mayor shall exercise the powers and perform the duties that may be conferred or imposed upon the mayor by the town council or under this Act or any other 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.

[2023 cT-6.2 s31](#)

[Back to Top](#)

Powers and duties of deputy mayor

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

[2023 cT-6.2 s32](#)

[Back to Top](#)

Councillor duties

33. (1) A councillor shall

- (a) consider the welfare and interests of the town as a whole and bring to the town council's attention anything that would promote the welfare or interests of the town;
- (b) participate generally in developing and evaluating the policies and programs of the town;

- (c) participate in town council meetings, town council committee meetings and meetings of other bodies to which the councillor is appointed by the town council;
- (d) make all reasonable efforts to ensure that the by-laws of the town are executed and obeyed;
- (e) advance the aims of the town council;
- (f) keep confidential any matters discussed in closed meetings of the town council or town council committee meetings until such time as the matter is discussed at a town council meeting held in public; and
- (g) perform any other duty or function imposed on the councillor by this Act or any other Act.

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

[2023 cT-6.2 s33](#)

[Back to Top](#)

Remuneration and expenses

34. (1) Notwithstanding section 89, a town council may, in accordance with the regulations,

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

(2) Payments under paragraphs (1)(a) and (b) shall be made out of the funds of the town and shall not be considered to be salary or remuneration in respect of which the office of a councillor would be vacated under paragraph 45(1)(i).

[2023 cT-6.2 s34](#)

[Back to Top](#)

Delegation

35. (1) Unless this Act or any other Act or a by-law provides otherwise, a town council may, by by-law or resolution, delegate any of its powers, duties or functions under this Act, any other Act or a by-law to a town council committee, the town manager, town clerk, department head, by-law enforcement officer or a municipal service delivery corporation.

(2) In a delegation under subsection (1), the town council may impose on the delegate the terms and conditions that the town council considers appropriate.

- (3) A town council shall not delegate
 - (a) its power or duty to make a by-law;
 - (b) its power to pass a resolution;
 - (c) its power to make, suspend or revoke the appointment of an officer of the town;

- (d) its power to borrow money; or
- (e) its powers to establish reserve funds.

(4) In a delegation under subsection (1), the town council may authorize the delegate to subdelegate the powers, duties and functions and to impose on the subdelegate the terms and conditions that the delegate considers appropriate.

[2023 cT-6.2 s35](#)

[Back to Top](#)

Presiding officer

36. (1) The mayor, or in the mayor's 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 who wishes to take part in debate may, in accordance with this section, be replaced as the presiding officer for the time period during which the mayor or presiding person is speaking.

[2023 cT-6.2 s36](#)

[Back to Top](#)

First meeting

37. (1) The first meeting of a town council following a general or special 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 14 contains a provision respecting the date on which a town council shall take office, the first meeting of the town council shall be called by the town clerk or the returning officer within 14 days of that date.

[2023 cT-6.2 s37](#)

[Back to Top](#)

Actions and decisions of town council

38. (1) All decisions of a town council shall be

- (a) made in a regular or special meeting of the town council; and
- (b) adopted by a by-law or a resolution of the town council.

(2) An act or decision of a town council is not valid unless it is authorized or adopted by a by-law or resolution at a town council meeting.

(3) A town council may not transact any business at a special meeting other than the business specified in the notice of the special meeting, unless all members of the town council present at the special meeting agree.

[2023 cT-6.2 s38](#)

[Back to Top](#)

Frequency of meetings

39. (1) A town council shall meet

- (a) at least once a month for the dispatch of general business; and
- (b) at other times that the town council determines necessary.

(2) Meetings referred to in subsection (1) shall be called by the town clerk upon the request of the mayor or upon the written request by any 2 councillors.

(3) A schedule of the regular monthly meetings to be held under subsection (1) shall be approved annually by resolution of the town council and shall set out the date, time and place of the regular meetings.

(4) Special meetings of a town council shall be called by the town clerk upon the request of the mayor or any 2 councillors.

(5) Where a special meeting is called under subsection (4), the town clerk shall give notice of the special meeting to all councillors by delivering a notice to

- (a) the councillor;
- (b) the councillor's place of residence; or
- (c) the councillor's place of business.

(6) A notice referred to in subsection (5) shall be delivered at least 24 hours before the time set for the meeting.

[2023 cT-6.2 s39](#)

[Back to Top](#)

Open meetings

40. All regular and special meetings of a town council and all meetings of a town council committee shall be open to the public.

[2023 cT-6.2 s40](#)

[Back to Top](#)

Closed meetings

41. (1) Notwithstanding section 40, a town council meeting or a town council committee meeting may be closed to the public for the duration of the discussion if it is necessary to discuss

- (a) information of which the confidentiality is protected by law;
- (b) personal information that is protected under the *Access to Information and Protection of Privacy Act, 2015*;
- (c) information that could cause financial loss or gain to a person or the town, or could jeopardize negotiations leading to an agreement or contract;
- (d) the proposed or pending acquisition or disposition of land;
- (e) information that could violate the confidentiality of information obtained from the Government of Canada or from the government of a province or territory;

- (f) information concerning legal opinions or advice provided to the town council by its lawyer or privileged communications between lawyer and client in a matter of town business;
 - (g) litigation or potential litigation affecting the town or a municipal service delivery corporation or a matter before a board, commission or tribunal that affects the town or a municipal service delivery corporation;
 - (h) the access to or security of buildings and other structures occupied or used by the town or access to or security of systems of the town, including computer or communication systems;
 - (i) information gathered by the Royal Canadian Mounted Police and Royal Newfoundland Constabulary, in the course of investigating any illegal activity or suspected illegal activity, or the source of that information; or
 - (j) labour and employment matters, including the negotiation of collective agreements.
- (2) Where a meeting is a closed meeting,
- (a) members of the public shall not be present;
 - (b) a resolution or by-law shall not be adopted other than a resolution
 - (i) giving instructions to the lawyer for the town,
 - (ii) giving instructions to any person negotiating a contract on behalf of the town,
 - (iii) giving directions to employees on matters referred to in subsection (1),
 - (iv) adjourning the closed meeting, or
 - (v) opening the meeting to the public;
 - (c) a record shall be made containing only the following information:
 - (i) the type of matter under subsection (1) that was discussed during the meeting, and
 - (ii) the date of the meeting; and
 - (d) all decisions made during the meeting shall be documented by a resolution.
- (3) Where a decision is made by a town council at a closed meeting, the decision shall be ratified at a public meeting.

[2023 cT-6.2 s41](#)

[Back to Top](#)

Meeting by electronic means

42. (1) A town council may allow a councillor to participate in a town council meeting or town council committee meeting by electronic means.

(2) A councillor participating in a town council meeting or town council committee meeting by electronic means is considered to be in attendance at the meeting.

[2023 cT-6.2 s42](#)

[Back to Top](#)

Quorum

43. (1) A quorum is required at all times for town council meetings and town council committee meetings.

(2) A majority of all councillors in office constitutes a quorum for a town council meeting provided that there are at least 3 councillors in office.

(3) Notwithstanding subsection (2), where there are less than 3 councillors in office, the minister may order that the remaining councillors constitute quorum until an election or a by-election is held to fill the vacancies .

(4) A majority of all members of a town council committee constitutes a quorum for a town council committee meeting.

[2023 cT-6.2 s43](#)

[Back to Top](#)

Voting

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

(2) A councillor shall not abstain from voting on a motion before the town council unless the councillor is required to abstain from voting because of a conflict of interest under the *Municipal Conduct Act*.

(3) Where one or more councillors abstain from voting on a motion in accordance with subsection (2) and the number of councillors remaining at the meeting referred to in subsection (1) is not sufficient to constitute a quorum, the number of councillors remaining, where not less than 2, shall be considered to constitute a quorum for purposes of discussion and voting on the matter being considered by the council.

(4) The minutes of a town council meeting shall indicate the name of each councillor who did any of the following:

- (a) voted for and against a motion;
 - (b) abstained from voting on a motion; or
 - (c) was absent from the meeting.
- (5) Where there is a tie vote on a motion, that motion shall be considered to be defeated.

[2023 cT-6.2 s44](#)

[Back to Top](#)

Vacancy of office

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

- (a) the councillor resigns, in writing;
- (b) the councillor is a member of a town council that is dismissed under the *Municipal Affairs Act* or the councillor is dismissed as a member of a town council under the *Municipal Affairs Act*;
- (c) the councillor's seat was vacated under the *Municipal Conduct Act*;

- (d) an administrator is appointed under section 200;
- (e) the councillor ceases to be a resident of the town;
- (f) the councillor has been absent from the town for more than one year;
- (g) the councillor remains indebted to the town for outstanding taxes or fees 31 days after the end of the financial year;
- (h) without leave of the town council, the councillor
 - (i) is not sworn into office within 60 days after the election, or
 - (ii) does not attend regular meetings of the town council for 3 successive months;
- (i) the councillor accepts without the prior written approval of the minister, an office or employment with the town to which a salary or remuneration, not including an honorarium payable out of the funds of the town, is attached; or
- (j) the councillor fails to vote on a matter before the town council when required to vote.

(2) For the purposes of paragraph (1)(a), a councillor is considered resigned on the date specified in the resignation, or, where a date is not specified, from the date when the councillor files the resignation with the town clerk or, where the councillor resigns at a meeting of the town council, from the time of that resignation.

(3) A councillor shall not sit or act as a councillor after the councillor's seat has been vacated.

(4) A councillor whose seat has been vacated under paragraphs (1)(e), (f), (g), (h), (i) or (j) may appeal to a judge of the Supreme Court by filing a notice of appeal with the Supreme Court within 21 days of the date on which the councillor is notified by the town clerk that the councillor's seat is vacated and upon paying into the Supreme Court an amount, or upon giving a bond for the amount that the judge considered sufficient to defray the costs of the appeal.

(5) A councillor or the councillor's solicitor shall file a copy of the notice of appeal with the town clerk.

(6) The notice of appeal shall set out in detail the allegations of the councillor and the grounds of the appeal and shall be signed by the councillor or the councillor's solicitor.

(7) The councillor shall, within 14 days after the service of the notice of appeal under this section, apply to the judge for a date for the hearing of the appeal.

(8) A town clerk shall, not less than 4 days before the date of the hearing of the appeal, provide to the judge all papers and documents in the possession of the town relevant to the appeal.

(9) A judge shall hear the appeal and the evidence brought forward by the councillor and the town in a summary manner and may

- (a) uphold the vacancy or reinstate a councillor whose seat was vacated under paragraphs (1)(e), (f), (g), (h), (i) or (j); or
- (b) make another decision that the judge considers to be appropriate in the circumstances.

(10) A judge may make an order as to costs, either for or against the councillor or the town, and may set the amount of the costs.

(11) A person who has filed an appeal under this section is not entitled to sit as a councillor while the appeal is being heard.

[2023 cT-6.2 s45](#)[Back to Top](#)**Rules of procedure**

46. A town council shall adopt rules of procedure for its town council meetings.

[2023 cT-6.2 s46](#)[Back to Top](#)**Committees**

47. (1) A town council may establish the standing or special committees that it considers necessary.

(2) A town council shall appoint councillors to serve on a committee established under subsection (1).

(3) A committee established under subsection (1) shall consist of no less than 2 councillors.

(4) Where a town council establishes a standing or special committee under subsection (1), the town council may establish the mandate of the committee and the procedures to be followed by the committee.

[2023 cT-6.2 s47](#)[Back to Top](#)**Advisory committees**

48. (1) A town council may establish one or more advisory committees to advise on matters of special interest to the town.

(2) An advisory committee may be comprised of

(a) councillors;

(b) residents; and

(c) persons with expertise in areas that the town council determines necessary.

(3) A town council shall

(a) define the function and scope of an advisory committee; and

(b) establish guidelines and procedures for an advisory committee.

[2023 cT-6.2 s48](#)

**PART IV
TOWN COUNCIL MATTERS**

[Back to Top](#)

Plebiscites

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

[2023 cT-6.2 s49](#)

[Back to Top](#)

Inspection of documents

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

- (a) adopted minutes of the town council;
- (b) assessment rolls;
- (c) by-laws;
- (d) town plans;
- (e) open public tenders;
- (f) financial statements;
- (g) auditor's reports;
- (h) adopted budgets;
- (i) contracts;
- (j) orders;
- (k) permits; and
- (l) all other documents tabled or adopted by the town council at an open meeting.

(2) A person inspecting documents under subsection (1)

- (a) shall not remove the documents from the place where they are located or interfere with an employee of the town in the performance of the employee's duties; and
- (b) may make extracts from the documents and may make copies of the documents.

(3) Where copies are made by an employee of the town under paragraph (2)(b), the town may charge a fee equal to the actual cost of providing the copies.

(4) Where a person requests that a town provide the documents referred to in subsection (1) by an electronic means and the town has an electronic means to provide them, the town shall comply with the request.

(5) Notwithstanding paragraph (2)(b) and subsection (4), extracts and copies shall not be made of assessment rolls and assessment rolls shall not be provided to a person by an electronic means.

[2023 cT-6.2 s50](#)

[Back to Top](#)

Copies of documents

51. (1) Where an action has commenced in a court and the town clerk is satisfied or the court has ordered that an extract from a document in the possession of or under the control of the town clerk is required in evidence in the action, the town clerk shall, upon payment of a charge that may be set by the town council, provide to the person requiring the extract a certified copy of the extract with the corporate seal of the town attached to the extract.

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

[2023 cT-6.2 s51](#)

[Back to Top](#)

Authentication of documents

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

(2) Where a mayor or town clerk is in a conflict of interest and is unable to act as a signatory to a deed or other document to which the town is a party, the town council shall appoint a councillor to act as a signatory in the place of the mayor or town clerk.

[2023 cT-6.2 s52](#)

[Back to Top](#)

Public procurement

53. (1) The execution of a public work, the acquisition of goods or services and the leasing of space by a town shall be in accordance with the *Public Procurement Act*.

(2) In this section, "public work", "goods" and "services" have the same meaning as in the *Public Procurement Act*.

[2023 cT-6.2 s53](#)

[Back to Top](#)

Agent

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

[2023 cT-6.2 s54](#)

[Back to Top](#)

Joint ventures

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

[2023 cT-6.2 s55](#)

[Back to Top](#)

Private services

56. (1) A town council may, by a vote of 2/3 of the councillors in office, contract to do work, supply goods or provide a service not authorized for the town under this Act where it

- (a) has equipment, staff or goods surplus to its needs; and
- (b) charges normal commercial rates for the work, goods or service.

(2) Notwithstanding subsection (1), a town shall not contract to do work, supply goods or provide a service where it would be in competition with a person that is located in the town.

[2023 cT-6.2 s56](#)

[Back to Top](#)

Expropriation

57. (1) A town 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 amount offered in writing by the town;
- (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 who owns the land, property or interest; or
- (d) for another reason the town considers it advisable to do so.

(2) Where a town no longer requires the land, property or an interest expropriated under subsection (1), the town shall give the person who owned the land, property or interest in the land or property at the time of the expropriation the first opportunity to purchase the land.

[2023 cT-6.2 s57](#)

PART V STAFF

[Back to Top](#)

Town manager

58. (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 as town manager.

(2) Where the position of town manager is vacant, or the town manager is unable to carry out the town manager's duties, the town council may appoint a person to act as town manager, and the acting town manager has and may exercise the powers and shall carry out the duties of the town manager.

[2023 cT-6.2 s58](#)

[Back to Top](#)

Duties of town manager

59. (1) A town manager is responsible to the town council for the planning, execution, conduct and administration of the affairs of the town.

(2) In addition to the town manager's duties under this Act, a town manager may be appointed town clerk or acting town clerk in the absence of a town clerk.

(3) A town manager shall comply with this Act, the regulations and any other Acts and the by-laws and the policies of the town.

(4) Notwithstanding subsection (3) and subsection 60(2), where a town manager carries out a policy or an act in good faith that has been directed by the town council and that policy or act contravenes this Act or another Act, an action shall not lie against the town manager for a matter arising from carrying out that policy or act.

(5) A town manager may delegate the town manager's powers and duties to employees that the town manager may consider appropriate, except those powers and duties that the town council may specifically exempt from delegation.

(6) Notwithstanding subsection (5), in the case of an emergency, the town manager may delegate all of the town manager's powers and duties.

[2023 cT-6.2 s59](#)

[Back to Top](#)

Relationship between town council and town manager

60. (1) Where a town has a town manager, the town council shall provide direction to the town manager regarding the administration, plans, policies and programs of the town.

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

(3) A town manager may advise or make a recommendation to the town council but the advice or recommendations of the town manager are not required before an action of the town council.

(4) Where a town manager provides advice or makes a recommendation to the town council, the town council shall consider and make a record of the advice or recommendation in its minutes but the town council is not required to follow the advice or recommendation.

[2023 cT-6.2 s60](#)

[Back to Top](#)

Town manager attendance at meetings

61. (1) A town manager or the town manager's designate shall attend all town council meetings and is entitled to speak but has no right to vote.

(2) Where permitted by the town council, the town manager or the town manager's designate may attend town council committee meetings and is entitled to speak but has no right to vote.

[2023 cT-6.2 s61](#)

[Back to Top](#)

Use of employees

62. A town manager may use the services of the heads of departments and of other employees of the town for the purpose of carrying out the town manager's duties.

[2023 cT-6.2 s62](#)

[Back to Top](#)

Expenditures – town manager

63. A town manager may make or authorize the making of expenditures for the purchase of equipment, supplies, work or other things required for the carrying on of the business of the town and the town manager may enter into contracts for the expenditures on behalf of the town where

- (a) the proposed expenditure is not in excess of the amount provided in the budget for the purchase of the equipment, supplies, work or thing; and
- (b) either
 - (i) the expenditure does not exceed in a single case an amount which the town council shall by resolution set as a maximum amount; or
 - (ii) where the expenditure exceeds in a single case the maximum amount referred to in subparagraph (i), the town manager has obtained the prior approval of the town council.

[2023 cT-6.2 s63](#)

[Back to Top](#)

Emergency expenditures

64. Notwithstanding section 63, where, in the opinion of the town manager, the immediate expenditure of an amount exceeding the amount set by the town council under subparagraph 63(b)(i) is necessary to meet an emergency situation, the town manager may make that expenditure without the prior approval of the town council and shall report on the expenditure to the town council at its next town council meeting.

[2023 cT-6.2 s64](#)

[Back to Top](#)

Recommendations for expenditures

65. (1) Where an expenditure is proposed by a town council that exceeds the expenditure amount established under subparagraph 63(b)(i), the town council shall not make the expenditure until it has requested the recommendations of the town manager with respect to that expenditure.

(2) When the town manager's recommendations under subsection (1) are received, or where the town manager does not make recommendations within a reasonable time, the town council may

make the expenditure in the manner and subject to the conditions that it considers appropriate.

(3) A town council is not required to adopt recommendations made to it by the town manager under subsection (2).

[2023 cT-6.2 s65](#)

[Back to Top](#)

Town clerk

66. (1) A town council shall, by a vote of 2/3 of the councillors in office, appoint a town clerk.

(2) Where the office of town clerk is vacant, or the town clerk is unable to carry out the town clerk's duties, the town council shall appoint a person to act as town clerk.

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

[2023 cT-6.2 s66](#)

[Back to Top](#)

Duties of town clerk

67. (1) A town clerk is the secretary to the town council and is responsible for

- (a) the recording of the proceedings and decisions of the town council; and
- (b) the safekeeping of all documents of the town and the corporate seal of the town.

(2) In addition to the town clerk's duties under this Act, a town clerk may be appointed town manager or acting town manager.

(3) A town clerk may administer oaths and affirmations and receive affidavits for the purpose of this Act.

(4) A town clerk shall comply with this Act, the regulations and any other Acts and the by-laws and the policies of the town.

(5) Notwithstanding subsection (1), a town council may delegate responsibility for the safekeeping of some or all of the documents, to an employee of the town.

(6) Where the town clerk carries out a policy or an act in good faith that has been directed by the town council and that policy or act contravenes this Act or another Act, an action shall not lie against that town clerk for a matter arising from carrying out the policy or act.

[2023 cT-6.2 s67](#)

[Back to Top](#)

Town clerk attendance at meetings

68. (1) A town clerk or the town clerk's designate shall attend all town council meetings and is entitled to speak but has no right to vote.

(2) Where permitted by the town council, the town clerk or the town clerk's designate may attend town council committee meetings and is entitled to speak but has no right to vote.

[2023 cT-6.2 s68](#)

[Back to Top](#)

Departments

69. (1) A town council may

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

(2) Where a town has a town manager,

- (a) the town manager may propose the structure or restructuring of departments; and
- (b) the town council shall seek the town manager's recommendation before establishing a department or appointing a department head.

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

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

[2023 cT-6.2 s69](#)

[Back to Top](#)

Report of disagreement

70. (1) Where a department head is not in agreement with a plan, proposal or appointment by the town manager, the department head may request that the town manager report to the next town council meeting that the department head is not in agreement with the plan, proposal or appointment.

(2) A request referred to in subsection (1) shall be in writing and shall include reasons for the request.

[2023 cT-6.2 s70](#)

[Back to Top](#)

Employee positions

71. (1) A town council may establish employee positions for the administration of the town.

(2) A town 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 a town has a town manager, the town council shall request the town manager's recommendation before establishing employee positions and job specifications for the employee positions.

[2023 cT-6.2 s71](#)

[Back to Top](#)

Salaries

72. A town council may establish the salaries of town employees.

[2023 cT-6.2 s72](#)

[Back to Top](#)

Suspension

73. (1) Where a town council is of the opinion that the town manager, town clerk or a department head has engaged in misconduct, the town council may, by a vote of 2/3 of the councillors in office, suspend the town manager, town clerk or department head for a period which the town council may determine.

(2) A town council may determine, by a vote of 2/3 of the councillors in office, if a suspended town manager, town clerk or department head is to receive a salary during the period of suspension or any portion of the period of suspension.

[2023 cT-6.2 s73](#)

[Back to Top](#)

Dismissal

74. (1) A town manager, town clerk or department head may be dismissed by a vote of 2/3 of the councillors in office.

(2) Councillors shall not hold a vote on a motion to dismiss under subsection (1) unless

(a) a written notice of the town council meeting signed by the councillors intending to make and second the motion is provided to the town clerk or mayor; and

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

[2023 cT-6.2 s74](#)

[Back to Top](#)

Retirement

75. A town manager, town 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.

[2023 cT-6.2 s75](#)

[Back to Top](#)

Town employees

76. (1) Where a town has a town manager, the town manager may employ, suspend or dismiss an employee of the town.

(2) Notwithstanding subsection (1),

- (a) a town manager shall not employ, suspend or dismiss the town clerk or a department head; and
- (b) where the town has department heads, the town manager shall consult with the department head responsible for the employee before employing, suspending or dismissing the employee.

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

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

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

[2023 cT-6.2 s76](#)

[Back to Top](#)

Bonding

77. (1) A town council shall ensure that every employee of the town who handles or could handle money of the town is bonded or otherwise insured for the faithful performance of duties.

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

[2023 cT-6.2 s77](#)

[Back to Top](#)

Pensions

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

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

[2023 cT-6.2 s78](#)

[Back to Top](#)

Pension portability

79. (1) Where before becoming a councillor or an employee of a town, a person was employed by the Government of Canada, the government of a province, a municipality in Canada or a corporation or institution having a pension plan, the whole or part of the pensionable service credited to the person under the pension plan of that former employer may be credited to the person as pensionable service with the town.

(2) Notwithstanding subsection (1), a town may make an agreement with a body referred to 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 town.

[2023 cT-6.2 s79](#)

[Back to Top](#)

Group insurance

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

(2) A group insurance plan entered into under subsection (1) shall be based on a plan of contributions by the town council and the councillors or the town council and town employees, except for volunteer members of the town's fire department, in which case all contributions shall be paid from the funds of the town.

[2023 cT-6.2 s80](#)

[Back to Top](#)

Training

81. (1) A town may arrange for councillors and town employees to participate in training and other professional development activities.

(2) Where councillor and town employee training is carried out by a town council or in co-operation with other town councils or bodies engaged in councillor or town employee training programs, the town shall arrange to support the councillors and town employees financially and otherwise in taking the training programs.

[2023 cT-6.2 s81](#)

PART VI FINANCE

[Back to Top](#)

Financial year

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

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

[2023 cT-6.2 s82](#)

[Back to Top](#)

Bank account

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

(2) All cheques, orders or electronic payments withdrawing money from the bank account of the town shall be authorized by a councillor and a person designated for that purpose by the town council.

(3) Where a comptroller is appointed under section 197 all cheques shall be countersigned by the comptroller.

(4) In this section, "financial institution" means

(a) a trust company approved by the Lieutenant-Governor in Council;

(b) a bank within the meaning of the *Bank Act* (Canada); or

(c) a credit union continued or incorporated under the *Credit Union Act, 2009* or a federal credit union as defined in the *Bank Act* (Canada).

[2023 cT-6.2 s83](#)

[Back to Top](#)

Budget

84. (1) A town council shall, not later than 90 days after the day on which the town council takes office following a general election and not later than December 1 in each succeeding year, prepare and adopt a budget containing estimates of the revenue and expenditures of the town 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 form set by the minister 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 town 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 town 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 the minister may determine.

(5) The proposed expenditures in a budget shall not exceed the anticipated revenues.

[2023 cT-6.2 s84](#)

[Back to Top](#)

Contents of budget

85. (1) A budget shall only include the following revenue:

(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 town 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 town may provide for an expenditure in its budget for a capital reserve where the town council 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) A reserve fund referred to in paragraphs 88(1)(b) and (c) may be provided for in a budget for a specific purpose, a specified annual amount and over a specified period of years that the town council shall approve.

(7) A reserve fund under subsections (3) and (6) may be invested by the town council in short-term investments.

[2023 cT-6.2 s85](#)

[Back to Top](#)

Revised budget

86. (1) Where, during a financial year, it appears that the actual revenues and expenditures are likely to be substantially greater or less than estimated, the town council shall prepare and adopt a revised budget in the form set by the minister.

(2) A copy of the revised budget shall be sent to the minister within 2 weeks of its adoption.

(3) A revised budget shall take effect on the first day of the month following the date of its adoption by the town council.

[2023 cT-6.2 s86](#)

[Back to Top](#)

Expenditures in excess of budget

87. (1) A town council shall not, without authorization by a vote of 2/3 of the councillors in office, incur, enter into , contract, or become liable for, an expenditure or indebtedness in excess of the estimated amount of expenditure set out in the adopted budget or revised budget.

(2) Where under subsection (1) the town council has incurred, entered into, contracted or become liable for an expenditure or indebtedness that substantially exceeds the estimated amount of expenditure set out in the adopted or revised budget, the town council shall within 30 days prepare and adopt a revised budget in the form set by the minister.

[2023 cT-6.2 s87](#)

[Back to Top](#)

Reserve funds

88. (1) A town council may, by by-law, establish, manage and contribute to

- (a) a capital reserve fund;
- (b) an operating reserve fund; and
- (c) another type of reserve fund.

(2) Notwithstanding paragraphs (1)(b) and (c), a town council shall not establish a reserve fund referred to in paragraph (1)(b) or (c) unless the minister has approved the establishment of the reserve fund in accordance with subsection (3).

(3) The minister may approve the establishment of a reserve fund referred to paragraph (1)(b) or (c) where the town council submits a written request to the minister which states

(a) the purpose of the reserve fund; and

(b) the criteria and conditions governing contributions and withdrawals from the reserve fund.

(4) A town council shall specify in its by-law establishing a reserve fund

(a) the purpose for which reserve fund is established; and

(b) the criteria and conditions governing contributions and withdrawal from the reserve fund.

[2023 cT-6.2 s88](#)

[Back to Top](#)

Powers of expenditure

89. (1) Subject to an adopted budget or revised budget containing a provision for the expenditure, a town may, out of the funds at its disposal, pay

(a) salaries or remuneration to the councillors, officers, auditors and employees of the town; and

(b) all the other expenditures incurred in the execution of the powers and duties vested in the town council by this Act, the regulations or another Act or regulation.

(2) A town council may, out of the funds at its disposal, and by a vote of 2/3 of the councillors in office, provide a grant of money or an in-kind grant for town purposes to any of the following on the terms and conditions that are determined by the town council:

(a) a charitable or non-profit organization or corporation;

(b) a recreational, cultural, environmental, social or educational organization; and

(c) any other organization or corporation if, in the opinion of town council, the grant will benefit its residents and assist in the social or environmental development of the town.

(3) A town council shall not provide grants to political parties or candidates in municipal, provincial or federal elections.

(4) A town council shall not provide a grant that directly reduces or reimburses the taxes or fees paid or payable to the town by the recipient of the grant.

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

[2023 cT-6.2 s89](#)

[Back to Top](#)

Ministerial budget approval

90. (1) Where a town has incurred major deficits in a financial year, the minister may, where the minister considers it advisable, require the town to submit its budget or revised budget to the minister for approval and the minister may approve or disapprove the budget or revised budget.

(2) Where a minister has required the submission of a budget or a revised budget under subsection (1), the minister may also assign employees of the department to assist the town in the preparation of its budget or revised budget.

[2023 cT-6.2 s90](#)

[Back to Top](#)

Books of account

91. A town shall ensure that correct and complete books of account are kept of the financial dealings of the town.

[2023 cT-6.2 s91](#)

[Back to Top](#)

Financial statements

92. (1) A town 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 and the treasurer, or, where there is no treasurer, the town clerk, shall sign the financial statements and shall attach a report that an auditor has made with respect to the financial statements.

(3) A town council shall publish the town's financial statements and the auditor's report in accordance with section 292.

[2023 cT-6.2 s92](#)

[Back to Top](#)

Appointment of auditor

93. (1) A town council shall appoint an auditor to audit the accounts of the town and report on the financial statements prepared by the town council or employees of the town.

(2) An auditor shall be appointed before August 1 in the year preceding the year in which the audit is required to be reported on under section 97.

(3) An auditor appointed under subsection (1) shall be a public accountant licensed under the *Chartered Professional Accountants and Public Accountants Act*.

(4) The appointment of an auditor remains in effect until revoked by the town council.

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

[2023 cT-6.2 s93](#)

[Back to Top](#)

Appointment of auditor by minister

94. (1) Where a town council does not appoint an auditor within the time period set out in subsection 93(2) or the town council appoints an auditor who does not satisfy the criteria prescribed in subsection 93(3), the minister shall appoint an auditor to audit the accounts of the town and report on the financial statements prepared by the town council or by employees of the town.

(2) The costs of an audit prepared by an auditor appointed under this section shall be the responsibility of the town for which that appointment was made.

[2023 cT-6.2 s94](#)

[Back to Top](#)

Extension or waiver of audit

95. Notwithstanding sections 93 and 94, the minister may

- (a) authorize an extension of the time period for the preparation of an audit of the accounts of the town to a date which the minister determines; or
- (b) waive the requirement of an audit of the accounts of the town where the minister is satisfied that an inspection by the employees of the department is sufficient to ensure adequate financial control and accountability with respect to that town.

[2023 cT-6.2 s95](#)

[Back to Top](#)

Auditor's powers

96. An auditor may request, and a town shall provide, all documents, books of account and records of the town that the auditor considers necessary to enable the auditor to properly audit the town accounts.

[2023 cT-6.2 s96](#)

[Back to Top](#)

Auditor's report

97. (1) An auditor shall examine and report on the town's annual financial statements and books of account and the audit report shall contain information regarding

- (a) an expenditure in excess of the total annual budget of the town;
- (b) the financial position of the town with regard to arrears of revenue;
- (c) the manner in which the accounts of the town have been kept;
- (d) the extent of insurance carried with respect to all town property;
- (e) the adequacy of the town's safeguards against fraud;
- (f) the sufficiency of bonds entered into under section 77; and
- (g) other matters connected with the accounts that the auditor may consider of sufficient interest or importance.

(2) An auditor shall complete and submit a report on the audit within 5 months of the end of the financial year being audited.

(3) A town shall send a copy of the audit to the minister within 30 days of its receipt.

[2023 cT-6.2 s97](#)

[Back to Top](#)

Interim audit report

98. An auditor shall, at the request of the town council or the minister, make an interim report regarding the accounts of the town and shall send a copy of the report to the town council and the minister within 30 days of its completion.

[2023 cT-6.2 s98](#)

[Back to Top](#)

Current account borrowing

99. (1) A town may borrow money for current account purposes.

(2) The indebtedness of a town incurred as a result of borrowing money 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 town, in the financial year in which the borrowing takes place.

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

(4) Notwithstanding subsections (2) and (3), a town 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.

[2023 cT-6.2 s99](#)

[Back to Top](#)

Long-term borrowing

100. (1) Subject to the prior written approval of the minister, a town 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 town shall, on or before the end of each year, submit to the department a 5-year forecast of its anticipated capital expenditure requirements.

[2023 cT-6.2 s100](#)

[Back to Top](#)

Currency

101. Where a town borrows money under section 99 or 100, the money shall be stated in Canadian currency.

[2023 cT-6.2 s101](#)

[Back to Top](#)

Unauthorized expenditure

102. (1) Where, without the prior approval of the minister, a town council uses money borrowed under section 100 for a purpose other than the purpose for which the minister approved the loan, the councillors who voted for the money to be used for that purpose are personally, jointly and individually, liable for the restoration of that money to the town, and the town or the Crown may recover the money as a civil debt due to the town.

(2) Where a person entitled to vote in an election for councillors files a written request with the town council asking the town council to commence an action against councillors who incur liability under subsection (1) for the recovery of the money referred to in that subsection and the town council refuses or neglects to commence an action within one month of receipt of the request, the person who filed the request may

- (a) bring an action on the person's own behalf or on behalf of other persons in the town; or
- (b) ask the minister to commence an action in right of the Crown to recover the money.

[2023 cT-6.2 s102](#)

[Back to Top](#)

Debenture certificate

103. (1) A debenture issued by a town shall have a certificate signed by the deputy minister of the department which contains the following wording:

"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 *Towns and Local Service Districts Act*.

Dated at _____, Newfoundland and Labrador.

(2) The certificate as set out in subsection (1) on a debenture, when signed by the deputy minister of the department, is evidence that

- (a) the town 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 town according to its terms; and
- (d) the debenture's validity is not open to question in a court in the province.

(3) The deputy minister of the department may impress the deputy minister's signature by machinery or use an electronic signature on debentures and the certificate is valid as if it had been signed in the handwriting of the deputy minister.

[2023 cT-6.2 s103](#)

[Back to Top](#)

Signatures

104. (1) The mayor and treasurer, or in the absence of the treasurer, the town clerk, shall sign a debenture issued by a town.

(2) A person referred to in subsection (1) may impress the person's signature by machinery or use an electronic signature and the debenture is valid as if it had been signed in the handwriting of the mayor, treasurer or town clerk.

[2023 cT-6.2 s104](#)

[Back to Top](#)

Guaranteed loans expenditures

105. (1) Where a town has raised money by a loan advanced or guaranteed by the Crown or under bonds or debentures issued by the town council with their repayment guaranteed by the Crown, the town 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 referred to in subsection (1) shall not be attached, held or otherwise taken under power of law to satisfy an obligation of a town arising out of a contract entered into by that town council without the prior approval of the minister.

[2023 cT-6.2 s105](#)

PART VII TAXES AND FEES

Division 1 Taxation

[Back to Top](#)

Imposition of taxes

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

(2) In a resolution imposing or varying a tax the town council may set out the date when the tax is due but that date shall be on or before June 30 of the financial year in which the tax is imposed.

(3) Where a tax is imposed or varied by a town council on or before April 1 of the financial year, the 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 town council after April 1 of the financial year, it shall not take effect until the beginning of the next succeeding financial year unless a later date is set out under subsection (2).

[2023 cT-6.2 s106](#)

[Back to Top](#)

Effect of extensions

107. Notwithstanding subsection 106(4), where a town council is unable to impose or vary the real property tax by April 1 of a financial year as a result of an extension under the *Assessment Act, 2006* for either

- (a) the completion of the assessment roll under the *Assessment Act, 2006*; or
- (b) the time in which an appeal is decided by a commissioner under the *Assessment Act, 2006*,

the real property tax is considered to be due from the beginning of that financial year, unless the town council sets a later date under subsection 106(2).

[2023 cT-6.2 s107](#)

[Back to Top](#)

First year

108. Notwithstanding subsection 106(2), taxes imposed or varied by a town council in its first financial year within 3 months of its taking office become due and payable when rendered unless the town council sets a later date under section 106.

[2023 cT-6.2 s108](#)

[Back to Top](#)

Duration

109. Taxes imposed or varied by a town council remain in effect and are due according to the nature of the tax and their method of payment until the resolution of the town council imposing the tax has been cancelled.

[2023 cT-6.2 s109](#)

[Back to Top](#)

Tax payment

110. A town council may

- (a) determine the manner of payment of a tax imposed under this Act; and
- (b) allow taxes to be paid in instalments.

[2023 cT-6.2 s110](#)

[Back to Top](#)

Interest on arrears

111. A town 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 town council passes a resolution establishing

- (a) whether the interest shall be simple or compound;
- (b) the rate of interest to be charged; and

(c) when the interest shall be applied.

[2023 cT-6.2 s111](#)

[Back to Top](#)

Discount allowed

112. (1) A town council may allow a discount in respect of taxes imposed under this Act for

- (a) persons who pay their taxes on or before March 31 of a year;
- (b) persons who provide proof satisfactory to the town council of financial hardship; and
- (c) charitable and community organizations.

(2) Subsection (1) only applies where, before allowing the discount, the town council passes a resolution establishing the rate of discount.

[2023 cT-6.2 s112](#)

[Back to Top](#)

Publication

113. (1) A town shall publish annually

- (a) a copy of a resolution adopting its tax structure; and
- (b) a copy of the tax structure.

(2) Subsection (1) does not apply to a resolution of the town council that settles the amount of tax owed by a person.

(3) The liability of a person to pay a tax is not affected by the failure of a town to comply with subsection (1).

[2023 cT-6.2 s113](#)

[Back to Top](#)

Proof of tax

114. In an action under this Act in which it is necessary to show that a tax was imposed or varied, a copy of the following documents are, in the absence of evidence to the contrary, proof that the tax was properly imposed or varied:

- (a) the resolution of council imposing or varying the tax; and
- (b) the minute of the council signed by the town clerk.

[2023 cT-6.2 s114](#)

[Back to Top](#)

Exemption, remission and deferment

115. (1) A person may apply to a town council for, and the town 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 the period of time that the town council determines.

(2) A town council may determine the evidence which it shall require to warrant the exemption, remission or deferment.

[2023 cT-6.2 s115](#)

[Back to Top](#)

Tax agreements

116. A town 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.

[2023 cT-6.2 s116](#)

Division 2 Real Property Tax

[Back to Top](#)

Real property tax

117. (1) A town council shall impose an annual real property tax on the owners of real property within the town.

(2) A town council may establish classes and subclasses of real property for the purposes of establishing a real property tax.

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

[2023 cT-6.2 s117](#)

[Back to Top](#)

Rate of tax

118. (1) The real property tax rate shall be set as

- (a) a percentage of the assessed value of the real property as set out in the last assessment roll of the town prepared under the *Assessment Act, 2006*; or
- (b) a base amount plus a percentage of the assessed value of the real property as calculated in accordance with paragraph (a).

(2) The real property tax rate shall, when combined with all other anticipated revenues from other sources, be sufficient to cover the expenditures for the financial year in which the real property tax is imposed.

(3) A town council may, by resolution, establish different base amounts in a town 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 town in a by-law.

[2023 cT-6.2 s118](#)

[Back to Top](#)

Representative capacity

119. (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 the person's 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 town 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.

[2023 cT-6.2 s119](#)

[Back to Top](#)

Occupier considered owner

120. Where real property is occupied and the owner is not known despite a reasonable investigation by the town, the occupier is considered to be the owner for the purpose of the imposition and collection of the real property tax.

[2023 cT-6.2 s120](#)

[Back to Top](#)

Tax exempt property

121. (1) 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 town 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 on which they are situated;
- (e) cemeteries operated by churches or non-profit organizations;
- (f) the rectory or other principal place of residence of a religious leader 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 on which it is situated;
- (g) public health care facilities owned and operated by the Provincial Health Authority 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 the Crown, or in the case of a French first language school, the Conseil Scolaire Francophone Provincial 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 Fisheries, Forestry and Agriculture may designate.

(2) Notwithstanding paragraphs (1)(d) and (f), a church, place of worship, rectory, or a principal place of residence of a person referred to in paragraph (1)(f) shall only be exempt from real property tax where it is in active use.

[2023 cT-6.2 s121](#)

[Back to Top](#)

Tenant of tax exempt property

122. (1) A town council may require a tenant who pays rent or other valuable consideration for real property exempt from real property tax to pay a tax equivalent to the tax that would have been payable by the owner if the property were subject to the real property tax.

(2) A town council shall not require a tenant referred to in subsection (1) to pay a tax equivalent amount where the owner of the real property pays to the town a grant-in-lieu of taxes.

[2023 cT-6.2 s122](#)

[Back to Top](#)

Supplementary assessment

123. (1) Where a supplementary assessment was completed under paragraph 24(1)(a) of the *Assessment Act, 2006*, the owner of the real property 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

- (a) the date of substantial completion; or
- (b) the date of occupancy of the real property.

(2) Where a supplementary assessment was completed under paragraph 24(1)(b), (c), (d), (e) or (f) of the *Assessment Act, 2006*, the owner of the real property 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.

[2023 cT-6.2 s123](#)

[Back to Top](#)

Appeals of assessments

124. (1) Where a person appeals an assessment or supplementary assessment under the *Assessment Act, 2006*, the real property tax is payable based on the assessment or supplementary assessment notwithstanding the appeal.

(2) The difference between the amount of the tax collected under subsection (1) and the amount payable on the basis of the assessment as later determined in the appeal under the *Assessment Act, 2006* shall be paid by the owner or refunded by the town, according to the decision in the appeal.

Division 3 Business Tax

[Back to Top](#)

Business tax

125. (1) A town council may impose an annual business tax on all businesses which carry on business in the town.

(2) Where a town council imposes a business tax, the town council shall set the business tax as follows:

- (a) where a business has a fixed place of business, the business tax shall be set as either
 - (i) a percentage of the assessed value of the real property used by the business, or
 - (ii) a base amount plus a percentage of the assessed value of the real property used by the business; or
- (b) where a business has no fixed place of business or a business has a fixed place of business that cannot be assessed under the *Assessment Act, 2006*, the business tax shall be set as either
 - (i) a percentage of the gross revenue of the business, or
 - (ii) a base amount plus a percentage of the gross revenue of the business.

(3) For the purposes 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.

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

[2023 cT-6.2 s125](#)

[Back to Top](#)

Gross revenue

126. (1) A business that is subject to a business tax calculated under paragraph 125(2)(b) shall submit a sworn or affirmed statement as to its gross revenue in the preceding calendar year by February 1 of the following year.

(2) Where a business does not submit a statement of its gross revenue, the town council shall estimate the gross revenue of the business for the preceding year and calculate the business tax based on that estimate.

(3) Where a business which is subject to business tax as calculated under paragraph 125(2)(b) did not carry on business in the preceding year, the town council may estimate the gross revenue of the business and calculate the business tax based on that estimate.

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

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

[2023 cT-6.2 s126](#)

[Back to Top](#)

Classes and subclasses of businesses

127. (1) A town council may establish classes and subclasses of businesses for the purposes of calculating a business tax.

(2) The percentage of assessed value of real property referred to in paragraph 125(2)(a) and the percentage of gross revenue referred to in paragraph 125(2)(b) may differ in respect of different classes and subclasses of businesses.

[2023 cT-6.2 s127](#)

Division 4 Direct Sellers Tax

[Back to Top](#)

Direct sellers tax

128. (1) A town 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 only operate in a town in accordance with the terms of a permit issued by the town council.

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

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

[2023 cT-6.2 s128](#)

Division 5 Tourist Accommodation Tax

[Back to Top](#)

Tourist accommodation tax

129. (1) A town council may, by by-law, impose a tourist accommodation tax to be paid by guests of tourist accommodations located in the town.

(2) A by-law referred to in subsection (1) shall

(a) state the rate of the tourist accommodation tax or the amount of the tourist accommodation tax payable; and

(b) state the manner in which the tourist accommodation tax is to be collected.

(3) A by-law referred to in subsection (1) may provide for

(a) exemptions from the tourist accommodation tax;

- (b) penalties for failing to comply with the by-law;
- (c) interest on outstanding tourist accommodation tax or penalties;
- (d) the assessment of outstanding tourist accommodation taxes, penalties and interest;
- (e) audit and inspection powers; and
- (f) the establishment and use of such enforcement measures as the town considers appropriate if an amount assessed for outstanding tourist accommodation tax, penalties or interest remains unpaid after it is due, including the creation and registration of liens.

(4) Notwithstanding paragraph (2)(a), the rate of the tourist accommodation tax shall not exceed 4% of the daily rate for the tourist accommodation.

(5) A tourist accommodation tax shall be collected by operators of tourist accommodations as agents of the town.

(6) A town council shall not impose a tourist accommodation tax under this section on any persons and entities prescribed in the regulations.

(7) The use of one or more enforcement measures established by a by-law under this section does not prevent a town council from using any other remedy available in law to enforce the payment of amounts owing under this section.

(8) A town council that imposes a tourist accommodation tax shall use the proceeds of the tax collected for the purposes of tourism.

(9) Notwithstanding subsection (8), a town may use 12% or less of the proceeds of the accommodation tax collected to pay any administration costs relating to the imposition of the tourist accommodation tax.

(10) The Lieutenant-Governor in Council may, by regulation,

- (a) exempt persons and entities from a tourist accommodation tax imposed by a by-law referred to in subsection (1);
- (b) prescribe conditions and restrictions with respect to the imposition of a tourist accommodation tax; and
- (c) prescribe the methods of collection of a tourist accommodation tax.

[2023 cT-6.2 s129](#)

Division 6

Fees

[Back to Top](#)

Fee for service

130. A town council may charge a fee for the services provided by the town.

[2023 cT-6.2 s130](#)

[Back to Top](#)

Water and sewer fee

131. (1) A town served by a water system, sewer system or a water and sewer system shall impose upon the owner of real property a water and sewer fee for services received or deemed to be received.

(2) For the purposes of subsection (1), unless a town council, by by-law, provides otherwise, where a sewer or water main runs along the land of any person, that person is deemed to receive those services notwithstanding that the sewer or water mains are not physically connected by lateral lines to any residence, building or other structure located on the land of that person.

[2023 cT-6.2 s131](#)

[Back to Top](#)

Method of calculating water and sewer fees

132. (1) A water and sewer fee shall, for residential and commercial buildings or property on which there is no building, be set as

- (a) a fixed amount;
- (b) a metered rate; or
- (c) an amount calculated in accordance with a method that
 - (i) is established in a by-law, and
 - (ii) determines usage by a means other than a meter.

(2) A water and sewer fee may differ in respect of residential and commercial buildings, and different classes of residential buildings and commercial buildings.

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

(4) Where the water and sewer fee 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 town council may, for the purpose of imposing the water and sewer fee, estimate the quantity of water used in that building until a meter is installed and working.

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

(6) Notwithstanding that a person appeals an estimate under subsection (5), the person shall pay the water and sewer fee as calculated on the estimate of the quantity of water used and where it is determined in the appeal that an adjustment of the payment of the fee is required, the town council shall make the adjustment in accordance with the appeal decision.

(7) Notwithstanding subsection (1), an amount or rate charged in relation to a building owned by the Crown or an agency of the Crown including schools as defined in the *Schools Act, 1997* and public health care facilities owned and operated by the Provincial Health Authority shall be the same amount or rate as charged to similar buildings in the town.

(8) Notwithstanding section 131 and subsections (1) and (7), the minister may make regulations to establish a water and sewer fee applicable to and a maximum allowable amount of water and sewer fee payable by the owner of real property located inside or outside a town that is

connected to the water system or sewer system of that town or to both where that real property is the location of a

- (a) school operated under the *Schools Act, 1997*;
- (b) public health care facility owned and operated by the Provincial Health Authority; or
- (c) building owned by the Crown.

(9) A water and sewer fee imposed in accordance with subsection (8) shall be considered to have been imposed, with the necessary changes, under section 131 and subsections (1) and (7).

[2023 cT-6.2 s132](#)

[Back to Top](#)

Publication

133. (1) A town shall publish annually

- (a) a copy of a resolution adopting its fee structure; and
- (b) a copy of the fee structure.

(2) Subsection (1) does not apply to a resolution of the town council that settles the amount of fees owed by a person.

(3) The liability of a person to pay a fee is not affected by the failure of a town to comply with subsection (1).

[2023 cT-6.2 s133](#)

[Back to Top](#)

Interest on arrears

134. A town council may charge simple or compound interest on fees that are not paid on or before the date on which they become due, if, before making that charge, the town council passes a resolution establishing

- (a) whether the interest shall be simple or compound;
- (b) the rate of interest to be charged; and
- (c) when the interest shall be applied.

[2023 cT-6.2 s134](#)

Division 7 Local Improvement Fees

[Back to Top](#)

Local improvements

135. (1) A town council may undertake any local improvement it considers necessary for the benefit of all or part of the town and impose a local improvement fee against each parcel of land that will benefit from the local improvement.

(2) A local improvement is a work that the town council considers to be of greater benefit to an area of the town than to the whole town and may include

- (a) a local capital project undertaken by a town; and
- (b) connections to real property for sewer, drainage and water mains provided by a town.

[2023 cT-6.2 s135](#)

[Back to Top](#)

Local improvement by-law

136. A town council may, by by-law,

- (a) authorize a local improvement;
- (b) identify which parcels of land will benefit from a local improvement;
- (c) specify how to determine
 - (i) the total cost of a local improvement, including associated operating and maintenance costs, and
 - (ii) the total cost or a proportion of that cost that is to be levied against each parcel of land that will benefit from the local improvement;
- (d) establish the local improvement fee to be charged against each parcel of land that will benefit from the local improvement;
- (e) levy the total cost or a proportion of the cost of a local improvement against the parcels of land that will benefit from the local improvement and provide the means for assessment, collection and payment of the cost; and
- (f) authorize carrying out the local improvement.

[2023 cT-6.2 s136](#)

[Back to Top](#)

Notice of local improvement

137. (1) A town clerk shall send to all affected property owners who will be liable to pay the cost of the proposed local improvement a written notice that includes

- (a) a summary of the details of the local improvement including the cost, as specified in the by-law under paragraph 136(c); and
- (b) the procedure to be followed to object to the local improvement.

(2) A notice sent for the purposes of subsection (1) is deemed to have been received 10 days after the date on which it was sent.

(3) An affected property owner who wishes to object to the local improvement may file a written objection with the town clerk within 30 days of deemed receipt of the notice sent under subsection (1).

(4) At the end of the 30-day period referred to in subsection (3), the town clerk shall count any objections received.

[2023 cT-6.2 s137](#)[Back to Top](#)**Public hearing**

138. Where a town receives 2 or more objections to a proposed local improvement within the time period referred to in subsection 137(3), the town council shall set a time for a public hearing regarding the proposed local improvement and provide written notice to the affected property owners of the proposed local improvement in the manner determined by the town council.

[2023 cT-6.2 s138](#)[Back to Top](#)**Decision of council**

139. After a town council completes a public hearing required under section 138, the town council may

- (a) proceed with the local improvement as proposed or with modifications; or
- (b) rescind the by-law made under section 136 and not proceed with the proposed local improvement.

[2023 cT-6.2 s139](#)[Back to Top](#)**Agricultural land**

140. A town council may defer the payment of all or a portion of the payment of a local improvement fee relating to land primarily used for agriculture while that land continues to be used for that purpose.

[2023 cT-6.2 s140](#)[Back to Top](#)**Equitable application**

141. Where a town council undertakes a local improvement and imposes a local improvement fee, the town council shall, afterward, impose a local improvement fee on the real property similarly benefited by the local improvement.

[2023 cT-6.2 s141](#)[Back to Top](#)**Local improvement fee**

142. A local improvement fee imposed under this Part shall be paid by the owner of real property at the time and in the manner set out in the by-law made under section 136.

[2023 cT-6.2 s142](#)[Back to Top](#)

Interest on arrears

143. A town council may charge simple or compound interest on local improvement fees that are not paid on or before the date on which they become due, if, before making that charge, the town council passes a resolution establishing

- (a) whether the interest shall be simple or compound;
- (b) the rate of interest to be charged; and
- (c) when the interest shall be applied.

[2023 cT-6.2 s143](#)

Division 8
Liens and Arrears

[Back to Top](#)

Lien

144. (1) Taxes fixed, established and imposed in respect of real property, including

- (a) a real property tax; and
- (b) a business tax, where the owner of the business is also the owner of the real property occupied by that business,

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 town council.

(2) Water and sewer fees and local improvement fees imposed in respect of real property together with interest owing on those fees, constitute a lien upon that real property except where the real property is sold for arrears of those fees by the town council.

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

(4) 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.

(5) 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 earlier.

(6) 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.

(7) 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*.

[2023 cT-6.2 s144](#)

[Back to Top](#)

Arrears certificate

145. (1) A town clerk shall, on payment of a fee set by the town council, give an arrears certificate to the owner or mortgagee of real property or the owner's or mortgagee's solicitor certifying the amount of taxes, water and sewer fees, local improvement fees and other charges imposed by the town council on the real property.

(2) An arrears certificate provided in accordance with subsection (1) is binding upon the town as to all taxes, water and sewer fees, local improvement fees and other charges then imposed with respect to the real property.

[2023 cT-6.2 s145](#)

[Back to Top](#)

Notice of arrears

146. (1) Where a real property tax, a water and sewer fee or a local improvement fee is in arrears for 18 months, the town clerk shall serve a notice of arrears on the owner, mortgagee, judgment creditor, lienholder or other person having a charge or encumbrance upon or against the real property to which the real property taxes, water and sewer fees or local improvement fees apply.

(2) A notice referred to in subsection (1) shall be signed by the town clerk and shall contain the following information:

- (a) a general description of the real property affected;
 - (b) the amount of arrears of taxes, water and sewer fees and local improvement fees owing in respect of the real property;
 - (c) the year in which the arrears of taxes, water and sewer fees and local improvement fees were imposed and the person in whose name the real property was then assessed; and
 - (d) 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 90 days from the date of the notice.
- (3) Notwithstanding section 293,
- (a) where the address of the person is not known and the real property affected by the notice is occupied, the notice referred to in subsection (1) shall be served by leaving the notice with the tenant or occupant of the real property; or
 - (b) where any of the following apply, the notice shall be served by posting a copy of the notice in a conspicuous place on the real property:
 - (i) the address of the person is not known and the real property affected by the notice is not occupied,
 - (ii) the owner of the real property is not known, or
 - (iii) the town clerk has not been able to obtain information respecting ownership or encumbrances of the real property.

[2023 cT-6.2 s146](#)

[Back to Top](#)

Right of mortgagee, judgment creditor and lien holder

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

(2) Where a person pays taxes, water and sewer fees or local improvement fees and any interest and expenses under subsection (1),

- (a) the person may add the amount paid to the person's mortgage, judgment or other security, notwithstanding a clause or condition to the contrary contained in the security;
- (b) the person shall have the same rights, remedies and privileges against the real property that the person has under the security held by the person; and
- (c) the person may sue for and recover in an action for debt the amount paid 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 a town that the mortgagee may pay money owing to the town 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.

[2023 cT-6.2 s147](#)

[Back to Top](#)

Uncollectable debts

148. (1) A town council may, by a vote of 2/3 of the councillors in office, cancel or write off any arrears of taxes, fees, penalties or interest charges prescribed by by-law or specified in a resolution that, in the opinion of the town council, are no longer collectable from the person that is liable to pay them.

(2) Where a town council cancels or writes off taxes, fees, penalties or interest charges under subsection (1), the amounts owing in relation to the taxes, fees, penalties or interest charges cease to be amounts owing to the town.

[2023 cT-6.2 s148](#)

[Back to Top](#)

Notice of taxes and fees status

149. A town clerk shall, in writing, not more than 40 days and not less than 30 days before the end of a financial year, advise each councillor of the status of any taxes and fees that the councillor owes to the town.

[2023 cT-6.2 s149](#)

**Division 9
Arrears Sales**

[Back to Top](#)

Arrears sale

150. A town council shall, by resolution, direct that real property be sold by arrears sale upon confirmation by the town clerk that a notice of arrears for the real property was served in accordance with section 146 and the time period referred to in paragraph 146(2)(d) has expired.

[2023 cT-6.2 s150](#)

[Back to Top](#)

Notice of arrears sale

151. (1) The town clerk shall immediately upon receipt of a copy of the resolution referred to in section 150 serve an owner, mortgagee, judgment creditor, lienholder or other person having a charge or encumbrance upon or against the real property with written notice of the arrears sale.

(2) A person who receives a notice under subsection (1) may, within 14 days of service of the notice, file an appeal with the town.

(3) Where an appeal has not been filed under subsection (2), the town clerk may 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.

(4) Where an appeal has been filed under subsection (2), the town clerk shall not advertise the real property referred to in the resolution for sale by public auction until a decision has been made with respect to the appeal.

(5) An advertisement under this section shall be published in accordance with section 292 at least 30 days immediately before the date of the arrears sale.

(6) 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 town clerk's office.

[2023 cT-6.2 s151](#)

[Back to Top](#)

Arrears sale by public auction

152. (1) At the time and place referred to in the advertisement of an arrears sale the town clerk shall proceed to sell at the public auction the real property or portions of the real property that the town clerk determines are sufficient to pay the taxes, water and sewer fees, local improvement fees, interest and expenses, unless the arrears of taxes, water and sewer fees, local improvement fees and interest and the expenses incidental to those proceedings and the arrears sale are then, or have been previously, paid.

(2) Where the real property referred to in the advertisement of the arrears sale is only a portion of real property for which taxes, water and sewer fees or local improvement fees are owed and the portion does not sell for a sufficient amount to satisfy the taxes, water and sewer fees and local improvement fees, interest and expenses due with respect to the real property of which it forms a part, the town clerk may immediately, and without further notice, sell the whole or a portion of the remainder of the real property to satisfy the taxes, water and sewer fees and local improvement fees, interest and expenses.

(3) The town, by a town employee or agent, may bid for and purchase real property being sold to satisfy taxes, water and sewer fees, local improvement fees, interest and other expenses due.

[2023 cT-6.2 s152](#)

[Back to Top](#)

Further notice of arrears sale

153. (1) Where, at the time set for an arrears sale, there are no bidders or the town clerk fails to sell the real property for the full amount of the arrears of taxes, water and sewer fees, local improvement fees, interest and expenses due, the town clerk shall

- (a) adjourn the arrears sale until a date set by the town clerk that is not earlier than one week and not later than 2 weeks after the date on which the original arrears sale was scheduled;
- (b) serve notice of the date of the arrears sale set under paragraph (a) on a person entitled to notice under subsection 151(1);
- (c) publish a notice in accordance with section 292 that states that the arrears sale was adjourned and the time and place to which the arrears sale is adjourned; and
- (d) attempt to sell the real property at public auction.

(2) The town clerk may sell the real property at the public auction for an amount that can be realized.

[2023 cT-6.2 s153](#)

[Back to Top](#)

Arrears sale set aside

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

[2023 cT-6.2 s154](#)

[Back to Top](#)

Proceeds of arrears sale

155. (1) The town clerk shall, from money received at an arrears sale, deduct the amount of taxes, water and sewer fees, local improvement fees, interest and expenses owing to the town, at the time of the arrears sale.

(2) Where there is a balance remaining after making the deductions under subsection (1), the town 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 Supreme Court 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 Supreme Court.

(3) Where paragraph (2)(b) applies, the town shall immediately serve written notice on a person entitled to notice under subsection 151(1), setting out the amount of the balance and the requirement to apply to the Supreme Court 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 town shall pay the balance to the Supreme Court.

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

[2023 cT-6.2 s155](#)

[Back to Top](#)

Failure to pay

156. Where the purchaser of real property at an arrears sale fails to immediately,

- (a) pay the town clerk or the town's agent the amount of the purchase price of the real property; or
- (b) deposit with the town clerk an amount equal to the amount of the taxes, water and sewer fees, local improvement fees, interest and expenses of the arrears sale for which the real property has been sold,

the town clerk shall immediately re-offer the real property for sale at the public auction.

[2023 cT-6.2 s156](#)

[Back to Top](#)

Future assessments

157. (1) Where real property has been sold by arrears sale, the real property shall be assessed to the purchaser or the purchaser's executors, administrators or assigns.

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

[2023 cT-6.2 s157](#)

[Back to Top](#)

Vesting of real property following arrears sale

158. (1) Where real property has been sold by arrears sale, the town council shall give to the purchaser a valid conveyance in the name of the town signed by the mayor and the town clerk or a person appointed by the town council and sealed by the town.

- (2) The conveyance referred to in subsection (1) shall
 - (a) be conclusive evidence that the provisions of this Act with reference to the arrears 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
 - (b) have the effect of vesting the real property in the purchaser, the purchaser's executors, administrators or assigns absolutely free from encumbrances except a claim of the Crown and an easement.

[2023 cT-6.2 s158](#)

Division 10
Enforcement of Payment of Taxes and Fees

[Back to Top](#)

Seizure of rent

159. (1) In addition to all other powers of enforcing payment of taxes, water and sewer fees and local improvement fees that a town possesses, a town council may seize all or a portion of the rent payable by tenants of real property that is subject to a real property tax, business tax, water and sewer fee or local improvement fee that may be needed to discharge the liability of the owners of that real property for the tax, water and sewer fee or local improvement fee due by the owners to the town whether or not those taxes or fees are in respect of the real property occupied by the tenants.

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

(3) The town 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 the tenant receives the notice under subsection (2), until the town clerk cancels the notice in writing, pay the rent to the town, or the portion of rent as the town clerk specifies in the notice, and a receipt signed by the town clerk is, to the extent of the payment, a discharge to the tenant as against a claim by the tenant's landlord for rent.

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

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

(7) Where a tenant fails to comply with subsection (4), the town may disconnect the service of a water system, sewer system or water and sewer system provided to the property.

[2023 cT-6.2 s159](#)

[Back to Top](#)

Disconnection of service

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

(2) Before disconnecting services under subsection (1), a town shall give the owner of the real property 30 days written notice of the town council's intention to disconnect the services.

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

[2023 cT-6.2 s160](#)

[Back to Top](#)

Collection as civil debt

161. All taxes and fees imposed under this Part, together with interest owing on the taxes and fees and reasonable costs of collection for the taxes and fees 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 town as a civil debt due to the town.

[2023 cT-6.2 s161](#)

**PART VIII
SERVICES**

[Back to Top](#)

Mandatory services

162. A town shall provide the following services:

- (a) waste collection and removal;
- (b) fire protection;
- (c) maintenance of local roadways; and
- (d) snow clearing of local roadways.

[2023 cT-6.2 s162](#)

[Back to Top](#)

Fire department

163. A town council may

- (a) establish, operate and maintain a fire department composed entirely or partly of volunteer members or of paid employees; and
- (b) 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 town council, either inside or outside the town's boundaries.

[2023 cT-6.2 s163](#)

[Back to Top](#)

Fire spread prevention

164. (1) A fire chief or the officer in charge may attach and fix to a private or public building or structure, in a manner satisfactory to the fire chief, fire alarms, wires and fastenings that the fire chief considers necessary for carrying on the work of the fire department or staying the progress of or preventing a fire.

(2) A fire chief or the officer in charge at a fire may, where the fire chief or officer in charge 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.

[2023 cT-6.2 s164](#)

[Back to Top](#)

Right re: traffic

165. (1) A fire chief and other 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) A fire chief or the officer in charge at a fire or other emergency may close all highways in the vicinity of a fire or other emergency.

[2023 cT-6.2 s165](#)

[Back to Top](#)

Power to enter building

166. (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 a fire chief or other member of a fire department, or the town, with respect to damage necessarily occasioned to the buildings or structure as a result of an action under subsection (1).

[2023 cT-6.2 s166](#)

[Back to Top](#)

Other fire department

167. A fire chief or other members of a fire department of another town or a local service district fire department, or a person that gives aid to a fire department in fighting a fire or responding to other emergencies are considered to be members of that fire department while they are giving that aid.

[2023 cT-6.2 s167](#)

[Back to Top](#)

Prohibition

168. (1) A person shall not obstruct a fire chief or member of a fire department in the discharge of the fire chief's or member's duties or wilfully delay the passage of an engine, apparatus or appliance used by the fire chief 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.

[2023 cT-6.2 s168](#)

[Back to Top](#)

Minimum standards

169. The minister may, by regulation, prescribe minimum standards for services provided by a town.

[2023 cT-6.2 s169](#)

[Back to Top](#)

Providing services outside town

170. (1) A town may provide any service that it provides in the town to

- (a) another town, a city or a local service district with the agreement of that other town, city or local service district; and
- (b) individual properties in an unincorporated area with the agreement of the property owner or occupant.

(2) Where a town provides services under subsection (1), the services shall be provided on a fee-for-service basis.

[2023 cT-6.2 s170](#)

[Back to Top](#)

Acquisition of water and sewer systems

171. (1) A town may acquire and take possession of water and sewer systems and related infrastructure that were constructed by a person, upon the terms of compensation that have been agreed upon by

- (a) the person having an interest or right as owner or otherwise in the water and sewer system and related infrastructure; and
- (b) the town council.

(2) Where an agreement cannot be made under subsection (1), the compensation shall be determined and paid in accordance with Part IX of the *Urban and Rural Planning Act, 2000*.

[2023 cT-6.2 s171](#)

[Back to Top](#)

General right of entry

172. (1) Employees or agents of a town authorized by the town 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, sewer system, storm drainage system or other public works that the town council is empowered to undertake or to control in the town.

(2) Employees or agents of a town 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 public works that the town council is empowered to undertake or control in the town.

[2023 cT-6.2 s172](#)

[Back to Top](#)

Town council to give notice

173. Before engaging in an activity authorized under section 171 or 172 on private property a town council shall give the owner of the property reasonable notice that it intends to engage in that

activity.

[2023 cT-6.2 s173](#)

[Back to Top](#)

Compensation for injurious affection

174. (1) A town shall compensate a person injuriously affected by a public work or structure or anything done under sections 171 and 172 in an amount that may be agreed.

(2) Where an agreement cannot be made under subsection (1), the compensation shall be determined and paid in accordance with Part IX of the *Urban and Rural Planning Act, 2000* as if the injurious affection had been caused by expropriation.

[2023 cT-6.2 s174](#)

[Back to Top](#)

Ownership of highways

175. (1) The ownership of all highways, sidewalks and bridges in the town, except highways vested in the Crown under section 5 of the *Works, Services and Transportation Act*, are vested in the town.

(2) Where a town council is established to govern an area that was a townsite 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.

[2023 cT-6.2 s175](#)

[Back to Top](#)

Private roads

176. A privately constructed road that is to be used by the public may be acquired by a town as a highway, without compensation, where the town council is of the opinion that

- (a) the road is of a standard satisfactory to the town council; and
- (b) the acquisition of the road is necessary for public use.

[2023 cT-6.2 s176](#)

[Back to Top](#)

Recreational facilities

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

[2023 cT-6.2 s177](#)

[Back to Top](#)

Names and numbering

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

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

[2023 cT-6.2 s178](#)

[Back to Top](#)

Municipal service delivery corporation

179. (1) A town, city, local service district and an unincorporated area, or a combination of 2 or more of those entities, may incorporate a corporation under the *Corporations Act* for the purpose of delivering water and sewer services or one or more services in this Part.

(2) Notwithstanding subsection (1), a town shall not establish a corporation that operates for the purpose of making a profit or acquire or hold securities of a corporation that operates for that purpose.

[2023 cT-6.2 s179](#)

PART IX CONTROLS

[Back to Top](#)

Building prohibition

180. (1) Except in accordance with a written permit issued by a town council, a person shall not do one or more of the following within the town:

- (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
 - (i) a newly constructed building, or
 - (ii) a building that has been vacant for a period of 6 months or more.

(2) A person aggrieved by a town council's refusal to issue a permit required under subsection (1) may, within 14 days from the date of the decision, appeal the decision to an adjudicator appointed under the *Urban and Rural Planning Act, 2000* and the adjudicator may make an order with respect to the matter.

[2023 cT-6.2 s180](#)

[Back to Top](#)

Water and sewer prohibition

181. (1) Except in accordance with a written permit issued by a town council, a person shall not do one or both of the following within the town:

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

(2) A town 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.

[2023 cT-6.2 s181](#)

[Back to Top](#)

Storm drainage

182. (1) Except in accordance with a written permit issued by a town council, a person shall not do one or more of the following within the town:

- (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.

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

[2023 cT-6.2 s182](#)

[Back to Top](#)

Signs

183. A person shall not erect a sign in a town except in accordance with the terms of a written permit issued by the town council.

[2023 cT-6.2 s183](#)

[Back to Top](#)

Private roads

184. A person shall not open or make a new highway designed for public use through privately owned land in a town except

- (a) with the prior written approval of the town council; and
- (b) in accordance with conditions and specifications imposed by the town council in its approval.

[2023 cT-6.2 s184](#)

[Back to Top](#)

Removal of projections

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

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

(3) Where a projection described in subsection (1) has been placed on, into or over a reservation before it has been designated or approved by a town council, the town council shall pay

the cost of removal and shall compensate the owner in an amount to be agreed for the loss of the owner's property, or where an agreement cannot be reached, in an amount determined as if it were an expropriation under Part IX of the *Urban and Rural Planning Act, 2000*.

[2023 cT-6.2 s185](#)

[Back to Top](#)

Construction

186. A person shall not break up the surface of a 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 town council in its approval.

[2023 cT-6.2 s186](#)

[Back to Top](#)

Parking lots

187. A person shall not operate or construct a parking lot within a town except in accordance with a written permit from the town council.

[2023 cT-6.2 s187](#)

[Back to Top](#)

Heritage buildings, structures and lands

188. (1) A building, structure or land designated by a town council as a heritage building, structure or land, shall not be

- (a) demolished; or
- (b) built upon.

(2) Where a building or structure has been designated by a town council as a heritage building or structure, the exterior of the building or structure shall not be altered, except under a written permit of a town council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.

(3) A town council may establish a heritage advisory committee to advise the town council on by-laws made with respect to heritage buildings, structures and lands and the preservation of the real property designated under that by-law.

[2023 cT-6.2 s188](#)

[Back to Top](#)

Sale of property valued at less than \$500

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

[2023 cT-6.2 s189](#)

[Back to Top](#)

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

190. (1) Where the estimated fair market value of real or personal property held by a town is \$500 or more, the town council may, by resolution, sell or lease the real or personal property in accordance with this section.

(2) A town council shall publish in accordance with section 292 notice of the town council's intention to sell or lease real or personal property.

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

(4) Notwithstanding subsection (3), a town council shall not accept an offer to sell or lease real or personal property that is less than the estimated fair market value.

(5) Notwithstanding subsections (3) and (4), a town council may, by a vote of 2/3 of the councillors in office, 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 economic, social or environmental well-being.

(6) Notwithstanding subsection (5), a council may, by a vote of 2/3 of the councillors in office, 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.

[2023 cT-6.2 s190](#)

[Back to Top](#)

Disposition of property valued at \$500 or more

191. (1) Where the estimated fair market value of real or personal property is \$500 or more, a town council may, by a vote of 2/3 of the councillors in office, 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 economic, social or environmental well-being.

(2) A town council shall publish in accordance with section 292 notice of the town council's intention to dispose of real or personal property under subsection (1).

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

[2023 cT-6.2 s191](#)

[Back to Top](#)

Binding requirements

192. Nothing in section 189, 190 or 191 relieves a town council from complying with section 95 of the *Urban and Rural Planning Act, 2000*.

[2023 cT-6.2 s192](#)

[Back to Top](#)

Adverse possession abolished

193. Notwithstanding a law or practice to the contrary, any period that a person possesses land that is owned by a town does not count for the purpose of conferring upon the person an interest in the lands so possessed.

[Back to Top](#)**Business improvement areas****194. (1) In this section**

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

(2) A town council may make by-laws

- (a) to declare and designate business improvement areas within a town;
- (b) respecting the enhancement and improvement of a business improvement area;
- (c) respecting special projects, activities or events to improve a business improvement area;
- (d) respecting the powers, duties, election, appointment 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) Before designating a business improvement area, a town council shall give written notice of the intended by-laws 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 town.

(4) A town council shall not designate a business improvement area where, within 30 days of giving written notice, 1/2 of those entitled to notice under subsection (3) and representing 1/2 of the assessed business tax in the proposed business improvement area give written notice to the town clerk of the objections to the designation of a business improvement area.

(5) Where a town 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 town council may, by by-law, 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); or
- (b) where a board has not functioned for a period of one or more years.

[Back to Top](#)

Economic development

195. (1) A town council may facilitate economic development in any manner it considers appropriate, including

- (a) the continuance or establishment of an economic development corporation;
- (b) the expansion or continuation of a business or industry located within its territorial limits;
- (c) the sale or lease of land within its territorial limits at a price below market value; or
- (d) the provision of grants.

(2) Notwithstanding subsection (1), a town shall not do any of the following for the purpose of facilitating economic development:

- (a) acquire or hold securities;
- (b) operate for profit; or
- (c) provide loans or guarantees.

(3) For the purposes of this section, a town council may enter into an agreement with another town, a city, local service district, agency, person or the government of the province.

[2023 cT-6.2 s195](#)

[Back to Top](#)

State of emergency

196. (1) Where, in the opinion of a town council or mayor, an emergency exists, the town council or mayor may declare a state of emergency in the town or part of the town.

(2) Where a state of emergency is declared under subsection (1), the town council or mayor

- (a) shall activate its emergency management plan in accordance with the *Emergency Services Act*; and
- (b) may order one or more of the following:
 - (i) the closure of businesses and schools or a class of businesses and schools in the town,
 - (ii) the restriction of the hours of operation of businesses and schools or a class of businesses and schools, in the town,
 - (iii) the banning or controlling of public gatherings,
 - (iv) the restriction or prohibition of the use of vehicles or a class of vehicles on local roadways,
 - (v) 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 certain hours, whether alone or in the company of a parent, guardian or other adult,
 - (vi) the evacuation of buildings or areas of the town,

- (vii) curfews or shelter-in-place orders for persons or classes of persons,
 - (viii) the temporary suspension or amendment of town by-laws,
 - (ix) the restriction or prohibition of the use of water in the town, and
 - (x) a temporary prohibition, restriction or limitation of any activity under the jurisdiction of a town.
- (3) An order under subsection (2) shall be published in accordance with section 292.
- (4) Where the town council or mayor determines it necessary, the town council or mayor may, in accordance with section 293, serve a person with an order under subsection (2).
- (5) A person shall comply with an order under subsection (2) at the person's own expense.
- (6) An order under subsection (2) shall not conflict with an order of the Chief Medical Officer of Health under the *Public Health Protection and Promotion Act*.
- (7) An order made under this section continues in force until revoked by the town council.
- (8) A town council may, in an order made under subsection (2), specify a time within which there shall be compliance with the order.
- (9) Where a person does not comply with the order or a part of an order made under subsection (2), the town 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 town in carrying out the terms of the order are recoverable from the person as a debt owed to the town.
- (10) A town council may delegate to an employee of the town the power to issue orders under this section.

[2023 cT-6.2 s196](#)

PART X APPOINTMENT OF COMPTROLLER, ADMINISTRATOR OR RECEIVER

[Back to Top](#)

Appointment of comptroller

197. (1) The minister may

- (a) appoint a comptroller of a town where one or more of the following apply:
 - (i) the town 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 town by the Crown or guaranteed by the Crown,
 - (ii) the minister is of the opinion that the town is in serious financial difficulty, or
 - (iii) the minister is of the opinion that the town is in default under a contract; and
- (b) specify the duties of a comptroller.

(2) Where a comptroller is appointed for a town, the minister may determine the remuneration and expenses of the comptroller and the remuneration and expenses shall be paid from the funds of the town.

[2023 cT-6.2 s197](#)[Back to Top](#)**Expenditures where comptroller**

198. Where a comptroller has been appointed under section 197,

- (a) the comptroller shall countersign all cheques issued by the town; and
- (b) the town council, or a person acting for the town council, shall not, without the prior written approval of the comptroller,
 - (i) spend money,
 - (ii) incur an expenditure, or
 - (iii) enter into an agreement that may commit the town to an expenditure of money.

[2023 cT-6.2 s198](#)[Back to Top](#)**Ministerial direction**

199. The minister may, upon the recommendation of the comptroller, give written direction to a town council to issue one or more cheques for payments listed in the written direction.

[2023 cT-6.2 s199](#)[Back to Top](#)**Appointment of administrator**

200. (1) The minister may appoint an administrator of a town where the minister is of the opinion that

- (a) the town is in serious financial difficulty;
- (b) the town council is unable to function or act as a town council; or
- (c) it is in the best interests of the town and its residents that its affairs be conducted by an administrator.

(2) Where an administrator is appointed for a town, the minister may determine the remuneration and expenses of the administrator and the remuneration and expenses shall be paid from the funds of the town.

[2023 cT-6.2 s200](#)[Back to Top](#)**Dismissal of council**

201. Upon the appointment of an administrator, the seats of the councillors of the town council for which the administrator was appointed are vacated and the town council may no longer act for or on behalf of the town or exercise the functions, powers or authority vested in the town council.

[2023 cT-6.2 s201](#)

[Back to Top](#)

Powers of administrator

202. (1) An administrator

- (a) may exercise the powers and authority of the town council; and
 - (b) is subject to the restrictions and responsibilities of the town council.
- (2) An administrator may dismiss the officers, employees and volunteers of the town.

[2023 cT-6.2 s202](#)

[Back to Top](#)

Duty to administrator

203. (1) The officers, employees and volunteers of a town shall provide to the administrator at the administrator's 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 town that they have in their possession or under their control.

(2) An officer, employee and volunteer shall immediately comply with a request of an administrator under subsection (1).

[2023 cT-6.2 s203](#)

[Back to Top](#)

Budget

204. (1) An administrator shall submit a budget to the minister, in a form set by the minister, within 3 months of the administrator's appointment.

(2) The minister may approve or amend the budget submitted under subsection (1).

(3) An administrator shall only make expenditures within the budget approved by the minister.

[2023 cT-6.2 s204](#)

[Back to Top](#)

Employees and officers

205. An administrator shall

- (a) appoint all officers and hire all employees necessary for the requirements of the town;
and
- (b) determine the amount of the salary to be paid to each officer and employee.

[2023 cT-6.2 s205](#)

[Back to Top](#)

Realization of assets

206. (1) For the purpose of realizing upon the liquid assets of a town that exist at the time an administrator is appointed, including arrears of taxes, the administrator has the powers of the town council and shall use lawful means to realize upon the liquid assets.

(2) Money received from the realization upon the liquid assets shall, in the manner and to the extent that the minister may determine, be used for the payment of the liabilities of the town at the time the administrator is appointed.

(3) The minister may decide the rates of taxation for a town for which an administrator has been appointed.

[2023 cT-6.2 s206](#)

[Back to Top](#)

Books of account and records

207. (1) An administrator shall keep correct and complete books of account relating to the affairs of a town showing the financial condition of the town.

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

(3) The books of account shall be audited as required under sections 93 to 97.

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

(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 town for the preceding month.

[2023 cT-6.2 s207](#)

[Back to Top](#)

Status of by-laws and policies

208. All by-laws and policies in force in a town immediately before the appointment of an administrator remain in force until amended or revoked by the administrator with the approval of the minister.

[2023 cT-6.2 s208](#)

[Back to Top](#)

Restoration of status

209. (1) Where the minister is satisfied that it is appropriate for the affairs of a town to be again conducted by a town council, the minister may order a special election of a new town council under the *Municipal Elections Act*.

(2) Where a new town council is elected in accordance with subsection (1), the appointment of the administrator is revoked and the administrator shall provide the records of the town to the town clerk or, in the town clerk's absence, to the town council.

(3) Where a new town council is not elected or cannot be elected in accordance with subsection (1), the administrator may recommend to the minister that the town be amalgamated with

another town, a local service district or a city or annexed to another town, a local service district or a city.

[2023 cT-6.2 s209](#)

[Back to Top](#)

Receivership

210. (1) Where the Lieutenant-Governor in Council has reason to believe that a town is insolvent, or is in imminent danger of insolvency and that it is in the best interest of the town and its creditors that the town be disincorporated and its affairs wound up, or that the town should not continue in existence, the Lieutenant-Governor in Council may, by order, disincorporate the town and appoint a receiver.

(2) A receiver is subject to the direction of the minister in all things concerning the performance of the receiver's duties.

(3) Where a receiver is appointed for a town, the minister may determine the remuneration and expenses of the receiver and the remuneration and expenses shall be paid from the funds of the town.

[2023 cT-6.2 s210](#)

[Back to Top](#)

Effect of order

211. Upon the effective date of an order made under section 210,

- (a) the town is disincorporated and no longer exists;
- (b) the town council or the administrator and all officers and employees of the town are dismissed and are no longer qualified to act for or on behalf of the town or to exercise the functions, powers, and authority vested in the town council, or the administrator, and the officers and employees; and
- (c) all volunteers are dismissed.

[2023 cT-6.2 s211](#)

[Back to Top](#)

Duty to receiver

212. (1) The former officers, employees and volunteers of a town or the former administrator shall provide to the receiver, at the receiver's 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 town that they have in their possession or under their control.

(2) An officer, employee, volunteer or administrator shall immediately comply with a request under subsection (1).

[2023 cT-6.2 s212](#)

[Back to Top](#)

Powers of receiver

213. Upon the appointment of a receiver, the receiver shall

- (a) realize upon the liquid assets of a town that exist at the time the receiver is appointed, including arrears of taxes; and
- (b) with the approval of the minister and in the manner set by the minister, sell or otherwise dispose of the property of the town and execute in the name of and on behalf of the town all deeds, conveyances, transfers, assignments, receipts and other documents, and for that purpose, use, where necessary, the corporate seal of the town.

[2023 cT-6.2 s213](#)

[Back to Top](#)

Books of account and records

214. (1) A receiver shall keep correct and complete books of account relating to the affairs of the town showing the true financial condition of the town.

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

(3) The books of account shall be audited as required under sections 93 to 97.

(4) A receiver shall keep a correct record of all the proceedings taken by the receiver relating to the affairs of the town and shall give the minister a full statement upon completion of the receiver's duties.

[2023 cT-6.2 s214](#)

[Back to Top](#)

Application of money

215. (1) Money realized by a receiver shall be applied by the receiver in payment of the liabilities of the town as far as circumstances permit after paying the costs and expenses incidental to the receivership or the disincorporation, including the remuneration of the receiver, in the following order of priority:

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

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

[2023 cT-6.2 s215](#)

PART XI LOCAL SERVICE DISTRICTS

[Back to Top](#)

Definitions

216. In this Part

- (a) "chairperson" means the chairperson of a committee;

- (b) "committee" means a local service district committee continued or elected or appointed in accordance with this Part;
- (c) "fire department" means a local service district fire department established or continued under this Part;
- (d) "garbage" means discarded material of all kinds including solid waste, machinery, appliances, vehicles and all other articles which are apparently abandoned or are of unsightly appearance;
- (e) "member" means a member of a committee;
- (f) "resident" means a person who
 - (i) is 18 years of age or older, and
 - (ii) lives in the local service district on a full-time basis; and
- (g) "seasonal resident" means a person who
 - (i) is 18 years of age or older, and
 - (ii) lives in the local service district on a part-time basis.

[2023 cT-6.2 s216](#)

[Back to Top](#)

Existing local service districts

217. A local service district established or continued under the former Act is continued as a local service district under this Act.

[2023 cT-6.2 s217](#)

[Back to Top](#)

Local service district

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

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

(2) Before making an order under subsection (1), the minister may require that an assessment be completed in accordance with the regulations.

(3) The minister may make regulations prescribing the process for determining whether residents wish to seek an order under paragraph (1)(a), (b), (c), (d) or (e).

(4) Where a local service district is disestablished, the minister may appoint a receiver and section 256 applies.

[2023 cT-6.2 s218](#)[Back to Top](#)**Corporation**

219. (1) A local service district is a corporation and shall not operate for profit.

(2) The powers of a local service district are vested in and shall be exercised by its local service district committee.

[2023 cT-6.2 s219](#)[Back to Top](#)**Status of local service district**

220. A local service district is not a town for the purpose of this Act or another Act.

[2023 cT-6.2 s220](#)[Back to Top](#)**Publication of order**

221. In addition to the requirements for publication in the *Gazette* under the *Statutes and Subordinate Legislation Act*, an order made under section 218 shall be published in accordance with section 292.

[2023 cT-6.2 s221](#)[Back to Top](#)**Local service district committee**

222. (1) Within 60 days of an order under paragraph 218(1)(a) the minister shall, by order,

- (a) establish a committee to be elected for the incorporated local service district;
- (b) convene a meeting of the residents to elect a committee, and
- (c) appoint a person to conduct the meeting referred to in paragraph (b).

(2) The minister shall publish a notice of the meeting in accordance with section 292 at least 7 days before the date of the meeting.

(3) A quorum for a meeting held under subsection (1) is 10% of the residents.

(4) The number of members shall not exceed the maximum number of members referred to in subsection 225(1).

(5) Where the residents fail to elect members of the committee as required under subsection (1), the minister shall appoint members to represent the residents.

(6) A member of a committee elected under subsection (1) or appointed under subsection (5) holds office until the next general election.

(7) A committee established under the former Act is continued under this Act.

(8) A committee shall control and manage the local service district in accordance with this Part and the regulations.

(9) The minister may make regulations respecting

(a) the operations and proceedings of a committee; and

(b) the remuneration of the members.

[2023 cT-6.2 s222](#)

[Back to Top](#)

General elections

223. (1) An election of members shall take place every 4 years on the date that the general election under section 5 of the *Municipal Elections Act* is held.

(2) Only residents of a local service district may vote in an election of members.

(3) Notwithstanding subsection (2), a seasonal resident is eligible to vote in an election in a local service district where , immediately before the coming into force of this Act,

(a) the local service district was one in which 75% or more of the persons residing in the local service district were seasonal residents; and

(b) seasonal residents were eligible to vote in an election in that local service district.

[2023 cT-6.2 s223](#)

[Back to Top](#)

By-election

224. (1) Where a vacancy occurs on a committee more than 12 months before the expiration of the term of a member, the committee shall call a by-election for the purpose of electing a member to fill the vacancy for the unexpired term of the member being replaced.

(2) A by-election held under subsection (1) shall take place within 3 months of the vacancy.

(3) Where a member is not elected in accordance with subsection (1) and the minister does not appoint a member in accordance with section 227, the committee shall call another by-election to fill the vacancy within 3 months of the by-election referred to in subsection (1).

(4) A by-election referred to in this section shall be held at a special meeting referred to in section 239.

(5) A committee may, with the approval of the minister, defer or dispense with a by-election under this section.

[2023 cT-6.2 s224](#)

[Back to Top](#)

Composition of committee

225. (1) A committee shall consist of 5 or 7 members.

(2) The determination of whether a committee consists of 5 or 7 members shall be made at the meeting at which the general election is held.

(3) Notwithstanding subsection (1), a committee may, with the approval of the minister, consist of more than 7 members.

[2023 cT-6.2 s225](#)

[Back to Top](#)

Qualification of members

226. (1) A person is qualified to be elected as a member where the person

- (a) is a resident of the local service district;
- (b) is not in arrears of fees imposed by the committee for a prior financial year; and
- (c) does not hold an office for which a salary or remuneration is payable out of the funds of the local service district.

(2) Notwithstanding paragraph (1)(a), a seasonal resident is eligible to be elected as a member of a committee in a local service district where, immediately before the coming into force of this Act,

- (a) the local service district was one in which 75% or more of the persons residing in the local service district were seasonal residents; and
- (b) seasonal residents were eligible to be elected as members of the committee.

[2023 cT-6.2 s226](#)

[Back to Top](#)

Appointment of members

227. (1) Where in an election or by-election held in accordance with this Part

- (a) a candidate is not nominated;
- (b) fewer candidates are nominated than there are members to be elected; or
- (c) for another reason, the number of members elected is less than that provided for in the election or by-election,

the minister may appoint as many members as necessary so that the number of members equals the number of members required under section 225.

(2) A member appointed under subsection (1) holds office for the same term as the member would have served had the member been elected as a member in a general election or by-election.

[2023 cT-6.2 s227](#)

[Back to Top](#)

Composition of committee after amalgamation

228. (1) Within 60 days of an order under paragraph 218(1)(c) the minister shall, by order,

- (a) disestablish the committees of the local service districts that were amalgamated;
- (b) establish a committee to be elected for the amalgamated local service district;

(c) convene a meeting of the residents to elect a committee, and

(d) appoint a person to conduct the meeting referred to in paragraph (c).

(2) The minister shall publish a notice of the meeting in accordance with section 292 at least 7 days before the date of the meeting.

(3) A quorum for a meeting held under subsection (1) is 10% of the residents.

(4) Where the residents fail to elect members of the committee as required under subsection (1), the minister shall appoint members to represent the residents.

(5) A member of a committee elected under subsection (1) or appointed under subsection (4) holds office until the next general election.

[2023 cT-6.2 s228](#)

[Back to Top](#)

Composition of committee after alteration or annexation

229. (1) Within 60 days of an order under paragraph 218(1)(b) or (d), the minister may, by order,

(a) increase or decrease the number of members;

(b) convene a meeting of the residents to elect a committee or a member of a committee;
and

(c) appoint a person to conduct the meeting referred to in paragraph (b).

(2) Notwithstanding subsection (1), the number of members shall not exceed the maximum number of members referred to in subsection 225(1).

(3) Where the minister increases the number of members under paragraph (1)(a), the minister shall convene a meeting of the residents to elect the members.

(4) A quorum for a meeting held under paragraph (1)(b) is 10% of the residents.

(5) Where the residents fail to elect members of the committee as required under paragraph (1)(b), the minister shall appoint members to represent the residents.

(6) A member of a committee elected under paragraph (1)(b) or appointed under subsection (5) holds office until the next general election.

[2023 cT-6.2 s229](#)

[Back to Top](#)

Term of office

230. A member elected or appointed in accordance with this Part remains in office until the next general election, unless the member dies or the member's office becomes vacant under subsection 231(1).

[2023 cT-6.2 s230](#)

[Back to Top](#)

Vacancy of office

231. (1) The office of a member becomes vacant where

- (a) the member resigns in writing to the committee;
- (b) the member is a member of a committee that is dismissed under the *Municipal Affairs Act* or the member is dismissed as a member of a committee under the *Municipal Affairs Act*;
- (c) an administrator is appointed under section 255; or
- (d) the committee declares the office vacant in accordance with subsection (2).

(2) The committee shall, by resolution, declare the office of a member vacant where the member

- (a) ceases to be a resident of the local service district;
- (b) has been absent from the local service district for more than one year;
- (c) becomes indebted to the local service district for arrears of fees imposed or assumed by the local service district in accordance with this Act for a prior financial year;
- (d) without the leave of the committee
 - (i) neglects to be sworn into office within 30 days after the member's election, or
 - (ii) does not attend 2 successive meetings of the committee; or
- (e) accepts, without the prior approval of the minister, an office or employment with the local service district for which the salary or remuneration is payable out of the funds of the local service district.

(3) The office of a member is considered vacant on the date

- (a) specified in the resignation where the member resigns or if a date is not specified in the resignation, the date the member submits the resignation to the committee;
- (b) the committee or the member is dismissed under paragraphs (1)(b) or (c); or
- (c) the committee declares the office vacant in accordance with subsection (2).

(4) Where the office of chairperson becomes vacant, the vice-chairperson shall act as the chairperson until the committee elects the chairperson or another member to be vice-chairperson.

[2023 cT-6.2 s231](#)

[Back to Top](#)

First meeting

232. Except as may otherwise be approved by the minister, a committee shall

- (a) hold its first meeting within 60 days of its election or appointment in accordance with this Part; and
- (b) elect a member to be the chairperson and another to be the vice-chairperson at the first meeting.

[2023 cT-6.2 s232](#)[Back to Top](#)**Meetings required**

233. (1) A committee shall meet at least once every 3 months to transact any business that is considered necessary.

(2) Every meeting held under subsection (1) shall be open to the public.

[2023 cT-6.2 s233](#)[Back to Top](#)**Closed meetings**

234. (1) Notwithstanding subsection 233(2), a committee meeting may be closed to the public where it is necessary to discuss

- (a) information of which the confidentiality is protected by law;
 - (b) personal information that is protected under the *Access to Information and Protection of Privacy Act, 2015*;
 - (c) information that could cause financial loss or gain to a person or the local service district, or could jeopardize negotiations leading to an agreement or contract;
 - (d) information that could violate the confidentiality of information obtained from the Government of Canada or from the government of a province or territory;
 - (e) information concerning legal opinions or advice provided to the committee by its lawyer or privileged communications between lawyer and client in a matter of local service district business;
 - (f) litigation or potential litigation affecting the local service district;
 - (g) the access to or security of buildings and other structures occupied or used by the local service district or access to or security of systems of the local service district, including computer or communication systems;
 - (h) information gathered by the Royal Newfoundland Constabulary and the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity, or the source of that information; and
 - (i) labour and employment matters.
- (2) Where a meeting is a closed meeting,
- (a) members of the public shall not be present;
 - (b) a resolution shall not be adopted other than a resolution
 - (i) giving instructions to the lawyer for the local service district,
 - (ii) giving instructions to any person negotiating a contract on behalf of the local service district,
 - (iii) giving directions to employees on matters referred to in subsection (1),

- (iv) adjourning the closed meeting, or
 - (v) opening the meeting to the public;
 - (c) a record shall be made containing only the following information:
 - (i) the type of matter under subsection (1) that was discussed during the meeting, and
 - (ii) the date of the meeting; and
 - (d) all decisions made during the meeting shall be documented.
- (3) Where a matter referred to in subsection (1) is discussed by a committee at a closed meeting, a vote in relation to those matters shall be taken at a public meeting.

[2023 cT-6.2 s234](#)

[Back to Top](#)

Presiding officer

235. The presiding officer at all committee meetings shall be the chairperson or, in the absence of the chairperson, the vice-chairperson or, in the absence of both of them, a member designated by the committee for that purpose.

[2023 cT-6.2 s235](#)

[Back to Top](#)

Quorum of committee

236. (1) A quorum is required at all times for committee meetings.
- (2) A majority of the number of members in office constitutes a quorum for committee meetings provided that there are at least 3 members in office.
- (3) Where the number of members in office is less than a quorum, the members remaining in office shall notify the minister within 48 hours and the minister may authorize those members to perform all of the functions of the committee as the minister may determine until members are either elected or the minister appoints a sufficient number of members to constitute a quorum.
- (4) A member appointed under subsection (3) holds office until the expiration of the term of office of the members who held office at the time of the member's appointment.

[2023 cT-6.2 s236](#)

[Back to Top](#)

Decision on motion

237. Every motion before a committee shall be decided by a majority of the members present at the meeting.

[2023 cT-6.2 s237](#)

[Back to Top](#)

Annual meeting of residents

238. (1) A committee shall hold an annual meeting of the residents at a time during the year that the committee may decide.

(2) A committee shall publish a notice of the annual meeting in accordance with section 292.

(3) A committee shall at the annual meeting present to the residents in attendance a report respecting the financial and other operations of the local service district for the prior financial year.

(4) There shall be no annual meeting in the year in which the local service district is incorporated.

[2023 cT-6.2 s238](#)

[Back to Top](#)

Special meeting of residents

239. (1) A committee may call a special meeting of the residents.

(2) A committee shall call a special meeting of residents where

(a) required under section 224;

(b) requested to do so by 10% of the residents; or

(c) requested to do so by the minister.

(3) A committee shall publish a notice of a special meeting in accordance with section 292.

[2023 cT-6.2 s239](#)

[Back to Top](#)

Quorum of residents

240. Ten percent of the residents constitutes a quorum at an annual meeting or a special meeting and if that quorum is not present, the meeting shall be adjourned to a later time.

[2023 cT-6.2 s240](#)

[Back to Top](#)

Presiding officer

241. (1) The presiding officer at an annual meeting or a special meeting shall be the chairperson or in the chairperson's absence the vice-chairperson or, in the absence of both of them, a member designated by the committee for that purpose.

(2) Where the presiding officer is a candidate for election at a meeting, the residents at the meeting shall appoint a person who is not a candidate for election to be the presiding officer for the election.

[2023 cT-6.2 s241](#)

[Back to Top](#)

Voting

242. (1) Every resident may attend an annual or a special meeting and may vote once on each motion put forward by the committee.

(2) Notwithstanding subsection (1), where the meeting relates to an election, the presiding officer shall not vote unless there is a tie.

[2023 cT-6.2 s242](#)

[Back to Top](#)

Financial year

243. (1) The financial year of a local service district shall be from January 1 to December 31.

(2) For the first year of a local service district that was incorporated under paragraph 218(1) (a) or amalgamated under paragraph 218(1)(c), the financial year shall be from the date the committee takes office until December 31 of that year.

[2023 cT-6.2 s243](#)

[Back to Top](#)

Borrowing powers

244. A local service district may borrow money for capital expenditures for an amount that does not exceed an amount authorized by the minister and for a period specified by the minister.

[2023 cT-6.2 s244](#)

[Back to Top](#)

Budget

245. (1) A committee shall, not later than 90 days after the day on which the committee takes office in the first financial year and not later than March 31 in each succeeding year, prepare and adopt a budget containing the estimates of the revenue and expenditures of the committee for the current financial year.

(2) The budget referred to in subsection (1) shall be in the form set by the minister and a signed copy shall be sent to the minister within 30 days of its adoption.

[2023 cT-6.2 s245](#)

[Back to Top](#)

Audited financial statements

246. The minister may require a committee to submit audited financial statements to the minister.

[2023 cT-6.2 s246](#)

[Back to Top](#)

Records

247. A committee shall ensure that correct and complete books of account are kept of the financial and other activities of the local service district.

[2023 cT-6.2 s247](#)[Back to Top](#)**Bank account**

248. (1) A local service district shall open and maintain a bank account in a bank approved by the committee and shall deposit to its credit all money received by it.

(2) All cheques or orders withdrawing money from the bank account of a local service district shall be signed by the chairperson or vice-chairperson or, in the absence or incapacity of both of them, by a member designated for that purpose by the committee and shall be countersigned by one other member designated by the committee for that purpose.

[2023 cT-6.2 s248](#)[Back to Top](#)**Insurance**

249. A committee shall ensure that all buildings, equipment and other assets are insured.

[2023 cT-6.2 s249](#)[Back to Top](#)**Inspection of documents**

250. (1) The following documents shall be made available to a person who submits a request to the committee:

- (a) adopted minutes of the committee meetings;
- (b) open public tenders;
- (c) financial statements of the committee;
- (d) budgets of the committee;
- (e) animal control by-laws; and
- (f) contracts.

(2) A person inspecting documents under subsection (1)

(a) shall not remove the documents from the place where they are located or interfere with a member or an employee of the local service district in the performance of the member's or employee's duties; and

(b) may make extracts from the documents and may make copies of the documents.

(3) Where copies are made by the committee under paragraph (2)(b), the committee may charge a fee equal to the actual cost of providing the copies.

(4) Where a person requests that a local service district provide the documents referred to in subsection (1) by an electronic means and the local service district has an electronic means to provide them, the local service district shall comply with the request.

[2023 cT-6.2 s250](#)

[Back to Top](#)

Staff

251. (1) A local service district may employ staff as may be necessary to perform the duties specified by the committee and the remuneration of staff may be paid from the funds of the local service district.

(2) Notwithstanding subsection (1), a member shall not accept employment with the local service district to which a salary or remuneration is payable out of the funds of the local service district without the prior approval of the minister.

[2023 cT-6.2 s251](#)

[Back to Top](#)

Volunteer fire department

252. (1) A committee may establish, operate and maintain a volunteer fire department or continue an existing volunteer fire department.

(2) The minister may make regulations respecting the control and management of volunteer fire departments in local service districts including the fighting of fires, the prevention of fires in local service districts and the inspection of buildings in local service districts for fire prevention purposes.

(3) Where a committee establishes or continues a volunteer fire department, the committee may appoint a fire chief but the chair of the committee shall not be the fire chief.

(4) The minister may, by regulation, prescribe the responsibilities and duties of a fire chief.

[2023 cT-6.2 s252](#)

[Back to Top](#)

Signature on deeds and documents

253. All deeds and documents to which a local service district is a party shall be signed by the chairperson or vice-chairperson or, in the absence or incapacity of both of them, by a member designated for that purpose by the committee and shall be countersigned by one other member designated by the committee for that purpose.

[2023 cT-6.2 s253](#)

[Back to Top](#)

Appointment of comptroller

254. (1) The minister may appoint a comptroller of a local service district where one or more of the following apply:

- (a) the local service district defaults in the payment of the whole or a part of the principal of or interest upon a loan;
- (b) the minister is of the opinion that the local service district is in serious financial difficulty; or
- (c) the minister is of the opinion that the local service district is in default under a contract.

- (2) Where a comptroller is appointed for a local service district,
 - (a) the minister may determine the remuneration and expenses of the comptroller and direct that they be paid from the funds of the local service district; and
 - (b) sections 197 to 199 apply with the necessary changes.

[2023 cT-6.2 s254](#)

[Back to Top](#)

Appointment of administrator

255. (1) The minister may appoint an administrator to a local service district where the minister is of the opinion that

- (a) the local service district is in serious financial difficulty;
 - (b) the committee is unable to function or act as a committee; or
 - (c) it is in the best interests of the local service district and its residents that its affairs be conducted by an administrator.
- (2) Where an administrator is appointed for a local service district,
- (a) the minister may determine the remuneration and expenses of the administrator and the remuneration and expenses shall be paid from the funds of the local service district; and
 - (b) sections 200 to 209 apply with the necessary changes.

[2023 cT-6.2 s255](#)

[Back to Top](#)

Appointment of receiver

256. (1) Where the minister has reason to believe that a local service district is insolvent, or is in imminent danger of insolvency and that it is in the best interest of the local service district and its creditors that the local service district be disestablished and its affairs wound up, or that the local service district no longer continue in existence, the minister may, by order, disestablish the local service district and appoint a receiver.

- (2) The receiver is subject to the direction of the minister in all things concerning the performance of the receiver's duties.
- (3) Where a receiver is appointed for a local service district,
- (a) the minister may determine the remuneration and expenses of the receiver and the remuneration and expenses shall be paid from the funds of the local service district; and
 - (b) sections 210 to 215 apply with the necessary changes.

[2023 cT-6.2 s256](#)

[Back to Top](#)

Mandatory garbage collection and removal

257. (1) A committee shall

- (a) establish and maintain a system for the collection, removal and disposal of garbage; or
 - (b) contract for the collection, removal and disposal of garbage.
- (2) A committee may determine
- (a) the time, manner, extent and nature of the collection, removal and disposal of garbage referred to in subsection (1); and
 - (b) the persons who will receive the garbage collection and removal service.

[2023 cT-6.2 s257](#)

[Back to Top](#)

Services

258. A committee may provide the services prescribed in the regulations.

[2023 cT-6.2 s258](#)

[Back to Top](#)

Fee for service

259. A committee may charge a fee for the cost of services or supply provided under this Part and under the regulations made under paragraph 300(i) to the residents or to the users of the service or supply as may be determined by the committee.

[2023 cT-6.2 s259](#)

[Back to Top](#)

Fee collection methods

260. (1) In addition to other remedies that a local service district has to enforce payment of a fee imposed under section 259, a committee may disconnect the service provided by a water system, sewer system or water and sewer system where the fee is in arrears.

(2) Notwithstanding subsection (1), a committee shall provide at least 30 days notice to the resident or users before disconnecting the service.

(3) The fee referred to in section 259 may be sued for and collected by an action in the name of the local service district as a civil debt due to the local service district.

[2023 cT-6.2 s260](#)

[Back to Top](#)

Name and numbering

261. (1) A 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 the buildings.

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

[2023 cT-6.2 s261](#)

[Back to Top](#)

Representation

262. In all court proceedings to which a local service district is a party, the local service district may be represented by a member or an employee of the local service district where authorized by the committee.

[2023 cT-6.2 s262](#)

[Back to Top](#)

Expropriation

263. Subject to the *Water Resources Act*, a committee may, with the approval of the minister, or the minister may, on behalf of a local service district, acquire by agreement or by expropriation, in accordance with Part IX of the *Urban and Rural Planning Act, 2000*, land, water, water rights, water privileges or public works necessary for carrying out the provisions of this Part.

[2023 cT-6.2 s263](#)

[Back to Top](#)

Public procurement

264. (1) The execution of a public work, the acquisition of goods or services and the leasing of space by a local service district shall be in accordance with the *Public Procurement Act*.

(2) In this section, "public work", "goods" and "services" have the same meaning as in the *Public Procurement Act*.

[2023 cT-6.2 s264](#)

[Back to Top](#)

Public works by committee

265. The minister may disallow public works proposed by a committee or may order the discontinuance of public works already commenced.

[2023 cT-6.2 s265](#)

[Back to Top](#)

By-laws

266. A local service district committee may make by-laws

- (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 by-laws;
- (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 or where the impounding fee is not paid in the time set out in the by-laws;

- (e) providing for the licensing and registration of dogs within the local service district and the renewal of dog licences and the period of validity of those dog licences;
- (f) prescribing the form of dog licences and the kind of dog licence tags to be issued with the licences;
- (g) prescribing the fees to be paid for dog licences and dog licence tags;
- (h) providing for the appointment of licensing officers in the local service district to enforce local service district animal by-laws;
- (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 or other animals which a person may keep in a local service district; and
- (k) prescribing fines for the non-compliance or contravention of by-laws made under this section.

[2023 cT-6.2 s266](#)

PART XII WASTE DISPOSAL AREAS

[Back to Top](#)

Definitions

267. In this Part

- (a) "committee" means a waste disposal committee continued under this Part;
- (b) "council" means
 - (i) St. John's City Council,
 - (ii) Corner Brook City Council,
 - (iii) Mount Pearl City Council,
 - (iv) a town council established or continued under this Act, or
 - (v) a local service district committee established or continued under this Act;
- (c) "franchise holder" means a person who entered into an agreement with the minister to carry out the duties and exercise the powers under section 273;
- (d) "person" includes a council, firm, committee or franchise holder;
- (e) "residential property" means property that is occupied wholly or partly for residential purposes;
- (f) "waste disposal area" means an area continued under this Part as a waste disposal area;
- (g) "waste disposal site" means real property and a building or structure upon or in which waste is deposited;

- (h) "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
- (i) "waste" 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, wildlife or fish, or is of unsightly appearance, and
 - (iii) a substance designated as waste under the *Environmental Protection Act*.

[2023 cT-6.2 s267](#)

[Back to Top](#)

Powers, duties and functions of the minister

268. The powers, duties and functions of the minister under this Part are to

- (a) assume control of, operate or manage waste disposal sites and waste management systems that the minister considers necessary; and
- (b) make arrangements or enter into agreements with a provincial government 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.

[2023 cT-6.2 s268](#)

[Back to Top](#)

Waste disposal area

269. (1) A waste disposal area established under the former Act is continued under this Act.

- (2) The minister may,
 - (a) alter a waste disposal area continued under subsection (1); or
 - (b) revoke an order establishing a waste disposal area under the former Act.

(3) Where a waste disposal area is altered under paragraph (2)(a), this Act and the orders or regulations in force in the waste disposal area immediately before the date of the alteration apply to the altered area from that date.

[2023 cT-6.2 s269](#)

[Back to Top](#)

Rates

270. (1) The minister may establish rates to be charged for the collection and disposal of waste in a waste disposal area and those rates may differ for different areas and classes of waste.

(2) Where the minister establishes rates in accordance with subsection (1), a person who owns or occupies a residential property, business, industry or manufacturing operation in the waste

disposal area shall pay the rates to the committee or the franchise holder.

[2023 cT-6.2 s270](#)

[Back to Top](#)

Committee

271. (1) A committee appointed under the former Act is continued under this Act.

(2) A committee shall consist of not less than 5 persons.

(3) The members of a committee shall hold office for the period and upon the terms that the minister may set.

(4) A committee is a corporation.

(5) A committee may with the approval of the minister hire employees that may be necessary for the conduct of its business and may set their remuneration.

(6) A member of the committee shall not be an employee referred to in subsection (5).

[2023 cT-6.2 s271](#)

[Back to Top](#)

Franchise agreement

272. (1) A franchise agreement entered into under the former Act shall continue in force.

(2) Notwithstanding subsection (1), where the rates in a franchise agreement referred to in subsection (1) differ from the rates set by the minister in accordance with subsection 270(1), the minister may charge the rates established under subsection 270(1).

(3) The minister may 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 273 in relation to a waste disposal area that existed at the date this Act comes into force.

[2023 cT-6.2 s272](#)

[Back to Top](#)

Powers and duties of committee and franchise holder

273. (1) A committee or a franchise holder shall

(a) in accordance with the *Environmental Protection Act*,

(i) operate and maintain waste disposal sites and waste management systems,

(ii) arrange for the collection at regular intervals of waste from persons who reside in or have a business, industry or manufacturing operation in the waste disposal area and who pay a rate established in accordance with this Part,

(iii) arrange for the disposing of waste 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 in a waste disposal area from becoming a nuisance to the public, having an unsightly appearance or becoming a hazard to health;

- (b) collect the rates payable to the committee or franchise holder under this Part;
- (c) from the money collected by the committee or franchise holder, pay the salaries of employees and pay the other expenses incurred in carrying out the committee's or franchise holder's operations;
- (d) take those measures that the committee or the franchise holder considers necessary to prevent persons from entering all or a part of a waste disposal site for the purpose of removing waste 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 other duties that the minister may consider necessary.

(2) A committee or a franchise holder may, subject to subsection 270(2), make arrangements for services that the committee or the franchise holder considers appropriate with businesses, industry or manufacturing operations in its area and with other persons engaged in commercial or industrial enterprises in the area with respect to the disposal of waste.

(3) A payment owed by a person referred to in subsection 270(2) that has not been collected by a former committee or a franchise holder may be assessed and collected by a subsequent committee or franchise holder.

(4) A payment owed by a person referred to in subsection 270(2) 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.

[2023 cT-6.2 s273](#)

[Back to Top](#)

Use of waste disposal site

274. (1) A waste disposal site shall be used only for the disposing of waste 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 waste collection and rates have been established for the collection of waste in a waste disposal area, residents of the waste disposal area who are paying the rates may deposit waste in a waste disposal site in the waste disposal area by means of their own vehicles, at a rate in accordance with section 270.

(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 waste disposal site;
- (b) the location within the waste disposal site where waste 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.

[2023 cT-6.2 s274](#)

[Back to Top](#)

Binding requirements

275. A waste disposal site or waste management system shall be operated and maintained in accordance with

- (a) the *Environmental Protection Act* and regulations; and
- (b) the by-laws of a town or the by-laws or regulations of a city, provided that the by-laws and regulations are equivalent to or exceed the requirements of the *Environmental Protection Act*.

[2023 cT-6.2 s275](#)

[Back to Top](#)

Notice of proposal

276. Before submitting an application for approval to establish or alter a waste disposal site or waste management system under the *Environmental Protection Act*, a person shall publish in accordance with section 292 a notice of the proposal to make the application where the waste disposal site or waste management system is or is to be located or used.

[2023 cT-6.2 s276](#)

[Back to Top](#)

Prohibition against removal of waste

277. (1) A person shall not remove waste from a waste disposal site.

(2) Notwithstanding subsection (1), a person may remove waste from a waste disposal site where the person

- (a) has the prior written consent of the committee or franchise holder responsible for the waste disposal site; and
- (b) removes the waste in accordance with
 - (i) the *Environmental Protection Act*; and
 - (ii) an approval issued for the waste disposal site under the *Environmental Protection Act*.

[2023 cT-6.2 s277](#)

**PART XIII
ENFORCEMENT****Division 1
By-Law Enforcement Officers**

[Back to Top](#)

By-law enforcement officers

278. (1) A town council may, by resolution, appoint one or more by-law enforcement officers.

(2) A by-law enforcement officer has the powers, duties and functions that are prescribed in this Act or as determined by a town council by by-law.

(3) A person shall not interfere with, obstruct, attempt to obstruct or fail to cooperate with a by-law enforcement officer in the exercise of the by-law enforcement officer's powers, duties or functions under this Act, the regulations or by-laws.

(4) A person shall not knowingly make a false or misleading statement, either orally or in writing, to a by-law enforcement officer while the by-law enforcement officer is exercising powers, duties or functions under this Act, the regulations or by-laws.

[2023 cT-6.2 s278](#)

Division 2 Inspections

[Back to Top](#)

Inspectors

279. (1) The minister may designate persons or classes of persons to act as inspectors for the purpose of this Act and the regulations.

(2) By-law enforcement officers are designated as inspectors for the purpose of enforcing by-laws of a town.

(3) A person shall not interfere with, obstruct, attempt to obstruct or fail to cooperate with an inspector in the exercise of the inspector's powers, duties or functions under this Act, the regulations or by-laws.

(4) A person shall not knowingly make a false or misleading statement, either orally or in writing, to an inspector while the inspector is exercising powers, duties or functions under this Act, the regulations or by-laws.

[2023 cT-6.2 s279](#)

[Back to Top](#)

Powers of inspectors

280. (1) An inspector may, at all reasonable times, for purposes related to the administration or enforcement of this Act, the regulations or a by-law, inspect or examine a premises, equipment, processes, or books and records of a person that the inspector may consider relevant for the purpose of determining compliance with this Act, the regulations or by-laws, and the inspector may, without a warrant

(a) enter any premises where

(i) property, books or records are or may be kept, or

(ii) anything is done or is suspected to be done in connection with a requirement of this Act, the regulations or a by-law;

(b) make copies, extracts, photographs, or videos the inspector considers necessary;

(c) require the owner or person in charge of a premises to give the inspector all reasonable assistance, including the production of books and records as requested by the inspector, and to answer all questions relating to the administration or enforcement of this Act, the regulations or the by-laws and, for that purpose, require the owner or person in charge to attend at the premises with the inspector; and

(d) require the owner or person in charge to make available the means to generate and manipulate books and records that are in machine readable or electronic form and any

other means or information necessary for the inspector to assess the books and records.

(2) Notwithstanding subsection (1), an inspector shall not enter a dwelling-house without the consent of the occupant except under the authority of a warrant issued under section 282 or 283.

[2023 cT-6.2 s280](#)

[Back to Top](#)

Order of inspector

281. Where an inspector finds that a person is not in compliance with a provision of this Act, the regulations or a by-law, the inspector may order the person to comply with the provision and may require the order to be carried out immediately or within the period of time that the inspector specifies.

[2023 cT-6.2 s281](#)

[Back to Top](#)

Contravention of Act suspected

282. (1) Where during the course of an inspection under section 280 or otherwise an inspector believes on reasonable grounds that there has been a contravention of this Act, the regulations or a by-law, the inspector may, with a warrant issued under subsection (2) or section 283 seize and take away anything that may provide evidence with respect to a suspected offence under this Act or the regulations as evidence of a contravention and may retain those things until the time they are required in a court proceeding.

(2) A Provincial Court judge who is satisfied upon oath or affirmation that there are reasonable grounds for believing that there is in or on a premises anything that may provide evidence with respect to a suspected offence under this Act, the regulations or a by-law, may issue a warrant authorizing an inspector to enter the premises and to

- (a) search;
- (b) examine the contents of the premises and make those inquiries that the inspector considers necessary; and
- (c) copy, extract, photograph, video, seize and take away evidence, books and records,

for the purpose of investigating the suspected offence.

(3) The owner or person in charge of a premises referred to in this section or a person at the premises shall not obstruct an inspector in the carrying out of the inspector's duties under this section as authorized by the warrant.

[2023 cT-6.2 s282](#)

[Back to Top](#)

Telewarrant

283. (1) Where, in the opinion of an inspector it would not be practical to appear before a Provincial Court judge to apply for a warrant, the inspector may make the application by telephone or other means of telecommunication.

(2) Where an inspector acts under the authority of a warrant obtained under this section, the inspector shall provide a facsimile of the warrant to the owner or person in charge of a premises present at the time the warrant is carried out.

(3) In subsection (2), "facsimile" includes a record produced by electronic means or a written record of a telephone conversation made by both parties to the conversation while it is in progress and which the parties have confirmed as to its accuracy by reading their record of the conversation to one another at the end of the conversation.

[2023 cT-6.2 s283](#)

Division 3 Removal of Vehicles

[Back to Top](#)

Removal of vehicles

284. (1) Where a vehicle

- (a) is parked upon a 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 town council; or
- (b) has been apparently abandoned upon a highway, sidewalk or bridge for longer than 24 hours,

a person authorized for the purpose by the town council may remove the vehicle to a place selected by that 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 town council and where those costs are not paid by the owner, the town 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 to the owner or to a person who satisfies the town council that the person has a prior encumbrance on the vehicle.

[2023 cT-6.2 s284](#)

Division 4 Council Orders

[Back to Top](#)

Council orders

285. (1) Where a town council is of the opinion that a person is contravening this Act, the regulations or a by-law, the town council may issue an order

- (a) directing a person to stop doing something or to change the way in which the person is doing something; and

(b) direct a person to take an action or measure necessary to remedy the contravention of this Act, the regulations or a by-law.

(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 town council which made the order.

(4) A town council may, in an order made under subsection (1), specify a time within which the person is required to comply with the order.

(5) Where a person who has been served with an order does not comply with the order or a part of an order made under subsection (1), the town 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 town 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 town.

(6) For the purpose of subsection (5), a by-law enforcement officer, an employee of the town or other persons acting on behalf of the town, may, at all reasonable times, enter a premises, building or other structure in order to clean up or repair the premises or repair or demolish the building or other structure, as the case may be.

(7) Where an order relates to the removal or demolition of a structure, a town council shall not proceed to act under subsection (5) unless it has a report from an architect, an engineer, a building inspector or the fire marshal that the building or structure is dilapidated or structurally unsound and that report is proof in the absence of evidence to the contrary that the building or structure is dilapidated or structurally unsound.

(8) Where an order relates to the remediation of the real property or the demolition or removal of structures from real property, the costs, expenses or charges incurred by the town in carrying out the terms of the order constitute a lien on the real property on which it is levied until payment is made in full.

(9) A town council may delegate to a by-law enforcement officer or an employee of the town the power to issue orders under this section.

[2023 cT-6.2 s285](#)

[Back to Top](#)

Appeal

286. (1) A person aggrieved by an order made under subsection 285(1) may, within 14 days of the service or posting of the order, appeal to an adjudicator appointed under the *Urban and Rural Planning Act, 2000* and the adjudicator may make an order with respect to the matter.

(2) Where an appeal has been started under subsection (1), a town council shall not begin to carry out an order made under section 285 until the appeal has been heard or otherwise disposed of.

(3) Notwithstanding subsection (2), a stop work 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 town 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 the town.

(5) Where an order relates to the removal or demolition of a structure, a town council shall not proceed to act under subsection (4) unless it has a report from an architect, an engineer, a

building inspector or the fire marshal that the building or structure is dilapidated or structurally unsound and that report is proof in the absence of evidence to the contrary that the building or structure is dilapidated or structurally unsound.

[2023 cT-6.2 s286](#)

Division 5 Violation Notices

[Back to Top](#)

Violation notices

287. (1) A town council may issue a violation notice to a person who contravenes a by-law made by the town council.

(2) A town council may delegate its authority to issue a violation notice to a by-law enforcement officer.

(3) A violation notice issued to a person under this section shall state

(a) the contravention to which the violation 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 town within the time stated on the violation notice and the amount to which it will increase where payment is voluntarily made to the town after the date stated on the violation notice;

(d) that where payment is voluntarily made to the town for the contravention stated on the violation notice, no further action will occur with respect to that contravention; and

(e) that where payment is not voluntarily made to the town in accordance with the violation notice, a summons will be issued with respect to the contravention stated on the violation notice.

(4) Where a violation notice is issued to a person for a contravention of a by-law, the person may voluntarily pay the amount stated in the violation notice to the town within the time period stated in the violation notice.

[2023 cT-6.2 s287](#)

[Back to Top](#)

Issuance of summons re: contravention of by-laws

288. (1) Where a person who has received a violation notice under section 287 does not voluntarily make a payment to the town within the time stated on the violation notice, the town may charge the 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 the violation notice.

(2) Notwithstanding that a town has not issued a violation notice under section 287, the town 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 by-law 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 court shall be paid out of court to the town.

- (4) Where a person
 - (a) is convicted of an offence for which a summons referred to in subsection (1) or (2) was issued;
 - (b) owns the property or business to which the offence relates; and
 - (c) does not pay the fine imposed with respect to that conviction within the time required,

the 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.

- (5) A town council may designate an employee or a class of employees who may issue a
 - (a) violation notice under section 287; and
 - (b) summons under this section.

[2023 cT-6.2 s288](#)

Division 6 Offences and Penalties

[Back to Top](#)

Offences

289. (1) A person who does any of the following commits an offence:

- (a) fails to comply with an order made under this Act within the time required under the order;
- (b) fails to immediately comply with a request of an administrator under section 200 or of a receiver under section 210;
- (c) fails to pay a tax or fee that the person is liable to pay under this Act;
- (d) fails to collect and pay to a town a tax or fee that the person is directed to collect and pay under this Act;
- (e) tears down, removes or damages an order or notice posted by a town council; and
- (f) contravenes this Act or a regulation or by-law made under this Act.

(2) A councillor or a person acting on behalf of the town council who contravenes or fails to comply with paragraph 198(b) 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 repayment to the town of money spent or payment of an expenditure incurred or financial commitment entered into contrary to that subsection.

(3) Each day upon which the same offence is committed or continued is a separate offence.

[2023 cT-6.2 s289](#)

[Back to Top](#)

Penalty

290. (1) A person who commits an offence under this Act is liable on summary conviction

- (a) for a first offence, to a fine of not less than \$100 and not more than \$1,000 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 \$1,000 and not more than \$2,000 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, a town council or local service district committee or a person acting on the town council's or local service district committee's behalf, may, by filing the conviction, enter as a judgment in the Supreme Court the amount of the fine, together with an applicable late payment penalty, and the judgment is enforceable against the person who committed the offence in the same manner as if it were a judgment rendered against the person 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 town council to which it relates.

(4) A penalty or imprisonment, and a conviction for an offence, do 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 289(1)(c) for failing to pay a tax or fee, the court shall, when imposing a sentence, also order that person to pay the amount of the tax or fee and the court costs of the town.

(6) Sections 736 and 737 of the *Criminal Code* shall not be applied in disposing of a prosecution for an offence under paragraph 289(1)(c) or (d) or imposing punishment for the offence.

[2023 cT-6.2 s290](#)

[Back to Top](#)

Prosecutions

291. (1) Prosecutions for offences under this Act may be carried out by a town council or a local service district committee or its agent notwithstanding section 76 of the *Law Society Act, 1999*.

(2) A prosecution shall not be commenced with respect to an offence under this Act until after an appeal period which may apply to the activity giving rise to the offence has passed.

[2023 cT-6.2 s291](#)

PART XIV GENERAL

[Back to Top](#)

Publication

292. Any notice required to be given by a town or local service district under this Act, the regulations or a by-law shall, unless otherwise stated in this Act, be posted in at least 2 conspicuous places in the town or local service district and also given by one or more of the following means:

- (a) publishing the notice in a newspaper published or having general circulation in the town or local service district;
- (b) broadcasting the notice on a radio or television station that broadcasts in the town or local service district;
- (c) mailing the notice, including direct mail and leafletting;

- (d) publishing the notice on the town's or local service district's website;
- (e) publishing the notice on social media accounts of the town or local service district; and
- (f) any other means that is reasonably expected to notify a person in the town or local service district.

[2023 cT-6.2 s292](#)

[Back to Top](#)

Service

293. (1) A notice, order or other document required to be served under this Act, the regulations or by-laws is, unless otherwise stated in this Act, sufficiently served where delivered personally or sent by registered mail addressed to the person to whom service is to be made at the latest address appearing on the records of the applicable town or local service district.

(2) Where a person to whom a notice, order or other document is to be served as described in subsection (1) is a corporation, it shall be considered to be sufficiently served where delivered personally to a director or chief executive officer of the corporation.

(3) Where an order which can be made under this Act cannot be given or served under either subsection (1) or (2), the order is considered served if it is posted in a conspicuous place on the property to which the order relates.

[2023 cT-6.2 s293](#)

[Back to Top](#)

No liability

294. 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 in good faith by that councillor or member of a local service district committee in the performance or intended performance of duties or the exercise of a power or for alleged negligence in the performance or intended performance of duties or the exercise of a power under this Act.

[2023 cT-6.2 s294](#)

[Back to Top](#)

Immunity for liability in nuisance

295. A town or local service district shall not be liable in an action in nuisance, including if the damage is the result of

- (a) water overflowing from a water or wastewater system, drain, ditch or watercourse due to excessive snow, ice, mud or rain; or
- (b) the construction, operation or maintenance of a system or facility for the distribution of water or for the collection, conveyance, treatment or disposal of wastewater, storm water or both.

[2023 cT-6.2 s295](#)

[Back to Top](#)

Orders

296. An order made under subsection 14(1), section 17 or 23 or subsection 25(1), 209(1), 210(1), 218(1), 228(1) or 256(1) is subordinate legislation for the purposes of the *Statutes and Subordinate Legislation Act*.

[2023 cT-6.2 s296](#)

[Back to Top](#)

Fees and forms

297. The minister may set fees and establish forms for the purpose and administration of this Act.

[2023 cT-6.2 s297](#)

[Back to Top](#)

Statutory review

298. The minister shall, every 10 years, conduct a review of this Act and the regulations and consider the areas which may be improved.

[2023 cT-6.2 s298](#)

PART XV REGULATIONS

[Back to Top](#)

Lieutenant-Governor in Council regulations

299. The Lieutenant-Governor in Council may make regulations

- (a) exempting persons and entities from a tourist accommodation tax imposed by a by-law referred to in subsection 129(1);
- (b) prescribing conditions and restrictions with respect to the imposition of a tourist accommodation tax;
- (c) prescribing the methods of collection of a tourist accommodation tax;
- (d) respecting the remuneration of mayors, deputy mayors and councillors;
- (e) respecting the reimbursement for expenses of mayors, deputy mayors and councillors;
- (f) defining a word or phrase used but not defined in this Act; and
- (g) generally, to give effect to the purpose of this Act.

[2023 cT-6.2 s299](#)

[Back to Top](#)

Ministerial regulations

300. The minister may make regulations

- (a) prescribing rules of procedure for town council meetings;

- (b) respecting the preparation and content of feasibility reports;
- (c) prescribing minimum standards for services provided by a town;
- (d) establishing a water and sewer fee applicable to and a maximum allowable amount of water and sewer fee for the purposes of subsection 132(8);
- (e) respecting the preparation and content of assessments referred to in subsection 218(2);
- (f) prescribing the process for the purposes of subsection 218(3);
- (g) respecting the control and management of local service districts by a committee;
- (h) respecting the operations and proceedings of local service district committees and the allowable remuneration of members;
- (i) prescribing the services a local service district committee may provide;
- (j) respecting the control and management of volunteer fire departments in local service districts;
- (k) prescribing the responsibilities and duties of fire chiefs in local service districts;
- (l) defining a word or phrase used but not defined in this Act; and
- (m) generally, to give effect to the purpose of this Act.

[2023 cT-6.2 s300](#)

PART XVI TRANSITIONAL

[Back to Top](#)

Real property tax

301. (1) Notwithstanding subsection 117(1), where at the time of the coming into force of this Act a town council did not impose a real property tax, the town council is not required to impose a real property tax until 3 years after the date this Act comes into force.

(2) Where at the time of the coming into force of this Act, a town council imposed a poll tax, the town council may continue to impose a poll tax until it imposes a real property tax in accordance with subsection 117(1).

(3) For the purposes of subsection (2), sections 126 to 128 of the former Act continue to apply until the town council imposes a real property tax in accordance with subsection 117(1).

[2023 cT-6.2 s301](#)

[Back to Top](#)

Water and sewer fee

302. Notwithstanding subsection 131(1), a town council may continue to impose a water and sewage tax until the earlier of

- (a) the date the town council charges water and sewer fees; or
- (b) 3 years after the coming into force of this Act.

[2023 cT-6.2 s303](#)[Back to Top](#)**Licences, permits and approvals**

303. A permit, licence or approval issued under the former Act is considered to have been issued under this Act and subject to this Act.

[2023 cT-6.2 s303](#)[Back to Top](#)**Regulations, orders, by-laws and decisions**

304. (1) All regulations, orders and by-laws in force at the date this Act comes into force shall continue in force until repealed or replaced.

(2) A decision or order under the former Act shall continue in force and shall be considered to be a decision or order under this Act.

[2023 cT-6.2 s304](#)[Back to Top](#)**Contracts and agreements**

305. All contracts and agreements entered into by a town council or a local service district committee before the coming into force of this Act are binding on the town or local service district they govern.

[2023 cT-6.2 s305](#)

PART XVII
CONSEQUENTIAL AMENDMENTS, REPEAL AND COMMENCEMENT

[Back to Top](#)**SNL2015 cA-1.2 Amdt.**

306. Subparagraph 2(o)(iv) of the *Access to Information and Protection of Privacy Act, 2015* is repealed and the following substituted:

(iv) a town as defined in the *Towns and Local Service Districts Act*, and

[2023 cT-6.2 s306](#)[Back to Top](#)**SNL2021 cA-1.001 Amdt.**

307. Subparagraph 2(1)(o)(vi) of the *Accessibility Act* is amended by deleting the words "a municipality under the *Municipalities Act, 1999*" and substituting the words "a town under the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s307](#)[Back to Top](#)

SNL2010 cA-9.1 Amdt.

308. (1) Subsection 30(3) of the *Animal Health and Protection Act* is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

(2) Section 46 of the Act is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

[2023 cT-6.2 s308](#)

[Back to Top](#)

SNL2006 cA-18.1 Amdt.

309. (1) Paragraph 2(k) of the *Assessment Act, 2006* is repealed and the following substituted:

(k) "clerk" means a town clerk as defined in the *Towns and Local Service Districts Act* and includes the clerk of the City of Corner Brook, the clerk of the City of Mount Pearl and the clerk of the City of St. John's;

(2) Paragraph 2(o) of the Act is repealed and the following substituted:

(o) "council" means a town council established or continued under the *Towns and Local Service Districts Act* and includes the Corner Brook City Council, the Mount Pearl City Council and the St. John 's Municipal Council;

(3) Paragraph 2(s) of the Act is repealed and the following substituted:

(s) "municipality" means a town incorporated or continued under the *Towns and Local Service Districts Act* and includes the City of Corner Brook and the City of Mount Pearl;

[2023 cT-6.2 s309](#)

[Back to Top](#)

RSNL1990 cB-8 Amdt.

310. Paragraph 2(c) of the *Building Standards Act* is repealed and the following substituted:

(c) a town incorporated or continued under the *Towns and Local Service Districts Act* or a local service district incorporated or continued under that Act; and

[2023 cT-6.2 s310](#)

[Back to Top](#)

RSNL1990 cC-15 Amdt.

311. Paragraph 2(g) of the *City of Corner Brook Act* is repealed and the following substituted:

(g) "municipality" means a town under the *Towns and Local Service Districts Act*;

[2023 cT-6.2 s311](#)

[Back to Top](#)

RSNL1990 cC-16 Amdt.

312. Paragraph 2(g) of the *City of Mount Pearl Act* is repealed and the following substituted:

(g) "municipality" means a town under the *Towns and Local Service Districts Act*; and

[2023 cT-6.2 s312](#)

[Back to Top](#)

SNL2001 cE-5.2 Amdt.

313. Subparagraph 2(d)(iii) of the *Electronic Commerce Act* is amended by deleting the words "a municipality under the *Municipalities Act, 1999*" and substituting the words "a town under the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s313](#)

[Back to Top](#)

SNL2022 cE-7.03 Amdt.

314. Paragraph 2(l) of the *Emergency 911 Act, 2022* is amended by deleting the words "a municipality under the *Municipalities Act, 1999*" and substituting the words "a town under the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s314](#)

[Back to Top](#)

SNL2008 cE-9.1 Amdt.

315. (1) Paragraph 2(e) of the *Emergency Services Act* is amended by deleting the words "a regional council" and the comma following those words.

(2) Paragraph 2(j) of the Act is amended by deleting the words "a municipality under the *Municipalities Act, 1999*" and substituting the words "a town under the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s315](#)

[Back to Top](#)

SNL2002 cE-14.2 Amdt.

316. (1) Paragraph 2(u) of the *Environmental Protection Act* is amended by deleting the words "a municipality as defined in the *Municipalities Act, 1999*" and substituting the words "a town as defined in the *Towns and Local Service Districts Act*".

(2) Subsection 80(6) of the Act is repealed and the following substituted:

(6) Where a person applies for an approval to establish or alter a waste disposal site or a waste management system, a notice of that application shall be published as required under section 276 of the *Towns and Local Service Districts Act*.

[2023 cT-6.2 s316](#)

[Back to Top](#)

RSNL1990 cE-19 Amdt.**317. Subsection 17(3) of the *Expropriation Act* is repealed and the following substituted:**

(3) In subsection (2), "municipal authority" means the St. John's Municipal Council, the Corner Brook City Council, the Mount Pearl City Council or a town council or local service district committee established or continued under the *Towns and Local Service Districts Act*.

[2023 cT-6.2 s317](#)

[Back to Top](#)

SNL2008 cF-11.01 Amdt.

318. Paragraph 2(o) of the *Fire Protection Services Act* is amended by deleting the words "a municipality under the *Municipalities Act, 1999*" and substituting the words "a town under the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s318](#)

[Back to Top](#)

SNL1996 cF-11.1 Amdt.

319. Paragraph 2(a) of the *Firefighters' Protection Act* is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

[2023 cT-6.2 s319](#)

[Back to Top](#)

RSNL1990 cG-3 Amdt.

320. Subsection 6(1) of the *Geographical Names Board Act* is amended by deleting the reference "section 5 of the *Municipalities Act, 1999*" and substituting the reference "section 17 of the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s320](#)

[Back to Top](#)

RSNL1990 cH-3 Amdt.

321. (1) Subparagraph 2(qq)(iv) of the *Highway Traffic Act* is repealed and the following substituted:

(iv) a town incorporated or continued under the *Towns and Local Service Districts Act*;

(2) Subsection 16.1(2) of the Act is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

(3) Paragraphs 189(1)(h), (i) and (j) of the Act are repealed.

[2023 cT-6.2 s321](#)

[Back to Top](#)

RSNL1990 cH-4 Amdt.

322. Subparagraph 2(h)(iv) of the *Historic Resources Act* is repealed and the following substituted:

(iv) a town as defined in the *Towns and Local Service Districts Act*;

[2023 cT-6.2 s322](#)

[Back to Top](#)

SNL2000 cI-1.1 Amdt.

323. Paragraph 40.1(1)(d) of the *Income Tax Act, 2000* is amended by deleting the words "incorporated or continued under the *Municipalities Act, 1999*" and substituting the words "continued under the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s323](#)

[Back to Top](#)

SNL2004 cL-3.1 Amdt.

324. Subsections 8.2(1) and (2) of the *Labrador Inuit Land Claims Agreement Act* are repealed and the following substituted:

Application of municipal taxation to non-beneficiaries

8.2. (1) Notwithstanding that an Inuit Community is not a town as defined in the *Towns and Local Service Districts Act*, the Inuit Community Council for an Inuit Community may impose upon Persons other than Inuit who are resident in that Inuit Community a tax, fee, assessment or levy described in Part VII of the *Towns and Local Service Districts Act* and in the *Taxation of Utilities and Cable Television Companies Act*.

(2) Where a tax, fee, assessment or levy is imposed upon Persons other than Inuit under subsection (1), the *Towns and Local Service Districts Act*, *Taxation of Utilities and Cable Television Companies Act* and the *Assessment Act, 2006* shall apply to the Inuit Community Council imposing that tax, fee, assessment or levy as if that Inuit Community Council was a town council of a town as defined in the *Towns and Local Service Districts Act*.

[2023 cT-6.2 s324](#)

[Back to Top](#)

SNL1991 c36 Amdt.

325. Paragraph 9(1)(b) of the *Lands Act* is repealed and the following substituted:

(b) an undertaking by a city or a town as those terms are defined in the *Towns and Local Service Districts Act* which is in the public interest other than economic development.

[2023 cT-6.2 s325](#)

[Back to Top](#)

SNL2005 cL-24.2 Amdt.

326. Subparagraphs 2(a)(ii) and (iii) of the *Local Authority Guarantee Act, 2005* are repealed and the following substituted:

- (ii) town as defined in the *Towns and Local Service Districts Act*, and
- (iii) local service district incorporated or continued under the *Towns and Local Service Districts Act*; and

[2023 cT-6.2 s326](#)

[Back to Top](#)

SNL1995 cM-20.1 Amdt.

327. (1) Subparagraph 2(e)(iv) of the *Municipal Affairs Act* is repealed and the following substituted:

- (iv) a local service district committee or the town council of a town established or continued under the *Towns and Local Service Districts Act*,

(2) Subsection 6(4) of the Act is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Municipal Elections Act*".

(3) Subsection 6(6) of the Act is amended by deleting the reference "sections 250 to 261 of the *Municipalities Act, 1999*" and substituting the reference "sections 200 to 209 of the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s327](#)

[Back to Top](#)

SNL2021 cM-20.01 Amdt.

328. (1) Paragraph 2(a) of the *Municipal Conduct Act* is amended by deleting the reference "section 250 of the *Municipalities Act, 1999*" and substituting the reference "section 200 of the *Towns and Local Service Districts Act*".

(2) Subparagraph 2(c)(i) of the Act is repealed and the following substituted:

- (i) a town manager or acting town manager appointed under the *Towns and Local Service Districts Act*,

(3) Paragraph 2(n) of the Act is repealed and the following substituted:

- (n) "local service district" means a local service district incorporated or continued under the *Towns and Local Service Districts Act*;

(4) Subparagraph 2(q)(i) of the Act is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

(5) Paragraph 2(s) of the Act is repealed and the following substituted:

- (s) "privileged meeting" means a meeting referred to in
 - (i) section 41 of the *Towns and Local Service Districts Act*,
 - (ii) section 41 of the *City of Corner Brook Act*,
 - (iii) section 41 of the *City of Mount Pearl Act*, or
 - (iv) section 38 of the *City of St. John's Act*;

(6) Subsection 9(4) of the Act is amended by deleting the reference "subparagraph 206(1)(f)(ii) of the *Municipalities Act, 1999*" and substituting the reference "subparagraph 45(1)(h)(ii) of the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s328](#)

[Back to Top](#)

SNL2001 cM-20.2 Amdt.

329. (1) Paragraph 2(e) of the *Municipal Elections Act* is repealed and the following substituted:

(e) "council" means a council of a city and a town council as defined in the *Towns and Local Service Districts Act*;

(2) Paragraph 2(p) of the Act is repealed and the following substituted:

(p) "municipality" includes a city and a town;

(3) Paragraph 2(r) of the Act is repealed.

(4) Paragraph 2(t) of the Act is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

(5) Paragraph 15(3)(a) of the Act is amended by deleting the reference "paragraphs 206(1)(b) or (e) or subparagraph 206(1)(f)(ii) of the *Municipalities Act, 1999*" and substituting the reference "paragraphs 45(1)(b) or (g) or subparagraph 45(1)(h)(ii) of the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s329](#)

[Back to Top](#)

SNL2012 cM-25 Amdt.

330. (1) Section 48 of the *Muskrat Falls Project Land Use and Expropriation Act* is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

(2) Section 51 of the Act is repealed and the following substituted:

Other tax or fee

51. (1) Where a water or sewage or water and sewage tax or fee is imposed by an Act of the province for the benefit of a municipality and a holder is liable to pay that tax or fee, the holder shall pay that tax or fee in accordance with that Act.

(2) Nothing in this Act affects the ability to impose a tax or fee under an Act of the province or the liability to pay that tax or fee where a service referred to in subsection (1) is provided to a holder.

(3) Section 54 of the Act is amended by deleting the reference "*Municipalities Act, 1999*" wherever it appears and substituting the reference "*Towns and Local Service Districts Act*".

(4) Paragraph 55(1)(a) of the Act is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

[2023 cT-6.2 s330](#)

[Back to Top](#)

SNL2021 cO-5.1 Amdt.

331. Paragraph 2(c) of the *Off-Road Vehicles Act* is repealed and the following substituted:

- (c) "council" means the St. John's Municipal Council, the Corner Brook City Council, the Mount Pearl City Council and a town council of a town incorporated or continued under the *Towns and Local Service Districts Act*;

[2023 cT-6.2 s331](#)

[Back to Top](#)

SNL2001 cO-7.1 Amdt.

332. Paragraph 8(3)(b) of the *Order of Newfoundland and Labrador Act* is repealed and the following substituted:

- (b) members of the St. John's Municipal Council, the Corner Brook City Council, the Mount Pearl City Council, or of a town council or local service district committee continued or established under the *Towns and Local Service Districts Act* or of a council of a similarly constituted local government in another province;

[2023 cT-6.2 s332](#)

[Back to Top](#)

SNL2022 cP-3.02 Amdt.

333. Subparagraph 2(1)(q)(iv) of the *Pay Equity and Pay Transparency Act* is amended by deleting the words "a municipality under the *Municipalities Act, 1999*" and substituting the words "a town under the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s333](#)

[Back to Top](#)

SNL1995 cP-31.1 Amdt.

334. Subsection 27(2) of the *Provincial Offences Act* is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

[2023 cT-6.2 s334](#)

[Back to Top](#)

SNL2016 cP-41.001 Amdt.

335. Subparagraph 2(q)(iv) of the *Public Procurement Act* is amended by deleting the words "a municipality or local service district under the *Municipalities Act, 1999*" and substituting the words "a town or a local service district under the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s335](#)

[Back to Top](#)

SNL2012 cR-8.1 Amdt.

336. (1) Paragraph 2(b) of the *Regional Service Boards Act, 2012* is amended by deleting the words "council as defined in the *Municipalities Act, 1999*" and substituting the words "town council as defined in the *Towns and Local Service Districts Act*".

(2) Subparagraph 2(h)(iv) of the Act is repealed and the following substituted:

- (iv) a local service district committee or a town council established or continued under the *Towns and Local Service Districts Act*, and

[2023 cT-6.2 s336](#)

[Back to Top](#)

SNL2009 cR-15.01 Amdt.

337. Subparagraph 2(tt)(iv) of the *Revenue Administration Act* is repealed and the following substituted:

- (iv) a town incorporated or continued under the *Towns and Local Service Districts Act*;

[2023 cT-6.2 s337](#)

[Back to Top](#)

RSNL1990 cS-15 Amdt.

338. Paragraph 2(e) of the *Shops' Closing Act* is repealed and the following substituted:

- (e) "municipality" means the City of St. John's, the City of Corner Brook, the City of Mount Pearl or a town incorporated or continued under the *Towns and Local Service Districts Act*;

[2023 cT-6.2 s338](#)

[Back to Top](#)

RSNL1990 cS-16 Amdt.

339. Subsection 3(1) of the *Small Claims Act* is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

[2023 cT-6.2 s339](#)

[Back to Top](#)

SNL2005 cS-16.2 Amdt.

340. Subsection 12(1) of the *Smoke-Free Environment Act, 2005* is amended by deleting the words "A municipality as defined in the *Municipalities Act, 1999*" and substituting the words "A town as defined in the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s340](#)

[Back to Top](#)

SNL2007 cS-34 Amdt.

341. Paragraph 2(b) of the *Sustainable Development Act* is amended by deleting the words "a municipality as defined in the *Municipalities Act, 1999*" and substituting the words "a town as defined in the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s341](#)

[Back to Top](#)

SNL1992 cT-0.1 Amdt.

342. (1) Paragraph 2(d) of the *Taxation of Utilities and Cable Television Companies Act* is repealed and the following substituted:

(d) "council" means

(i) a council as defined in the *City of Corner Brook Act*, the *City of Mount Pearl Act* and the *City of St. John's Act*, and

(ii) a town council as defined in the *Towns and Local Service Districts Act*;

(2) Paragraph 2(f) of the Act is repealed and the following substituted:

(f) "municipality" means a town as defined in the *Towns and Local Service Districts Act*;

[2023 cT-6.2 s342](#)

[Back to Top](#)

SNL2000 cU-8 Amdt.

343. (1) Paragraph 2(d) of the *Urban and Rural Planning Act, 2000* is repealed and the following substituted:

(d) "council" means a council as defined in the *City of Corner Brook Act* and *City of Mount Pearl Act*, a town council as defined in the *Towns and Local Service Districts Act* and the city council as defined in the *City of St. John's Act*;

(2) Paragraph 2(k) of the Act is amended by deleting the words "a municipality as defined in the *Municipalities Act, 1999*" and substituting the words "a town as defined in the *Towns and Local Service Districts Act*".

(3) Paragraph 2(n) of the Act is repealed.

(4) Paragraph 2(r) of the Act is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

(5) Subsection 39.2(4) of the Act is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

(6) Subsection 50(1) of the Act is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

(7) Subsection 51(1) of the Act is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

[2023 cT-6.2 s343](#)

[Back to Top](#)

RSNL1990 cV-5 Amdt.

344. Paragraph 11.1(2)(b) of the *Victims of Crime Services Act* is amended by deleting the words "municipality as defined in the *Municipalities Act, 1999*" and substituting the words "town as defined in the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s344](#)

[Back to Top](#)

SNL2002 cW-4.01 Amdt.

345. (1) Paragraph 2(1)(o)(iv) of the *Water Resources Act* is repealed and the following substituted:

- (iv) a local service district committee established or continued under the *Towns and Local Service Districts Act* or a town council of a town continued or incorporated under the *Towns and Local Service Districts Act*;

(2) Paragraph 5(d) of the Act is repealed and the following substituted:

- (d) a town under the *Towns and Local Service Districts Act*.

[2023 cT-6.2 s345](#)

[Back to Top](#)

SNL2022 cW-11.1 Amdt.

346. (1) Paragraph 2(1)(aa) of the *Workplace Health, Safety and Compensation Act, 2022* is repealed and the following substituted:

- (aa) "municipality" includes the City of St. John's, the City of Corner Brook, the City of Mount Pearl and a town incorporated or continued under the *Towns and Local Service Districts Act* and a local service district incorporated or continued under that Act;

(2) Paragraph 108(b) of the Act is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

[2023 cT-6.2 s346](#)

[Back to Top](#)

RSNL1990 cY-1 Amdt.

347. Paragraph 3.1(b) of the *Young Persons Offences Act* is repealed and the following substituted:

- (b) relating to the regulation of traffic under the *City of St. John's Act*, the *City of Corner Brook Act*, the *City of Mount Pearl Act* or the *Towns and Local Service Districts Act* or a regulation or by-law regulating traffic of a city or town incorporated or continued under any of those Acts.

[2023 cT-6.2 s347](#)

[Back to Top](#)

NLR 74/10 Amdt.

348. Paragraph 8(d) of the *Cost of Consumer Credit Disclosure Regulations* under the *Consumer Protection and Business Practices Act* is amended by deleting the reference "*Municipalities Act, 1999*" and substituting the reference "*Towns and Local Service Districts Act*".

[2023 cT-6.2 s348](#)

[Back to Top](#)

NLR 26/01 Amdt.

349. Paragraph 2(h) of the *Direct Equity Tax Credit Regulations* under the *Income Tax Act, 2000* is amended by deleting the words "incorporated or continued under the *Municipalities Act, 1999*" and substituting the words "continued under the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s349](#)

[Back to Top](#)

NLR 59/22 Amdt.

350. Paragraph 2(b) of the *Municipal Conduct Regulations* under the *Municipal Conduct Act* is repealed and the following substituted:

- (b) "clerk" means a town clerk appointed under the *Towns and Local Service Districts Act* or a clerk appointed under the *City of Corner Brook Act*, the *City of Mount Pearl Act* or the *City of St. John's Act*; and

[2023 cT-6.2 s350](#)

[Back to Top](#)

NLR 41/12 Amdt.

351. Paragraph 2(c) of the *Nuisance Animals Regulations* under the *Animal Health and Protection Act* is amended by deleting the words "a municipality or local service district continued or established under the *Municipalities Act, 1999*" and substituting the words "a town continued or incorporated under the *Towns and Local Service Districts Act* or a local service district continued or incorporated under the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s351](#)

[Back to Top](#)

NLR 33/18 Amdt.

352. Subparagraph 3(1)(a)(iii) of the *Procurement Advisory Council Regulations* under the *Public Procurement Act* is repealed and the following substituted:

- (iii) a town under the *Towns and Local Service Districts Act*,

[2023 cT-6.2 s352](#)

[Back to Top](#)

NLR 78/99 Amdt.

353. Paragraph 2(b) of the *Provincial Offences Ticket Regulations, 1999* under the *Provincial Offences Act* is repealed and the following substituted:

- (b) a provision relating to the regulation of traffic, of the *City of St. John's Act*, the *City of Corner Brook Act*, the *City of Mount Pearl Act* or the *Towns and Local Service Districts Act* or of a regulation or by-law, regulating traffic of a city or town incorporated or continued under any of those Acts;

[2023 cT-6.2 s353](#)

[Back to Top](#)

NLR 85/07 Amdt.

354. Paragraph 2(e) of the *Resort Property Investment Tax Credit Regulations* under the *Income Tax Act, 2000* is amended by deleting the words "incorporated or continued under the *Municipalities Act, 1999*" and substituting the words "continued under the *Towns and Local Service Districts Act*".

[2023 cT-6.2 s354](#)

[Back to Top](#)

NLR 73/11 Amdt.

355. Paragraph 2(1)(k) of the *Revenue Administration Regulations* under the *Revenue Administration Act* is repealed and the following substituted:

- (k) "council" means a board as defined in the *Regional Service Boards Act, 2012*, a council as defined in the *City of Corner Brook Act*, the *City of Mount Pearl Act* or the *City of St. John's Act* or a town council as defined in the *Towns and Local Service Districts Act* and includes a local service district incorporated or continued under the *Towns and Local Service Districts Act* and not-for-profit corporations, including regional waste management authorities, established exclusively for the delivery of municipal services;

[2023 cT-6.2 s355](#)

[Back to Top](#)

SNL1999 cM-24 Rep.

356. The *Municipalities Act, 1999* is repealed.

[2023 cT-6.2 s356](#)

[Back to Top](#)

Commencement

357. This Act, or a section, subsection, paragraph or subparagraph of this Act, comes into force on a day or days to be proclaimed by the Lieutenant-Governor in Council.

[2023 cT-6.2 s357](#)

(In force Jan. 1/25)