



**ORDINANCES**  
OF THE  
**GOVERNMENT OF YUKON**

PASSED BY THE YUKON COUNCIL  
IN THE YEAR  
1980

**Part II:**  
**MUNICIPAL VOLUME**

BEING THE SECOND SITTING OF THE THIRD SESSION  
OF THE TWENTY - FOURTH COUNCIL  
OCTOBER 14 - NOVEMBER 13, 1980

D. BELL COMMISSIONER



ORDINANCES OF THE YUKON TERRITORY  
1980 (2nd), Chapter 17

MUNICIPAL ORDINANCE

(Assented to November 13, 1980)

The Commissioner of the Yukon Territory, by  
and with the advice and consent of the Council of  
the said Territory, enacts as follows:

Short title            1(1)        This Ordinance may be cited as the  
Municipal Ordinance.

PART 1 - INTERPRETATION

2(1)        In this Ordinance,

"administrator"        "administrator" means a person appointed  
as administrator under this Ordinance;

"alderman"             "alderman" means a member of a council  
elected as an alderman;

"assessor"             "assessor" means the assessor appointed  
by the Commissioner pursuant to the  
Assessment and Taxation Ordinance;

"board"                "board" means a board appointed by  
council pursuant to this Ordinance to  
provide advice and recommendations to  
council;

"Chief  
Administrator  
Officer"                "Chief Administrative Officer" means a  
person appointed as chief administrative  
officer of a municipality pursuant to  
section 187.

"city"                 "city" means any city established as a  
city under this Ordinance;

"clerk"                "clerk" means a clerk of a municipality;

"commission"           "commission" means a commission appointed  
by council pursuant to this Ordinance  
with powers and duties as provided;

"corporation"	"corporation" means a company, a society, a sole proprietor, a cooperative association or a firm of partners;
"council"	"council" means the council of a municipality;
"elector"	"elector" means an elector as defined in this Ordinance;
"fiscal year"	"fiscal year" when used with respect to the government of a municipality means calendar year;
"hamlet"	"hamlet" means a hamlet established under this Ordinance;
"highway"	"highway" includes a street, road, lane, bridge, viaduct and any other way open to use by the public and all road allowances made therefor but does not include a private right-of-way or the highways excluded by an order made pursuant to section 261;
"inspector"	"inspector" means the inspector of municipalities appointed under this Ordinance;
"mayor"	"mayor" means the mayor of a city, town, village;
"municipal services"	"municipal services" means primary municipal services, secondary municipal services and tertiary municipal services as itemized and any additional services and facilities the Commissioner may prescribe.
"municipality"	"municipality" means any part of the Territory established as a city, town, village under this Ordinance;
"National Building Code"	"National Building Code" means any code adopted as the building code pursuant to the <u>Building Standards Ordinance</u> ;

"occupier" means an occupier of land and includes the resident occupier of land or, if there is no resident occupier, the person entitled to the possession thereof, a lease-holder and a person having or enjoying in any way for any purpose whatsoever the use of the land otherwise than as owner, whether or not the land or part thereof is an unsurveyed area and also includes a squatter;

"owner" means an owner of real property and includes a person having any right, title, estate or interest in real property other than that of an occupier or mortgagee;

"primary municipal services" means those services and facilities necessary to provide primary sewage collection, water delivery service, street and road maintenance with constructed gravel surface, garbage disposal facilities, fire protection and emergency services, sewage treatment facilities, street lighting in arterial roads, and administrative office space;

"real property" means land and all buildings, fixtures, machinery, structures, and things erected upon or under or affixed thereto;

"regulating" includes authorizing, controlling, inspecting, limiting and restricting;

"secondary municipal services" means those services and facilities necessary to provide recreation, transit, animal impoundment facilities, ditch and culvert surface drainage, garbage collection service, public cemeteries, pavement and sidewalks on major traffic routes, street lighting in major activity areas;

"submission" means any question, by-law or matter on which pursuant to any Ordinance the council is required to obtain the assent of the electors or taxpayers of the municipality;

"taxes" means taxes imposed by this Ordinance and the Assessment and Taxation Ordinance and includes any interest or penalties payable in respect of unpaid taxes and also includes any service charges imposed in respect of local improvements on property by this Ordinance or the Assessment and Taxation Ordinance and any interest or penalties payable in respect of them;

"taxpayer" means a person qualified to vote on a money by-law pursuant to this Ordinance;

"tertiary municipal services" means those services and facilities necessary to provide parks, pavement, lighting and sidewalks of local collector roads, piped storm drainage system and parking facilities;

"town" means any town established as a town under this Ordinance;

"village" means any part of the Territory established as a village under this Ordinance.

Construction of words applying to officer by his name or office 3(1) Words in this or any other Ordinance, or in any regulation passed under such Ordinances, or in any by-law or resolution of a council, directing or empowering any officer of the municipality to do any act or thing, or otherwise applying to him by his name of office, include his successors in such office and his lawful deputy, and such person as the

Council may from time to time by by-law or resolution designate to act in his place or stead.

Reckoning of period of time in days

4(1) In reckoning time for purposes of this Ordinance, any period of time expressed in days shall be exclusive of any holiday as defined by the Interpretation Ordinance.

5(1) Where the time limited or the date under this Ordinance for any proceeding or for the doing of anything expires or falls upon a day on which the offices of the municipality are not open to the public, the time so limited shall extend to and such thing may be done on the day next following on which the offices are open to the public but this subsection does not apply with respect to polling-day.

Jurisdiction of Council

6(1) The jurisdiction of every council is confined to the municipality the council represents, except where authority beyond the same is expressly conferred by this or any other Ordinance.

(2) Where in this Ordinance an affirmative vote of at least two-thirds of all the members of a council is required for the doing of any act or the exercising of any power, such requirement means an affirmative vote of at least two-thirds of the number of members of which the council is required to consist according to Part II.

PART II - INCORPORATIONS

Division (1) - Incorporation

Incorporation Title

7(1) Every city, town or village, created or established in Yukon Territory under this Part shall be a municipal corporation under the name of

- (a) in the case of cities, "The City of....."
- (b) in the case of towns, "The Town of....."
- (c) in the case of villages, "The Village of....."

(2) A corporation created or established under this Part has all the rights and liabilities of a corporation and has full power, subject to the provisions of this Ordinance, to acquire by purchase, lease or otherwise and to hold real property, crown property and to sell or lease real property and likewise to acquire, hold, sell or lease personal property and to contract for material or services.

Incorporation process

8(1) The Inspector of Municipalities may, for an area deemed to have a population in excess of 300 persons, on his own initiative or in response to a petition signed by not less than ten taxpayers resident in the area, submit a proposal to the Commissioner for the establishment of a municipality in that area.

(2) The Commissioner shall give public notice of the proposal under subsection (1) in a newspaper circulating in the area noted in subsection (1) and cause a copy of the notice to be posted in four conspicuous places in the area.

(3) The notice shall include

- (a) the area proposed to be included in the municipality,
- (b) the estimated or actual population of the area,
- (c) the estimated tax rate which will be required to be established in order to meet the commitments of the proposed municipality in each



- of the first two years following its establishment, and
- (d) the procedure to be followed in lodging an appeal, if any, against the proposed establishment of the municipality.
- (4) The notice of appeal under subsection (3) shall be in substantial conformity with the procedure set out in the notice and shall be signed by not less than ten percentum of the persons who are residents of the area proposed to be included in the municipality who
- (a) are 19 years of age or over
  - (b) are Canadian citizens
  - (c) have resided in that area for the period of one year immediately preceding the publication of the notice under subsection (2).
- (5) Where the Commissioner receives a valid appeal pursuant to this section, he shall fix a time and place within the area for the holding of an inquiry and shall appoint a person to hold the inquiry.
- (6) No member of the public service of the Territory shall be eligible to be appointed to hold the inquiry mentioned in subsection (5).
- (7) The person appointed to hold the inquiry pursuant to subsection (5) shall hold the inquiry at the time and place fixed by the Commissioner and shall hear any evidence and receive any submissions made supporting or objecting to the proposal contained in the order.
- (8) Where it appears to the person holding the inquiry that a substantial number of the residents of the area are opposed to the establishment of a municipality or are opposed to the terms upon which it is to be established, the person may

ascertain the wishes of the inhabitants in the matter in a suitable manner.

- (9) The person holding the inquiry has the power to summon witnesses, administer oaths and for the purpose of holding the inquiry, has all the powers of a Board of Inquiry appointed pursuant to the Public Inquiries Ordinance.
- (10) As soon as may be after the conclusion of the inquiry, the person shall prepare and furnish to the Commissioner a report within the time limits prescribed by the Commissioner on the inquiry and shall make recommendations concerning the establishment of a municipality in the area.
- (11) The Commissioner shall give notice of the recommendation of the report under subsection (10) in the same manner as the notice of the proposal under subsection (2) and in the same or another notice state his intention to
  - (a) cancel the proposal, or
  - (b) to establish the municipality as originally proposed, or
  - (c) to establish the municipality set out in the original proposal with the modifications as stated in the notice hereunder.

Incorporation Order

- 9 (1) The Commissioner may by order create or establish a municipality.
- (2) Except in the case of a hamlet, the order of the Commissioner establishing the municipality shall specify
  - (a) the name, boundaries, area and class of municipality, and notwithstanding any provision of this Ordinance may specify such other provisions and conditions as may be deemed necessary for the operation of the municipality,

- (b) the qualifications required for membership on the first council to be elected and the qualifications required of the voters at the first election,
- (c) the time and manner of electing the first council,
- (d) the respective terms for which members of the council shall be elected at the first election,
- (e) the Returning Officer, or the provisions for the appointment of a Returning Officer, at the first election,

and may specify

- (f) the polling place or places at the first election,
- (g) that the Inspector shall determine the day, time and place of the first meeting of the first council,
- (h) the sum which may be borrowed to meet the current lawful expenditure of the municipality in the year of incorporation and for the year next following, if deemed expedient,
- (i) the dates which may be observed initially and once only in place of statutory dates.

(3) In the exercise of the powers under this section, the Commissioner may by order incorporate the residents of any area into a municipality and thereupon shall revoke an existing charter of incorporation and shall dissolve any municipality situated within the municipality so incorporated.

(4) For the purposes of this section, a Local Improvement District existing immediately prior to the coming into force of this Ordinance shall be deemed to be a municipality.

Type of Municipality 10(1) The type of municipality to be established shall be in accordance with the following table

<u>Estimated Population</u>	<u>Type of Municipality</u>
300 to 1000	Village
500 to 3000	Town
Over 2500	City

(2) Any area set aside by law as a national park or a territorial park or a game preserve or sanctuary established by law and contained within the boundaries of a municipality is outside the jurisdiction of the municipality unless otherwise prescribed.

Notice of incorporation order 11(1) All orders under this Part shall be published in two issues of a newspaper circulating in the area and displayed in at least four conspicuous places within the proposed municipality.

Municipality in conjunction with natural resource 12(1) Notwithstanding the provisions of section 10 where in the opinion of the Commissioner, it is in the public interest to establish a municipality in conjunction with the development of a natural resource, the Commissioner may, by order incorporate the residents of any area of land into a municipality.

Division (2) - Change of Status or Boundaries

Change of Status process 13(1) The Council of any municipality at any time may by by-law submit for the approval of the electors the question of changing the status of the municipality to some other class of municipality that it is eligible for pursuant to section 10.

(2) Where the approval of electors has been obtained to a change of status the Commissioner may revoke the existing

order and reincorporate the municipality in a new class pursuant to a new order.

- (3) Notwithstanding subsection (1) where it appears to the Commissioner that the population of a municipality has increased or decreased beyond the numbers required in section 10 by more than ten percentum, the Commissioner may proceed to revoke the existing order and issue a new order that provides a new status for the municipality.
- (4) Where the Commissioner deems that there has been sufficient change in population, the council of the municipality shall be given written notice and no steps shall be taken to revoke the existing order until after six months have elapsed from the date of mailing of the written notice to council.
- (5) An order issued under subsection (3) shall include provisions for implementation as referred to in section 9 and such other matters as the Commissioner deems necessary to provide for a proper transition to a new class of municipality.
- (6) An order issued under this section may include, if so requested by council, that the municipality retain as part of its name the former name.

Transitional provisions for change of status

- 14(1) When a municipality (herein called the "old municipality") changes its status from one class of municipality to another (herein called the "new municipality")
  - (a) the mayor of the old municipality continues as the mayor of the new municipality until his successor is sworn into office,
  - (b) each other member of the council of the old municipality continues as a

- member of the Council of the new municipality until his successor is sworn into office,
- (c) each officer and employee of the old municipality continues as an officer or employee of the new municipality with the same rights and duties until the council of the new municipality otherwise directs,
  - (d) all by-laws and resolutions of the old municipality continue as the by-laws and resolutions of the new municipality, insofar as they are not inconsistent with this Ordinance, until they are repealed or others are made in their stead by the council of the new municipality,
  - (e) all taxes due to the old municipality shall be deemed to be arrears of taxes due to the new municipality and may be collected and dealt with by the new municipality as if it had imposed the taxes,
  - (f) all rights of action and actions by or against the old municipality may be continued or maintained by or against the new municipality,
  - (g) all property vested in the old municipality becomes vested in the new municipality and may be dealt with by the new municipality in its own name subject to any trusts or other conditions applicable thereto, and
  - (h) all other assets, liabilities, rights, duties, functions, and obligations of the old municipality become vested in the new municipality and may be dealt with by it in its own name.

Alteration  
of  
Boundaries

15(1)

The council of a municipality may petition the Commissioner to alter the boundaries of the municipality in accordance with the changes proposed in the petition.

- (2) Upon the receipt of a petition under subsection (1) the Commissioner shall refer the petition to the Yukon Municipal Board for its opinion.
- (3) Where the Commissioner deems it in the public interest, he may recommend to the Yukon Municipal Board the alternation of the boundaries of a municipality.
- (4) Upon receipt of a recommendation or a petition from the Commissioner, the Yukon Municipal Board shall hold a public hearing in the area to be affected for the purpose of hearing objections and inquiring into the merits of the application.
- (5) Notice of the public hearing will be advertised in two issues a week apart of a newspaper circulating in the area and posted notice in at least four conspicuous places in the municipality and the area to be included.
- (6) Upon completion of the public hearing, the Yukon Municipal Board may recommend to the Commissioner
  - (a) that the boundary alteration be approved as proposed,
  - (b) that the boundary alteration be approved with modifications, or
  - (c) that the boundary alteration not be approved.
- (7) Upon receipt of a recommendation for the approval of the boundary alteration as proposed or a recommendation for the approval of the boundary alteration with modifications from the Yukon Municipal Board, the Commissioner may issue an order adjusting the area of the municipality and include in such order such provisions as are necessary to facilitate an orderly adjustment.

Transitional provisions with boundary alterations

- 16(1) When the boundaries of a municipality (herein called the "old municipality")

are altered so as to include within its boundaries an additional area not part of another municipality, so as to create a larger municipality (herein called the "new municipality")

- (a) the mayor of the old municipality shall continue as mayor of the new municipality until his successor is sworn into office,
- (b) each other member of the council continues to be a member of the council of the new municipality until his successor is sworn into office,
- (c) each officer and employee of the old municipality continues as an officer or employee of the new municipality with the same rights and duties until the council of the new municipality directs otherwise,
- (d) all by-laws and resolutions of the old municipality continue as by-laws and resolutions governing the additional area included within the boundaries of the new municipality insofar as they are not inconsistent with this Ordinance, until they are repealed or others made in their stead by the Council of the new municipality,
- (e) all taxes due to the Commissioner, levied in the additional area added to the old municipality, shall be deemed to be arrears or taxes due to the new municipality and shall be dealt with as if it had imposed the taxes,
- (f) all business licences, utility charges or other debts due to the Commissioner and remaining unpaid by residents of the additional area at the time of the proclamation of the alteration of the boundaries of the municipality shall be deemed to be debts owing to the new municipality and dealt with accordingly,



- (g) the Commissioner may direct that all monies collected by the new municipality under paragraph (e) and (f) shall be paid to him,
- (h) the Commissioner may make any regulations he deems necessary to carry out the provisions of this section.

Division (3) - Dissolution

- |                                    |       |  |
|------------------------------------|-------|--|
| Reason for dissolution             | 17(1) | Where in the opinion of the Commissioner, the population of a municipality has been reduced to a level insufficient for the continuance of a municipality, he may order the dissolution of the municipality.   |
|                                    | (2)   | No municipality shall be dissolved until the Commissioner is satisfied that due provision has been made for the winding up of the municipality's affairs and for the payment of all debts and obligations of the municipality.   |
| Assets transferred to Commissioner | (3)   | Upon dissolution of a municipality all property and assets of the municipality shall be transferred to the Commissioner under such terms and conditions as the Commissioner may prescribe and all taxes imposed by the municipality remaining unpaid shall be deemed to be taxes imposed by the Commissioner under the <u>Assessment and Taxation Ordinance</u> on the date of their imposition. |
| Collection of outstanding Taxes    | (4)   | Where a municipality is dissolved at a date prior to the imposing of the taxes for the calendar year in which dissolution takes effect, all real property within the municipality so dissolved is liable to assessment and taxation by the Commissioner in that year in accordance with the provisions of the <u>Assessment and Taxation Ordinance</u> .   |

- (5) The last authenticated real property assessment roll of a municipality that has been dissolved may be used for the purpose of levying and collecting taxes therein under the Assessment and Taxation Ordinance.
- Regulations respecting dissolution (6) The Commissioner may make any regulations he deems necessary for the dissolution and proper winding up of a municipality.

Division IV - Formation of Hamlets

- Formation of Hamlets 18(1) The Commissioner may, by order, designate any area of land to be established as a hamlet and may provide services as are set out in the order, and impose any regulation authorized under this Ordinance or any other Ordinance for municipalities and impose such taxes, licences, charges and fees to contribute to the cost of providing works and services as provided in this Ordinance for the benefit of the residents.
- Contents of order 19(1) The order establishing a hamlet shall include but shall not be restricted to providing for title, boundaries, works or services to be provided and the date the order becomes effective.
- Appointment of Advisory Council 20(1) The Commissioner may appoint the members of the first Advisory Council or may direct the Inspector to conduct the first election of members of an Advisory Council and the Commissioner may prescribe the procedures to be followed for conducting any subsequent hamlet election.
- Composition of Advisory Council 21(1) Subject to section 20:  
(a) a hamlet shall have an Advisory Council of five members which shall be elected; and

(b) a Chairman shall be elected by the Advisory Council from amongst its members at its first meeting.

Duties of  
Advisory  
Council

22(1) It shall be the duty of the Advisory Council to assist the Commissioner in:  
(a) determining the works or services which are required;  
(b) the regulations deemed desirable for the benefit of the residents;  
(c) supervising the works or services if required within the hamlet.

Inspector  
supervise  
activities  
of Hamlet

23(1) Subject to section 18 and section 19 the Inspector shall be responsible for the supervision of the activities of hamlet Advisory Councils and in carrying out his duties shall determine:  
(a) qualifications required for membership on Advisory Council and qualification of voters;  
(b) terms of office for members;  
(c) day, time and place of the first meeting of the first Advisory Council.

Quorum

24(1) A majority of the members of the Advisory Council constitute a quorum.  
(2) The Chairman shall vote, and any question resulting in a tie shall be deemed to be decided in the negative.

Annual  
meeting

25(1) An annual general meeting shall be held each year.  
(2) The Advisory Council may by resolution make rules and regulations relating to the calling of meetings and the conduct of such meetings.

Secretary

26(1) The Advisory Council may with the approval of the Inspector, from time to time,

appoint a secretary and fix the salary and prescribe the duties of the secretary.

Real and personal property

27(1)

Real and personal property including works of any kind acquired for the hamlet shall be held by the Commissioner on behalf of the hamlet.

Dissolution of Hamlet

28(1)

The Commissioner may dissolve any hamlet upon the advice of the Inspector and make disposition of its assets as appears equitable.

Revision of order for hamlet

29(1)

The Commissioner may at any time vary or amend the order establishing a hamlet.

PART III - ELECTIONS  
Division I - Electors

- Qualification of electors 30(1) Every person is entitled to vote at an election in a municipality who
- (a) is a Canadian citizen,
  - (b) has attained the age of 19 on the day on which the poll is taken, and
  - (c) has resided in the municipality for the period of one year immediately preceding the day on which the poll is taken.
- Residency requirements 31(1) For the purposes of this Part a person does not reside in a municipality unless, the true, fixed, permanent lodging place to which, when is he absent, he has the intention of returning is located in the municipality.
- (2) Notwithstanding subsection (1), where a person who is a resident of a municipality leaves his home for a temporary purpose, he does not cease to be a resident of the municipality.
  - (3) Notwithstanding subsection (1), where a person who is a resident of a municipality leaves the municipality with the intention of making his residence elsewhere, he ceases to be a resident of the municipality.
  - (4) Subject to subsection (1), the place where a person's family resides shall be deemed his place of residence unless he takes up or continues his abode at some other place with the intention of remaining there.
  - (5) A change of residence can only be made by actual removal with the intent to establish a fixed habitation in another place.

Eligibility  
for vote on  
submissions

- 32(1) Where a person entitled under section 30 to vote at an election in a municipality is a taxpayer, he is qualified to vote on a submission in the municipality.
- (2) Subject to subsections (3) and (4), where a corporation is a taxpayer, it is entitled to vote on a submission.
- (3) A corporation is not entitled to vote on a submission unless, not less than ten days before the day on which the vote on the submission is taken, it files with the clerk a statement in writing naming some person who is eligible to vote under section 30, as the agent to vote on behalf of the corporation.
- (4) No person may vote under this section on behalf of more than one corporation.
- (5) For the purposes of this section, "taxpayer" means any person and the spouse of such person who, on the day on which the vote on the submission is to be taken is the owner of taxable property in the municipality within the meaning of section 49 of the Assessment and Taxation Ordinance.

Division II - Qualifications for Council

Eligibility  
for alderman  
or mayor

- 33(1) A person is not eligible to be nominated to become an alderman or mayor of a municipality unless, on the day of his nomination,
- (a) he is a Canadian citizen
  - (b) he has attained the age of 19 on the day on which the poll is taken
  - (c) he has resided in the municipality for the period of one year immediately preceding the day on which the poll is taken, and
  - (d) his name appears on the list of electors.
- (2) Notwithstanding subsection (1), a person is not eligible to become an alderman or mayor of a municipality if he

- (a) is an employee or salaried officer of the municipality;
  - (b) is an undischarged bankrupt;
  - (c) is a judge of a court, other than a justice of the peace or a juvenile court judge;
  - (d) has, directly or indirectly, any contract or any interest in any contract with the municipality;
  - (e) is indebted to the municipality for a debt exceeding \$250, other than a debt for current taxes;
  - (f) is currently incarcerated; or
  - (g) ceases, before the poll is taken to be entitled under section 30 to vote at an election in the municipality.
- (3) Notwithstanding subsection 2, a person is not disqualified by reason that
- (a) he is a shareholder, officer, or director of a company that has dealings or contracts with the municipality,
  - (b) he is a member, officer or employee of a society or association that has dealings or contracts with the municipality,
  - (c) as executor, administrator, or involuntarily by operation of law, he is a party to or holds, for a period of more than 12 months, contract with the municipality,
  - (d) he receives in common with other inhabitants services that are contracted with the municipality (municipal services, easements and encroachment, purchase of any debenture of the municipality in common),
  - (e) he receives witness fees and conduct money for attending proceedings involving the municipality,
  - (f) he receives remuneration for serving as a member of the municipal volunteer fire or ambulance brigade or volunteer emergency measures organizations, or

- (g) he is providing services or goods to the municipality within the provisions of subsection 34(2).

Disqualification 34(1)  
rules

A person is disqualified from being an alderman or mayor of a municipality where,

- (a) being a shareholder, officer or director of a corporation that has dealings or contracts with the municipality, he votes at a meeting of the council on any question affecting the company, or participates in the consideration of the question by the council,
- (b) being a member, officer or employee of a society or association that has dealings or contracts with the municipality, he participates in the consideration by the council of any matter affecting the society or association,
- (c) he ceases to be eligible to become an alderman or mayor under section 33.

(2) Notwithstanding subsection (1), a member of the council of a municipality may, provide goods or services to the municipality where:

- (a) the sale of goods or services to the municipality or to persons contracting with the municipality are made at competitive prices by a dealer in those goods or services incidental to and in the ordinary course of his business; and
- (b) the member does not vote at any meeting of the council on any question affecting the contract for such goods or services.



Division III - Election Proceedings

Term of office	35(1)	All members of council shall hold office for a term of two years.
Election by-law	36(1)	Council may by by-law (a) divide the municipality into polling divisions, (b) subject to this Ordinance, regulate the conduct of an election, (c) establish a polling place in a hospital, old age home or similar institution, and set special hours for when the poll shall be open.
By-laws for submission	37(1)	Subject to the Ordinance, council may by by-law adopt rules of procedure concerning a submission as are deemed necessary.
Ballot paper for submission	(2)	Where a submission is held at the same time as an election the ballot paper used therein shall not be of the same in size or colour as that used for an election.
By-law for ward system	38(1)	The council may, by by-law, made with the approval of the Commissioner, provide that all or some of the members of the council be elected on an area or ward basis.
Composition of wards	39(1)	For the purposes of section 38, a single area or ward may consist of one or more defined areas whether or not these areas are contiguous.
Appointment of returning officer	40(1)	The council shall, on or before the first Monday of October in each election year and at other times as required, (a) appoint a returning officer, subject to this Ordinance, to be responsible for the administration of the election or submission,

- (b) establish the place for making nominations,
- (c) establish the place or places at which polls will be held, if a poll is required and subject to section 69 set hours which polls shall be open,
- (d) appoint deputy returning officers as required, or delegate to the returning officer the power to appoint deputy returning officers, and
- (e) otherwise arrange for the holding of the election or submission.

Division IV - Advance Poll

- |                                     |       |   |
|-------------------------------------|-------|---|
| Advance poll                        | 41(1) | For the purpose of enabling every voter mentioned in section 30 to vote at an election, the council may direct the returning officer to establish one or more advance polling places.   |
|                                     | (2)   | Notice of an advance poll shall be given in the form and the manner provided in section 69.   |
| Conduct of advance poll             | 42(1) | Except as provided in this Ordinance, the poll to be held at every advance polling place shall be conducted in the same manner provided by this Ordinance, for the conduct of other polls in an election.                           |
| Hours for advance poll              | 43(1) | The poll at each advance polling place established shall be open between such hours and on such day or days as the council may determine.   |
| Eligibility to vote at advance poll | (2)   | A person is not entitled to vote at an advance poll unless he will be unable to vote on the day on which the vote is to be held <ul style="list-style-type: none"><li>(a) by reason of his absence from the municipality,</li></ul> |

- (b) by matters of conscience, or
- (c) by circumstances beyond his control.

Record of vote	44(1)	The poll clerk at each advance polling place shall record in the poll book in the column headed "remarks" after the name of each person who votes, a notation that the person has voted.
Oath to vote at advance poll	45(1)	The returning officer or the deputy returning officer, every candidate and the agent of every candidate may require that a person intending to vote at the advance poll, take any oath that he may be required to take under this Ordinance before being handed a ballot.
Advance poll ballot box to be sealed until close of regular polls	46(1)	Upon the close of the advance poll each day, the returning officer or the deputy returning officer shall, and each candidate or agent present may, affix his seal to the ballot box in such a manner that no ballots can be deposited in it without breaking the seal, and the ballot box shall remain sealed until the close of the poll on polling day.
Count of votes from advance poll	47(1)	The returning officer or deputy returning officer, in the presence of the candidates and the agents who are present, shall, when all polls are finally closed on polling day, open the ballot box, count the votes, and take all other proceedings provided by this Ordinance for deputy returning officers in connection with the conduct of an election after the close of the poll.
Division V - List of Electors		
Clerk shall prepare preliminary list of electors for municipality	48(1)	Where a municipality is not divided into separate polling divisions, the clerk shall prepare in each election year a preliminary list of electors in which the names of all persons qualified to vote at the next election, so far as is ascertainable, are set out in alphabetical

order by surname and first name or initial, together with the address of each elector.

- (2) Where the municipality is divided into polling divisions, the clerk shall prepare in each election year a separate preliminary list of electors for each polling division.
- (3) Where a by-election occurs and the list of electors has not been revised within the eight months preceding the date of the by-election, the council shall cause the list of electors to be revised in accordance with the provisions of this Ordinance.
- (4) Notwithstanding subsection (3) the council may cause the list of electors to be revised in accordance with provisions of this Ordinance where a by-election occurs within the eight months following the last revision.

Contents of preliminary list

49(1) The preliminary list of electors prepared pursuant to section 48 shall set out in alphabetical order the names of all persons entitled to vote together with the address of each elector, so far as it reasonably may be practicable to do so.

System of enumeration

50(1) The council may, by by-law, provide for a system of enumeration or registration of the names of persons entitled to vote at an election.

Clerk to post preliminary list of electors

51(1) The clerk shall on the first Wednesday of September in each election year post a copy of the preliminary list of electors in the municipal office, and  
(a) in at least four conspicuous places in the municipality, if it is not divided into polls, or

(b) in at least one conspicuous place in each polling division, if the municipality is divided into polling divisions, and the copies of the preliminary list shall remain posted until the sitting of the Board of Revision.

Establishment  
of Board of  
Revision

- 52(1) The council shall establish a Board of Revision for the municipality and shall appoint the members thereof who shall hold office during pleasure, but no member of the council and no employee of the municipality shall be a member of the Board of Revision.
- (2) Not less than three persons shall be appointed as members of the Board of Revision and the Board shall elect one of their members to be chairman of the Board.
- (3) Every member of the Board of Revision shall, before entering upon his duties take and subscribe the oath or affirmation as set out in the prescribed form.
- (4) The council shall, by by-law, prescribe a fee to be paid to members of the Board of Revision.

Procedure  
for Board  
of Revision

- 53(1) The Board shall be presided over by the Chairman, or in his absence by a Chairman chosen from among the members present.
- (2) The clerk of municipality shall act as the clerk of Board of Revision and shall record its proceedings.
- (3) In the absence of the clerk, the Board may appoint another person to act in his place.

- (4) A majority of the members of the Board of Revision constitutes a quorum of the Board and if a quorum is not present, the Board shall stand adjourned to the next day, not a holiday, and from day to day thereafter until there is a quorum.
- (5) The Board of Revision shall sit on the first Monday in October of each election year, and shall continue to sit from day to day if so required.
- Time limit for Board members to receive preliminary list 54(1) The clerk shall, at least forty-eight hours before the day fixed for revision of the preliminary list of electors, deliver to each of the members of the Board of Revision a copy of the preliminary list of electors.
- Basis for revision 55(1) Any person who is eligible to vote at an election may apply to the Board of Revision to have the preliminary list of electors revised on the ground that the name of:
- (a) an eligible voter is omitted therefrom;
  - (b) an eligible voter is incorrectly set out therein; or
  - (c) a person not eligible to vote is included therein.
- Deadline for application to Board 56(1) Any person eligible to vote at an election who wishes to apply for revision of the preliminary list of electors under section 55 may make such application on or before the first Monday in October, by leaving with the clerk written notice of his application.
- Contents of notice of application (2) The notice of application for revision of the preliminary list of electors shall fully set out:
- (a) the name of the person in respect of whom the application is made;

- (b) the nature of the revision that is sought;
- (c) the grounds upon which the application is made; and
- (d) the name, residence and mailing address of the person making the application.

(3) The clerk shall give notice to every person who has given notice of his intention to make an application to the Board of Revision, and to the persons in respect of whom notice of application is made, of the place and time fixed for the sittings of the Board.

Clerk to issue notice of sittings of Board

57(1) Notice of the time and place fixed for the sitting of the Board of Revision shall be issued by the clerk at least ten days before the day fixed for the sitting of the Board of Revision and shall be:

- (a) published in a newspaper circulating within the municipality; and
- (b) posted in the municipal office; and
  - (i) in at least four conspicuous places in the municipality, if the municipality is not divided into polling divisions, or
  - (ii) in a conspicuous place in each polling division, if the municipality is divided into polling divisions.

Power to hear applications and revise preliminary list

58(1) The Board of Revision shall hear all applications made pursuant to section 55.

(2) If in respect of any application the Board of Revision is satisfied that the preliminary list of electors should be corrected, then the Board of Revision shall revise the preliminary list of electors accordingly.

- (3) Where the name of a person qualified to vote is incorrectly spelled, is duplicated, or where a person is not properly described in the preliminary list of electors, the Board of Revision may correct such spelling, duplication or description notwithstanding the absence of any notice or application required by this Ordinance.
- Revised list of electors 59(1) All corrections and revisions made in the preliminary list of electors by the Board of Revision shall be shown thereon in red ink, and the preliminary list of electors so corrected and revised shall be certified by the Board of Revision as being the revised list of electors for the municipality.
- (2) The revised list of electors shall be the list of qualified electors for the general municipal elections, and for all subsequent elections until such time as a new revised list of electors is prepared.
- Clerk and returning officer to receive copies of revised list 60(1) The Chairman of the Board of Revision shall deliver a copy of the revised list of electors, to the clerk and to the returning officer within nine days after the Board commences its sitting.
- Copies of revised list to be printed 61(1) The clerk shall cause to be printed as many copies of the revised list of electors, with the name of the electors appearing thereon as the returning officer may deem necessary.
- Timing for posting copies of revised list 62(1) The returning officer shall on the third Monday in October in each election year post a copy of the revised list of electors in the municipal office, and



- (a) in at least four conspicuous places in the municipality, if the municipality is not divided into polling divisions; or
  - (b) in a conspicuous place in each polling division if the municipality is divided into separate polling divisions,
- and the copies of the revised list of electors shall remain so posted until the day after polling day.

Division VI - Nomination

Nomination day and polling day	63(1)	Nomination day for the offices of mayor and alderman shall be the last Monday in October, and if it is necessary to hold a poll, polling day shall be the second Thursday of November.
Nomination notice	64(1)	Notice of the time and places fixed for holding nomination proceedings shall be issued by the returning officer, and such notice shall be in the prescribed form.
Publication of nomination notice	(2)	The nomination notice referred to in subsection (1) shall be <ul style="list-style-type: none"><li>(a) published in a newspaper circulating within the municipality; and</li><li>(b) posted in the municipal office and<ul style="list-style-type: none"><li>(i) in at least four conspicuous places in the municipality, if the municipality is not divided into polling divisions, or</li><li>(ii) in a conspicuous place in each polling division, if the municipality is divided into polling divisions;</li></ul></li></ul> by returning officer at least six days before nomination day.
Requirements for nomination	65(1)	No person shall be nominated as a candidate unless such person

- (a) is qualified to be elected in accordance with section 33;
- (b) has been nominated in writing by ten persons who are, to the best of his knowledge, and belief, electors;
- (c) has delivered or caused to be delivered to the returning officer between the time of the nomination notice and twelve o'clock noon on nomination day, a nomination paper in the prescribed form, together with a declaration administered by the returning officer, clerk or notary public in the prescribed form.

Contents of nomination paper

- 66(1) A nomination paper shall contain
- (a) the name and address of the person being nominated;
  - (b) a statement subscribed to by the persons mentioned in paragraph 65(1)(b); and
  - (c) the written consent of the person being nominated.

Elector may subscribe more than one paper

- (2) An elector may subscribe as many nomination papers as there are candidates to be elected, but each candidate shall be nominated by a separate nomination paper.

Receipt given by returning officer

- (3) The returning officer shall, if requested to do so, give a receipt to the person who delivers to him a nomination paper with the accompanying declaration.

Duties of returning officer on nomination day

- 67(1) The returning officer shall be present between the hours of ten o'clock in the forenoon and twelve o'clock noon on nomination day at the place appointed by the council for the holding of nomination proceedings, and shall at twelve o'clock noon announce to the electors present the names of all electors who have been

nominated as candidates in accordance with the provisions of this Ordinance.

No speeches  
or  
interruptions

- (2) The returning officer shall not permit any speeches or interruptions during the nomination proceedings referred to in subsection (1).

Procedure  
at close of  
nominations

- 68(1) At the conclusion of nomination proceedings,
- (a) if the number of candidates for the vacant offices exceeds the number of vacancies, the returning officer shall proceed to hold a poll pursuant to this Ordinance, and
  - (b) if the number of candidates for the vacant offices equals or is less than the number of vacancies, the returning officer shall declare those candidates elected.
- (2) If there are, on nomination day fewer persons nominated as candidates for office than there are members to be elected, the council shall cause the Commissioner to be notified of the number of vacancies and the Commissioner may fill such vacancies by the appointment of person(s) eligible pursuant to section 33, or may direct council to hold one further nomination for the remaining vacant positions prior to filling the vacancies by appointment.
- (3) A person appointed under subsection (2) shall, if he accepts office, make the prescribed declaration and take the oath of allegiance under the same provisions as if he had been elected.

Division VII - Notice of Poll

- Contents of notice of poll      69(1)      The notice of the poll issued by the returning officer shall state
- (a) the name of each candidate;
  - (b) the time and place at which the poll will be open for the purpose of receiving the votes of the electors.
- Publication      (2)      The notice of the poll referred to in subsection (1) shall be posted
- (a) in at least four conspicuous places in the municipality, if the municipality is not divided into polling divisions, or
  - (b) in a conspicuous place in each polling division if the municipality is divided into polling divisions;
- by the returning officer at least seven days before polling day.
- (3)      Notwithstanding subsection (1), the polls shall be open for a minimum of ten consecutive hours between the hours of seven o'clock in the forenoon and eleven o'clock in the afternoon.
- List of candidates      70(1)      At the close of nominations, the returning officer shall, at the request of a candidate or agent, deliver to him a certified list of all candidates.

Division VIII - Preparations for the Poll

- Clerks to supply ballot boxes      71(1)      The clerk shall have ready at all times at least as many ballot boxes as there are polling stations in the municipality.
- Type of ballot box      (2)      The ballot boxes shall be made of some durable material, and shall be provided with a lock and key, and shall be so constructed that the ballot-paper can be introduced therein, and cannot be withdrawn therefrom unless the box is unlocked.

- (3) Where it becomes necessary, for the purposes of an election, to use the ballot boxes, the clerk shall, before the polling day, deliver a sufficient number of ballot boxes to the returning officer appointed for the purposes of the election.

Ballot papers 72(1) Where a poll is granted, the returning officer shall forthwith cause to be printed, at the expense of the municipality, such a number of ballot papers in the prescribed form as will be sufficient for the purposes of the election.

Rules applicable for ballot papers 73(1) Separate ballot papers shall be used for the election of the mayor and for the election of aldermen.

- (2) The names of the candidates shall be printed on the ballot paper in the order determined by lot by the returning officer on nomination day.

- (3) The name of a candidate shall be printed on the ballot-paper in accordance with such reasonable directions as he may give in his nomination papers as to its spelling, or as to the use of a contraction or a nick-name.

Division IX - Proceedings at the Polls

Ballot boxes to be locked and sealed 74(1) The presiding officer at each polling-place, just before the commencement of the poll, shall show each ballot-box empty to such persons as may be present in the polling-station, so that they may see that it is empty, and then he shall

- (a) lock it up and place his seal upon it in such manner as to prevent its being opened without breaking the seal, and
- (b) place and keep it in his view, locked and sealed, for the receipt of ballot papers.

Secret ballot	75(1)	The voting at every election shall be by secret ballot.
Cumulative voting	76(1)	No elector shall vote more than once for each candidate to be elected.
Penalty	(2)	A person who contravenes subsection (1) or who obtains, except under the provisions of section 89, more than one ballot paper for any election or submission, at the same or some other polling place within the municipality, shall, on summary conviction, be liable to a penalty of one hundred dollars; and a person so convicted is not eligible as a candidate nor entitled to vote at any municipal election in the municipality for a period of two years following the date of his conviction.
	(3)	The provisions of this section do not apply to the returning officer who shall only vote in accordance with the provisions of sections 110 and 115.
Receipt of votes	77(1)	Subject to the provisions of subsection 78(2), the returning officer or deputy returning officer at any municipal election shall receive the vote of any person whose name he finds in the latest certified list of electors furnished to him for use at the election.
Challenge of voter	78(1)	If a person offering to vote at any municipal election is challenged as unqualified by the returning officer or

deputy returning officer or by any candidate or his agent, or by a duly qualified elector, the returning officer or deputy returning officer shall require the person so offering to vote to take an oath in the following form, to be administered to him by the returning officer or deputy returning officer:

"I swear (or solemnly affirm):

- (a) That I am legally qualified to vote at this election;
- (b) That I am the person referred to as \_\_\_\_\_ in the list of electors being used in this election or my name does not appear on the list of electors;
- (c) That I have not voted before in this election at this or any other polling-station;
- (d) That I am of the full age of nineteen years;
- (e) That I am a Canadian citizen; and
- (f) That I have not, directly or indirectly, received any reward or gift, nor do I expect to receive anything in respect of the vote for which I now apply.

So help me God."

- |                                 |       |   |
|---------------------------------|-------|---|
| Disqualification                | (2)   | Notwithstanding section 77 or 82, any person who is challenged and who refuses to take such oath shall not be permitted to vote.  |
| Records of electors taking oath | 79(1) | Where an elector takes the oath, the returning officer or deputy returning officer shall enter, opposite the name of the elector in the list of electors, the word "sworn". |

- Votes objected to (2) Where the vote of a person is objected to by a candidate or his agent, the returning officer or deputy returning officer shall also enter the objection in the list of electors opposite the name of the elector using the words "objected to", and adding the name of the candidate.
- Power to receive declaration 80(1) A returning officer or deputy returning officer appointed to attend at a polling place has the power to ask the questions and receive the declarations or oaths authorized by law to be asked of and made by electors.
- Omission of voter's name from printed list 81(1) When the name of a qualified elector appearing on the certified list of electors has been omitted from the printed list, the municipal clerk may in writing authorize the returning officer or deputy officer at the proper polling place to supply a ballot paper to that person, and that person is then entitled to apply for and receive a ballot paper.
- Application for registration of voter at poll 82(1) A person whose name does not appear on the latest certified list of electors of the municipality is entitled to vote if  
(a) he files with the returning officer or deputy returning officer an application for registration in the form prescribed and  
(b) he is otherwise qualified to have his name entered upon the list of electors.
- (2) Subject to section 112, the returning officer shall submit to the municipal clerk all the applications for registration filed under subsection (1) and the clerk shall incorporate them in the list of electors.



- Ballot papers to be furnished to applicant 83(1) Upon being satisfied that an applicant for a ballot paper is entitled to vote at the polling place where he applies for a ballot paper, the returning officer or deputy returning officer or poll clerk shall furnish the applicant with one of each of the ballot papers to which he is entitled.
- Suitable mark on list of electors (2) A suitable mark shall be made on the list of electors against or through the name of each elector to whom a ballot paper is supplied.
- Marking of ballot papers 84(1) The elector, on receiving a ballot paper, shall promptly proceed into one of the compartments provided, and while screened from observation shall mark his ballot paper by making a cross, or other mark in the blank space opposite the name of the candidate or candidates for whom he votes or by making a cross, or other mark in the blank space provided for the purpose of indicating whether or not he is in favour of a submission.
- (2) The elector shall then fold the ballot paper across to conceal the names of the candidates and any mark he may have made on the face of the ballot paper, leave the compartment without delay, and, having exhibited the folded ballot paper to the returning officer or deputy returning officer or poll clerk, shall, without exposing the front of the ballot paper to anyone, deposit it in the closed ballot box.
- (3) After depositing his ballot paper, the elector shall promptly leave the polling place.
- Infirmity or inability to read 85(1) If the returning officer or deputy returning officer is satisfied that an

elector, through infirmity, is unable to enter one of the compartments at the polling place, the returning officer or deputy returning officer may permit such elector to mark his ballot paper in some other convenient place.

(2) If the returning officer or deputy returning officer is satisfied that an elector, through infirmity or inability to read, is unable to mark his ballot paper, or if the elector is unable to enter a compartment then the returning officer or deputy returning officer or a person designated by the elector may accompany the elector to a convenient place, and there may, at the elector's request and in his presence, mark the ballot paper on behalf of the elector as directed by the elector.

(3) The returning officer or deputy returning officer or other person shall fold the ballot paper as in other cases, carry out the other requirements of section 84 and shall deposit the ballot paper in the closed ballot box in the presence of the elector.

(4) The returning officer or deputy returning officer shall make a list of the electors for whom he has marked any ballot paper pursuant to this section, with the notation "Infirmity" or "Unable to Read".

Witness

86(1) An elector who is unable to mark his ballot is entitled to have a person of his choice witness the marking of his ballot.

(2) A person may act as a witness under subsection (1) only once at the same election and only after he has taken an oath in the following form, by the

returning officer or deputy returning officer:

"I swear (or solemnly affirm):

- (a) That I will keep secret the name of the candidate or candidates for whom I as witness see the ballot papers of the voter marked; and
- (b) That I have not at this election acted as witness for another elector to observe the marking of a ballot paper.

So help me God."

One person to occupy compartment of polling station

87(1) While an elector is in one of the compartments of the polling place to mark his ballot paper, no other person, except as provided in sections 85 and 86, shall be allowed to enter the compartment or to be in a position to observe the way in which the elector marks his ballot paper.

Elector may vote if another person has voted in his name

88(1) If a person, representing himself to be a particular elector named on the list of electors applies for a ballot paper after another person has voted as that elector, the applicant, on taking the oath required under section 78, is entitled to receive a ballot paper and to vote.

(2) Where a person receives a ballot paper under subsection (1), the poll clerk shall note opposite the name of the elector on the list of electors that a second ballot paper has been issued, and shall also note there any objection made on behalf under section 80 on behalf of a candidate, and the identity of the candidate.

Second ballot paper may be issued 89(1) An elector who has inadvertently dealt with his ballot paper in a manner so that it cannot be conveniently used as a ballot paper may, on delivering to the returning officer or deputy returning officer the ballot paper inadvertently dealt with and proving the inadvertence to the satisfaction of the returning officer or deputy returning officer, obtain another ballot paper in the place of the ballot paper, and the returning officer or deputy returning officer shall immediately cancel and retain the spoilt ballot paper.

Deputy returning officer or poll clerk vote where stationed 90(1) Notwithstanding section 83 a deputy returning officer or poll clerk, if a qualified elector, may vote at the polling place to which he is appointed.

Reasonable time to vote 91(1) Every employer shall give every employee who is an elector a reasonable time, while the polls are open to cast a vote, and in no case shall the time be less than four clear hours during the time the polls are open to cast his vote.

(2) No employer shall make any deduction from the pay of an employee nor impose upon or exact from the employee any penalty by reason only of absence for the purpose of casting a vote.

Division X - Sundry Provisions

Death or default of returning officer 92(1) Where a deputy returning officer has died or refuses or does not attend at the time and place required by the returning officer to receive his lists of electors and other election papers, the returning officer shall appoint another person to act in his place as deputy returning officer.

- (2) Where, at the time designated for a nomination or poll, the returning officer has died, or does not attend to hold the nomination or poll within one hour after the time designated, or no returning officer has been appointed, the municipal clerk shall act as and be the returning officer at, and shall forthwith proceed to hold, the nomination or poll.
- (3) (a) Any person appointed under this section to act as deputy returning officer shall have all the powers and perform all the duties of the deputy returning officer.
- (b) Any clerk appointed under this section to act and to be the returning officer shall have all the powers and perform all the duties of a returning officer.

Proceedings in  
case of violence

- 93(1) Where a nomination or poll is interrupted or obstructed by a riot or open violence, the returning officer or deputy returning officer shall not terminate the business of the nomination or finally close the poll for that cause, but shall with proper precaution adjourn the nomination or the taking of the poll at that place to the following day.
- (2) If necessary, the returning officer or deputy returning officer shall further adjourn the nomination or poll until the interruption or obstruction has ceased, when he shall proceed with the nomination or poll at the original place.
- (3) The day when the nomination or poll is concluded shall be deemed to have been the day fixed for the nomination or poll, as the case may be.
- (4) Where a nomination is concluded after an adjournment under this section, the poll shall, if practicable, be put off for an

equal number of days, and the new day shall be the day of polling under this Ordinance.

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| Adjourned poll                                  | 94(1) | Where a poll has been adjourned by a deputy returning officer, he shall promptly notify the returning officer, who shall not finally declare the state of the poll, or the name or names of the candidate or candidates elected, until the poll so adjourned has been finally closed.   |
| Peace officer                                   | 95(1) | From the time of the nomination of candidates until the day following the final closing of the election, the returning officer and each deputy returning officer is a peace officer.  |
| Aid to maintain order at poll                   | 96(1) | For the maintenance of peace and good order at an election, a returning officer or deputy returning officer may require the assistance of all peace officers and other persons present at the election, whether at the nominations or at a polling place.   |
| Control of polling station by presiding officer | 97(1) | The returning officer or deputy returning officer shall keep order at his polling station, shall regulate the number of electors admitted at a time and shall exclude all persons not entitled, permitted or required by this Ordinance to be present.  |
| Who may be present in a polling place           | 98(1) | During polling, a person is not entitled or permitted to be present in a polling place if he is not an election officer, candidate, clerk or agent authorized to be at the polling place, or if he is not an elector for the time being actually engaged in voting, but the returning officer or deputy returning officer may have present, or to summon to his assistance, |

a peace officer to maintain order or preserve the peace, or prevent a breach of the peace, or to remove persons who may, in the opinion of the returning officer or deputy returning officer be obstructing the polling or wilfully violating any of the provisions of this Ordinance.

Removal from  
poll for  
misconduct

99(1)

Where a person misconducts himself in a polling place or fails to obey the lawful orders of the returning officer or deputy returning officer he may immediately, by order of the returning officer or deputy returning officer be removed from the polling place by a peace officer or a person authorized in writing by the returning officer to remove him; and the person so removed shall not, except with the permission of the returning officer or deputy returning officer again be allowed to enter the polling place during the day.

Custody of  
person removed  
from polling  
place

(2)

A person removed under subsection (1), if charged with the commission of an offence in the polling place may be kept in custody until he can be brought before a Justice of the Peace.

Voting by  
person in  
custody

(3)

The powers conferred by subsection (2) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling place from having an opportunity to vote at the polling place.

Presiding  
officer may  
arrest  
disturbers

100(1)

A returning officer or deputy returning officer may arrest, or cause to be arrested by verbal order, and place in the custody of one or more peace officer or other persons for as long as he considers expedient, a person disturbing the peace and good order at an election,

or may, under an order signed by him, cause the person to be imprisoned for any such disturbance until the expiration of a period not later than the final closing of the election or of the poll.

- (2) No such arrest, detention or imprisonment under subsection (1) exempts in any manner the person arrested, detained, confined or imprisoned from a penalty to which he may have become liable for anything done by him contrary to this Ordinance or otherwise.

Division XI - Proceedings after the Poll

- |  |        |   |
|--|--------|---|
| Ballot boxes to be sealed at close of poll       | 101(1) | At the close of the poll the ballot boxes shall be sealed up so as to prevent the introduction of additional ballots.   |
| What persons may be present at counting of votes | 102(1) | The returning officer or deputy returning officer, their assistants, clerks and constables, the candidates and one agent for each candidate for each poll, but no other person except with the approval of the returning officer, may be in the polling place during the opening of the ballot boxes and counting of the votes. |
| Duties of presiding officer after close of poll  | 103(1) | The returning officer or deputy returning officer for each polling place, promptly after the close of the poll, shall open the ballot boxes in the presence of the agents, if any, of the candidates, count the votes in the prescribed manner by section 109, and declare the result of the poll at his polling place.         |
|  | (2)    | Notwithstanding subsection (1) no ballot box for an advance poll or institutional poll shall be opened until after the final close of all polls on polling day.   |
| Transferring ballot                              | (3)    | If the returning officer or deputy returning officer finds any ballot in other than the appropriate ballot box, he shall transfer it to the appropriate ballot box.   |



Rejection  
of ballot

- (4) The returning officer or deputy returning officer shall, in counting the votes, reject as invalid any ballot
- (a) for a reason set out in the municipal election by-law;
  - (b) having votes for more candidates than are to be elected;
  - (c) having a mark or otherwise having been dealt with in a manner, by which the voter could be identified;
  - (d) that is unmarked or void for uncertainty; or
  - (e) that has not been supplied by the returning officer.

Assistance  
in counting  
votes

- (5) Subject to section 40, the returning officer or deputy returning officer may, in addition to any clerks, appoint competent persons to assist him in counting the votes, except that he shall personally deal with all ballot papers rejected or ballots objected to during the counting.

Ballot to be  
made up into  
separate  
packets

- 104(1) After completion of the count, the returning officer or deputy returning officer shall make into separate packets, each sealed by him and by those agents of candidates desiring to do so
- (a) all ballots counted as valid to which no objection has been made;
  - (b) all ballots counted as valid to which objection has been made;
  - (c) all rejected ballots;
  - (d) all the unused and spoiled ballot papers;
  - (e) the marked copies of the list of electors, the poll-book, and the counterfoils of the ballot papers, if any, and
  - (f) the list showing the number of electors whose votes were marked by the returning officer or deputy returning officer under the headings "Infirmity" and "Unable to Read".

- Ballot statement (2) The returning officer or deputy returning officer shall prepare and sign a ballot account showing
- (a) the number of votes given to each candidate and on each submission at that polling place; and
  - (b) the number of ballot papers entrusted to him accounted for under the headings of "ballot papers received", "ballots counted as valid", "ballots counted as valid to which objection has been made", "ballots rejected", and "ballot papers unused or spoiled".
- Ballot boxes to be sealed and locked (3) The returning officer or deputy returning officer shall place the sealed packets and ballot account in the ballot boxes used in his polling place and lock the boxes and attach the key.
- Locked ballot boxes to be delivered to returning officer (4) The locked boxes shall be delivered to the returning officer in accordance with his instructions.
- Examination of ballots 105(1) The returning officer shall arrange to examine the ballot accounts and, where necessary, to count the votes in the presence of the candidates or their agents as soon as practicable after the close of the poll.
- (2) The returning officer or deputy returning officer shall, where necessary, give notice in writing of the time and place of the examination and, if necessary, of the count, to the candidates' agents appointed to attend at the examination of ballot paper accounts and the counting of the votes.
- Result of poll 106(1) The returning officer shall, in the presence of the candidates' agents, if any, open the ballot boxes and ascertain

the result of the poll by counting the votes given to each candidate, and immediately shall proclaim elected the candidate or candidates having the highest number of votes for the office or offices for which they have been nominated.

Dispensing with counting of votes

- (2) The returning officer may dispense with his count where, in his opinion, after examination of the ballot accounts, there is no doubt about the result of the poll, and no candidate or his agent has, in writing, requested a count.

Count of specified polling places

- (3) The returning officer may limit his count to those polling places requested by a candidate or his agent.
- (4) Subject to section 40, the returning officer may, in addition to any clerks, appoint competent persons to assist him in counting the votes, but he shall personally deal with all ballots objected to or rejected.
- (5) The returning officer shall prepare a ballot account for any votes counted by him.

Single polling place in municipality

- 107(1) Where the returning officer is the presiding officer at the only polling place in the municipality during an election, and has carried out his duties under sections 103 to 105 he may immediately make the proclamation under subsection 106(1).

Advanced poll procedures

- 108(1) The provisions of sections 103 to 107 apply, so far as applicable and with the necessary changes, to the votes, ballot papers, and ballot boxes used at an advance poll.

Procedure  
in counting  
ballots

- 109(1) A returning officer who counts votes under section 106 shall open each ballot box, take out the packets, count and record the number of ballots and ballot papers, and then count the votes, proceeding continuously so far as practicable.
- (2) The returning officer in counting the votes, shall examine each ballot and call out in a distinct voice the name of the candidates for whom votes are recorded on the ballot keeping a record of the votes given for each candidate.
- (3) The ballots shall be opened and placed on a table with their printed or written faces upward, so that the candidates or their agents can see how the face of the ballot is marked.
- (4) The returning officer shall reject ballots for the reasons set out in subsection 103(4), and shall endorse "rejected" on each ballot rejected, adding to the endorsement "rejection objected to" if an objection be made to his decision by a candidate or agent.
- (5) Subject only to a recount by the Court, the decision of the returning officer on a question about a ballot is final.

Vote of  
returning  
office in  
tie

- 110(1) A returning officer shall not vote at an election until after the votes have been counted and then only if the votes cast in respect of two or more candidates are equal in number and his vote would break the tie.
- (2) A returning officer casting his vote pursuant to subsection (1) shall do so

by the drawing of lots for the purpose in the presence of the clerk or a poll clerk and any candidate or agent present at the time.

- |                            |        |  |
|----------------------------|--------|--|
| Proclamation<br>of results | 111(1) | In addition to his proclamation of elected candidates, the returning officer shall openly proclaim the result of any submission to the electors and post in a conspicuous place in the municipal office or other public place a statement under his hand showing the result of any poll with the number of votes cast for each candidate, and for and against each submission at the election.   |
| Retention of<br>documents  | (2)    | The returning officer shall retain all documents and ballots for an election for a period of eight weeks from the day upon which he proclaims the result of the election until every proceeding relating to that election pending in the Court during that period, and of which he has received written notice from a party to the proceedings, has been finally determined, and then, unless otherwise directed by an order of the Court, may cause them to be destroyed. |
| Statement<br>to Council    | 112(1) | Within one month after proclaiming the result of the election, the returning officer shall submit to the council a copy of the statement proclaimed by him under sections 106 and 111, together with a compilation of the information contained on the ballot account or accounts, and   |
|                            | (2)    | provide the municipal clerk with the names of all electors sworn in at the polls which shall be incorporated in the List of Electors.  |

Division XII - Controverted Elections  
Recount of Ballots

Recount of  
contested  
election

113(1) Where, on the affidavit of a credible witness, it appears to the Court at any time within five days after the proclamation of the result of the election that the returning officer or deputy returning officer has, in counting the votes, incorrectly counted the number of votes cast or unlawfully accepted or rejected a ballot, the Court may, where the majority for a successful candidate is under fifty votes, immediately by order appoint a time to recount the votes.

(2) The time appointed for the recount shall not be more than eight days from the date of the order of the Court.

(3) Notice of the time appointed for the recount shall be served on the returning officer and on each candidate or his agent not less than four days before the time appointed, or within such other time as the Court directs.

(4) The Court may require a clerk of the Court to be present at a recount and may appoint competent persons to assist it in recounting the votes.

Those entitled  
to be present  
at recount

114(1) The Court shall decide what persons other than the returning officer, the candidates and their agents, may be present while the recount is taking place.

Recount  
procedure

115(1) The Court shall proceed as continuously as is practicable to conduct a recount of the votes in the same manner as that prescribed by section 109, and shall verify or correct the ballot account.

- (2) Upon the completion of the recount, the Court shall seal up all the ballots in separate packets, and certify the result to the returning officer, who shall then proclaim the result of the recount by the Court, and shall, if necessary, amend the statement posted under section 115.
- (3) Where there is any equality of votes the returning officer, shall determine which candidate is elected as provided in section 110.

Custody  
of ballot  
papers

- 116(1) The returning officer, or other person in whose possession the ballots and ballot accounts may be, shall, on a written notice from the Court, produce them at the time and place appointed for the recount, and they shall continue in the custody of the returning officer or other person having lawful custody, subject to the direction of the Court.

Safeguarding  
of election  
documents

- 117(1) During a recess or adjournment of a recount, the person who has lawful custody of ballots and other documents relating to the election shall keep them under his seal and the seals of any other parties who desire to affix their seals, and he shall take necessary precautions for the security of the ballots and documents.
- (2) During a recount and during a recess of a recount, the Court shall take and cause to be taken every precaution necessary to ensure that the mode in which an elector has voted or dealt with a ballot paper shall not become known to

any person other than the persons  
lawfully present during the recount.

Division XIII - Removal from Office

- |  |         |   |
|--|---------|---|
| Determination<br>by Judge only                     | 118 (1) | The validity of the election of a member of the council, or his right to hold his seat as a member, shall not be called into question or determined otherwise than in accordance with the following provisions, and except as provided by paragraph 130(1)(c), the determination shall be made only by the Court, whose decision is final.  |
| Petition for<br>removal of<br>member of<br>council | 119 (1) | <p>A candidate at the election, or any four or more qualified electors, may present a petition verified by affidavit to the Court requesting that</p> <ul style="list-style-type: none"><li>(a) the election of a member of the council be declared invalid because the election was not conducted according to law, or because the person proclaimed to be elected was not lawfully elected; or</li><li>(b) a member of the council be declared to have become disqualified from holding office as a member of the council since his election.</li></ul> |
| Time<br>limitation<br>for petition                 | 120 (1) | Every petition to have an election declared invalid shall be filed within ten days from the date upon which the member of the council was finally proclaimed elected, and every petition to have a member of the council declared disqualified to hold office as a member of the council shall be filed within one month after the alleged ground of disqualification came to the attention of the petitioners.   |



Security for costs of hearing

(2) If the Court is satisfied upon the facts alleged in the petition that there is reasonable ground for supposing that the declaration should be made, it may require the petitioners to deposit five hundred dollars with the Court as security for the costs of the member of council petitioned against.

Hearing of petition

(3) The Court shall hear and determine the matters raised in the petition in a summary manner without formal pleadings.

(4) Subject to this Ordinance, the Rules of Court apply.

(5) The Court may, in its discretion,  
(a) designate the time and place for hearing of the petition;  
(b) designate the method of taking evidence, either by affidavit or oral testimony, or both, but an allegation of bribery or corrupt practice shall be proved by oral testimony;  
(c) designate the persons who are to be notified of the hearing and how they may be served; and  
(d) give directions for dealing with any matter not otherwise provided for.

Witness

121(1) No witness shall be required to divulge for whom he voted at the election.

(2) Subject to subsection (1), a person shall not be excused from answering a question concerning an election, or the conduct of a person in relation to it on the ground of privilege, or on the ground that the answer will tend to subject him to a penalty, but the answer given by a person claiming privilege, or claiming that the answer will subject

him to a penalty, shall not be used in any proceeding under this Ordinance against the person if such Court gives to the witness a certificate that he claimed the right to be excused on either of the grounds answered to the satisfaction of the Court.

Declaration of Judge

122(1)

If the petition is for a declaration that the election is invalid the Court may make a declaration that the election is valid or invalid, that a person has been elected instead of another, or that a person has not been elected and the office remains vacant.

(2)

If the petition is for a declaration that a member of council has become disqualified as a member of council since his election, the Court may make a declaration confirming the member in his office or disqualifying him from continuing in office as a member of council.

Technical irregularity not to invalidate election

123(1)

The election of a member of council shall not be declared invalid by reason only of an irregularity or failure to comply with a provision of this Ordinance if it appears to the Court that the election was conducted in good faith and in accordance with the principles laid down by this Ordinance, and that the irregularity or failure did not materially affect the result of the election.

Order of Court

124(1)

Where it is declared that the election is invalid, or that the election of any person be set aside, the Court shall order that a person found not to have been duly elected be removed from office; and where it is declared that some other person was duly elected, the Court shall order that the elected person be admitted to the office immediately after taking the prescribed oaths of office and of

allegiance within thirty days of the order.

Costs	125(1)	<p>The costs of and incidental to a petition are in the discretion of the Court, which may</p> <ul style="list-style-type: none"><li>(a) order by whom, and to whom, and in what manner they shall be paid, and</li><li>(b) fix the amount or direct them to be taxed.</li></ul> <p>(2) The costs of a successful petitioner shall be paid promptly by the municipality, and the municipality may recover such costs as may be directed by the Court.</p> <p>(3) Costs are recoverable in the same manner as a judgment of the Court.</p>
Penalty	126(1)	<p>If the Court declares that the election of a person as a member of council be set aside, or that he has become disqualified since his election from holding office as a member of council, or if a person appeals unsuccessfully under section 128, the Court may order the person to pay to the municipality a sum of money, not exceeding one thousand dollars, as the Court thinks proper.</p>
Withdrawal of petition	127(1)	<p>A person may file a disclaimer under section 128 renouncing all claim to an office notwithstanding the filing of a petition and the Court may permit the petition to be withdrawn, except where it contains an allegation of bribery or corrupt practice by the person filing the disclaimer.</p>
Vacancy when allegation of invalid election or disqualification	128(1)	<p>Where it is alleged that a person elected as a member of council was not validly elected or since his election has become</p>

Division XIV - Vacancies

disqualified from holding office as a member of council, his office shall not be vacated, and he shall not be prevented from voting or acting as a member of council unless

- (a) the Court declares that the person was not validly elected, or that, since his election, he has become disqualified from continuing in office as a member of council;
- (b) that person files a written disclaimer with the clerk renouncing all claim to the office; or
- (c) the council has passed a resolution declaring his office vacant because in its opinion he has become disqualified under this Ordinance from holding office as a member of Council.

Appeal  
against  
council  
resolution  
to vacate  
office

129(1) A person may, within five days after the passing of the resolution of the council, appeal to Court, which, after making the inquiry it considers necessary and hearing the parties, shall either confirm the resolution or set it aside.

(2) The rules governing an appeal shall, so far as practicable, be those applicable to a petition under section 119 and 120.

(3) The person appealing is not entitled to vote or act in his capacity as a member of council pending the determination of the appeal, but the appellant's office shall be deemed not to be vacant until the resolution is confirmed by the Court or until the appeal is abandoned.

When office  
becomes  
vacant

130(1) The office of a member of council shall be deemed to be vacant where the member  
(a) has filed a disclaimer under section 128;

- (b) has been declared by the Court not to have been validly elected, or to have become disqualified since his election;
- (c) has his office declared vacant by resolution;
- (d) has appealed unsuccessfully from a resolution of council declaring his office vacant or has abandoned his appeal;
- (e) has resigned or died; or
- (f) has his election deemed null and void under section 133.

- (2) Where a member's resignation is to take effect when his successor is sworn in, the office shall be deemed to be vacant for the purpose of subsection (1).

Resignation

131(1)

The resignation of a member of council from his office shall be effected by submitting a written resignation to the clerk.

- (2) A resignation is irrevocable after its submission to the clerk and is effective from the date a successor is sworn in, or at such earlier date as may be stated in the resignation.

Alderman  
running  
for  
office of  
Mayor

132(1)

An alderman may be nominated for the office of mayor if he has deposited his resignation with the clerk prior to nomination day for the office of mayor.

- (2) The election to fill a vacancy created by a resignation under subsection (1) may be held at the same time as the election for the mayor, and shall be considered a separate election.

- Failure to make declaration and take oath      133(1)      If a person elected to council fails to take the prescribed oaths of office and of allegiance within forty days after the proclamation of his election, his election shall be deemed to be null and void, and his office declared vacant.
- Disqualification for absence      (2)      Unless otherwise provided by by-law, where a member of council is continuously absent, except because of illness or with leave of the council, from the meetings of the council for a period of three months, he is disqualified from holding office for the remainder of his term of office.
- Nomination to fill vacancy      134(1)      A nomination to fill a vacancy on council shall be held at a time fixed by council but, not earlier than thirty nor later than forty-five days after the vacancy occurs or when the written resignation is submitted to the clerk.
- (2)      Council may with an affirmative vote of two-thirds of the members, appoint a date for the nomination prior to the thirty days requirement mentioned in subsection (1).
- (3)      The election shall be held under this Part and any by-laws and resolutions of the municipality relating to municipal elections, but if there is a poll, the poll shall take place on the third Thursday after the nomination.
- (4)      Where a vacancy occurs after July 1 in the last year of the term of a member of council, the council may hold the vacancy open until the next general election, but this subsection ceases to apply if council is unable to maintain a quorum.

Authority of  
Commissioner  
to initiate  
nominations

135(1)      Where the general or other municipal election is not held or no proceedings have been taken within the time required to fill a vacancy, the Commissioner may issue a warrant to the clerk or if there is no clerk, to another person, requiring him, ten days after the date of the warrant, to fix the day for the nomination and election of a new mayor or alderman, as the case may be.

(2)      Where no by-laws or resolutions regulating elections are in force in the municipality, the Commissioner may make regulations for holding the election.

By election  
for duration  
of original  
term

136(1)      A person elected or appointed to fill a vacancy holds the office only for the unexpired term of the member in whose place he has been elected or appointed.

Election  
procedures  
in emergency  
situation

137(1)      In the event of the occurrence of a peace time disaster or emergency, within the meaning of those terms as used in the Civil Emergency Measures Ordinance, that prevents the operation of this Ordinance for the declaring or filling of a vacancy on the council, the Commissioner may make regulations governing the declaring of such vacancies and the time, conduct of, and procedure relating to the election.

Division XV - Submissions

Submission

138(1)      A submission that requires the assent of the electors may be made at the time of an election or at such other time as the council may determine.

Approval of  
submission

139(1)      A submission that requires assent of the electors or taxpayers shall be deemed not to have received assent unless

(a) the submission is submitted to and

voted on by the electors or taxpayers in the manner provided in this Ordinance, and

(b) subject to the other provisions of this Ordinance, a majority of the votes is cast in favour of the submission.

Rules for submission

- 140(1) A submission submitted for the assent of electors shall be for a distinct purpose.
- (2) A submission submitted for the assent of electors shall not group together two or more purposes, but the bylaw may include purposes incidental to the main purpose.
- (3) Where two or more submissions are submitted at the same time, each shall be voted on separately.

- 141(1) Divisions X and XI apply, with necessary changes and so far as applicable, to voting on a submission.
- (2) The council shall arrange for the vote and determine the day for the poll.

Timing for submission

- 142(1) Polling day for a submission directed by the Commissioner or the Inspector to be submitted for the assent of electors or taxpayers shall not be less than ten days and not more than thirty days after the day of the direction.
- (2) Polling day for a by-law requiring the approval of the Commissioner or the Inspector shall be not less than ten days and not more than thirty days after the day on which the approval is given, or, if there is more than one approval, the day on which the latest approval is given.



Notice  
of  
submission

(3) Polling day in every other case where a by-law is to be submitted for the assent of the electors or taxpayers shall be not less than ten days and not more than thirty days after the day upon which the by-law receives third reading.

143(1) At least ten days before polling day, the clerk shall post a copy of the proposed submission, the by-law authorizing the submission, or, if directed by council, a synopsis of the submission, in the places and in the manner specified in subsection (2).

(2) At least ten days before polling day, the clerk shall publish a copy of the proposed submission, the by-law authorizing the submission, or, if directed by council, a synopsis of the submission, in one issue of a newspaper published or circulating in the Municipality.

(3) There shall be appended to each copy of a submission or synopsis published or posted under this a notice signed by the clerk in one section of the following forms with such variation as circumstances require

"For a proposed submission  
Take notice that the above is a true copy (or is a synopsis, as the case may be) of a proposed submission upon which the vote of the electors of the municipality will be taken at (mention all polling-places, days, and hours) on the day of , 19 , and that has been appointed returning officer for the purpose of taking and recording the vote.



Form of  
question  
on  
submission

- 144(1) A vote on a submission shall be by ballot, in such form that a voter may indicate his assent or dissent by making the prescribed mark opposite the word "Yes" or the word "No".
- (2) The returning officer shall determine the persons who may be present at the poll and at the counting of the votes.

Division XVI - Corrupt Practices

Corrupt  
practices

- 145(1) It is an offence for a person,
- (a) having already voted at a municipal election, to present himself again to vote at the same election;
  - (b) without due authority, to supply a ballot paper to any person;
  - (c) fraudulently to put into the ballot box any paper other than a ballot paper that he is authorized to put in the box;
  - (d) fraudulently to take a ballot paper out of a polling place;
  - (e) without due authority, to destroy, take, open or otherwise interfere with a ballot box or packet of ballots;
  - (f) to interfere or attempt to interfere with a voter in marking his ballot;
  - (g) to communicate information as to the candidate for whom any voter has voted or to induce a person to display a ballot paper so as to make known to him or to any other person the manner in which he has voted, or for or against whom he has marked his ballot paper;
  - (h) being a duly appointed election officer, to neglect or refuse to discharge any duty under this Part;
  - (i) to aid, incite, counsel, facilitate or otherwise to be a party to the commission by any person of an offence under this Ordinance; or

(j) publically campaign either for himself or on behalf of a candidate in any municipal election on polling day.

Undue  
influence

146(1) It is an offence for a person, directly or indirectly, by himself or by another person on his behalf, to use force, violence or restraint, or to inflict or threaten to inflict injury, damage, loss, or harm in any other manner, to practise intimidation against a person to induce or compel the person to vote or not to vote, or in any way to prevent or otherwise interfere with the free exercise of the franchise of any voter.

(2) It is an offence for a person, directly or indirectly, or by any other person on his behalf, to give, lend, or offer or promise any money or valuable consideration, or give or procure, or agree to give or procure, or offer or promise, any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at any municipal election or upon any submission, or who corruptly does any such act on account of such voter having voted or refrained from voting at such election or upon any such submission.

(3) The actual personal expenses of any candidate and bona fide payments for the fair cost of printing and advertising shall be held to be expenses lawfully incurred and the payment thereof shall not be a contravention of this section.

Offences  
affecting  
use of  
ballot  
papers

147(1) It is an offence for a person  
(a) to forge, counterfeit, fraudulently

- alter, deface or destroy a ballot paper or the initials of the deputy returning officer signed on it;
- (b) not being a person entitled under this Ordinance, to possess a ballot paper;
  - (c) being a deputy returning officer, fraudulently to put, otherwise than as authorized by this Ordinance, his initials on the back of any paper purporting to be, or capable of being used as, a ballot paper at an election;
  - (d) with fraudulent intent, to print a ballot paper or what purports to be or is capable of being used as a ballot paper;
  - (e) being authorized by the returning officer to print the ballot papers for an election, prints without authority more ballot papers than he is authorized to print;
  - (f) being a deputy returning officer, to place upon a ballot paper, except as authorized by this Ordinance, any writing, number or mark with intent that the elector to whom such ballot paper is to be or has been given may be identified thereby;  
or
  - (g) to attempt to commit an offence specified in this section.

Division XVII - Penalties

Penalties

- 148(1) Every person who commits an offence under this Part is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.
- (2) Every member of council who is convicted of an offence under this Part shall forfeit his seat on the council and is

disqualified from being a candidate or elector at any municipal election for the next succeeding three years.

Time  
limit  
for  
commencement  
of proceedings

- 149(1) All proceedings, other than a petition to contest a municipal election, against any person for the commission of an offence shall be commenced within two months after the municipal election at which the offence was committed.
- (2) Every person who is convicted of an offence under section 145, 146 and 147 of this Ordinance is disqualified from voting at any municipal election for a period of three years from the time of the commission of the offence.
- (3) The justice finding any person guilty of corrupt practices under sections 145, 146 and 147 of this Ordinance shall report the same forthwith to the clerk of the municipality.
- (4) The clerk shall enter in a book to be kept for the purposes the names of all persons who have been adjudged guilty of any corrupt practices and of whom he has been notified by the justice who tried the case pursuant to subsection (3).

PART IV - GOVERNMENT AND PROCEDURE

Division (1) - Municipal Councils

Council

- 150(1) Every municipality shall have a council, the members of which shall be elected in accordance with the provisions of this Ordinance.
- (2) The council of a municipality is a continuing body notwithstanding any general or other election.

Composition  
of Council

- 151(1) The full council of a village shall consist of a mayor and four aldermen.
- (2) The full council of a town shall consist of
- (a) a mayor and four aldermen, or
  - (b) a mayor and six aldermen, if authorized by by-law.
- (3) The full council of a city shall consist of
- (a) a mayor and six aldermen, or
  - (b) a mayor and eight aldermen, if authorized by by-law.
- (4) Notwithstanding the provisions of this Ordinance
- (a) the council of a village may, by by-law with the approval of the Commissioner, provide for the election of five aldermen,
  - (b) the council of a town may, by by-law with the approval of the Commissioner, provide for the election of five aldermen,
  - (c) where pursuant to this subsection, the Commissioner has approved the election of five aldermen, such aldermen shall at the first meeting of the council after such election, designate one of their members to be mayor, and
  - (d) every by-law made pursuant to this subsection shall include a provision setting out the date and place for the holding of the first meeting of council after the election pursuant to this subsection.

Quorum

- 152(1) A majority of the whole council is necessary to form a quorum.
- (2) No act or other proceeding of the council that is not adopted at a meeting of the

council at which a quorum is present, is valid and binding on any person.

- (3) The proceedings of a council or any committee thereof are not invalidated by any vacancy among its members or by any defect in the appointment of any member or by the disqualification of any member thereon, so long as a quorum remains in office.
- (4) Where the number of members of a council is reduced to less than a quorum by death or physical or mental incapacity, the Commissioner may order that the remaining members of the council shall be deemed to be a quorum until elections are held to fill the vacancy.

Duration of office

153(1) Subject to the provisions of this Ordinance, the members of council shall hold office from twelve o'clock noon on the third Monday of November following their election or from the time of their swearing in, whichever is the later, until twelve o'clock noon on the third Monday of November two years later or until their successors are sworn in.

Powers of municipality

154(1) Except as otherwise provided by this Ordinance, the powers of every municipality shall be exercised by the council of the municipality.

Member at large

155(1) Subject to section 38 of this Ordinance, every member of council shall be elected from the municipality at large.

Oath of Office and Oath of Allegiance

156(1) Every person who is elected mayor or aldermen shall, before taking his office, take the Oath of Office, and the Oath of Allegiance as set out in the prescribed form, before a Supreme Court or Territorial Court Judge, Justice of the Peace or



clerk of the municipality, and shall procure from the person administering the oath, the completed oath or copy thereof which, before taking his seat on council, he shall deposit with the clerk.

Corporate seal 157(1) Every municipality shall have and maintain a corporate seal which shall be in the clerk's custody.

Division (2) - Meetings of Council

Place of meetings of council 158(1) The council of every municipality shall hold its meetings and transact all business of the corporation within its own boundaries except where the council resolves to hold a meeting or meetings outside its own boundaries.

Meetings held openly 159(1) The council shall hold its meetings openly and no person shall be excluded therefrom except for improper conduct.

(2) The person presiding at any meeting may cause to be expelled and excluded any person who has been guilty of improper conduct at the meeting.

(3) Notwithstanding subsection (1), where a majority of the members present is of the opinion that it is in the public interest to hold a committee meeting of the whole or part of the council on any subject in private, a council may by resolution, exclude any person or persons from the meeting, but it has no power at such committee meeting to pass any by-law or resolution apart from the resolution necessary to revert back to an open meeting.

Timing of meetings of council 160(1) Except as may be otherwise provided for under this Ordinance, the first meeting

of council following any general election shall be held before the 30th of November of the election year at such time and place as may be designated by the mayor, and thereafter the council shall meet as it may determine, but

- (2) The council shall hold at least one meeting each month.

Special meetings

161(1) A special meeting of the council shall be called by the clerk when he is requested in writing to do so by the mayor or by any two aldermen.

- (2) Previous to a special meeting of the council, a notice of the day, hour, place of the special meeting and, in general terms, the nature of the business to be transacted at the special meeting, shall be given at least twenty-four hours before the time of the meeting by posting a copy of the notice at the municipal office and by leaving a copy of the notice for each member of council at the place to which he has directed such notices to be sent, and no business other than that stated in the notice shall be transacted at that meeting unless all members of the council are present and agree.

Procedural by-law

162(1) The council shall by by-law make rules for calling meetings, governing its proceedings, the conduct of its members, the appointment of committees and generally, for the transaction of its business.

- (2) No by-law relating to council procedures shall be amended except pursuant to notice being given in writing and openly announced at a preceding regular meeting of council.

- Majority  
vote of  
council
- 163(1) All acts authorized or required to be done by council shall, except where otherwise provided in this Ordinance, be done or decided by a majority of the members of the council present and entitled to vote.
- (2) An act or proceeding of a council is not valid unless it is authorized or adopted by a by-law or resolution at a duly constituted open meeting of the council.
- How power  
exercised
- 164(1) Unless expressly required to be exercised by by-law, all powers of a council may be exercised by by-law or resolution.
- Council  
voting
- 165(1) The mayor and every alderman present shall vote on every matter and the vote of the mayor shall be cast last
- (a) unless, in a specific case the mayor or alderman is excused by resolution of the council from voting or
- (b) unless he is disqualified from voting by reason of pecuniary interest,
- and the clerk shall, whenever a recorded vote is demanded by a member of the council, or more than a majority is required on a vote, record in the minutes the name of each member present and whether he voted for or against the matter.
- (2) Any by-law or resolution upon which there is an equality of votes shall be deemed to be decided in the negative.
- (3) An abstention shall be considered a vote in favour except where the person abstaining is prohibited from voting under section 34.

Division (3) - Sundry Provisions

- Indimnity and re-muneration for council
- 166(1) The council may, subject to any provisions of this Ordinance, provide by by-law for an annual indemnity to the mayor and to the aldermen and the indemnity for the mayor may be greater than that for the aldermen.
- (2) A council may provide for the payment to the members of the council such remuneration, either annual or otherwise, for attending the meetings of the council and the committees thereof or for assuming or performing any additional duties.
- (3) A council may provide for the payment of reasonable allowances for travelling and for subsistence and out of pocket expenses incurred in attending meetings affecting the municipality, which shall be paid to members in the manner and at the rates provided by the resolution.
- Disqualification of member does not impair council decisions
- 167(1) No action or decision of council shall be quashed, set aside or declared invalid by reason only that a person sitting or voting as a member was not qualified for municipal office, or has ceased to be qualified.
- Effect of invalid election
- 168(1) Where the election of a council has been adjudged invalid, or the election of any member thereof has been set aside, or the office of any member thereof has been disclaimed, or any member thereof has been declared disqualified from holding office, no by-law, contract, or other proceeding adopted, entered into or taken by the council prior to such adjudication, setting aside, disclaimer, or declaration of disqualification shall, if otherwise within the jurisdiction and powers of the council, be invalidated

or in any manner attached by reason only of such adjudication, setting aside, disclaimer, or declaration of disqualification.

- |   |        |  |
|---|--------|--|
| Minutes                                     | 169(1) | The minutes of the proceedings of all meetings of the council shall be legibly recorded in a minute book. The minutes shall be certified as correct by the clerk and shall be adopted by council and shall be signed by the mayor or other member presiding at the meeting at which they are adopted, and minutes shall be open for the inspection of any person, who may make copies thereof and extracts therefrom at all reasonable times, on payment each time of a fee in an amount prescribed by by-law.   |
|   | (2)    | The minutes of the proceedings of any standing committee, and other administrative bodies shall be legibly recorded in a minute book and shall be signed by the chairman or member presiding and, with the exception of the minutes of a standing committee or other administrative body relating to matters for adoption by the council, the said minutes shall be open for the inspection of any person, who may make copies thereof and extracts therefrom, at all reasonable times, on payment each time of a fee in an amount prescribed by by-law. |
| Prohibiting conflict of interest by council | 170(1) | The council shall not appoint any of its members to any salaried office.   |
| Incidental powers                           | 171(1) | Where powers have been specifically allotted to a council, it shall have power to do all things incidental or conducive to the allotted powers.  |

Division (4) - Powers and Duties of Mayor

- |                                  |        |   |
|----------------------------------|--------|---|
| Mayor                            | 172(1) | The mayor of a municipality shall be a member of the council, shall preside over all meetings of the council and shall be chief executive officer of the municipality.  |
| Acting Mayor                     | 173(1) | The council may, from time to time, appoint from amongst its members an acting mayor who shall, in the absence, illness or inability of the mayor, have all the powers and perform all the duties of the mayor.   |
| Duties of presiding officer      | 174(1) | At all meetings of the council, the presiding officer shall maintain order and decorum and decide all questions of order subject to appeal to the council as a whole.   |
| Appeal against presiding officer | 175(1) | <p>If an appeal be taken by a member of the council from the decision of the mayor, the question shall be immediately put by him and decided without debate, "Shall the Chair be sustained?" and the mayor shall be governed by the vote of the majority of the members of the council then present and the names of the members of the council voting for or against the question "Shall the Chair be sustained?" shall be recorded on the minutes, and in the event of the votes being equal, the question shall pass in the affirmative.</p> <p>(2) If the mayor refuses to put the question "Shall the Chair be sustained?", the council shall forthwith appoint one of its members to preside temporarily in lieu of such mayor and the member of the council so temporarily appointed shall proceed in accordance with subsection (1), and in the event of the votes being equal, the question shall pass in the affirmative.</p> |

- (3) Any resolution or motion carried under the circumstances mentioned in subsection (2) is as effectual and binding as if carried under the presidency of the mayor.

Duties  
of Mayor

- 176(1) The mayor of a municipality shall
  - (a) be active in causing the laws governing the municipality to be duly executed and put into force,
  - (b) communicate, from time to time, to the council all such information and recommend all by-laws, resolutions, and measures which, in his opinion, may tend to the peace, order and good government of the municipality in relation to the powers conferred upon the council by this or any other Ordinance, and
  - (c) subject to section 180, establish standing committees for any purposes which he considers would be better regulated and managed by means of such committees, and appoint members of the council thereto; but the proceedings of all such committees shall be subject to the approval of the council, save insofar as such proceedings may be in pursuance of any authority delegated to such committees or any one of them under this Ordinance.
  
- (2) Where a chief administrative officer has not been appointed pursuant to section 187, the mayor shall
  - (a) direct all officers and employees of the municipality in the conduct of their work and direct the management and affairs of the municipality and suspend, if deemed necessary, any officer or employee of the municipality and as far as may be in his power to cause all negligence, care-

lessness, and violation of duty on the part of the officers and employees to be prosecuted and punished, and  
(b) in every case of suspension under this subsection, report to the council at its next sitting and the council may reinstate any officer or employee who has been suspended or confirm such suspension, or confirm and extend such suspension or dismiss the officer or employee.

- (3) Where a chief administrative officer has been appointed pursuant to section 187, the mayor shall
- (a) provide direction to the chief administrative officer on policies adopted by council, and
  - (b) suspend, where necessary, an officer of the municipality and cause such officer to be prosecuted or disciplined for any negligence, carelessness or violation of duty on his part.

Employee's  
right of  
appeal of  
suspension  
to council

- 177(1) An officer or other employee who has been suspended pursuant to section 176 may appeal in writing to the council within five working days of his suspension and the council may, after hearing, in committee or otherwise, an officer or other employee who has appealed his suspension pursuant to this section
- (a) extend, reduce or confirm the suspension of the officer or employee,
  - (b) reinstate the officer or employee, or
  - (c) otherwise vary any penalty imposed on the officer or employee.



Mayor  
ex officio  
member

178(1) The mayor is ex officio a member of all boards, associations, commissions, committees or other organizations which the council has the right to establish pursuant to this Ordinance and the mayor when in attendance, possesses all the rights, privileges, powers and duties of other members, whether elected or appointed.

Reconsideration  
of by-law

- 179(1) The mayor or any two aldermen at any time after the adoption of any by-law, resolution or proceeding which does not require the assent of the electors or taxpayers, and which has not yet been acted on may return it for reconsideration.
- (2) The mayor or alderman shall state the objections to council and the clerk shall record such objections, suggestions and proposed amendments in the minute book.
- (3) The council shall, as soon thereafter as convenient consider such objections and either
- (a) reaffirm the by-law, resolution, or proceeding,
  - (b) reject the by-law, resolution, or proceeding, in which case it is deemed to be absolutely vetoed, rescinded and repealed and is of no force or effect whatever, but
  - (c) any decision to amend or reject or reaffirm the by-law or proceedings pursuant to this section shall be by two-thirds majority of the members of council.
- (4) The conditions which applied to the passage of the original by-law, resolution, or proceeding apply to the rejection thereof.

- (5) Where the by-law, resolution or proceeding has been reconsidered pursuant to this section, it shall not be brought forward for further reconsideration for at least six months after the initial review by council.

Division (5) - Committees

Establishment of Committees

180(1) The council may, from time to time, establish such standing or special committees as it deems desirable to consider matters referred to them by the council and to require reports of its findings or recommendations.

Witnesses

181(1) The council, or any committee thereof, shall have the power under signature of the mayor and the seal of the municipality to summon witnesses for examinations on oath as to any matters connected with or relating to the administration of the municipality.

(2) The council shall by by-law prescribe the fees and expenses that shall be paid to a witness served with a summons by the council or a committee thereof.

(3) All evidence given before a council or a committee thereof may be given under oath or on affirmation as council directs.

Division (6) - Officers and Employees

Appointment of clerk

182(1) Council shall by by-law appoint a clerk who shall hold office during the pleasure of the council.

Duties of clerk

183(1) The clerk in addition to the duties and powers which may from time to time be prescribed by council shall  
(a) have custody of the corporate seal of the municipality and cause it to be affixed as required,

- (b) attend all meetings of the council and truly record all resolutions, decisions and other proceedings of the council,
- (c) prepare, maintain, and safely preserve the minute books and other records of the transactions and other business of the council and its committees,
- (d) keep the original of every by-law of the council after having seen to its proper completion,
- (e) furnish copies of by-laws to any person applying therefor and may charge such fee as council may prescribe, and
- (f) administer oaths and take and receive affidavits and declarations within the municipality required to be taken under this Ordinance or any other Ordinance relating to the municipality.

Appointment  
of Treasurer

184(1)

The council shall by by-law appoint a treasurer who shall hold office during the pleasure of council.

Duties of  
treasurer

185(1)

The treasurer in addition to the duties and powers which may, from time to time, be prescribed by the council, shall

- (a) keep or supervise the keeping of all funds and securities of the municipality,
- (b) collect and receive all monies belonging or accruing to the municipality from whatever source,
- (c) be responsible directly or indirectly for the receiving and disbursing of the funds of the municipality in accordance with the procedure for so doing as provided by by-laws,
- (d) keep a complete and accurate account of all monies received or disbursed by him on behalf of the municipality,

- (e) keep a complete and accurate account of all assets and liabilities of the municipality and of all transactions affecting the financial position of the municipality,
- (f) from time to time in accordance with directions received from council and in any event, at least once a year, prepare a statement of revenues and expenditures of the municipality,
- (g) compile and supply any information relating to the financial affairs of the municipality from time to time required by the Inspector, and
- (h) inspect the records of and direct any official of the municipality, or of any administrative body handling municipal funds in matters involving the responsibility of the treasurer.

Signing authority

186(1) Subject to subsection (2), the mayor or acting mayor of the municipality shall sign, jointly with the treasurer all cheques issued by the municipality.

Single signature for pay cheques

(2) A council may by by-law authorize the mayor and treasurer to issue each week, fortnight or month, as the case may be, a single cheque covering the total amount of the weekly, fortnightly or monthly payroll and such cheque shall be deposited in the bank in a wages account and shall be paid out upon cheques signed by the treasurer alone.

(3) Any signatures required under this section may be printed, lithographed or otherwise mechanically reproduced if so authorized by by-law of council.

Chief  
administrative  
officer

- 187(1) Council may by by-law provide for a chief administrative officer, make provision for his appointment and subject to subsection (2) may delegate to him any of the administrative powers conferred on council by this Ordinance.
- (2) The chief administrative officer shall not have the power to
- (a) pass by-laws or resolutions, or
  - (b) appoint or dismiss an officer.
- (3) The chief administrative officer shall under the direction of the mayor
- (a) supervise and direct the affairs of the municipality and officers and employees thereof,
  - (b) put into effect and carry out the policies of council,
  - (c) provide advice to council,
  - (d) inspect and report on all municipal works as often as required by council,
  - (e) prepare or cause to be prepared estimates of revenue and expenditures as required by council and submit to council for consideration,
  - (f) prepare, or cause to be prepared, all contracts as directed by council, and
  - (g) carry out any other duties required by by-laws or resolutions of council.
- (4) The chief administrative officer or other officers as may be prescribed by by-law has authority to suspend, discipline or dismiss any employee, other than an officer, and shall where the suspension is for more than five working days or where any employee is dismissed, report the suspension, or dismissal and reasons therefor to council.
- (5) The chief administrative officer may appoint and engage employees, other than

officers, for whom provision is made by council or dismiss employees who are no longer required in accordance with conditions prescribed by council.

Appointment  
of officers  
and employees

- 188(1) The council may by by-law provide for such officers and employees as may be deemed necessary or expedient for the carrying-on of the good government of the municipality and the carrying-out of the provisions of this Ordinance.
- (2) The council may, in the same or in another by-law, prescribe the powers, duties and responsibilities of the officers and employees; provided, however, that the powers, duties and responsibilities specifically assigned to any officer or employee by this Ordinance shall not be abridged or impaired.
- (3) Notwithstanding subsection (2) where the council prescribe the powers, duties and responsibilities of officers and employees, the powers, duties and responsibilities specifically assigned to any officer or employee shall not abridge or impair any of the powers, duties and responsibilities of council.
- (4) The council may, in the same or in a separate by-law, or by means of a collective or other agreement, fix with respect to officers and employees of the municipality
- (a) remuneration and other benefits,
  - (b) hours of work and other conditions of employment,
  - (c) the manner of appointment, promotion and dismissal, and
  - (d) may provide a benefits program for employees or enter into such program with the Commissioner subject to section 193.

- (5) The council may, by by-law appoint the same person to two or more offices or positions.
  
- (6) Subject to anything contained in a contract of employment and notwithstanding any by-law adopted under this section, the engagement of an officer of the municipality
  - (a) may not be terminated except upon reasonable notice and then only by an affirmative vote of at least two thirds of all the members of the council, or
  - (b) may be terminated without notice only for cause and only by a majority vote of all the members of the council.
  
- (7) For the purposes of subsection (6), the following shall be deemed to be officers of the municipality,
  - (a) clerk, treasurer, chief administrative officer, and
  - (b) any employee designated by by-law as an officer of the municipality with powers, duties and responsibilities as prescribed by by-law.
  
- (8) Any employee who has been suspended or dismissed may appeal in writing to council within five working days of his suspension or dismissal.
  
- (9) Council may, after hearing in committee or otherwise, an employee who has appealed his suspension or dismissal pursuant to this section
  - (a) extend, reduce or confirm the suspension of the employee,
  - (b) confirm dismissal of the employee,
  - (c) reinstate the employee, or
  - (d) otherwise vary any penalty imposed.

- Conflict of interest for officers
- 189(1) No person having an interest, direct or indirect in a contract with the municipality shall be appointed an officer by the council.
- (2) No officer shall, during his term of office, have any interest, direct or indirect, in any contract with the municipality except with respect to his appointment as an officer of the municipality and if an officer acquires such an interest, he may be immediately dismissed without notice and without compensation.
- (3) For the purposes of this section, the term "contract" is deemed not to include the purchase of a lot for building a home or the supply of a utility or other service of the community, common to all members of the community and at the same rates, nor for the payment of superannuation benefits, group medical or life insurance premiums or income continuance plans which the council may by by-law provide.
- Oath of office
- 190(1) Every officer appointed by council shall, before assuming his duties, take an oath of office and oath of allegiance as prescribed.
- Bonding
- 191(1) The council may from time to time designate those officers or employees who shall be bonded, for such obligation, in such amount and with such surety as the council directs and the premiums if any, shall be paid by the municipality.
- Program of indemnification
- 192(1) The council may by by-law provide for a program of indemnification of officers and employees and direct the conditions whereby the municipality may pay any sum required for the protection, defence or indemnification of an officer or employee



of the municipality where an action or prosecution is brought against him in connection with the performance of his municipal duties or the conduct of any part of the business of the municipality, and costs necessarily incurred and damages recovered, but the council shall not pay any fine imposed on an officer or employee as a result of his conviction for a criminal offence.

- (2) The council may in a by-law under subsection (1) provide that the municipality will not seek indemnity against its officers and employees where the actions of those officers or employees result in a claim for damages against the municipality by a third party unless the officer or employee has been grossly negligent or has acted contrary to the terms and conditions of his employment or to an order given to him by a person in authority over him.

Commissioner to administer a program of retirement, death and disability benefits

193(1) The Commissioner shall pursuant to this Ordinance and the regulations, administer a program of retirement, death and disability benefit plans for employees of all municipalities.

- (2) The Commissioner may declare this program to be applicable to any public boards or commissions or other bodies established by or under an Ordinance and thereupon this Ordinance applies in respect of such board, commission or other body and its employees as if it were a municipality.

Contributions to benefit plan

194(1) Contributions to the benefits program, as prescribed by the Commissioner, shall be made by both employees and the municipality, but the contributions of the municipality shall be at least equal to the contributions of the employees.

- (2) All contributions to the benefits program shall be paid to the Commissioner at the times and in the manner prescribed by the regulations and shall be accounted for by him in the manner set forth in the regulations.
- (3) Where a municipality fails to make any contribution required pursuant to this Ordinance or the regulations, the Commissioner may pay the contribution on behalf of the municipality together with interest.
- Benefit payments 195(1) Benefit payments under the benefits program shall be made as provided in the regulations.
- Reciprocal agreement for benefit plan 196(1) The Commissioner may enter into a reciprocal agreement with any body whose employees are subject to a pension plan and with any person who administers the pension plan on its behalf to provide that
- (a) when a person moves from the employment of such body to the employment of a municipality, and
  - (b) when a person moves from the employment of a municipality to the employment of such body
- pension benefits or service credits of that person shall be transferred in accordance with the terms of the agreement and any such agreement may be retroactive in effect.
- Municipal Employees Benefits Board 197(1) The Commissioner shall establish a board, to be known as the Municipal Employees Benefits Program Board, to administer the benefits program.
- Agreement with N.W.T. 198(1) The Commissioner may enter into an agreement with the Commissioner of the Northwest Territories for such time as is mutually agreeable for the purpose of adopting a common set of regulations and

the formation of a single Board with representation from each of the two Territories and to carry out the provisions of such agreement, which Board shall replace the Board referred to in section 197 during the currency of such agreement.

Commissioner  
may make  
regulations  
for benefit  
program

199(1)

The Commissioner may make regulations and amend them from time to time for the purpose of carrying out the provisions of this program according to their true intent, and without in any way restricting the generality of the foregoing, may make regulations

- (a) prescribing the terms and conditions of the benefits program and the terms and conditions under which the employees of a municipality shall be brought under the benefits program,
- (b) defining different classes of employees of municipalities and prescribing different conditions for different classes and limiting the application of the Ordinance to certain classes,
- (c) defining what constitutes service of any employee for the purposes of the benefits program,
- (d) prescribing the terms and conditions under which the employees shall receive benefit payments,
- (e) defining the amount of benefit payments,
- (f) exempting any employer, employee, class of employees, municipality or other person affected by the regulations, from the regulations or any part thereof,
- (g) prescribing the procedures to be followed by the Municipal Employees Benefits Program Board, municipalities and their employees in matters arising under this Ordinance, and

- (h) prescribing the amount of contributions to be made to the benefits program by each municipality and its employees.

Division (7) - By-laws

Procedure for dealing with by-laws

- 200(1) Subject to this Ordinance, the council shall by by-law provide for the procedure to be followed in passing by-laws.

Assent or approval of by-laws

- 201(1) Where, under this or any other Ordinance, a by-law requires the assent of the electors or taxpayers, such assent shall be obtained before the council adopts the by-law.
- (2) Subject to this Ordinance, where a by-law requires the approval of the Commissioner or the Inspector, such approval shall be obtained before the by-law receives third reading by council.

Village by-laws

- (3) Except as otherwise provided, all village by-laws will require the approval of the Inspector, such approval shall be obtained before the by-law receives a third reading by council.

Time extension for by-law

- (4) Notwithstanding any provision of this Ordinance where a time limit is set for the completion of a matter by by-law, the council may apply to the Commissioner for an extension of time for adopting the by-law and the Commissioner may extend the time limit.

By-laws to have three readings

- 202(1) Every by-law shall have three distinct and separate readings before it is finally adopted, but no more than two readings may take place at any one meeting.

Form of by-law	203(1)	Every by-law shall be in writing under the seal of the municipality and shall be signed by the person presiding at the meeting at which the by-law is adopted and by the clerk.
Effective date of by-law	204(1)	Every by-law adopted by a council is effective and in force and binding as from the date of such adoption, or from any subsequent date fixed by the by-law.
Registration of by-laws	205(1)	A true copy of every by-law adopted by council as signed by the mayor or person presiding at the meeting at which such by-law was adopted and by the clerk and under the seal of the municipality and certified to be a true copy by the clerk shall be deposited for registration with the Inspector.
Evidence of by-law	206(1)	A copy of a by-law under the seal of the municipality and certified by the clerk to be a true copy shall be received in any court of law as evidence of the due execution of the contents of it without further proof.
Time restriction for reconsideration of rejected by-law	207(1)	If a by-law requiring the assent of the electors or taxpayers is rejected, no other by-law for the same purpose may be submitted to the electors or taxpayers for six months, except with the approval of the Commissioner.
Power to amend or vary by-law	208(1)	Except as otherwise provided in this Ordinance, the power to make by-laws, regulations, rules, orders, or resolutions shall include power exercisable in the like manner and subject to the like consent and conditions (if any) to amend, vary, consolidate, repeal, rescind, or revoke the by-laws, regulations, rules, orders or resolutions and make others.

..

Amendment of money by-law	209(1)	Notwithstanding section 208 (a) no loan authorization by-law shall be amended or repealed by the council, except with the approval of the Commissioner, and (b) where such approval is given, the Commissioner may direct that the council shall not be required to obtain the assent of the taxpayers of the municipality or a part of the municipality where such assent would otherwise be required.
Amendment of by-law approved by electors	210(1)	Notwithstanding section 209, a by-law other than a by-law for contracting debts by borrowing money or otherwise, to which the assent of the electors has been given may, with the approval of the Commissioner be amended or repealed without the assent of the electors.
Offence	211(1)	Every person who violates or fails to comply with the provisions of this Ordinance or any by-law made thereunder commits an offence.
Penalty	212(1)	Every violation or failure to comply with the provision of any by-law made under this Ordinance may be proceeded with in accordance with the procedures set out in the <u>Summary Convictions Ordinance</u> .
Application to quash by-law	213(1)	A judge, upon application by any resident of a municipality or by any person interested in a by-law of the municipality, may quash a by-law in whole or in part for illegality and may award costs of the application according to the result thereof.
	(2)	Notice of the application referred to in subsection (1) shall be served upon the municipality at least seven days prior to the date upon which the application

is to be made and the applicant shall give security to the court in the amount of five hundred dollars for any costs that may be awarded against him.

Limitation  
period

- 214(1) No application shall be made to quash a by-law of a municipality after the expiration of one month following the final adoption of the by-law.
- (2) Notwithstanding subsection (1), where a by-law requiring the assent of the electors or taxpayers of the municipality has not been submitted to or has not received the assent of the electors or taxpayers, application to quash that by-law may be made at any time.

Notice of  
action on  
illegal  
by-laws

- 215(1) Where a by-law is illegal in whole or in part and where anything has been done under it that by reason of the illegality gives any person a right of action, no action shall be brought until one month after notice in writing of intention to bring the action is given to the clerk.
- (2) Every action referred to in subsection (1) shall be brought against the municipality alone and not against any person acting under the by-law.

PART V - POWERS AND DUTIES OF COUNCIL

Division (1) - Finance Operations

Provisional  
operational  
budget

- 216(1) On or before the 31st day of December in each year, council shall adopt a provisional operational budget for the succeeding year.
- (2) Until an annual operational budget is adopted, no expenditure shall be made that is not provided for in the provisional operational budget except with the written approval of the Inspector.

Village provisional operational budget	217(1)	Notwithstanding the provisions of section 216, a village shall submit its provisional operational budget to the Inspector for approval in whole or in part on or before the 15th of December in each year.
Annual operational budget	218(1)	On or before the 15th day of April in each year, the council shall cause to be prepared the annual operational budget for the current year, and shall by by-law adopt the annual operational budget.
	(2)	Council may apply to the Inspector for an extension of time for submitting its annual operational budget and if such extension is approved by the Inspector the provisional operational budget will remain in force for such period as allowed by the Inspector.
	(3)	Notwithstanding subsection (1), a village shall submit its annual operational budget to the Inspector for approval on or before the 15th of March in each year.
No expenditure unless provided for in annual operational budget	219(1)	No expenditure shall be made which is not provided for in the annual operational budget.
Amendments with approval in Inspector	220(1)	The annual operational budget shall not be amended, altered or varied in such a manner which increases the total expenditures except by by-law.
Contents of operational budget	221(1)	An operational budget prepared under this Ordinance shall include a detailed estimate of (a) the anticipated expenditures of the municipality for the next ensuing fiscal year, including (i) the sum or sums necessary for municipal purposes and to meet debt repayment installments and interest payments falling due during the fiscal year,



- (ii) such sums as may be necessary to meet the ordinary expenditures of the municipality, as determined by the council, and
  - (iii) such sums as the council may consider desirable and necessary to set aside to create a fund for future specified expenditures;
- (b) the anticipated revenues of the municipality for that year derived from taxes and sources other than taxation,
- (c) any accumulated surplus from previous years appropriated for the current operational budget, and
- (d) a copy of the operational budget so prepared shall be annexed to the minutes of the meeting where it is adopted.

Investment  
of operating  
surplus

- 222(1) The council may, by by-law, authorize the treasurer to invest any operating surpluses of the municipality or other monies of the municipality that are not required for immediate disbursement in any of the securities referred to in subsection (2) or in notes or deposit receipts of chartered banks and to dispose of any investment so made whenever necessary to meet expenditures.
- (2) The securities referred to in subsection (1) are
- (a) any stock, debenture or securities of the Government of Canada or of any province of Canada,
  - (b) any debentures or securities the payment of which is guaranteed by the Government of Canada or by any province of Canada,
  - (c) in any investments authorized for insurance companies by the Canadian and British Insurance Companies Act (Canada) as amended from time to time other than investments under section 63, subsection (4) of that Act.

- (3) The power to invest conferred by subsection (1) includes the power to reinvest the operating surplus of the municipality or other surplus in the securities referred to in subsection (2) and to sell, assign or transfer them, and call in and vary the investment for others of a like nature.

Capital expenditure program

223(1) On or before May 15th in each year, the council shall cause to be prepared and adopted by by-law a capital expenditure program for a period of not less than five years showing estimates of the proposed source and application of funds for capital projects for each year of the program.

- (2) The capital expenditure program adopted under subsection (1), including amendments, remains in force and effect until a new capital expenditure program is adopted the following year.

- (3) Except with the approval of the Inspector, the capital program shall not be varied either by amendment or by the adoption of a new program with respect to any proposed expenditure for which the Inspector has approved the borrowing of money.

Taxpayer approval where expenditure exceeds specified sum

224(1) Notwithstanding any other provision of this Ordinance, prior to council adopting any by-law for the expenditure of money on any capital item or aggregation of items in one scheme estimated to cost in excess of the sum specified in subsection (2) approval of the taxpayers must be obtained and the provisions of sections 232 to 240 shall apply mutatis mutandis.

- (2) A vote of the taxpayers shall not be required
  - (a) in a city where the amount does not exceed \$500,000
  - (b) in a town where the amount does not exceed \$250,000
  - (c) in a village where the amount does not exceed \$25,000.
  
- (3) The amounts provided pursuant to subsection (2) shall be adjusted annually by regulation at the commencement of each calendar year by a percentage in accordance with the percentage change in the value of the assessable property within the municipality.
  
- (4) A by-law for the expenditure of money pursuant to subsection (1) shall not be required where a by-law to borrow money has been submitted pursuant to the provisions of this Ordinance.
  
- (5) Notwithstanding this section, where a council has placed money in a revolving fund for the replacement of equipment, expenditures may be made from such a fund, without a vote of the taxpayers.
  
- (6) Notwithstanding subsection (1), where the cost of a capital item or aggregation of items in one scheme is being shared by the Municipality with the Territory or Canada and the amount required in subsection (2) is not exceeded as the municipality's share a vote of the taxpayers shall not be required.

Special  
expenditure

- 225(1) The council may, by by-law expend money
  - (a) for or in aid of the establishing, developing, maintaining, and operating of airports, seaplane harbours, and landing areas for aircraft either within or without the municipality,

- (b) for the reception and entertainment of distinguished guests,
- (c) for paying all or some of the expenses of delegates, whether members of the council, or otherwise, when, on instructions of the council, they are representing the municipality outside the limits of the municipality,
- (d) for paying all or some of the expenses necessarily incurred by members of the council outside the limits of the municipality when, on instructions of the council, they are engaged in or about the business of the municipality,
- (e) for paying all or some of the expenses necessarily incurred by employees of the municipality when, on instructions of the council, they are engaged in or about the business of the municipality,
- (f) for honouring persons who have, in the opinion of the council served or brought honour to the municipality, and
- (g) for such other matters as the Commissioner may prescribe.

(2) Any payments under subsection (1) for the expenses of a member of the council shall be additional to any payments under section 166.

Grants  
in aid

- 226(1) Council may, by by-law grant aid
- (a) for hospitals and nursing homes within or without the municipality,
  - (b) for charitable institutions within or without the municipality,
  - (c) to any patriotic or disaster fund,
  - (d) for assisting in the celebration of an event of general public interest, and
  - (e) for such other matters as the Commissioner may prescribe.

Division (2) - Raising of Revenue

- |                              |        |   |
|------------------------------|--------|---|
| Raising of revenue           | 227(i) | Subject to this Ordinance, and the <u>Assessment and Taxation Ordinance</u> , council may adopt by-laws providing for the raising of revenue by the imposition and collection of a tax upon real property in the municipality and by the imposition and collection of local improvement taxes.  |
|                              | (2)    | On or before the 15th of April in each year, taxes shall be levied in accordance with the <u>Assessment and Taxation Ordinance</u> as council deems necessary, in order to provide for the raising of revenue sufficient to meet the estimated expenditure of the municipality for that year and to provide any levy of school tax.   |
| Sources of revenue           | 228(1) | In accordance with the provisions of this Ordinance council may by by-law<br>(a) impose and collect<br>(i) business licences and fees,<br>(ii) inspection fees,<br>(iii) parking fees,<br>(iv) utility charges, and<br>(v) recreation fees,<br>(b) take into revenue, fines, interests on deposits and investments and any charges for the operation of any services or utilities under the control of council, and such other funds as the municipality may acquire. |
| Proceeds from sale of assets | 229(1) | Except with the written approval of the Inspector, all proceeds received from the sale or disposal of any assets of the municipality shall be set aside in a reserve fund to be used for items identified in the capital budget and may be expended by by-law.  |

- (2) Notwithstanding subsection (1) the council shall provide that where an asset was financed by borrowed money, that such debt shall first be satisfied before any proceeds are set aside in a reserve fund.

Division (3) - Debt Restrictions

Limits on debt for current operations

- 230(1) The council shall not incur any liability beyond the amount of the municipal revenue for the current year and any of the accumulated revenue surplus of prior years appropriated for the annual operational budget or the annual operational budget as amended, except as provided in this Ordinance.

Contracts

- (2) Notwithstanding subsection (1), the council may contract for the supply of materials, equipment, and services, professional or otherwise, required for the operation, maintenance and administration of the municipality and of municipal property
  - (a) when the duration of the contract is for five years or less, without the assent of the taxpayers, or the approval of the Inspector, and
  - (b) when the duration of the contract exceeds five years with the approval of the Inspector who may direct that the assent of the taxpayers also be obtained.
- (3) The council shall not borrow in anticipation of current revenue, save as hereinafter provided in this Division.
- (4) Notwithstanding subsection (1) and section 257, where in this Ordinance provision is made for the acquisition, by lease or otherwise, of real property

and related personal property, the council may by by-law with the approval of the Inspector enter into a lease or other agreement for that purpose, and may in like manner by by-law enter into a mortgage or other obligation for the payment of money to secure any amount owing under the lease or other agreement

- (a) without the assent of the taxpayers, where the duration of the lease or other agreement, mortgage, or other obligation is for ten years or less, or
- (b) with the assent of the taxpayers, where the duration of the lease or other agreement, mortgage, or other obligation exceeds ten years, or
- (c) without the assent of the taxpayers, with the Crown in right of Canada or the Territory or a statutory authority of either of them, or with a Crown Corporation or Agency, or
- (d) without the assent of the taxpayers, where land is being acquired for a purpose authorized by section 259, if
  - (i) all or part of the money payable under the lease or other agreement is secured by a mortgage or other obligation for the payment of money on the land being acquired,
  - (ii) the term of payment of the mortgage or other security does not exceed twenty-five years, and
  - (iii) the prior approval of the Inspector has been given.

Power to borrow

231(1)

Notwithstanding any other provision of this Ordinance, the council may, without the assent of the taxpayers or the approval of the Inspector, by by-law

provide for the borrowing of such sums of money as may be requisite to meet the current lawful expenditures of the municipality.

- (2) The total of the outstanding liabilities incurred under subsection (1) shall not at any time exceed the sum of the whole amount remaining unpaid of the taxes for all purposes levied during the current year and the whole amount of any sums of money remaining due from other governments.
- (3) Prior to the levying of taxes in any year, the amount of the taxes during the current year for the purposes of subsection (2) shall be deemed to be seventy-five percentum of the whole amount of the taxes levied in the immediately preceding year.
- (4) Where money is borrowed pursuant to this section, all unpaid taxes and the taxes of the current year when levied, or so much thereof as may be necessary, shall when collected be used to repay the money so borrowed.

Authorization  
to borrow

- 232(1) Subject to this Ordinance, the council may by by-law authorize the borrowing of money for municipal purposes.
- (2) No money borrowed by a municipality shall be used for any purpose other than that stated in the by-law, except that if, on completion of the work for which the money was borrowed, there remains an unexpended balance, the balance may be used by the municipality
  - (a) for the payment of any interest payable in respect of the loan,
  - (b) for the repayment of the principal amount of the loan, or
  - (c) for such other purposes and upon



such terms and conditions as the council with the approval of the Inspector deems expedient.

Approval of  
by-law by  
Inspector and  
taxpayers

233(1)

No by-law authorizing the borrowing of money shall be passed unless the contents thereof have been approved by the Inspector who may, in his discretion and upon consideration of the economic circumstances involved

- (a) refuse to grant his approval if he has reason to believe the debt proposed to be created by the by-law would exceed the future ability of the municipality for repayment,
- (b) withhold his approval until he is satisfied that the project can be completed for the amount proposed to be borrowed,
- (c) withhold his approval until he is satisfied that the depleting of the borrowing power occasioned thereby will not unduly delay the undertaking of other projects of established urgency then under contemplation,
- (d) withhold his approval until the amount proposed to be borrowed is reduced, or
- (e) withhold his approval until the terms of the by-law are altered or amended to his satisfaction and in accordance with his directions.

(2)

The Inspector shall determine the form and content of the evidence of the debt obligation to be issued by a municipality pursuant to a loan by-law other than borrowing in anticipation of current revenues.

Appeal of  
Inspector's  
decision

234(1)

An appeal lies from every decision of the Inspector under section 233 to the Commissioner who may confirm, rescind, or amend the decision of the Inspector, and

the determination of the Commissioner, on the appeal shall be conclusive and binding on all parties, including the Inspector.

Approval of Inspector to be obtained

- 235(1) No by-law for borrowing money shall be valid unless, prior to the third reading thereof, it has been submitted to and approved by the Inspector and, when so required, has received the assent of a majority of the taxpayers in the municipality voting thereon prior to adoption.
- (2) Council shall, upon receipt of notice of approval of the Inspector, subject to the assent of taxpayers
- (a) proceed to obtain the assent of taxpayers, or
  - (b) withdraw the by-law.

Exemptions to assent of taxpayers

- (3) Notwithstanding subsection (2), the assent of the taxpayers is not required for borrowing or expenditure
- (a) when the monies to be borrowed are to be used to pay for local improvement works under section 249,
  - (b) when the monies to be borrowed are to be used for any of the purposes mentioned in the Housing Corporation Ordinance,
  - (c) when the monies to be borrowed are to be used for capital expenditures for primary municipal services, or
  - (d) when the monies to be expended on secondary or tertiary municipal services do not exceed the amount specified under section 224.

Procedure for obtaining assent of taxpayers

- 236(1) Where the assent of taxpayers is required, the provisions of sections 138 to 144 of this Ordinance governing submissions shall apply.

Adoption  
of borrowing  
by-law

237(1) If a by-law for borrowing money has been submitted to and approved by the Inspector and where necessary received the assent of a majority of the taxpayers in the municipality voting thereon, the council may adopt the by-law.

Form of  
by-law

238(1) A by-law to borrow money shall show in detail

- (a) the amount proposed to be borrowed,
- (b) the purpose for which the expenditure is to be made,
- (c) the term of the loan,
- (d) the rate of interest payable thereon, and
- (e) the method of repayment,

and every such by-law shall recite that the approval of the Inspector has been obtained.

(2) Every by-law to borrow money shall, subject to subsection (1), by its terms

- (a) provide for the method of repayment of the loan, and
- (b) generally be in such form and contain such further provisions as are required by the Inspector.

Limit for  
borrowing  
without  
taxpayer  
assent

239(1) Notwithstanding section 230 and section 235 of this Ordinance, where the total debts of a municipality are equal to or exceed the amount of two percentum of the total assessed value of the real property in the municipality any by-law contracting a further debt without the assent of the taxpayers shall be invalid.

(2) For the purposes of subsection (1), the total debts of a municipality do not include any monies borrowed for local improvements to the extent that the cost of the local improvements is to be assessed, levied and collected by means of a special rate under paragraph 281(1)(d) upon the parcels of land directly benefitted by them.

Personal liability for unlawful use of funds

240(1) Any member of council who votes for any by-law or resolution authorizing the expenditure of monies contrary to the provisions of this Ordinance, and any officer or other employee who obeys any such by-law or resolution, commits a breach of this Ordinance and is subject to civil liability for his action.

(2) Any sums due the municipality under this section may be recovered by the municipality or by an elector suing in the name of the municipality or suing on behalf of himself and all other electors of the municipality, or by the holders of any security suing in the name of the municipality.

(3) In addition to any other penalty to which he may be liable, any member of a council who votes for any by-law or resolution authorizing the expenditure of monies contrary to the provisions of this Ordinance is disqualified from holding any municipal office for a period of three years from the date of his being convicted of a breach of this section.

(4) Any officer of the municipality who of himself disposes of assets contrary to the provisions of this Ordinance, is personally liable to the municipality for the amount thereof.

Defence

(5) It is a good defence to any action brought under this section against any officer or employee of a municipality if it is proved that he, in writing over his signature, gave warning to the council that the effect of the by-law or resolution was to authorize or necessitate the use of monies contrary to the provisions of this Ordinance.

(6) It is a good defence to any action brought under this section against any

member of council for voting on a by-law or resolution authorizing the expenditure of monies contrary to the provisions of this Ordinance, that such member received an opinion in writing, prior to so voting, from an officer of the municipality or the barrister and solicitor appointed by council that such by-law or resolution was a lawful by-law or resolution and that the expenditure of monies pursuant to such by-law or resolution was not contrary to the provisions of this Ordinance.

Division (4) - Auditing

Appointment  
of auditor

241(1) The council shall by by-law appoint as auditor one or more persons or a firm of auditors satisfactory to the Inspector but no persons or member of the firm of auditors shall be so appointed who, at the time of his appointment or at any time during the immediately preceding fiscal year of that municipality is or was a member of the council, is or was the treasurer of the municipality or has or has had, directly or indirectly, alone or with any other person, any share or interest in any contract or employment with or on behalf of the municipality other than for services within his professional capacity.

(2) The clerk shall notify, in writing, the auditor and the Inspector forthwith of every appointment made pursuant to subsection (1), and of the termination of engagement of every appointee.

Auditor may  
appeal  
termination

(3) Where the engagement of an auditor is terminated  
(a) the auditor may within one month of notification of such termination appeal in writing against the decision of the council to the Commissioner, who may confirm or set aside the termination,

- (b) the auditor shall file a copy of his notice of appeal with the clerk,
  - (c) the council shall not appoint another auditor until the time allowed for an appeal by the auditor has elapsed or, if an appeal has been made, until the appeal has been dealt with by the Commissioner.
- (4) The termination of the engagement of an auditor is not effective until his successor has been appointed.
- Inspector may order discharge of auditor
- (5) Where, in the opinion of the Inspector, the auditor has discharged his duties in a negligent manner, he may require the council to dispense with the services of the auditor and to appoint another person as auditor.
- Procedure in case council neglects to appoint an auditor
- 242(1) In case a council fails or neglects to appoint an auditor, the Inspector may, upon giving one month's notice of his intention to do so to the council, appoint some qualified person or persons as auditor.
- (2) The Inspector may fix the remuneration to be paid by the municipality to the appointee of the Inspector and may in his discretion place a limit on the period of such appointment.
- Powers and duties of auditor
- 243(1) The auditor shall
- (a) audit and report upon all books and accounts relating to the affairs of the municipality or relating to any matter under its control or within its jurisdiction,

- (b) make such examination as will enable him to report to council as required,
  - (c) have right of access at all times to all records, documents, instruments, accounts, vouchers and other components of the financial reporting system of the municipality or of any other administrative body handling municipal matters or funds,
  - (d) submit a report to the council on or before June 15 on the annual financial statements, referred to in section 248(2) of this Ordinance, and shall state in his report whether
    - (i) his examination was made in accordance with generally accepted auditing standards and accordingly, included such tests and other procedures as he considered necessary in the circumstances, and
    - (ii) in his opinion, the financial statements present fairly the financial position of the municipality and any other administrative body as at December 31 and the results of its operations for the year then ended, in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year.
- (2) The auditor is entitled to require from members of the council or other administrative body, and from officials of the municipality or other administrative body, and from any other person, any information or explanation necessary for the performance of his duties.

- (3) The auditor shall separately report to the council any disbursement, expenditure, liability or any other transaction lacking proper authority under this or any other Ordinance or under any by-law or resolution passed under it.
- (4) The auditor shall report in writing to the council and to the Inspector every defalcation or irregularity dealing with the assets, liabilities, accounts, funds and financial obligations of the municipality and of any other administrative body of the municipality.
- (5) In addition to the examination and reports required by this section, the Inspector or the council may, at any time, require such further examinations and reports from the auditor as may be considered necessary or advisable, or the auditor may, on his own initiative, make any further examination or reports as he considers necessary or advisable, and this section applies with the necessary changes and so far as it is applicable to those further examinations and reports.
- (6) The auditor shall forward to the Inspector a copy of every report submitted by him to the council or to any officer of the municipality.

Inspection  
of report  
by electors

244(1) Every elector of the municipality may inspect any report or statement, which has been submitted to the Council by the auditor and may, by himself or his agent and at his own expense, take a copy thereof or extract therefrom.

Elector may  
object to  
any matters  
under audit

245(1) Any elector of the municipality may in writing lodge with the auditor an objection to any item of account or other matter relating to an audit then in progress.



- (2) Upon receipt of any objection as provided for in subsection (1), the auditor shall appoint a time and place for dealing with the objection, and shall give notice thereof to such elector.
- (3) The auditor shall consider the matters before him, and if in his opinion the objection comes within the scope of section 243, he shall forthwith proceed in the manner set out therein.
- (4) Nothing in this Ordinance shall be construed to prevent an elector or a group of electors, from exercising any right to take action for recovery on behalf of the municipality.

Obligation to assist auditor

246(1) Every member of the council and every officer or employee of the municipality, and every member and servant of any other administrative body handling municipal funds shall make available all records, documents, instruments, accounts, vouchers and every other component of the financial reporting system of the municipality necessary for the audit or required by the auditor, and shall give the auditor every reasonable facility and furnish full information and explanation concerning the affairs of the municipality or other administrative body necessary for the performance of his duty.

- (2) A person who neglects or refuses to comply in any respect with a summons issued in writing, by the auditor under subsection (1) commits an offence.

Auditor not to remove documents, etc.

247(1) The auditor shall not, without the sanction of the council or without an order of a Judge, remove or cause to be removed any money, securities, records, documents, instruments, accounts, vouchers

and every other component of the financial reporting system of the municipality from the office of the municipality or other place where the same may repose for safe-keeping.

- (2) An auditor who violates the provisions of subsection (1) is liable, on summary conviction, to a penalty not exceeding five thousand dollars.
- (3) Nothing in this section prohibits the auditor from transferring records, documents, instruments, accounts, vouchers and every other component of the financial reporting system of the municipality from one office of the municipality to another office of the municipality for the convenience of the audit.

Financial statements

- 248(1) Council shall require the treasurer, or other delegated official to prepare financial statements of the municipality as of the preceding December 31 and for the year then ended.
  - (2) Such financial statements shall be prepared on or before April 15 in each year and shall include
    - (a) balance sheets,
    - (b) statements of revenue and expenditures,
    - (c) other related statements as required by the Inspector,
    - (d) such other information as required by the Inspector, and
    - (e) the Inspector may require additional financial reports upon reasonable notice at any time.
  - (3) Where any activity of the municipality is carried on by another administrative body, the financial statement may include separate statements for each activity, so long as the items of account of

controlling nature appear in the statements required in subsection (2).

Financial statement to be published

- (4) The balance sheets referred to in (2) shall be signed by the treasurer or other delegated official and all financial statements shall be published prior to June 30 in pamphlet form for the information of the electors, together with the auditor's report or an abstract thereof.
- (5) Unless otherwise provided, the financial statements published shall include the financial statements of every other administrative body.

Copy of financial statement and audit to Inspector

- (6) The treasurer shall, not later than June 30 in each year, forward to the Inspector a copy of the financial statements together with the auditor's report.

Division (5) - Local Improvements

Local improvements

- 249(1) Any public work of the following character or description may be undertaken by the municipality as a local improvement
  - (a) opening, widening, straightening, extending, grading, levelling, diverting, or paving a street,
  - (b) constructing a sidewalk, footcrossing, curbing, bridge, culvert or embankment forming part of a street, or constructing a system of storm drainage,
  - (c) making, deepening, enlarging, or lengthening a common sewer or water main,
  - (d) making sewer or water service connections to the street line on land abutting a main,
  - (e) constructing a conduit for wires or pipes along or under a street,
  - (f) providing other public works normally found in organized communities, and
  - (g) reconstructing and replacing any of the works mentioned.

Cost of improvements

- 250(1) The council may pass by-laws
- (a) prescribing the means of ascertaining and determining the cost of any local improvement and the lands that will be directly benefited thereby, the expense of which is to be a charge against the lands,
  - (b) prescribing the means of ascertaining and determining the proportion of the total cost thereof to be charged against the various parcels of land, and
  - (c) if deemed necessary, the appointing of a qualified person, to ascertain and determine the cost of a local improvement to be charged against various parcels of land, and who shall make a report thereof to the council.

By-law to provide for hearing of objections

- (2) Each by-law referred to in subsection (1) shall set forth the time and place at which any objection to the local improvement or the proposed sharing of the cost thereof shall be heard by the council, except that in no case shall the time fixed for the hearing of any such objection be less than two weeks after the time when the last of the notices mentioned in subsection (3) were posted and mailed as required by that subsection.

Notice of by-law

- (3) Before any proposed local improvement is proceeded with, unless the total cost of the improvement is to be assumed by the municipality, the clerk of the municipality shall give notice of such proposed improvement by
- (a) posting a copy of such by-law in at least four conspicuous places in the immediate vicinity of the lands to be benefited or charged in respect of such improvement, and
  - (b) mailing a copy of such by-law to every person shown on the assessment

roll of the municipality as an owner of any land to be benefited or charged in respect of such improvement.

By-law  
authorizing  
improvement

- 251(1) Upon receipt of the report, if any, referred to in section 250 and upon hearing any objection to the local improvement or to the proposed sharing of the cost thereof, the council may pass by-laws
- (a) authorizing the execution of the local improvement and determining the probable cost thereof,
  - (b) for determining what lands will be directly benefited by the local improvement, what portion of the cost thereof is to be charged against the several parcels of land to be so benefited and what portion is to be charged against the municipality as a whole and the basis of determining the portion of the cost thereof to be charged against any individual parcel of land whether by frontage tax or otherwise,
  - (c) for assessing, levying and collecting by means of a special rate upon the parcels of land directly benefited or upon that land and the municipality as a whole, as the case requires, the cost of any local improvement with interest at the rate of interest used in determining the cost of the work and advertised in the notice, and
  - (d) prescribing the time or times at which and the manner in which the amounts levied are to be paid and specifying the terms on which the parties assessed for the local improvements may commute the assessment by the payment of their proportionate share of the cost thereof in a lump sum.

- Commissioner's local improvement      252(1)      Where the Commissioner has incurred the cost of a local improvement within a municipality, the council of that municipality at the request of the Commissioner and on his behalf shall by by-law assess, levy and collect by means of a special rate upon the parcels of land directly benefited or upon that land and the municipality as a whole, as the case requires, the cost of such local improvement with interest at the rate of interest used in determining the cost of the work and advertised in the notice.
- (2)      Every by-law passed pursuant to subsection (1) shall provide for the payment of the cost of the local improvement within the probable life thereof as certified by the officer appointed by the Commissioner for that purpose.
- (3)      Where a council has passed a by-law pursuant to subsection (1), the amount of money collected pursuant to that by-law shall be paid by the council to the Commissioner.
- Costs to be charged against abutting lands      253(1)      The cost of any local improvement shall be calculated in terms of an annual rate, and unless the local improvement is not one for the direct benefit of the lands abutting any road and the council otherwise orders, it shall be determined
- (a) on a frontage basis, that is to say, at a uniform rate according to the number of linear metres along the front of the abutting land, or
  - (b) according to a formula established by by-law for determining the special assessment in the case of triangular or irregularly shaped parcels or parcels situated at the junction or intersection of highways, or parcels wholly or in part unfit

for building purposes or for adjustment in formula for subdivision subsequent to local improvement.

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|--|--------|--|
| Improvement benefiting municipality at large | 254(1) | Where, in the opinion of the council, any work or local improvement benefits the municipality generally and it would be inequitable to raise the whole of the cost thereof by local special levy, the municipality may pay out of the general funds of the municipality, a portion of the total cost thereof and such funds shall be identified in the by-law.   |
| Payment of lifetime of improvement           | 255(1) | Every local improvement by-law shall provide for the payment of the special levy within the probable life of the local improvement for which the debt has been incurred as certified by the officer appointed by the council for that purpose.   |
| Allocation of cost                           | 256(1) | Where the council in the opening of or the making of proposed improvements to or in connection with any road determines that lands other than those fronting or abutting on the road are to be benefited and ought to be charged with part of the cost thereof, it shall determine the proportion against the other lands on a frontage or other basis in like manner as the same is to be assessed and levied in the case of land fronting or abutting on the road. |
| Lands not abutting improvement               | (2)    | Where, in order to afford an outlet for the sewage from or the draining of land other than that fronting or abutting upon the road along which a sewer or drain is to be constructed, a sewer or drain is constructed of a larger capacity than that required for the efficient carrying off of sewage and drainage from the land so fronting or abutting, the council may impose a special levy upon  |

the other land benefited by the construction of the sewer or drain.

Division (6) - Works and Services

Acquisition of property

- 257(1) Council may acquire for municipal purposes by purchase, gift, lease or otherwise any real or personal property and any rights, easements, privileges in and to real property from Canada or the Territory or any person.
- (2) Council may by by-law reserve for a specific municipal or public purpose any land owned by the municipality.
- (3) Council may by by-law, with the approval of the Commissioner, remove any reservation issued pursuant to subsection (2).
- (4) Council may sell by auction or otherwise, on such terms and conditions as deemed advisable, the interest of the municipality in any real or personal property not required for municipal purposes and which is not reserved.
- (5) Council may by by-law lease any real or personal property held or owned by the municipality for any term or terms, including renewal options not exceeding in the aggregate ninety-nine years.
- (6) Any lease under subsection (5) for a period longer than five years requires the approval of the Inspector.

Expropriation procedure

- 258(1) Subject to the Expropriation Ordinance the council of a city may, without the consent of the owner enter upon and expropriate any land that it deems necessary for the public purposes of the municipality.



- (2) The council of a town or village may petition the Commissioner to expropriate on their behalf any land that it deems necessary for the public purposes of the municipality and the Commissioner may, upon assurance from council that they will bear the costs involved, proceed with expropriation pursuant to the provisions of the Expropriation Ordinance.
- Acquisition of land for development 259(1) Notwithstanding any other provision of this Ordinance, the council may by by-law acquire land within the municipality for resale or lease for residential, industrial, commercial or any other purposes, and may, prior to disposing of the land or any part thereof, subdivide and develop the land.
- Property for community use (2) The council may by by-law acquire and hold any real property within the municipality for pleasure, recreation or community uses of the public, including but not restricted to the public safety, public library, art gallery, museum, arenas, community halls, exhibition buildings, parking areas, parks and recreation grounds.
- Disposal of property acquired for community use (3) No real property acquired and held for any of the uses described in subsection (2) shall be disposed of without the assent of the taxpayers unless exempted by the Inspector.
- Acquisition of buildings for municipal purposes 260(1) Subject to section 235, the council may by by-law acquire or construct any building required for any municipal purpose, including the housing of any municipal official or for any business or other operation which the municipality may be authorized to conduct.

- (2) The council may by by-law construct or acquire a building with floor space which is greater than is necessary for the accommodation of the municipal services required and may, subject to the provisions of subsections (5) and (6) of section 257, lease or rent any surplus floor space not required for the municipal services.

Division (7) - Highways

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|--------------------------------|--------|--|
| Highways                       | 261(1) | All allowances made for roads in any municipality, all roads laid out pursuant to any Ordinance or by-law, and all roads dedicated to the public use shall be deemed, for the purpose of this Ordinance, to be highways.   |
| Jurisdiction over highways     | (2)    | Subject to this Ordinance and the <u>Highways Ordinance</u> and to any rights reserved by any person laying out or dedicating a highway, every municipality has jurisdiction over all highways, within the limits of the municipality and the management and control of all highways shall be vested in the municipality except highways excluded by an order made pursuant to subsection (3). |
|                                | (3)    | Notwithstanding any other section of this Ordinance, the Commissioner may by order provide that any section of this Ordinance shall not apply to any highway described in the order.   |
| Authority to maintain highways | 262(1) | Council may <ul style="list-style-type: none"><li>(a) lay out, construct, maintain and improve highways,</li><li>(b) construct, repair, maintain, improve and care for sidewalks and boulevards, and plant or care for and remove grass, shrubs, trees and other plants thereon,</li></ul>   |

- (c) clean, oil, water highways, provide for lighting of highways and such other things as are necessary for safe use and preservation of highways, and
  - (d) authorize any officer or employee at his discretion to temporarily close a highway or part thereof to traffic or to control traffic, for any period during the construction, repairing or improvement of such highway or portion subject to the municipality providing a reasonable temporary alternative route for traffic.
- Temporary closures
- By-laws to regulate highways 263(1) Council may by by-law
- (a) establish, widen, alter, relocate or divert a highway or any portion of a highway,
  - (b) stop up and close to traffic a highway or any portion, or re-open any highway or portion that has been closed to traffic,
  - (c) open and operate quarries, sand and gravel pits acquired by the municipality,
  - (d) assign the name or number of any highway, or alter the name or number of the highway which shall have no effect until a certified copy is filed in the Land Registry Office,
  - (e) subject to the Highways Ordinance regulate or prohibit the erection or placing of any sign or advertisement,
  - (f) classify any highway or portion and make different regulations for different zones,
  - (g) designate a portion of a highway for use as a mall or pedestrian promenade and control, restrict or wholly prohibit the use of vehicles,
  - (h) open and maintain a temporary road or right-of-way for public purposes,
- Closure
- Gravel pits
- Numbering
- Control advertising
- Classification
- Pedestrian mall
- Temporary roads

Encroachments		(i) authorizing any encroachment on a highway which it deems necessary and expedient and setting an annual or single fee therefor, and
Obstruction of highways		(j) make provision for the prevention or removal of any obstruction upon the highways.
Closing highways for celebrations	264(1)	Notwithstanding sections 262 and 263, a council may, by resolution, close a highway for purposes of a celebration, parade or other special event for any period of time not exceeding three days.
Highways to be kept in repair	265(1)	Every highway, and every portion thereof, except a highway mentioned in subsection (3) shall be kept in reasonable repair by the municipality within which it lies.
Responsibility of municipality	(2)	Every municipality is responsible for the construction, maintenance and repair of any municipal work constructed on any highway within that municipality.
Private roads	(3)	A municipality is not liable to keep in repair any highway (a) laid out by a person other than the municipality unless that highway has been declared by by-law as a common and public highway or otherwise assumed by the municipality as such by public use, or (b) excluded by an order made pursuant to section 261(3).
Damages sustained by reason of non-repair	266(1)	Where a municipality fails to keep in reasonable repair a portion of a highway on which work has been performed or improvements made by it, that municipality is liable for all damages sustained by any person by reason of such default.

- (2) A municipality is not liable for any damages caused by the overflow of water from any sewer, road drain, ditch or watercourse if such overflow is occasioned by ice or snow obstructions therein or by reason of unusual rainfall and the municipality has taken all reasonable precautions against damage.
- (3) Except in case of gross negligence, a municipality is not liable for any personal injury caused by ice or snow upon a sidewalk.

Removal of snow and ice

267(1) Council may by by-law require persons to remove and clear away all snow, ice, dirt and other obstructions from sidewalks adjoining premises owned or occupied by them; and in the event of non-compliance, within forty-eight hours cause the necessary work to be done and the expenses thereof charged against the owner or occupier of the premises.

Charge for cleaning and clearing highways, etc.

268(1) Notwithstanding section 249, council may by by-law levy a local improvement tax to defray the annual cost of cleaning, clearing snow and ice, watering, oiling, tarring, lighting, supplying light in excess of that supplied to the municipality at large, cutting grass and weeds, and trimming trees and shrubbery on any portion of any highway, sidewalk or boulevard; the local improvement tax shall be levied on the parcels of land which abut on the portion of the highway, sidewalk or boulevard, as the case may be.

- (2) In a by-law imposing the tax the council may provide that some portion of the cost of providing any of the services under subsection (1) shall be borne by the municipality.

- (3) The provisions of the Assessment and Taxation Ordinance apply, mutatis mutandis, to subsection (1) and for that purpose, a service shall be deemed to be a work which may be undertaken as a work of local improvement.
- (4) The council shall not undertake to provide a service for which a local improvement tax is to be imposed under this section except in accordance with the provisions of section 250.

Division (8) - Sewer and Storm Drains

By-law for operation of sewerage system

- 269(1) The council may by by-law with the approval of the Commissioner provide for the establishment of a system of sewerage works for the collection, conveyance and disposal of sewage, or drainage works for the impounding, conveying and discharging of surface and other waters, or both, or a combination of both, and for this purpose may purchase or construct the necessary works, including the acquisition of all appliances, equipment, real property, easements, and rights-of-ways required therefor.
- (2) The council may operate, maintain, improve, extend or alter any existing drainage or sewerage systems and acquire all appliances, equipment, materials, real property, easements, and rights-of-ways required therefor.
- (3) The council may by by-law
  - (a) regulate the design and installation of drainage and sewerage works provided by persons other than the municipality, and
  - (b) require owners of real property to connect their buildings and structures to the appropriate sewer or drain

connections in the manner prescribed in the by-law and in the event of any owner failing to make the necessary connections within a specified time, provide for having the work done.

By-laws for  
administration  
of sewer  
system

270(1)

Subject to the Public Health Ordinance council may by by-law

- (a) impose a connection charge upon owners of real property to defray the cost of laying connecting pipes
  - (i) from sewers to land on which buildings or structures are situate, and
  - (ii) from drains to land required to be drained, and fix the terms and conditions of payment,
- (b) impose a frontage tax in accordance with the provisions of the Assessment and Taxation Ordinance upon the owner of land or real property capable of being drained into a sewer or drain, whether or not the land is connected with or whether or not the real property is drained into the sewer or drain, for the opportunity to use the sewer or drain, and
- (c) with the approval of the Commissioner impose a charge against the owner or occupier of real property for the use of a sewerage system, a drainage system or a combined sewerage and drainage system and may vary the charge
  - (i) for sewerage or combined sewerage and drainage facilities in accordance with
    - (a) the number of outlets served,
    - (b) the quantity of water delivered to the premises by a utility,

- (c) a classification of users or effluents, or
  - (d) any combination of such methods, or
  - (ii) for drainage facilities alone, in accordance with the area of land served or benefited.
- (2) In a by-law adopted under subsection (1), provision may be made whereby the frontage tax or a charge under clause (c) of subsection (1) may be waived or lessened in respect of real property, any present or previous owner or present occupier of which
- (a) has constructed at his own expense any portion of the sewerage or drainage system of the municipality, or
  - (b) has paid all debt and debt charges, including interest, in respect of that portion of the sewerage, drainage, or sewerage and drainage system of the municipality that serves the real property.

Division (9) - Waste Collection and Disposal

Waste collection and disposal

- 271(1) Subject to the Public Health Ordinance council may by by-law
- (a) establish, construct, maintain and operate public incinerators,
  - (b) establish, maintain and operate grounds for the disposal of garbage of all kinds,
  - (c) establish, construct, maintain, and operate upon or under any street, or elsewhere, lavatories, urinals, water closets and the like convenience,
  - (d) establish and maintain a system for the collection, removal, and disposal of garbage, ashes, refuse and other noxious, offensive, unwholesome, and discarded matter,



- (e) compel persons to make use of any system established for the disposal of garbage, ashes, refuse, and other noxious offensive, unwholesome, and discarded matter, and prescribe the terms and conditions upon which persons make use of such system,
- (f) establish a scale of charges payable by owners or occupiers of real property for the removal to the public incinerator or such other designated place of tradewaste, garbage, rubbish and matter, and for compelling payment of the charges so fixed, and for imposing penalties for neglecting to remove or have removed and brought to the public incinerator or such other place as aforesaid such tradewaste, garbage, rubbish and other matter,
- (g) enter into contracts with any person for all or part of the collection, removal, and disposal of garbage and other waste, upon terms and conditions as prescribed in the by-law, and
- (h) compel and regulate the emptying, cleansing, and disinfecting of private drains, cesspools, septic tanks and privies and the removal and disposal of refuse therefrom.

Division (10) - Water Distribution

Operation of  
water  
distribution  
system

272(1) The council of a municipality may by by-law, with the approval of the Commissioner, provide for the establishment and use within or without the municipality, of a water distribution system for supplying water for any and all purposes to and for the inhabitants of the municipality or to and for the inhabitants of adjacent localities.

- (2) Where a water distribution system has been established under subsection (1), council may acquire, purchase or construct the necessary works including the acquisition of all appliances, equipment, real property, easements, and rights-of-ways and any real property required for protection of such works.
- (3) Where a municipality operates a system pursuant to subsection (1) the council may by by-law prohibit or regulate the design, installation and operation by any person of the same service in all or any part of the municipality.
- (4) The council may operate, maintain, improve, expend or alter any existing water distribution system and acquire all appliances, equipment, materials, real property, easements and rights-of-ways required therefor.
- (5) The council may by by-law require owners of real property to connect their buildings and structures to the water distribution system in the manner prescribed in the by-law, and in the event of any owner failing to make the necessary connections within a specified time, provide for having the work done.

By-law to manage water distribution system

273(1) The council operating and maintaining a water distribution system may by by-law, fix the rates, terms and conditions under which water may be supplied and used.

Connection charges for water system

274(1) The council may by by-law  
(a) impose connection charges upon owners of land upon which are situated buildings or structures, to defray the cost of laying connecting pipes from water mains to the land,

and fix the terms and conditions of payment;

- (b) impose a frontage tax in accordance with the provisions of the Assessment and Taxation Ordinance upon the owners of land or real property which is capable of being connected with any water main, whether or not the parcel of land is connected with such water main.

- (2) In a by-law adopted under subsection (1), provision may be made whereby the frontage tax may be waived or lessened in respect of real property of which any present or previous owner has constructed at his own expense any portion of the water distribution system of the municipality.

Franchise for water distribution system

- 275(1) Subject to the approval of the Commissioner, the council may by by-law grant a franchise, upon such terms and conditions as it may prescribe to any person undertaking to provide a water distribution system and authorizing that person to erect or operate on, above, or under any highway or public place within the municipality any fixtures, buildings, structures, or other things necessary in order to provide the services to which the franchise so granted relates.

Division (11) -- Sundry Works and Services

Power to acquire and operate sundry facilities

- 276(1) Council may by by-law acquire, purchase, lease or otherwise and hold, use, improve real property for any of the following purposes
  - (a) off-street parking facilities or arcade structures,
  - (b) airport landing area or seaplane base,
  - (c) trailer park,
  - (d) mobile home park, and
  - (e) any business improvement area established pursuant to section 370.

- (2) The council may construct buildings and structures and equip them for any of the purposes designated in subsection (1).
- (3) The council may provide for the operation, maintenance, and management of any property acquired, held, or used under this section.
- (4) The council may charge and collect a fee or rent for the use of any space in or portion of, or the use of, any of the property acquired under this section, and may enter into agreements with other persons for the leasing or subletting of any of the property.
- (5) Where the facility is deemed by council to be of special benefit to the business or commercial areas of the municipality, the council may by by-law designate all or a part of the commercial or business area as benefiting and apply the provisions of section 249.

Division (12) - Fire Protection & Emergency Services

Fire prevention by-laws

277(1) Subject to any Ordinance and regulations made thereunder, the council shall, by by-law, establish a fire department and in the same or another by-law set out the organization of the department and the powers and duties of the various grades of firemen.

By-laws to regulate fire protection

(2) Subject to any Ordinance and regulations made thereunder, the council may adopt by-laws

Acquisition of equipment

(a) for the purchase of fire fighting equipment and providing proper buildings therefor,

Fire districts

(b) establish areas to be known as "fire districts" and regulate the construction of buildings in each

- of such districts in respect of precautions against the danger of fire, and discriminate and differentiate between the districts as to the character of the buildings permitted in each of them,
- Fire hazards (c) for the destruction, alteration, or removal of any building, structure, or portion thereof or any weeds, grass, rubbish or other thing within the municipality that in the opinion of the council constitutes, or is likely to constitute, a fire hazard or that should be removed for the protection of life and property and providing for charging the costs and expenses of the destruction, alteration, or removal against the property concerned,
- Agreements with other municipalities or Territory (d) enter into agreements with other municipalities or the Territory or Canada for the use in the municipality or in such other municipalities of fire fighting equipment and personnel upon such terms and conditions and for such remuneration as may be agreed upon,
- Regulate business with dangerous products (e) to regulate the manufacturing, processing, storing, selling, transporting, or use of combustibles, chemicals, explosives, or other dangerous products,
- Regulate gasoline products and business (f) regulate the construction, installation and operation of tanks, pumps and measuring devices used, or intended to be used, for the sale, storage or other disposition of gasoline, oil or other inflammable liquid,
- Open fires (g) to regulate the use of fires and lights in the open air or elsewhere, (h) to prohibit persons from standing, loitering, or sitting in the aisles, passages and stairways of churches, theatres, halls, skating rinks and other public buildings,

Inspections

- (i) to inspect premises for conditions which may cause a fire or incur the danger of a fire or increase the danger to persons,
- (j) to take such measures as are described in the by-law to prevent and suppress fires, including the demolition of buildings and structures to prevent the spread of fires,
- (k) for the inspection and supervision of electric wiring to ensure that the wiring and services comply with the standards prescribed by any Ordinance and the fees to be charged for such inspections, which fees shall be reasonable in the amount and shall not be imposed for the purpose of exacting revenue,
- (l) regulating and installation of stoves and stove pipes or other apparatus or things that may be dangerous in causing or promoting fires and enforcing the proper cleaning of chimneys, flues and stove pipes, and

Fireworks

- (m) classifying fireworks
  - (i) prohibiting or regulating and controlling the sale of fireworks or any specified class or classes thereof in the municipality,
  - (ii) prohibiting or regulating and controlling the setting off in the municipality or in any specified part or parts of the municipality of fireworks of any specified class or classes thereof, and
  - (iii) prescribing conditions under which a display of fireworks or a specified class or classes thereof may be held in the municipality or in any specified part or parts of the municipality.

- (3) Notwithstanding the generality of subsection (2) council may adopt by-laws regulating any other matter which the council considers necessary or proper for adequate fire protection or the protection of life or property.
- Emergency plan 278(1) Subject to any Ordinance and any regulations made thereunder, the council shall by by-law, establish an emergency plan and pursuant to section 385 provide for a civil emergency measures commission and such officers as are deemed necessary to carry out the provisions of the emergency plan.
- Actions during an emergency 279(1) Where there is an emergency as defined in the Civil Emergency Measures Ordinance, the meetings of any municipal council may be held at any convenient location within or outside the municipality, and the council of a municipality may acquire and hold such land at such locations and erect such buildings thereon as may be convenient for such purpose.
- Ambulance and ambulance subsidy 280(1) Council may adopt by-laws  
(a) for the acquisition and equipment of a motor vehicle or vehicles for the purposes of providing ambulance service in the municipality, and  
(b) for entering into an agreement with one or more owners of ambulances to furnish certain ambulance service in the municipality and may annually by by-law authorize payment to the owner of such ambulance of a grant.
- General powers for protection of life and property 281(1) Notwithstanding any other provisions of this Ordinance, the council may, by by-law regulate any other thing or matter which it considers necessary or proper for the protection of life or property.

Division (13) - Recreation

Acquisition  
of property  
for recreation  
purposes

282(1)

The council may by by-law

- (a) acquire, by purchase, lease or otherwise, accept and hold any real property within the municipality for pleasure, recreation, or community uses of the public, including but not restricted to public library, art gallery, museum, arena and exhibition buildings,
- (b) make rules and regulations governing the management, maintenance, improvement, operation, control and use of any real property mentioned in this section,
- (c) lease or rent any real property mentioned in paragraph (a) and owned or held by the municipality, and
- (d) close to free use by the public the whole or any portion of any real property mentioned in this section at such times and for such periods as may be deemed advisable and fix and charge fees for admission to or for the use of any of the facilities so closed.

Parks and  
Recreation  
Commission

(2)

Notwithstanding the Recreation Development Ordinance, council may by by-law subject to section 384 establish a Parks and Recreation Commission.

Division (14) - Public Health By-laws

Public  
Health  
by-laws

283(1)

Subject to the Public Health Ordinance

and the regulations made thereunder, the council may adopt by-laws

- (a) in the interests of the public health of the municipality and the prevention of contagious and infectious diseases,
- (b) requiring the removal of dirt, filth, dust and rubbish from highways,



- in the municipality by the person or persons depositing it, or by the owner or occupier of an adjacent property where it can be proved that the dirt, filth, dust and rubbish originated on the property adjacent, and in the case of default by the owner or occupier, for removing it at his expense and charging the expense thereof against his property as a special tax to be recovered in like manner as other taxes on real property,
- (c) requiring the removal by the owner thereof of anything deemed dangerous to the health and safety of the inhabitants of the municipality and for charging the expenses thereof against any property owned by him in the manner provided in paragraph (b),
  - (d) regulating or prohibiting the construction within the municipality of privy vaults, water closets and septic tanks and providing for the keeping of the same in a proper state of cleanliness and repair,
  - (e) preventing or regulating the erection or continued operation within the municipality of slaughter houses, gas works, tanneries and other factories and trades that may prove to be nuisances generally,
  - (f) preventing and abating public health nuisances generally,
  - (g) preventing the putting of anything prejudicial to health in any stream or body of water within the municipality or from which water is supplied to the municipality for any purpose.

Fees for  
public health  
services

284(1)

The council shall by by-law provide for the payment of such sums as the Commissioner

may, from time to time, fix for the provision of public health services to the municipality.

Cemeteries            285(1)        Notwithstanding the Cemeteries and Burial Sites Ordinance the Council may lay out, develop, improve, regulate, maintain and operate cemeteries, and acquire and hold for such purpose real and personal property within or without the municipality.

PART VI REGULATORY  
Division (1) - Building Regulations

Building  
Regulations

286(1) The Council shall by by-law, subject to any Ordinance and regulations made thereunder, set standards regulating the construction, alteration, repair and demolition of buildings and structures provided that the standards set by council shall be no less than those of the current National Building Code, as amended from time to time.

Exemptions  
from  
National  
Building  
Code

- (2) Notwithstanding subsection (1) where council considers that there are local conditions that would make compliance with the standards set in the National Building Code, or amendments thereto, unworkable council may, by by-law, with the approval of the Commissioner, provide for exemption from any standards that may be provided by a by-law made pursuant to subsection (1).
- (3) Any by-law for the health, safety and protection of persons and property may:
- (a) regulate the construction, alteration, repair, or demolition of buildings and structures,
  - (b) regulate the installation, alteration, or repair of plumbing (including septic tanks and sewer connections) heating, airconditioning, electrical wiring and equipment, gas or oil piping and fittings, appliances, and accessories of every nature and kind,
  - (c) regulate the seating arrangements and seating capacity of places of public assembly,
  - (d) require contractors, owners, or other persons to obtain and hold a valid permit from the council, or from the proper authorized official,

before commencing and at all times during the construction, erection, excavation, installation, addition, repair or alteration, or gas or oil pipes and fittings, plumbing, heating, sewers, septic tanks, drains, electrical wiring, tents, signs, oil-burners, tanks, pumps, and all like works, fittings, and things, and buildings and structures of the kind, description, or value described in the by-law,

- (e) prescribe conditions generally respecting the issuance and validity of permits and the inspection of works, things, buildings, and structures and provide for the levying and collecting of permit fees and inspection charges,
- (f) regulate or prohibit the moving of any building into or from the municipality, or the moving of any building from one property to another in the municipality,
- (g) regulate the construction and layout of trailer courts, mobile home parks and camping grounds, and require that such courts, parks and grounds provide facilities specified in the by-law,
- (h) provide that no trailer or mobile home may be occupied as a residence or office unless its construction and facilities meet the standards specified in the by-law, and
- (i) require that, prior to any occupancy of a building or part thereof after construction, wrecking, or alteration of that building or part thereof, or any change in class of occupancy of any building or part thereof, an occupancy permit be obtained from the council or the proper authorized official, which permit may be

withheld until the building or part thereof complies with the health and safety requirements of the by-laws of the municipality or of any Ordinance or regulation made thereunder.

Power to order demolition or correction of deficiencies

- 287(1) The council may by by-law authorize or require
- (a) the demolition, removal, or the bringing up to a standard specified in the by-law of a building, structure, or thing, in whole or in part, that is
    - (i) in contravention of any by-law, or
    - (ii) in the opinion of council, in an unsafe condition, or
  - (b) the filling-in, covering-over, or alteration in whole or in part of an excavation that is
    - (i) in contravention of any by-law, or
    - (ii) in the opinion of council, in an unsafe condition.

- (2) Except as provided in subsection (7) a by-law adopted under section (1) shall provide for not less than thirty days' notice of the contemplated action to be given the owner, tenant, or occupier of the real property affected.

Appeals

- (3) An appeal lies to a Judge against the contemplated action under any by-law made pursuant to subsection (1).
- (4) Notice of an appeal under subsection (3) shall be given the municipality within ten days from the date of the notice given under the by-law to the owner, tenant, or occupier of the affected premises.

- (5) The Judge shall hear and finally determine the matter, making such order as may seem appropriate in the circumstances.
  - (6) At the expiration of the period mentioned in subsection (2), the proper authorized official may proceed in accordance with the by-law or the decision of the Judge, as the case may be.
  - (7) Where council deems there is imminent danger of public injury
    - (a) the council of a city may waive the requirement for notice,
    - (b) the council of a town or village may, with the approval of the Inspector, waive the requirement for notice.
- Imminent danger to public

Division (2) - Licencing and Regulating Business

- 288(1) Subject to any other Ordinance or regulations made thereunder, the council may by by-law control and regulate all businesses carried on within the municipality including the manner of operation, the nature of operation and the location thereof, and may license any or all such businesses
    - (a) whether or not the business is mentioned elsewhere in this Ordinance, and
    - (b) whether or not the business has a business premises within the municipality.
  - (2) The council may, in a by-law under this section
    - (a) provide for the classification of businesses for the purpose of the by-law,
    - (b) prescribe different licence fees for different classes of businesses, and
- Regulation of businesses

(c) make any provision of the by-law applicable to one or more business or one or more classes thereof.

Business licences

289(1) The council may, by by-law, prohibit the carrying on of any business without a licence.

Exemptions from licensing

290(1) No licence is required with respect to any performance, exhibition, concert or entertainment, the entire proceeds of which over and above actual expenses are devoted to or to be given to a church, school, hospital, charitable, patriotic, war fund or community purpose.

(2) No licence is required with respect to any performance, exhibition, concert, entertainment or concession which is held in a duly licensed theatre or other duly licensed place.

Refusal to grant or revocation of licence

291(1) The council may refuse to grant or may revoke or suspend a licence on grounds which, to it, appear just and reasonable and may delegate to a municipal officer on such terms and conditions as the council by by-law may determine the power to refuse to grant or revoke or suspend any licence if in his opinion there are just and reasonable grounds for the refusal of the application or for revocation or suspension of the licence subject to the right of the applicant to appeal the refusal or revocation or suspension to the council.

(2) A suspension of a licence under this section may be

- (a) for a period of time not exceeding the unexpired term of the licence, or
- (b) where the suspension is for non-compliance with a by-law, until the holder of the suspended licence, in the opinion of the council, complies with that by-law.

- (3) A licence may be revoked or suspended for noncompliance with a by-law notwithstanding that the holder of that licence has not been prosecuted for a contravention of that by-law.
- (4) The council shall hear any appeal pursuant to subsection (1) within 10 days after the refusal of the application or revocation or suspension of the licence.
- (5) Where a licence is suspended or revoked under subsection (1), the council or the municipal officer, as the case may be, shall declare at the time of the suspension or revocation whether or not the suspension or revocation is necessary in order to prevent injury to the public.
- (6) Where no declaration is made under subsection (5) and an appeal to the council from the suspension or revocation has been commenced, the suspension or revocation does not take effect until the appeal has been heard and determined.

Definition of "business"

292(1) For the purposes of sections 288, 289, 290 and in any by-law passed under the provisions of sections 288, 289 and 291 "business" means the carrying on of a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services for the purposes of gain or profit.

Carriers of persons and chattels

293(1) Without restricting the generality of sections 290 and 291 the council may by by-law subject to the Motor Vehicles Ordinance and Transport Public Utilities Ordinance and regulations and orders made thereunder provide for the regulation of carriers of persons or chattels, and such by-law may

- (a) establish maximum and minimum charges by such carriers, or any classes thereof,



- (b) establish and alter routes to be taken by carriers of persons or chattels,
- (c) specify standards of safety,
- (d) classify carriers by type and prescribe different regulations for different classes,
- (e) limit the number of vehicles with respect to which persons may be licensed in any class of carriers,
- (f) requiring every driver of a taxicab to obtain a permit from the municipality to drive a cab within the municipality,
- (g) attach conditions or restrictions, to the granting of any permit issued under this section, and
- (h) suspend, cancel or revoke after notice to show cause has been given, any permit issued under this section.

Regulation  
of taxi  
operations

- 294(1) Subject to section 293 council may require every driver of a taxicab to obtain a permit from the municipality to drive a cab within the municipality, and
- (2) The council, after notice to show cause has been given to the licensee and upon hearing the same and being satisfied that the public interest so requires, may by resolution,
  - (a) suspend any licence referred to in subsection (1) for a period not exceeding one month; or
  - (b) revoke any licence referred to in subsection (1).
- (3) The council may refuse to issue or renew a permit to drive a taxi cab within the municipality to any person whose driving record, criminal record, character, age, or state of health is such that, in the opinion of council, that person is unfit to drive a taxi cab.

- (4) For the purposes of determining the driving record, criminal record, character, age or state of health of any person applying for the issue or renewal of a permit to drive taxi cabs within the municipality, the council, or any person authorized by council in accordance with subsection (5), may
  - (a) request, in writing, any such information from any person or organization, including any law enforcement agency, whether located within Yukon or not, or
  - (b) require that any such information be provided by the applicant before a permit is issued.
- (5) The council may, by by-law or resolution, delegate to any person, including a peace officer, the authority to issue, renew, or to refuse to issue or renew permits to drive taxi cabs within the municipality.
- (6) Where the council has delegated to any person the authority with respect to the issuance or renewal of permits to drive taxi cabs pursuant to subsection (4), an appeal from the decision of that person may be had to the council of the municipality, and the decision of the council is final, with no appeal lying therefrom.

Public transit system

- 295(1) Subject to the approval of the Commissioner the council may, by by-law, provide for the establishment, maintenance and operation of a system for the public transport of persons and property within the municipality or within the municipality and adjacent localities.
- (2) Any council operating and maintaining a public transport system may, by by-law, fix the rates, terms and conditions under which transport facilities may be supplied and used.

- (3) Where a public transport system is established pursuant to subsection (1) the council may by by-law provide for the acquisition or purchase of any buildings, structures, vehicles, appliances, equipment or other things necessary in order to provide the service.
- (4) Where a public transport system is established under subsection (1) the council may, by by-law, establish a Public Transit Commission, with duties and powers as provided in section 386.

Public transit utility

296(1) Subject to the approval of the Commissioner the council may, by by-law, grant a franchise, upon such terms and conditions as it may prescribe, to any person undertaking to provide public transportation services to residents of the municipality and authorizing that person to construct or operate any fixtures, buildings, structures, vehicles or other things necessary in order to provide the service to which the franchise so granted relates.

Business hours

297(1) Subject to any Ordinance or regulations made thereunder the council may by by-law provide for all matters or things relating to the days and hours wherein shops or one or more classes of shops shall be permitted to remain open or shall be required to close and for such purposes may

- (a) exempt shops or one or more classes of shops, designated as to size or type, from any of the provisions of such by-law,
- (b) designate by type the merchandise that may be sold or exposed for sale during the hours that any shops or one or more classes of shops are permitted to remain open, and

(c) impose conditions which must be met by any shops or one or more classes of shops that are permitted to remain open, including a condition that a specified minimum number of employees shall be on the shop premises at such times as are specified.

Business on  
holidays

298(1)

The council, by by-law, may require that during the whole or part of a holiday as defined in the Interpretation Ordinance or of a day proclaimed as a civic holiday, all shops and businesses, or any specified class or classes thereof be closed and remain closed.



- on any highway or other public place or on any lands acquired by the municipality for parking purposes or designated as parking stands or places,
- Fees for parking (g) prescribing a tariff of fees or charges to be paid by persons using such parking stands or places, which fees or charges may vary according to the location of the parking stands or places, the class of vehicles for which the parking stands or places are intended or as the council may otherwise determine, but the council may in its discretion grant free use of all or any parking stands or places for all vehicles or any particular class thereof for such period of time or during such hours as may be specified in the by-law,
- Parking meters (h) establishing, controlling and regulating a parking meter system or providing in any other manner for the collection of fees or charges payable by persons using parking stands or places,
- Truck routes (i) defining the route or routes through the municipality that vehicles or any particular class of vehicle must follow in entering or traversing the municipality,
- Parking prohibition (j) prohibiting the parking of any vehicle in any private parking place or on any private property by any person other than the owner, occupant, licensee or permittee of the parking place or private property except with the consent of such owner, occupant, licensee or permittee,
- Towing away (k) authorizing the owner, occupant, licensee or permittee of any private property to remove or cause the removal of any vehicle that is

unlawfully placed, left or kept on any privately owned property, to impound or store the vehicle and to release it to the owner upon payment of the cost of removal and impounding or storage within a period of thirty days after the date of the removal of the vehicle or within such extended period as may be specified in the by-law, and providing for the recovery of the cost, if not paid within the specified period, from the owner of the vehicle by action in court of competent jurisdiction or by sale of the vehicle at public auction or private sale,

Removal of  
vehicles  
unlawfully  
parked

- (1) authorizing a peace officer or any designated officer to remove or cause the removal of any vehicle that is unlawfully placed, left or kept on any highway, public parking place, other public place or on municipally owned property, to impound or store the vehicle, and shall upon impoundment mail or deliver notice to the registered owner of the vehicle at his last known address informing the owner of the location of the impounded vehicle and the conditions for its release, and to release it to the owner upon payment of the cost of removal and impounding or storage within a period of thirty days after the date of the removal of the vehicle or within such extended period as may be specified in the by-law and providing for the recovery of the costs, if not paid within the specified period, from the owner of the vehicle by action in court of competent jurisdiction or by sale of the vehicle at public auction or private sale,

Regulations

- (m) making regulations with respect to
  - (i) obstruction of traffic,
  - (ii) one-way street,
  - (iii) pedestrian or bicycle traffic,
  - (iv) safety zones,
  - (v) turning,
  - (vi) loading zones and bus stops,
  - (vii) traffic on highways in the vicinity of public schools,
  - (viii) traffic at intersections,
  - (ix) the right-of-way of one vehicle over another or of a pedestrian over a vehicle or vice versa, and
  - (x) the directions that a vehicle must follow on certain highways within the municipality, and may impose penalties for a violation of any such by-laws, and if any by-law departs from the rules laid down in this section and the departure is indicated to drivers by means of signs or devices for controlling traffic or by traffic officers, every driver within the municipality shall conform to the by-law.

Recreational vehicles

- (2) Subject to this Ordinance, the council may pass by-laws
  - (a) imposing penalties on persons travelling on sidewalks on horseback, bicycle or other vehicle, and
  - (b) controlling, regulating and providing a system of registration, including the authority to seize and impound, all-terrain vehicles, motorcycles, motorized toboggans and bicycles whether on or off a highway.

Division (4) - Control of Animals, Insects and Birds

By-laws preventing spread of animal diseases, etc.

- 300(1) The council may pass by-laws for the purpose of preventing the spread of



tuberculosis, and other animal disease that are communicable to human beings and without restricting the generality of the foregoing, may pass by-laws empowering designated persons to make such inspections as may be required for effectually carrying out the provisions of this section.

By-laws  
regulating  
animals,  
insects and  
birds

301(1)

For the purpose of regulating and controlling animals, birds and insects, the council of any municipality may pass by-laws

- (a) preventing the leading, riding and driving of cattle, horses or other animals in any public place,
- (b) restraining and regulating the running at large of animals, and providing for the impounding or destruction of animals running at large and where an animal is impounded make provision for the killing, sale or other disposition of impounded animals if not claimed from the pound within a specified time or if the claimant does not comply within a specified time with such conditions governing payment of costs and expenses and removal from the pound as the by-law may provide,
- (c) classifying dogs for licensing purposes,
- (d) prescribing a tariff or licence fee to be paid by persons owning, possessing or harbouring dogs which fee may vary as between the different classification of dogs,
- (e) require that owners, possessors, or harbourers of dogs, or any class of dogs, shall keep them effectively muzzled while they are at large or upon a highway or public place or shall keep them on leash or under

- control of a competent person while upon a highway or public place as the by-law may direct,
- (f) regulating the keeping by any person of wild or domestic animals or poultry or other birds within the limits of the municipality,
  - (g) prohibiting the keeping by any person of wild or domestic animals or poultry in any specified part or parts of the municipality where, in the opinion of council, that keeping is likely to cause a nuisance,
  - (h) for regulating the moving and keeping of bees, and defining areas within which such bees may be kept or within which the keeping of them is prohibited,
  - (i) for the purposes of eliminating or mitigating within the municipality biting insects and insect pests,
  - (j) regulate the sale of animals,
  - (k) for the prevention of cruelty to animals,
  - (l) regulating the location of kennels or other places for the training, care, breeding, treatment or boarding of animals,
  - (m) providing for the seizure and detention or destruction, of animals unlawfully permitted to be at large, and
  - (n) regulate and fix the fines and fees to be levied.

Division (5) - Sundry Regulations and Provisions

Sundry regulations and powers

- 302(1) Notwithstanding any other Ordinance or regulations thereunder the council may by by-law regulate or prohibit
- (a) sales by auction in a public market,
  - (b) athletic contests of whatever nature in a municipality,
  - (c) the removal of soil, sand, gravel, rock or other substance of which

land is composed from any lands within the municipality, and require the holding of a permit for such purpose and, fix a fee for such permit and different regulations and prohibitions may be made for different areas,

- (d) the deposit of soil, sand, gravel, rock or other material on lands within the municipality or within any area within the municipality and require the holding of a permit for such purpose and fix a fee for such permit and different regulations and prohibitions may be made for different areas, and
- (e) the cutting of trees on lands within the municipality or within any area within the municipality and require the holding of a permit for such purpose and fix a fee for such permit and different regulations and prohibitions may be made for different areas.

Curfew for children

303(1)

Notwithstanding the Curfew Ordinance, council may by by-law

- (a) regulate the time after which children shall not be in a public place at night without proper guardianship, and
- (b) designate the age or apparent age of children to whom the by-law applies.

- (2) A child to whom the by-law applies who is found in a public place after the time so fixed may be warned to go home by a peace officer and if after the warning the child refuses or fails to go home he may be taken to his home or to a shelter by the peace officer.

- (3) Any parent or guardian who permits his child or ward habitually to contravene a by-law adopted under this section commits an offence and is liable, on summary conviction to a fine not exceeding the sum of one hundred dollars.

By-law provisions for preventing and abating nuisances and disturbances, etc.

- 304(1) The council may by by-law
- (a) require owners or occupiers of buildings to prevent pigeons or other birds from perching, roosting, or nesting thereon, and regulate the feeding of pigeons or other birds by persons other than their owners,
  - (b) prevent, abate, and prohibit nuisances and provide for the recovery of the cost of abatement of nuisances from the person causing the nuisance or such other person or persons as may be described in the by-law,
  - (c) regulate or prohibit the making or causing of noises or sounds in or on a highway or elsewhere in the municipality which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity, or which in the opinion of the council are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public, and may make different regulations or prohibitions for different areas of the municipality,
  - (d) prevent or prohibit persons from shouting, using megaphones, and making other noise in or at or on streets, wharves, docks, piers, railway stations, or other public places,
  - (e) regulate or prohibit the sale or disposal to any person of firecrackers

- and other fireworks of every nature or kind,
- (f) prohibit persons from causing or permitting water, rubbish, or noxious, offensive, or unwholesome matter or substance to collect or accumulate around their premises, or from depositing or throwing bottles, broken glass, or other rubbish in any open place,
  - (g) prohibit the owners or occupiers of real property from allowing property to become untidy or unsightly, and require them to remove therefrom any accumulation of filth, discarded materials, or rubbish of any kind, and for providing that in default of such removal the municipality, by its workmen or others, may enter and effect such removal at the expense of the person so defaulting; and for providing that the charges for so doing, if unpaid on the thirty-first day of December in any year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears,
  - (h) require the owners or occupiers of real property, or their agents, to eliminate or reduce the fouling or contaminating of the atmosphere through the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes, or other effluvia; and for prescribing measures and precautions to be taken for such purpose; and for fixing limits not to be exceeded in respect of such emissions,
  - (i) require manufacturers and processors to dispose of the waste from their plants in the manner directed by the by-law,

- (j) require the owners or occupiers of real property, or their agents to clear such property of brush, noxious weeds, or other growths; and for providing that in default of such clearing the municipality, by its workmen or others, may enter and effect such clearing at the expense of the person so defaulting; and for providing that the charges for so doing, if unpaid on the thirty-first day of December in any year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrear,
- (k) prohibit the posting, exhibiting or distributing of placards, play-bills, posters, advertising, writings or pictures or the writing of words, or the making of pictures or drawings which are indecent or may tend to corrupt or demoralize, on walls or fences, or elsewhere on or adjacent to a highway or public place, and
- (l) prohibit the carrying-on of any noxious or offensive trade, business, or manufacture.

By-laws  
to  
regulate  
firearms  
and  
explosives

305(1)

The council may, by by-law applicable throughout the municipality or within any defined area or areas thereof, regulate or prohibit and the regulations may be different for different areas

- (a) the discharging of firearms, including air guns, air rifles, air pistols, and spring guns, or the exploding of firecrackers or other fireworks,
- (b) notwithstanding any regulation or prohibition enacted under clause (a), the council may authorize the issuance of a permit to any person or organization for the purpose of

- the observance or celebration of any special event or festival by the use of firecrackers or other fireworks of any nature or kind, and may specify the terms and conditions thereof, and
- (c) the use of any explosive agent for blasting, and for regulating persons engaged in blasting, and for requiring persons engaged in blasting to give security for damage to persons who, or whose property, may be injured thereby.

Division (6) - Public Nuisances

- |                                       |        |  |
|---------------------------------------|--------|--|
| definitions of "building" and "owner" | 306(1) | In this section "building" includes any fence, scaffolding, structure or erection and "owner" means the person in whose name the title to the property is registered and includes the person whose name appears as owner of the land or building in the assessment records of the municipality.  |
| Building a nuisance                   | (2)    | The council may by by-law declare any building to be a nuisance if the council is of the opinion that the building is dangerous to public safety or health.  |
|                                       | (3)    | Subject to subsection (9), where a building has been declared under subsection (2) to be a nuisance, the council may by order require the owner, within the time specified in the order, which shall not be less than three months from the date of service of the order upon the owner<br>(a) to demolish or remove the building and to fill in the open basement or excavation remaining on the site of the building after the demolition or removal thereof or take such other measures with respect to the basement or excavation as may be described in the order, or |

- (b) to improve the condition of the building in the manner and to the extent described in the order.
- (4) An order made under subsection (3) may be personally served upon the owner or sent to him by registered mail at his last known address as shown by the assessment roll or by the records of the Land Titles Office and the council may direct that notice of the order be affixed to any part of the building and may authorize an agent of the municipality to cause such notice to be affixed to the building; and where the owner is deceased or his address is unknown, a copy of the order shall be published in at least two issues of a newspaper circulating in the municipality.
- (5) If an owner does not comply with an order made under subsection (3) within the time specified therein, the council may proceed to have such work done as it considers necessary for the purpose of carrying out the order, and the cost of the work shall be added to and form part of the taxes on the land on which the building is or was situated.
- (6) Where the council proceeds under subsection (5) and the building is occupied, the council may, if it is of the opinion that the work cannot be conveniently carried out while the building is occupied, by written notice require the person occupying the building to vacate the building forthwith.
- (7) Where a person to whom the notice has been given under subsection (6) fails to vacate the building forthwith after receiving the notice, the council may apply ex parte to a judge in chambers



for an order requiring the person to deliver up possession of the land on which the building is situated and of the building, to a nominee of the council and upon such an application, the judge may make such order, including an order as to costs, as he deems just.

- (8) Where the council proceeds under subsection (5) and removes or demolishes the building, it may sell, or otherwise dispose of the building or the materials therefrom, as the case may be, at such price as it considers reasonable, and shall pay the proceeds of the sale or other disposition, after deducting the amount of the cost of the work, any costs awarded to the council under subsection (7), and any taxes owing in respect of the property, to the owner, mortgagee or other person entitled thereto.
- (9) Before making an order under subsection (3), the council shall cause not less than one month's prior written notice to be given to the owner specifying the date, time and place of a meeting of the council at which the making of such an order will be considered and stating that the owner will be given an opportunity to be heard at the meeting before an order is made; and in such case a building permit or demolition permit may be withheld pending the issuance of an order under subsection (3) of this section.
- (10) A notice under subsection (9) may be personally served upon the owner or sent to him by registered mail at his last known address as shown by the assessment roll or by the records of the Land Titles Office; and where the owner is deceased or his address is unknown, a

copy of this notice shall be published in at least two issues of a newspaper circulating in the municipality.

- (11) The owner of the building affected by an order made under subsection (3), or any other person having a registered interest in the building who considers himself aggrieved by the order, may within thirty days after service of the order upon the owner, apply by notice of motion to a judge in chambers for a review of the matter and the judge, if satisfied
  - (a) that the council acted in a manner contrary to the intent and meaning of this section, or
  - (b) that the procedure prescribed in this section has not been followed,may set aside, vary or modify the order on such terms as to costs and otherwise as he deems just.
  
- (12) No action lies against the municipality or the council or any of its officials, agents or servants of the municipality, in respect of any matter or thing done under this section.

Junked  
vehicles

- 307(1) Where an owner or occupant of property keeps or permits to be kept thereon a junked vehicle, the council may serve a notice on such owner or occupant, as the case may be, which notice shall set out the time and place of a council meeting at which the owner or occupant as the case may be, may appear to show the cause why the junked vehicle should not be removed from the property and destroyed.
  
- (2) Service of a notice under subsection (1) shall be by personal service and shall be made not less than three days before the date of the council meeting referred to therein.

- (3) Notwithstanding subsection (2), where a junked vehicle is located on vacant property and the address of the owner is unknown to council, the notice mentioned in subsection (2) shall be published in at least two issues of a newspaper circulating in the municipality, the last publication of which shall be not less than three days before the council meeting mentioned in the notice.
- (4) Where the owner or occupant, as the case may be
  - (a) does not appear before council pursuant to the notice under subsection (3) or (4) as the case may be, or
  - (b) appears before council and fails to satisfy the council that the junked vehicle should not be removed from the property and destroyed, the council or its authorized agent or employee may remove the junked vehicle from the property and destroy it at the expense of the municipality.
- (5) The council may postpone the removal and destruction of the junked vehicle on conditions which it considers necessary.
- (6) For the purposes of this section, a "junked vehicle" means a vehicle that
  - (a) is either in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition, and
  - (b) is not located in a building and does not form part of the business enterprise lawfully being operated on that property.
- (7) The council shall be the judge as to whether any vehicle is a junked vehicle within the meaning of this section.

Definition  
of  
"junked  
vehicle"

Removal and disposal of abandoned vehicles

- (8) No action lies against the municipality or its agent or employee for any reasonable or necessary acts committed in connection with any removal or destruction or both, of a junked vehicle in accordance with this section.
- 308(1) Where any vehicle has been left or placed upon any highway, public place or municipality owned property and has been allowed to remain there for ten days or more and the owner thereof cannot after reasonable inquiry be ascertained, the vehicle shall be deemed to be abandoned.
- (2) The council may by resolution order that a vehicle which is deemed to be abandoned within the meaning of subsection (1), be removed by the municipality from the place where it is abandoned and sold, destroyed, or otherwise disposed of as the council may decide.
- (3) Where a council pursuant to subsection (2) decides to sell, destroy or otherwise dispose of an abandoned vehicle it shall, at least fifteen days before doing so, publish a notice of its decision in a newspaper circulating in the municipality together with a description of the abandoned vehicle.
- (4) When an abandoned vehicle is sold pursuant to the council's order under this section, the proceeds of the sale shall be applied against the cost of removal of the vehicle and any balance remaining shall form part of the general funds of the municipality and in such case, the purchaser of the vehicle shall, notwithstanding the provisions of any other Ordinance, obtain good title thereto free and clear of all encumbrances.

- (5)      Notwithstanding the provisions of any other Ordinance, no action lies or shall be brought against a council which sells, destroys or otherwise disposes of a vehicle in compliance with the provisions of this section.

PART VII - PLANNING, LAND USE AND DEVELOPMENT

Division 1 - Official Community Plan

Preparation of  
official commu-  
nity Plan

- 309(1) The council of a municipality shall within two years of incorporation adopt by by-law an official community plan in accordance with the provisions of this Part.
- (2) The Commissioner may from time to time extend the time for the adoption of an official community plan.
- (3) The Commissioner may, after consultation with the council of a municipality, direct the council to prepare or amend an official community plan for all or part of the municipality.
- (4) The council of a municipality may by resolution authorize the preparation or amendment of an official community plan, such plan or amendment shall be adopted within two years.

Purpose of  
an official  
community plan

- 310(1) The purposes of an official community plan are:
- (a) to serve as a framework whereby the municipality and the community as a whole may be guided in formulating development policies and decisions;
- (b) to identify the factors relevant to the use and development of land;
- (c) to identify the critical problems and opportunities concerning the development of land and the social, environmental and economic effects thereof;
- (d) to set forth the desired timing, patterns and characteristics of the future development of land and to determine the probable social,

environmental and economic consequences thereof;

- (e) to identify the programs and actions necessary for the implementation of the official community plan;
- (f) to outline the methods whereby the best use and development of land and other resources in adjacent areas may be coordinated;
- (g) to identify those matters of government concern which affect the use and development of land and other resources within the municipality.

Contents of an official community plan

311(1) An official community plan shall consist of the plans and supporting material defining the future physical, social and economic development of the municipality.

Commissioner may make regulations

(2) The Commissioner may make regulations not inconsistent with this Ordinance governing the preparation and contents of an official community plan.

Exercise of powers by Commissioner

312(1) Where the council of a municipality fails to prepare or adopt an official community plan, or to direct development in accordance with an official community plan, the Commissioner may exercise any of the powers of the council under this Part after giving at least thirty days written notice to the municipality of his intention to do so.

Notice of adoption of official community plan

313(1) The Council shall give notice of its intention to adopt an official community plan by advertisement inserted at least once a week for two successive weeks in a newspaper circulating in the area affected, or by any other method approved by the council; the first of the notices shall be published at least four clear weeks before a date fixed by the council for the consideration of submissions respecting the plan; and the notice

shall state a place where and the hours during which, the plan may be inspected by any interested person and the time and place fixed for the consideration by the council of written submissions respecting the plan.

Consideration  
of submissions

314(1)

The council shall make suitable provisions for the inspection of the official community plan by interested persons, and shall hear and determine all verbal and written submissions thereto before adopting the plan.

Approval of  
Yukon Municipal  
Board

315(1)

No by-law passed under this division shall be valid unless prior to the third reading of the by-law, the council has obtained the written approval of the official community plan by the Yukon Municipal Board.

(2)

The Yukon Municipal Board, in reviewing an official community plan, shall consider only

(a) whether the official community plan conforms to the requirements of this Ordinance;

(b) whether the council has, in preparing and adopting the official community plan, complied with the requirements of this Ordinance.

(3)

The Yukon Municipal Board, after considering the proposed plan, may hold a public hearing and in such case the provisions of section 313 shall apply mutatis mutandis and shall

(a) approve the plan, or

(b) refer the plan back to council with recommendations for modifications.

(4)

The Yukon Municipal Board on completion of any public hearing held under this



section shall submit a report on such hearing to the council and to the Commissioner.

Commissioner's approval

316(1)

The municipality shall, following compliance with section 315 submit to the Commissioner:

- (a) two copies of the official community plan certified correct by the clerk of the municipality and a copy of the by-law adopting the official community plan; and
- (b) a copy of written approval by the Yukon Municipal Board pursuant to section 315.

- (2) An official community plan shall have no effect until approved by the Commissioner.
- (3) The Commissioner shall with respect to an official community plan submitted to him under this section
  - (a) approve the plan, or
  - (b) disapprove the plan, or
  - (c) approve the plan subject to such reservations and qualifications as may appear to him to be necessary or desirable.
- (4) Where the Commissioner disapproves an official community plan or approves it subject to reservations and qualifications, he may direct the council to:
  - (a) prepare an official community plan; or
  - (b) amend the official community plan and may direct the council to give notice of the changes made therein.
- (5) Where the Commissioner directs the municipality to amend the official community plan and to give notice of the changes made therein, sections 313, 314 and 315 apply mutatis mutandis.

Effect of adoptions of official community plan

- 317(1) Council shall not enact any provision or carry out any development contrary to or at variance with an official community plan.
- (2) No person shall carry out any development that is contrary to, or at variance with an official community plan.
- (3) The Governments of Canada and Yukon, and any agency thereof, shall not carry out any development contrary to or at variance with an official community plan.
- (4) Notwithstanding subsection (2), council is not empowered to impair the rights and privileges to which an owner of land is otherwise lawfully entitled.
- (5) The adoption of an official community plan shall not commit the council or any other person, association, organization, or any department or agency of the Governments of Canada or Yukon to undertake any of the projects outlined in the official community plan.
- (6) The adoption of an official community plan does not authorize council to proceed with the undertaking of any project except in accordance with the procedure and restrictions laid down therefor by this or any other Ordinance.

Effect of official community plan on zoning by-law, etc.

- 318(1) Where any existing zoning by-law or regulation under the Area Development Ordinance is at variance with the provisions of an official community plan, the provisions of the plan shall supersede the provisions of the by-law or regulation.

Subdivision by-law

- 319(1) Upon adoption of an official community plan, the council may enact a by-law to control the subdivision of land under Division 4 of this Part.

- Amending procedure 320(1) An official community plan may be amended but any such amendment shall be made in accordance with the procedure established in this Part for the preparation and adoption of such a plan.
- Council to review official community plan 321(1) The council shall review the official community plan:  
(a) not more than five years after adoption of the plan;  
(b) when requested to do so by the Yukon Municipal Board or by the Inspector.
- (2) The council may review the official community plan whenever it considers it necessary to do so.
- (3) A review of an official community plan shall be carried out in the manner of preparing an official community plan, but if the plan is found not to require any amendment, a resolution of council re-adopting the plan, approved by the Yukon Municipal Board and the Commissioner shall be considered a satisfactory re-enactment of the plan.
- Boundary alteration 322(1) When the boundaries of a municipality are altered, the council shall forthwith review the official community plan and within one year of the boundary alteration shall submit an amended plan to the Yukon Municipal Board and the Commissioner for approval.
- (2) Where a plan is reviewed and amended following a boundary alteration, the amendment shall apply, but is not limited to, the area subject to the boundary alteration.

Division 2 - Zoning By-law

- Existing zoning by-laws continued
- 323(1) A zoning by-law approved under any former Municipal Ordinance and subsisting on the day on which this Ordinance comes into force is continued in force until repealed as provided in this Ordinance.
- 324(1) Where an official community plan is adopted the council shall within one year adopt a zoning by-law applicable to the land affected by the official community plan.
- (2) The Commissioner may from time to time extend the time allowed for adoption of a zoning by-law.
- (3) The Commissioner may, after consultation with the council of a municipality direct the municipality to prepare or amend a zoning by-law for all or part of the municipality.
- No zoning by-law without official community plan
- 325(1) The council of a municipality shall not pass a zoning by-law without first adopting an official community plan.
- Action by Commissioner
- 326(1) Where a council has not adopted a zoning by-law within one year of adopting an official community plan or of receiving a direction from the Commissioner, or where the council fails to direct development in accordance with a zoning by-law, the Commissioner may exercise any of the powers of the council under this Part after giving at least thirty days written notice to the municipality of his intention to do so.
- Purpose of a zoning by-law
- 327(1) The purposes of a zoning by-law are:  
(a) to implement the development control provisions of the official community plan;

- (b) to provide for the amenity of the area within the council's jurisdiction; and
  - (c) to provide for the health, safety and general welfare of the inhabitants of the municipality.
- (2) The council of a municipality shall not pass a zoning by-law or any amendment thereto that does not conform to the provisions of an official community plan.
- (3) The Commissioner shall not approve a zoning by-law that does not conform to the provisions of an approved official community plan.
- Compulsory content of a zoning by-law
- 328(1) A zoning by-law shall provide for the establishment of a board of variance and shall provide for an appeal thereto and therefrom to the Yukon Municipal Board in accordance with the provisions of this Part.
- (2) A zoning by-law shall contain no provision that would:
- (a) permit only public development, or
  - (b) permit no use to be made of land, buildings or other structures unless the land, building or structure is the property of the municipality.
- 329(1) A zoning by-law may provide for a system of development and use permits, prescribe the terms and conditions under which a permit may be issued, suspended or revoked, and prescribe forms for permits and applications therefor.
- (2) A zoning by-law may prescribe the development permitted in a district for which no development permit shall be required.

- (3) For greater certainty but without limiting the purpose of a zoning by-law stated by section 327 every zoning by-law may prescribe or establish zones or districts of such number, shape and area as may be considered by the council best suited for any or all of the following purposes or any other unspecified purpose and within those districts or any of them, may:
- (a) permit, regulate or prohibit the use of land for business, industry, residence or any other purpose;
  - (b) permit, regulate or prohibit the use, for business, industry, residence or any other purpose, of buildings and other structures erected, placed, constructed, reconstructed, altered or repaired after the passing of the by-law;
  - (c) permit, regulate or prohibit the location of any or all classes of businesses, industries, trades, callings or professions, the location of apartments, townhouses, terraces, club houses, group homes or residences, dwellings, the location of public and semi-public buildings or property designed for specified uses;
  - (d) prescribe the class of use of land or buildings or land and buildings that shall be excluded or subjected to special regulations or standards, designate the use for which buildings may not be erected, placed, or constructed, reconstructed, altered or repaired or for which land may not be used, and designate the class of use that only shall be permitted;
  - (e) prescribe the minimum and maximum size of lots or parcels into which land may be subdivided and the minimum area of land required for any particular class of use or size of building;

- (f) prescribe the minimum and maximum density of population or intensity of development;
- (g) prohibit the erection of any building or other structure on land that is subject to flooding, slumping, earth movement, the presence of ice, or other instability or on land where, owing to bad natural drainage, steep slopes, rock formations, the presence of ice or other similar features, the cost of providing satisfactory waterworks, sewerage, drainage or other public utility would, in the opinion of the council, be prohibitive;
- (h) regulate the location, height, number of storeys, area and volume of buildings and other structures, erected, placed, constructed, reconstructed, altered, or repaired after the passing of the by-law;
- (i) regulate the percentage of a lot or parcel of subdivided land that may be built upon and the size of yards, courts and other open spaces;
- (j) require the owners or occupants of buildings or other structures to be erected or used for any purpose specified in the by-law to provide and maintain any necessary loading or parking facilities on land that is not part of a public highway;
- (k) regulate or prohibit the public display of signs and advertisements and regulate the nature, kind, size, location, colour, illumination and inscription of any sign or advertisement displayed;
- (l) regulate or prohibit the location of campers, trailers and mobile homes, campgrounds, trailer parks and mobile home parks and mobile home subdivisions and regulate the

internal layout and standard of services to be provided in campgrounds, trailer parks and mobile home parks;

- (m) regulate the external architectural appearance and facing materials of buildings or structures in such districts or parts of the municipality as the council considers appropriate;
- (n) regulate the architectural appearance and building materials or facing materials in those areas in a municipality considered to be of special significance to the heritage of the municipality, territory or Canada;
- (o) regulate the location of buildings or structures to ensure the optimum exposure of buildings to the sun and to ensure that no building inhibits the exposure of another building, whether on the same lot or adjacent land, to the sun;
- (p) permit, regulate or prohibit the removal from the ground of soil, gravel, sand, silt, aggregate or other surficial materials.
- (q) provide for a municipal planning board with powers and duties as prescribed in section 388.

- (4) A zoning by-law may also prescribe in respect of a zone or district the use of land or buildings or other structures that may be permitted in the district for such limited time only as may be fixed by the by-law, including such special conditions of use as may be determined by the council in each particular instance; but no such use shall be contrary to an official community plan.

330(1) The districts or zones established in the zoning by-law shall be shown on a



map attached to and forming part of the by-law, and where necessary zones or districts may be described.

- (2) The map shall bear a statement that it accompanies the zoning by-law, shall be under the seal of the municipality and shall be signed by the mayor and the clerk.
- (3) The map shall be drawn so that individual lots and parcels may be identified.
- (4) The zoning by-law shall contain a statement indicating whether the text or map take precedence in determining the boundaries of zones or districts.

Payments in lieu of providing off-street parking facilities

331(1) Where a zoning by-law requires any parking facilities on land that is not part of a public highway, as set out in clause (j) of subsection 329(3), the council may by the same or another by-law exempt a person from the requirement of providing the parking facilities where, in lieu thereof, the person pays to or agrees to pay to the council a sum calculated by multiplying the number of such parking spaces that the person would otherwise be required to provide by the amount fixed for each parking space; and the payment of or agreement to pay such sum shall be subject to such terms and conditions as the council may determine.

No development or use without permit

332(1) Where a zoning by-law is in effect no development shall be undertaken or use commenced unless a development permit, or use permit as the case may be, where such a permit is required, has been obtained.

- (2) A development permit or use permit shall not be valid unless it conforms with the zoning by-law and the provisions of this Ordinance.
- (3) A building permit shall not be valid unless a subsisting development permit, where such a permit is required, has been issued.

Notice of proposed by-law or amendment

- 333(1) The council shall give notice of its intention to pass a zoning by-law or amendment thereto by advertisement inserted at least once a week for two successive weeks in a newspaper circulating in the area affected, or by any other method approved by the council.
  - (2) The notice shall:
    - (a) describe the area affected by the by-law or amendment by:
      - (i) reference to street names and addresses and commonly understood area designations;
      - (ii) publication of a map of the area; or
      - (iii) in case of an amendment of general application, which does not designate land for specific uses, by a description of the type of property affected according to zoning districts but not by the specific location of all such property;
    - (b) state a place where and the hours during which the zoning by-law may be inspected by any interested person, and the time and place set for consideration by the council of written submissions respecting the by-law;
    - (c) in the case of an amendment, include a statement of the reasons for and an explanation of the amendment.

(3) Notwithstanding subsection (1) the council shall serve a copy of the notice on each assessed owner of property within a radius of one hundred metres from the property affected by any zoning amendment; and such notice shall be deliver by personal service or by regular first class mail to the address of the owner shown on the latest authenticated assessment role.

334(1) The council shall make copies of the proposed by-law or amendment available at cost to any interested person, together with a copy of the notice setting out the time and place set for the hearing.

335(1) The council shall make suitable provision for inspection of the zoning by-law or amendment by interested persons and before passing the by-law or amendment, shall hear and consider all verbal and written submissions thereto.

(2) The meeting to consider submissions regarding the proposed by-law or amendment shall be held not earlier than seven days after the last date of publication of the notice referred to in section 333.

Approval by  
Commissioner

336(1) No zoning by-law shall be valid unless prior to third reading of the by-law, the council has obtained the written approval of the by-law by the Commissioner.

(2) The municipality shall submit to the Commissioner two copies of the zoning by-law certified correct by the clerk of the municipality.

(3) The Commissioner shall:  
(a) approve the zoning by-law, or  
(b) reject the zoning by-law, or

(c) approve the zoning by-law subject to such reservations and qualifications as may appear to him to be necessary or desirable.

(4) Where the Commissioner rejects a zoning by-law or approves it subject to reservations and qualifications he may direct the council to:

- (a) prepare a new zoning by-law or
- (b) amend the zoning by-law and may direct the council to give notice of the changes made therein.

(5) Where the Commissioner directs the municipality to amend a zoning by-law and to give notice of the changes amde therein, sections 333, 334 and 335 apply mutatis mutandis.

Effect of  
adopting  
zoning  
by-law

- 337(1) Council shall not enact any provision or carry out any development contrary to or at variance with a zoning by-law.
- (2) No person shall carry out any development that is contrary to, or at variance with a zoning by-law.
- (3) The governments of Canada and Yukon and any agency thereof, shall not carry out any development contrary to or at variance with a zoning by-law.
- (4) Notwithstanding subsection (2), council is not empowered to impair the rights and privileges to which an owner of land is otherwise lawfully entitled.

Review of  
zoning  
by-law

- 338(1) Every zoning by-law shall be reviewed and consolidated by the council:
- (a) when the council considers it necessary; or
  - (b) when the official community plan is reviewed.

Fee for zoning amendment application

- 339(1) A zoning by-law may provide that when an application is made to a council for an amendment to the by-law, it shall be accompanied by an application fee not exceeding five hundred dollars.
- (2) The zoning by-law may provide that if the amendment proposed by the applicant is adopted by the council, the fee may be refunded in whole or in part to the applicant.

Division 3 - Interim Development Control

Interim control

- 340(1) From and after:
- (a) the date of a resolution passed under subsection 309(4), or
  - (b) a direction of the Commissioner under subsection 309(3), or
  - (c) the date of proclamation of this Ordinance, or
  - (d) the date of adoption of an official community plan under section 324,
- the council may by resolution provide that no person shall carry out any development within the area that will be affected by the proposed official community plan or zoning by-law as the case may be except with the written permission of the council of the municipality.
- (2) A municipality shall give notice of its intention to pass a resolution under subsection (1) by publishing an advertisement inserted at least once a week for two successive weeks in a newspaper circulating in the area in which the proposed development is planned, or by any other method approved by the council; and the first of the notices shall be published at least four clear weeks before a date fixed by the council for passing the resolution.

- (3) A person who desires to carry out any development in an area that will be affected by the proposed official community plan or zoning by-law shall apply to the council of the municipality for permission to carry out the development and upon receipt of such an application, the council of the municipality shall, within sixty days:
- (a) grant the permission applied for;
  - (b) grant the permission applied for subject to specified conditions;
  - (c) defer making a decision in respect of the application for a period not exceeding six months from the date of application; or
  - (d) refuse the permission applied for.
- (4) Notwithstanding subsection (3), no development that is contrary to:
- (a) an existing official community plan;
  - (b) an existing zoning by-law
- shall be permitted in an area that will be affected by a proposed official community plan or a proposed zoning by-law until the plan or by-law has been approved by the Commissioner and thereafter development shall only be permitted in accordance with such by-law.
- (5) A person aggrieved by the decision of the council of the municipality under subsection (3) may appeal to the Yukon Municipal Board.

Council may withhold building permit for a limited time

- 341(1) From and after the first publication by a municipality of an advertisement under subsection 340(2) the council of the municipality may withhold the issuance of a building permit for any building or other structure in the area affected by the proposed resolution for a period not exceeding three months from the date of the application for the permit.

Effect of failure to adopt by-law 342(1) When a council fails to adopt an official community plan or zoning by-law, any refusal of permission to, or conditions imposed upon a grant of permission to, carry out development made pursuant to section 340 or 341 becomes invalid and the development may be carried out as if the resolution to prohibit the carrying out of development had never been passed.

Division 4 - Subdivisions

Interpretation 343(1) In this Division "application" means an application for approval of a proposed subdivision of land; "subdivision" means the division of a lot or parcel by an instrument, or the creation of a new parcel from previously unsubdivided land, and "subdivide" has a corresponding meaning.

Approval of Commissioner 344(1) No subdivision of land shall be made unless in accordance with this Ordinance and the regulations and with plans and specifications submitted to and approved by the approving authority.

Approving authority 345(1) The Commissioner may by Order declare that from a date to be named in the Order:  
(a) the Inspector shall be an approving authority within that area of a municipality not under the jurisdiction of any other approving authority;  
(b) a council shall be an approving authority within the area under its jurisdiction;  
(c) a council shall only be made an approving authority if it has adopted a subdivision control by-law approved by the Commissioner.

Agrees to  
subdivision

346(1) Every person who makes or agrees to make a subdivision shall provide access thereto by a highway approved under regulations made by the Commissioner, or under regulations made by an approving authority and approved by the Commissioner, as the case may be.

(2) Subsection (1) shall not apply to:

(a) land intended for use as a railway right-of-way, or a right-of-way for a ditch, irrigation canal, pipeline, telecommunication or power transmissions line, or as a municipal utility described in section 349,

(b) land conveyed or to be conveyed to the owner of adjoining land to which access has been provided by a public highway, if in the opinion of the approving authority, the land conveyed or to be conveyed and the adjoining land are to be used for a common purpose and if the certificates of title to the lands may be consolidated into one certificate for one consolidated parcel of land.

(3) The requirement for access under subsection (1) may be waived by the approving authority where strict compliance is impractical or unnecessary, but the design shall not be such as to preclude the provision of access at some future time.

Public  
reserves

347(1) Every plan of proposed subdivision shall make provision for the dedication to the public use, in addition of streets and lanes to a maximum of ten percent of the land to be subdivided, except that the requirements of this section shall not apply to:

(a) land to be subdivided into units of four hectares or over in area;



- (b) land intended for a railway station ground or right-of-way, or a right-of-way for a ditch, irrigation canal, pipeline, telephone line or power transmission line, or a reservoir or a sewage lagoon;
  - (c) land to be resubdivided for the purpose of correcting or rearranging boundaries or land previously included in an area subject to the requirements of this section, and where reversionary rights have been exercised on any subdivision, no further dedication for public use shall be required.
- (2) Notwithstanding subsection (1), where land adjacent to surface water or any other body of water is to be subdivided for other than public recreational uses, the following dedication of land to the public use may be required
- (a) a parcel of land, of such width as may be determined by the approving authority, lying between the bank of the land containing the water and the land to be retained by the owner, for the preservation of the bank and the protection of the land retained by the owner against flooding and to provide public access to the water;
  - (b) other land as may be required to provide access to the shoreline of the land containing the water to serve the proposed subdivision, not exceeding ten percent of the area of the land to be subdivided.
- (3) Where the approving authority so determines, no subdivision shall be carried out on any sloping land or on any land that the approving authority considers may be unstable unless it has been certified

after a consideration of geotechnical survey data and analysis in respect of the land carried out in accordance with good professional practice at the expense of the person proposing the subdivision, that the land is suitable for development; and where subdivision of the land is not permitted the land may be dedicated to the public use and may be accepted as part of the land required to be dedicated to the public use if the dedication is approved under subsection (5).

- (4) Notwithstanding subsection (1), where the land to be subdivided contains ravines, swamps, natural drainage courses or other areas that in the opinion of the approving authority are unsuitable for building sites or other private uses, the approving authority may require that those areas be dedicated to the public use as parks, natural areas or areas for public recreational use in addition, or in part contribution, to the amount of land that is required to be dedicated to the public use pursuant to this section.
- (5) The location and suitability of land dedicated to the public use shall be subject to the approval of the approving authority.
- (6) Each parcel of land dedicated to the public use shall vest in the Crown and the parcels shall be designated on the application and plan of survey as "Public Reserve PR1" or Public Reserve PR2" and so on, as the case may be, and the area thereof shall be shown.
- (7) Where land, that was subject to the requirement for the dedication of a certain amount of the land to the public

use or that was subdivided prior to the requirement for such dedication, is designated under a zoning by-law for residential use by more than ten dwellings per hectare of the land that is subject to the plan of subdivision, or where an owner requests rezoning of any other land not previously subject to dedication to the public use, provision may be made for the dedication of additional land to the public use, provided that the total dedication shall not be more than the percentage required in subsection (1), and in such case the approving authority may require the registered owner of the land to either:

- (a) submit, within three months from the date of mailing of the notice, a plan of survey dedicating the required land to the public use; or
- (b) pay to the council, within three months from the date of mailing of the notice, an amount equal to the fair value of the required land;

and the council may:

- (c) withhold or authorize its proper officer to withhold a development permit or a building permit for any building or other structure on the land subject to the requirement for dedication to the public use or payment in lieu thereof; or
- (d) refuse the request for rezoning of the land.

- (8) Notwithstanding subsection (1) where it appears to the approving authority that the dedication of land to the public use by a person proposing a subdivision of land would serve no practical purpose or for any other reason would be unnecessary or undesirable, the approving authority may direct that the requirements of

dedicating land to the public use in respect of the proposed subdivision:

- (a) be deferred in whole or in part until a further subdivision is made; or
- (b) be waived in total and may provide that in lieu thereof the applicant be required to pay to the municipality a sum of money in an amount no greater than the value of the land that would otherwise have been dedicated to the public use, and may direct the time and method of payment.

(9) For the purpose of subsection (8), the value of the land shall be determined on the basis of its fair value immediately after the subdivision of the land, and such fair value shall be established pursuant to the Assessment and Taxation Ordinance.

(10) Where the dedication of land to the public use is deferred under clause (a) of subsection (8), the approving authority shall file a caveat against the title of the land concerned to protect the interest of the future requirement of dedicating to the public use the required amount of land.

Buffer strips

348(1) Where a subdivision design requires the provision of land as a buffer between adjacent lands and the land to be so provided consists of strips for the development or preservation of earth berms or plantings, the plan of subdivision shall, in addition to the requirement of the dedication of lands for the public use provide for strips of land of adequate width to accomplish the intended purpose and the parcels shall be designated "Buffer Strip B1" or Buffer Strip B2"

and so on and the lands comprising the buffer strips vest in the Crown.

- (2) The amount of land required to be provided as buffer strips in a subdivision of land other than for residential purposes may be included in calculating the amount of land required to be dedicated to the public use in a subdivision of land where the approving authority considers that the public interest is best served by such an arrangement.

349(1) Where a subdivision is proposed that would create a parcel of land exclusively for the use of a municipal water, sanitary sewer, drainage, electrical, natural gas, telecommunications or other similar service or utility, the parcel may be of such shape and size as may be required, and shall be designated "Utility Lot U1" or "Utility Lot U2" and so on as may be appropriate and shall only be used for such a utility.

- (2) Where a utility occupies a right-of-way which is an easement over other land, the requirements of subsection (1) shall not apply.

- (3) Where a utility occupies a utility parcel, the provisions of subsection 348(2) shall apply.

Ownership  
of dedicated  
lands

350(1) Where land is subdivided and designated a highway or a public reserve or buffer strip under sections 347 or 348 respectively, ownership of such road or parcel shall vest in the Commissioner.

351(1) All lands dedicated to the public use and lands constituting buffer areas now vested or that hereafter become vested in the Commissioner, by reason of the registration in the land titles office

of the plan of the subdivision of land into lots, blocks or parcels, and all land transferred by any person to the Commissioner for public use may be sold, leased or otherwise disposed of or transferred to any municipality subject to any condition which may be prescribed.

Commissioner  
may make  
regulations

352(1)

The Commissioner may make regulations consistent with this Part for controlling the subdivision of land.

(2)

The regulations made under subsection (1) may:

- (a) prescribe reasonable conditions respecting the submission of plans to the council, governmental agencies and public utility organizations, the information to be shown on plans or otherwise supplied, and proof of the suitability of the land and its proposed subdivision;
- (b) prescribe conditions and standards respecting the construction and manner of laying out streets, lanes, public reserves, lots, blocks and other units of land, the permissible minimum widths and maximum grades of streets and lanes, and the provision of service streets in proposed subdivisions abutting controlled access highways.

Councils may  
make regulations

353(1)

A council that has been designated as an approving authority by the Commissioner may by by-law make regulations not inconsistent with this Ordinance or the regulations made under section 352 for controlling the subdivision of land and may make regulations with respect to any matter not mentioned in regulations made by the Commissioner.



where certificate of title to the land has not been issued, as the case may be, if in its opinion it is necessary to do so.

(2) A revocation of approval of a proposed plan of subdivision may be appealed in the same manner as a refusal to approve the proposed plan may be appealed.

Refusal of approval

357(1) Subject to section 355, the approving authority shall refuse to approve a plan of proposed subdivision if in the opinion of the authority, the plan is not in the public interest, or is inconsistent with any of the provisions of this Ordinance or of any order, regulation, by-law, or other planning scheme issued, made or approved under this or any other Ordinance; and

(2) where the approving authority refuses to approve a plan of subdivision the authority shall advise the applicant of his right to appeal under this Ordinance and shall notify him respecting the time within which an appeal may be made.

Rights of appeal

358(1) Where an application for approval of a proposed plan of subdivision is refused the applicant may, within thirty days after the date on which he is served with notice of the refusal and after giving written notice to the approving authority of his intention to do so, appeal therefrom to the Municipal Board.

359(1) Where an approving authority refuses or revokes an approval of a proposed plan of subdivision, the authority shall serve the applicant with notice of the refusal or revocation by sending to him a notice thereof to the address contained in the application or by serving him personally with a copy of the notice.



- 360(1) An application to subdivide land shall be considered approved if a decision has not been made by the approving authority within ninety days of the submission of the application.
- (2) Notwithstanding subsection (1), the time allowed for consideration of an application may be extended with the approval of the Commissioner.
- Re-application of same proposal 361(1) No subsequent unaltered application for approval of a proposed subdivision of land that provides for the same use of the land shall be made by the same or any other person within six months of the date of the refusal by the approving authority.
- Restrictions on registration of instruments 362(1) Where an instrument:  
(a) granting a lease of part only of a parcel of land; or  
(b) charging, mortgaging or otherwise encumbering a part only of a parcel of land;  
has the effect or may have the effect of subdividing the parcel, the registrar shall not accept the instrument for registration unless it is approved in accordance with this Part, however:  
(c) nothing in this section prevents the registration of any such instrument in existence prior to the coming into force of this Ordinance;  
(d) the length of time during which any such instrument has been in existence shall not be taken into account by the approving authority when considering the application for approval of the subdivision.
- (2) Where a parcel of land is separated into two or more areas by a registered plan for a road or right-of-way pursuant to a

plan of subdivision or by a natural boundary the separated areas shall be deemed to be one parcel for the purposes of this Part.

Division 5 - Development Cost Charge

Development  
cost charge

- 363(1) The council, may, as a condition of its consent to an application, by by-law, impose development cost charges on every person:
- (a) who applies to the approving authority for approval of the subdivision of a parcel of land for any purpose, or;
  - (b) who applies to the municipality for a building permit authorizing the construction or alteration of buildings or structures for any purpose.
- (2) Development cost charges required to be paid pursuant to a by-law under this section shall be fixed prior to the approval of the subdivision by the approving authority or the issuance of the building permit, as the case may be, and may direct the time and method of payment.
- (3) No development cost charge shall be required to be paid:
- (a) if a development cost charge has previously been paid with respect to the same development, unless, as a result of a further subdivision or development, new capital cost burdens will be imposed on the municipality, or
  - (b) where the subdivision or development does not impose new capital cost burdens on the municipality.
- (4) A by-law under subsection (1) shall provide a schedule of development cost

charges and the charges may vary in respect of:

- (a) different defined or specified areas or zones,
  - (b) different uses,
  - (c) different capital costs related to any class of development, and
  - (d) different sizes or number of units or lots created by or as a result of development.
- (5) A development cost charge paid to a municipality shall be deposited in a development reserve fund.
- (6) The municipality shall use money deposited in a reserve fund under subsection (5) together with interest on it only for the purpose for which it was deposited; namely,
- (a) a capital payment, including planning, engineering and legal costs, for providing, altering, or expanding municipal services and other facilities of benefit to the municipality; or
  - (b) the payment of a debt incurred as a result of an expenditure made for the purposes set out in paragraph (a),
- and the payments shall be authorized by by-law.
- (7) No by-law under subsection (1) shall be adopted unless the contents have been approved by the Inspector who may, in his discretion and on consideration of the economic circumstances involved:
- (a) grant the approval, or
  - (b) refuse to grant the approval, or
  - (c) withhold or revoke the approval until the terms of the by-law are altered and amended to his satisfaction and in accordance with his directions.

Division 6 - Non-Conforming Use

- Application of municipal development plan or zoning by-law to certain buildings 364(1) Where at the date of approval of an official community plan or zoning by-law a building is lawfully under construction or all required permits for the construction of a building have been issued, the building shall be deemed to be a building existing at the date of the approval of the plan or by-law; but the erection of any such building must be commenced within twelve months after the date of issuance of the last permit relating thereto.
- Continuation of non-conforming use 365(1) The lawful use of land or of a building or other structure existing at the date of the approval of an official community plan or zoning by-law that does not conform to the plan or by-law may be continued; but if the non-conforming use is discontinued for a period of eighteen months or more, the future use of the land, building or other structure shall be in conformity with the plan or by-law.
- Extention of non-conforming use 366(1) The lawful use of a building existing at the time of the approval of an official community plan or zoning by-law that does not conform to the plan or by-law may be extended throughout the building; but no structural alterations, except those required by statute or by-law shall be made in the building while the non-conforming use is continued.
- (2) For the purpose of this section, repairs, maintenance or installations that do not alter the size of the building or involve the rearrangement or replacement of structural supporting elements shall not be considered to be structural alterations.

Damage to buildings 367(1) If a building that does not conform to the provisions of an official community plan or zoning by-law is destroyed by fire, or otherwise is damaged, to an extent of seventy-five percent or more of the assessed value of the building, it shall not be rebuilt or repaired except in conformity with the provisions of the plan or by-law.

Non-conformity not to be increased 368(1) Where the use of a building existing at the time of the approval of an official community plan or zoning by-law conforms to the plan or by-law but the building itself does not conform to the full requirements of the plan or by-law, structural alterations and additions which conform to the requirements of the by-law may be made but the element of non-conformity shall not be increased by such alteration or additions.

Change of occupancy 369(1) A change of owner, tenant or occupant of any land or building shall not be deemed to affect the use of the land or the building.

Division 7 - Business Improvement Area

Improvement area may be established 370(1) The council of a municipality may, by by-law, with the approval of the Commissioner, designate any area as a business improvement area and may:  
(a) establish a Management Commission to which may be entrusted the improvement and maintenance of municipally owned property in the area, and the promotion of the area as a business or shopping area;  
(b) provide for the raising and expenditure of money for the purposes of the business improvement area and which may be expended by the Management Commission.

(2) Notwithstanding anything contained in subsection (1), an area shall only be designated as a business improvement area if it conforms to the provisions of the official community plan.

Commissioner may enter into agreements 371(1)

The Commissioner may enter into an agreement with a council for the provision of funds to a municipality on such terms as are agreed upon to do anything beneficial to a business improvement area.

Division (8) - Appeals

Board of variance

372(1)

A board of variance established pursuant to section 328 shall consist of not less than three or more than nine members, to hear and determine appeals made to it pursuant to this Part.

(2)

Where the population of a municipality is more than five thousand the board shall be composed of persons other than aldermen of the municipality.

Right of appeal

373(1)

In addition to the right to appeal to the board of variance, otherwise provided in this Part a person may appeal to the board of variance who:

- (a) alleges that the council or a person acting for or on behalf of the council has misapplied the official community plan or zoning by-law in a particular case; or
- (b) claims that there are practical difficulties or unnecessary hardships in the way of carrying out the plan or by-law by reason of the exceptional narrowness, shortness, shape, topographic features or any other unspecified unusual conditions of a specified property.

- (2) A person who appeals under clause (b) of subsection (1) is not entitled to have his appeal allowed if:
  - (a) the unusual condition is the result of his or the property owner's deliberate action;
  - (b) the adjustment requested would constitute a special privilege inconsistent with the restrictions on the neighbouring properties in the same district; or
  - (c) a relaxation of the provisions of the by-law would be contrary to its purposes and intent and would injuriously affect the neighbouring properties.
  
- (3) The board shall not grant an appeal which would allow a change of use of land or buildings.
  
- (4) The board may attach such conditions to the granting of an appeal as in its opinion will preserve the purposes and intent of the official community plan and zoning by-law.

Procedures for appeal

- 374(1) A person desiring to appeal to the board of variance shall file with the secretary of the board written notice of his intention to appeal and shall at the same time pay to the secretary such sum, as may be prescribed by the board to meet its expenses.
  
- (2) The board shall fix a day for the hearing of the appeal which shall be not later than thirty days after the date of the filing of the notice of intention to appeal.
  
- (3) The board shall, not later than ten days before the day fixed for the hearing of the appeal, give notice of the hearing:

- (a) by advertisement inserted at least once a week for two successive weeks in a newspaper circulating in the area in which the property in respect of which the appeal is made is situated; and
  - (b) by serving a copy of the notice on each assessed owner of property within a radius of one hundred metres from the property in respect of which the appeal is made; such notice shall be delivered by personal service or by regular first class mail to the address of the owner shown in the latest authenticated assessment roll.
- (4) The appellant shall, not later than ten days before the day fixed for the hearing of the appeal, file with the secretary of the board all maps, plans, drawings and written material that he intends to submit in support of the appeal.
- (5) The council shall, if required by the board to do so, transmit to the secretary of the board, before the day fixed for the hearing of the appeal, the original or true copies of maps, plans, drawings and written material in its possession relating to the subject matter of the appeal.
- (6) All maps, plans, drawings and written material, or copies thereof, filed or transmitted pursuant to subsection (4) or (5) shall, unless otherwise ordered by the board, be retained by the board and be part of its permanent records; but pending the hearing of the appeal, all the material shall be made available for the inspection of any interested person.



- (7)      The hearing of the appeal shall be open to the public, and the board shall hear the appellant and every person who desires to be heard in favour of or against the appeal; and the board may adjourn the hearing or reserve its decision for not more than thirty days.
  
- (8)      The chairman of the board or, in his absence, the acting chairman may administer oaths, affirmations or declarations.
  
- (9)      The decision of the board shall be based on the facts and merits of the case and shall be in writing setting forth the reasons for the decision and signed by the chairman, or in his absence the acting chairman, and the secretary and a copy of the decision shall be delivered or sent by the secretary to the Inspector, the municipality and the appellant within ten days of the date on which the decision was rendered and to each interested person upon his request.
  
- (10)     Subject to subsection (12), an appeal granted by the board shall not become effective until the expiration of thirty-five days from the date on which the decision is made or, if conditions are affixed pursuant to subsection 373(4) until such time as the conditions have been complied with, whichever is the later.
  
- (11)     The Inspector, a municipal council, the appellant, or any other person may, within twenty days after the date on which a copy of the decision is received and upon written notice to the board of variance, appeal therefrom to the Yukon Municipal Board.

(12) An appeal under subsection (11) in respect of a decision of the board of variance shall have the effect of suspending the decision of the board of variance pending the decision of the Yukon Municipal Board with respect to the decision of the board of variance.

(13) Within ten days after a notice is given to the board of variance pursuant to subsection (11), the secretary of the board shall transmit to the secretary of the Yukon Municipal Board a copy, certified by the first mentioned secretary to be a true copy of all the records of the board of variance pertaining to the case.

Appeal to the  
Yukon Municipal  
Board

375(1) The Yukon Municipal Board shall hear appeals in all cases where provisions for appeals to that board are made pursuant to this Ordinance or by an order or regulation made pursuant to this Ordinance.

(2) The Yukon Municipal Board shall determine all appeals submitted to it and such decisions shall be conclusive and binding on all parties.

(3) A copy of the Yukon Municipal Board's decision shall be sent to each party to the appeal and upon request to any interested person.

(4) If the Yukon Municipal Board has ordered any person to make a report to the Board, the Board shall include such report in its minutes.

(5) The Yukon Municipal Board or any person authorized by it to make an inquiry or report may enter upon and inspect any land, buildings or other property pertinent to the subject before the Board.

Division IX - Miscellaneous Provisions

Offences  
and  
penalties

- 376(1)      A person who:
- (a) contravenes any provision of this Part;
  - (b) contravenes any provision of an order, regulations, by-law or official community plan in force pursuant to this Part;
  - (c) fails to do any act or thing required to be done by an order, regulation, by-law or official community plan, in force pursuant to this Part; or
  - (d) suffers or permits any act or thing to be done in contravention of any provision of an order, regulation, by-law or official community plan in force pursuant to this Part; or
  - (e) obstructs or hinders any person in the performance of his duties under this Part or under any order, regulation, by-law or official community plan in force pursuant to this Part,
- is guilty of an offence and liable on summary conviction to a fine of not more than ten thousand dollars and in the case of a continuing offence to a further fine not exceeding twenty-five hundred dollars for each day during which the offence continues.

- (2)      In addition to the penalties provided in subsection (1) a person convicted under this section in respect of a use of land or buildings or development carried out in contravention of this Part or any order, regulation, by-law or official community plan in force pursuant to this Part may be ordered to remove such development at his expense.

Land  
Development  
Agreement

- 377(1)      The council may pass by-laws providing for entering into land development agreements.

- (2) Prior to the issuing of any development permit pursuant to an agreement under subsection (1), the council of a municipality may require the owner of the land to which the permit would apply, or his agent, to enter into a land development agreement with the municipality with respect to that land.
  
- (3) Any land development agreement referred to in subsection (2) may include agreement as to:
  - (a) the use of the land in relation to any existing or proposed building or structure;
  - (b) the timing of construction of any proposed building or structure;
  - (c) the siting and design, including exterior materials of any proposed building or structure;
  - (d) the provision for traffic control and parking space;
  - (e) the provision of open space, the grading of land and landscaping;
  - (f) the construction, in whole or in part, of roads, sidewalks, street lighting, storm drainage, water supply distribution and sewage disposal;
  - (g) the provision of recreational or other amenities; or
  - (h) the levying of a fee in lieu of otherwise providing for any of the matters mentioned in subclauses (a) to (g);
  - (i) the establishment of such other conditions as the council may consider reasonable under the circumstances.
  
- (4) No development permit may be issued and no land development agreement may be made that is contrary to an official community plan.

- (5) Except as provided by subsection (4), the use and development of any land to which a development agreement applies shall, notwithstanding any other by-law of the municipality, or any amendment thereto, be in accordance with the land development agreement.
- (6) The council may require any land development agreement entered into pursuant to subsection (2) to be registered in the Land Titles Office and any such agreement as registered shall have the force and effect of a restrictive covenant running with the land.
- (7) The council shall not enter into a land development agreement until it has held a public hearing and obtained the approval of the Commissioner and sections 333 to 336 shall apply mutatis mutandis.
- (8) Nothing in this section restricts the right of any owner to develop his land in accordance with the regulations, restrictions or prohibitions of the municipality applying to the zone in which the land is situated where that owner is not required to enter into a land development agreement with council.

Definition of  
"development"

- 377.1(1) In this Part "development" means the carrying out of any building, engineering, mining or other operations in, on or over land or the making of any material change in the use of any building or land.

PART VIII - BOARDS AND COMMISSIONS

- Remuneration and qualification of Board or Commission 378(1) Council may by by-law establish remuneration for any board or commission that is established pursuant to council's authority under any Ordinance.
- (2) For any board or commission that is established by council pursuant to any Ordinance, the council may in the same by-law that creates the board or commission, or another by-law;
- (a) prescribe the qualifications and terms of office of the members of the board or commission;
  - (b) prescribe the manner in which the chairman and members of the board or commission and their successors, are to be appointed;
  - (c) prescribe the manner in which the chairman and members of the board or commission are to conduct meetings and vote on any matters;
  - (d) provide for the appointment and duties of officers and employees if any;
  - (e) provide conflict of interest rules for the direction of the board or committee.

Division (1) - Yukon Municipal Board

- Yukon Municipal Board 379(1) The Commissioner shall establish a board to be known as the Yukon Municipal Board with powers, duties and functions pursuant to this Ordinance.
- Appointment 380(1) The board shall consist of a chairman, deputy chairman and no more than three other members all of whom shall be appointed by the Commissioner, and shall serve at pleasure, provided that two members of the board may be appointed by the Commissioner upon the recommendation of municipalities in the Territory.

- Remuneration            (2)    Members shall receive such remuneration for service as prescribed.
- Quorum                    (3)    A quorum shall consist of a majority of the board but a vacancy shall not impair its right to act.
- (4)    The board may authorize one or more of its members to conduct any of the business of the board, but a decision made by one or more members does not become absolute until confirmed by the board.
- (5)    A person is not eligible to become or remain a member of the board if he
- (a)    is an employee or salaried officer of a municipality;
- (b)    is a member of the public service of the territory;
- (c)    is a member of a municipal council or the Territorial Council;
- (d)    while a member of the board takes part in any proceedings of the board where the member has a direct or indirect pecuniary interest in the matter the board is considering.
- Sittings                    (6)    The board shall sit at such time and places as the chairman may designate.
- Proceedings                (7)    The board may make rules regulating the conduct of its proceedings.
- Secretary                  (8)    The Commissioner shall appoint a secretary to the board who shall:
- (a)    keep a record of all proceedings;
- (b)    have custody and care of all records and documents;
- (c)    obey the directions of the chairman relating to his office.
- Experts                     (9)    The Commissioner may, from time to time, on the recommendation of the board appoint one or more experts or persons

having appropriate technical knowledge to assist the board in an advisory or other capacity.

- Oath of Office           (10)   Members of the board shall swear an oath of office as prescribed.
- Liability               (11)   No member of the board or its secretary or person appointed to assist the board shall be personally liable for anything done under the authority of this Ordinance.
- Powers                 381(1)   The board for all purposes of this Ordinance, shall have the powers of a court of record and has the authority to hear and determine all questions of law or fact in matters assigned to the board under this or any other Ordinance.
- Jurisdiction           382(1)   The board has jurisdiction and power:  
                          (a) to hear all applications made for a change in the boundaries of a municipality;  
                          (b) to approve the official community plan for a municipality;  
                          (c) to determine any appeal referred to the board pursuant to this Ordinance;  
                          and  
                          (d) to perform such duties as the Commissioner may deem necessary and delegate to the board by order.
- 383(1)   The board shall exercise its powers by resolution which shall be submitted to the Commissioner who may make such orders as are deemed necessary in the public interest.



- (2) The provisions of subsection (1) do not apply in cases where the board approves an official community plan, or determines any appeal, in accordance with the provisions of this Ordinance.

Division (2) - Parks and Recreation Commission

Parks and Recreation by-law

- 384(1) The council may by by-law:
  - (a) establish a Parks and Recreation Commission;
  - (b) empower the Commission to organize and conduct a recreation program;
  - (c) empower the Commission to operate, improve and maintain any parks, playgrounds or other land set aside for recreation purposes and the buildings or structures thereon;
  - (d) empower the Commission to incur liabilities for the purposes of this section, within the amounts included therefor in the annual budget of the municipality.

Division (3) - Emergency Measures Commission

Establishment of civil emergency measures commission

- 385(1) Subject to the provisions of the Civil Emergency Ordinance council shall by by-law establish a civil emergency measures commission and appoint the members thereof.
- (2) Council may appoint a civil emergency coordinator who shall carry out the instructions of the commission.
- (3) Council may empower the commission to incur liabilities within the amounts included therefor in the annual budget.

Division (4) - Public Transit Commission

Establishment  
of Public  
Transit  
Commission

386(1)

The council of a municipality may, by  
by-law:

- (a) establish a Public Transit Commission having not less than five nor more than seven members, two of whom shall be chosen from among the members of council;
- (b) empower the Commission to organize, operate or maintain a public transit system;
- (c) empower the Commission to incur liabilities for the purposes of the organization, operation or maintenance of a public transit system within the amounts included therefor in the annual budget of the operations of the Commission as approved by the council;
- (d) provide for the expenditure of funds of the municipality with respect to the organization, operation or maintenance of a public transit system; and
- (e) prescribe such other powers or duties of the Commission as are necessary for organization, operation or maintenance of a public transit system.

(2) Where a Public Transit Commission is established under subsection (1), the Commission shall, in addition to any duties imposed by by-law:

- (a) establish and monitor the general operating policies of any public transit system organized, operated or maintained by the Commission;
- (b) on or before the fifteenth day of November in each year, prepare and submit an operating and capital budget of the operations of the

Commission for council's review and approval; and

- (c) prepare and submit annually, and as requested by council, a report of the operations of the Commission for council's review.

Division (5) - Board of Examiners

Board of Examiners

- 387(1) The Commissioner may at the request of two or more councils appoint a Board of Examiners.
- (2) The board may establish standards of proficiency for municipal employment according to office and grade, and has power to approve or disapprove the credentials of any person applying for appointment as an officer of any municipality.
- (3) Notwithstanding the provisions of this section, the Commissioner may by order from time to time, empower the Yukon Municipal Board to fulfill the duties of the Board of Examiners.

Division 6 - Municipal Planning Board

Municipal Planning Board

- 388(1) Subject to section 329 the council may by by-law appoint a board to be known as the municipal planning board to advise and assist the council with respect to all matters pertaining to community planning and the orderly development of the municipality.
- (2) A majority of the members of the board shall be persons who are not members of the council or employees of the municipality.
- (3) Any community planning board appointed under any former Municipal Ordinance and subsisting on the day on which this Ordinance comes into force is continued.

Duties of  
Municipal  
Planning  
Board

389(1)      The board may perform such duties of a planning nature as may be referred to it by the council and do such other things as it considers necessary in connection with the planning and orderly development of the municipality.

PART IX MISCELLANEOUS  
Division (1) - Additional Powers

Civic Holidays	390(1)	Council may declare a public holiday which shall be observed within the municipality on the day named by the council or council may authorize the mayor to determine and proclaim the day.
Flag, crest, coat of arms	391(1)	Council may by by-law, with the approval of the Commissioner adopt a flag, crest or coat of arms for the municipality and may make restrictions on its use.
Census	392(1)	Council may take a census of the municipality.
Prohibition against aid to enterprises	393(1)	Council shall not, either directly or indirectly, assist any industrial or commercial enterprise or undertaking, and without restricting the generality of the foregoing, shall not grant assistance: (a) by giving or lending money or other security, or give the use or ownership of any municipal asset; (b) by guaranteeing by endorsement or otherwise, any borrowing; (c) by granting any exemption from taxation; (d) by granting as a gift any property owned by the municipality.
Join action with other municipalities	394(1)	A municipality may join with any other municipality for the purpose of exercising any powers conferred by this Ordinance, but no agreement made pursuant to this section is valid until approved by the Commissioner.
Association of municipalities	395(1)	A municipality may become a member of any association of municipalities for furthering the interests of the municipalities and may by resolution pay fees for such membership and make contributions to the expenses of the union and paying expenses

of delegates to any meeting or upon its business.

- (2) A municipality may become a member of any non-profit association or organization that council deems to for the advancement of the interests of the municipality.

Further power to deal with municipal assets

- 396(1) In addition to all powers and authorities vested in or conferred upon the council, under this or any other Ordinance, the Commissioner may from time to time confer upon the council such further powers with respect to the management and disposal of the assets of the municipality as the Commissioner deems advisable, and thereupon the council shall have and may exercise the powers so conferred.

Unless specifically provided, no power to grant privileges.

- 397(1) Except where it is specifically provided to the contrary, a council shall not have the power to grant to any person any particular privilege or exemption from the ordinary jurisdiction of the corporation or to grant any charter bestowing a right, franchise or privilege; or to give any bonus or exemption from any tax, rate or rent, or to remit any tax or rate levied or rent chargeable.

Cancellation of Tax arrears

- (2) Notwithstanding subsection (1), council may by by-law approved by the Commissioner, cancel any arrears of taxes appearing on the tax roll where such taxes are not secured against land in the municipality and, in the opinion of council, are no longer collectable from the person liable to pay the same.

Additional powers for purposes peace, order and good government

- 398(1) Upon receipt of a petition from the council of a municipality, the Commissioner may, to the extent not inconsistent with the intent of this or any other Ordinance, confer such further powers upon the

council as are necessary to preserve and promote the peace, order and good government of the municipality and to provide for the protection of persons and property.

Incidental powers 399(1) Council in addition to the powers specifically allotted to it, shall have power to do all such things as are incidental or conducive to the exercise of the allotted powers.

Data Processes property of municipality 400(1) A computer data base, magnetic tape, or computer programme prepared for the purposes of a municipality by a consultant, or data processing company upon payment of the agreed price, is the property of the municipality.

Division (2) - Enforcement of By-laws and Resolutions

Enforcement of by-laws 401(1) Council may from time to time, make by-laws, or make provision in existing by-laws, for the purposes of enforcing the by-laws of the municipality by fine or imprisonment, or both and for inflicting fines and penalties and costs.

Enforcement officers 402(1) Where pursuant to this Ordinance, a council has authority to direct, by by-law or otherwise, that any matter or thing be done by any person, or that regulations be observed, the council may, in the same or some other by-law:  
(a) authorize any employee or enforcement officer of the municipality to order any person carrying out any work or doing anything contrary to the provisions of such by-law to forthwith cease carrying out such work and doing such things; and  
(b) provide that failure to obey such order is an offence;  
(c) authorize appointed officers to enter, at all reasonable times,

upon any property subject to the regulations of council in order to ascertain whether such regulations or directions are being obeyed.

- (2) The council or any person authorized by the council may apply to the Court for an injunction ordering any person to cease carrying out any work or doing anything contrary to the provisions of any by-law mentioned in subsection (1), and where the Court is satisfied:
- (a) that an employee of the municipality has ordered any person carrying out any work or doing anything contrary to the provisions of such by-law to cease carrying out such work or doing such thing, and
  - (b) that such person has failed to obey such order,
- the Court shall issue an injunction ordering such person to cease carrying on such work or doing such thing together with any ancilliary orders necessary thereto.
- (3) The council may by by-law:
- (a) provide for the appointment of enforcement officers who may be sworn in as peace officers; and
  - (b) designate such other officers as the council deems expedient for the proper carrying out of the business and good government of the municipality; and may define their duties and responsibilities.

Recovery  
of costs

- 403(1) Whenever a council has authority to direct that any matter or thing should be done by any person, such council may also direct that, in default of its being done by that person, such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with interest as



prescribed by by-law with approval of the Commissioner with costs in like manner as municipal taxes.

Power of court 404(1) Any Justice of the Peace, or Judge of the Territorial Court before whom a prosecution is had for an offence against a municipal by-law may convict the offender on the oath or affirmation of any credible witness, and may impose the whole or part of the penalty or punishment authorized by the by-law with the costs of prosecution.

Judge not disqualified because he is a ratepayer in the municipality getting the fine 405(1) A Justice of the Peace, Judge of the Territorial Court is not disqualified to act as such where in case of a conviction, the fine or penalty or part thereof goes to the municipality in which the Justice or Judge of the Territorial Court is a ratepayer or a member of the council.

Definition of "by-law" 406(1) In this division, "by-law" includes an order or resolution.

Procedure for enforcement 407(1) The procedures set out in section 212 shall apply to the institution of all proceedings for the enforcement of by-laws.

Division (3)

Compensation for Injuriouly Affected Property

Compensation for property used or injured and arbitration 408(1) The council shall make to owners, occupiers or other persons interested in real property entered upon, taken or used by the municipality in the exercise of any of its powers, or injuriouly affected by the exercise of any of its powers, due compensation for any damages, including interest, necessarily resulting from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work; and a claim for compensation, if not mutually agreed upon, shall be decided by three arbitrators to be appointed by the Commissioner.

- (2) Subject to this Ordinance, the arbitrators or a majority of them may determine the procedure for conducting the arbitration.
- (3) For the purposes of subsection (1) the rate of interest shall be the prime lending rate of the Bank of Canada in effect on the most recently preceding July 2nd, and the interest accrues from the day on which the property was taken, entered upon or used.
- (4) The provisions of this section do not apply to Part VII of this Ordinance.

Procedure of arbitrators

409(1) The arbitrators appointed as aforesaid shall be sworn before a Justice of the Peace, well and truly to decide the questions between the person claiming compensation as aforesaid and the municipality. The arbitrators shall attend at some convenient place in the municipality, after not less than eight days' notice has been given by or on behalf of the municipality, or by the claimant for compensation, then and there to arbitrate and award, adjudge, and determine such matters and things as shall be submitted to their consideration. An award made and agreed to in writing by any two of the arbitrators is final; except that any award under this Ordinance is subject to be set aside on application to the Court on the following grounds, and no others, namely: That the arbitrators have been guilty of misconduct or have awarded the compensation on a wrong principle, in which case reference shall be made again to arbitration as hereinbefore provided; and in all cases of reference to arbitration under this Ordinance the Court may from time to time remit the matters referred, or any of them, or award thereon, to the reconsideration of the arbitrators.

- Time-limit for making claim for compensation 410(1) Every claim for compensation under the Ordinance made by a person shall be made within one year from the date when the real property was so entered upon, or used, or when the alleged damages were sustained or became known to the claimant, or in case of a continuance of damage, then within one year from the time when the cause of action arose or became known to the claimant.
- By-law to be published 411(1) A by-law adopted for entering upon, breaking up, or using any real property without the consent of the owner thereof shall, before coming into effect, be published in a newspaper circulating in the municipality.

Division (4) - Actions, Suits and Executions

- Limitation of actions against municipality 412(1) Except as otherwise provided in this Ordinance, every action against a municipality
- (a) for the unlawful doing of anything purporting to have been done by the municipality under the powers conferred by any Ordinance, and which might have been lawfully done by the municipality if acting in the manner prescribed by law, shall be commenced within six months after the cause of the action first arose; and
  - (b) other than those mentioned in paragraph (a) shall be commenced within one year after the cause of the action arose.
- Execution against municipality by leave of a judge 413(1) No writ of execution against a municipality shall be issued without leave of a judge and every judge has discretion to permit the writ to issue at such time and upon such conditions as he shall think proper, or he may refuse to permit the writ to

be issued, or he may suspend execution thereunder upon such terms and conditions as he may think proper or expedient having regard to the reputed insolvency of the municipality and the security afforded to the person entitled to the judgement by reason of its registration.

- Appeal (2) An appeal from the decision of any judge with reference to any application for a writ of execution, may be taken by either party under the same rules as may for the time being apply to any other order made by a judge in chambers.
- Service generally 414(1) Where by this Ordinance or any by-law, made thereunder a writ, notice or other document is required to be served on or sent by registered mail to the municipality or the clerk, it shall be served or sent by leaving it at or sending it by registered mail to the office of the clerk.
- If amount claimed not paid, rate may be struck 415(1) Where the amount owing on a writ of execution together with all costs thereon is not paid to the sheriff within one month after service on the clerk, the sheriff shall examine the assessment rolls of the municipality and shall, in like manner as rates are struck for general municipal purposes but without limiting the amount of the rate, strike a rate on the dollar sufficient to cover the amount due on the execution with such addition to it as the sheriff deems sufficient to cover the interest and his own fees.
- Praecepte 416(1) The sheriff shall, after striking a rate pursuant to section 415, issue a praecipe under his hand and seal of office directed to the treasurer of the municipality and shall annex the praecipe to every tax roll showing the rate and particulars

thereof, stating that the municipality has neglected to satisfy the writ of execution and commanding the treasurer to levy the rate forthwith.

Return of praecipe with amount levied	417(1)	Where at the time of levying a rate pursuant to the praecipe of the sheriff, the tax demand notices for that year have not been issued, the clerk shall add a column on the notices, headed "execution Rate in A.B. v. the Municipality", and shall insert therein the amount required by him but where the tax demand notices for the year have been issued he shall proceed to issue separate tax demand notices for the execution rate.
Surplus	418(1)	The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus within ten days after receiving all the same to the clerk and such amounts shall form part of the general revenue fund of the municipality.
Municipality may borrow money to pay into court or to pay costs of actions	419(1)	In the event of any municipality being ordered and required to pay into the court any monies as security for the payment of any judgement or other debt, or as security for any damages or costs, or as security for the costs of any appeal from the decision of any court or any arbitrator, the council of the municipality may borrow such sums of money as may be requisite for that purpose.
Corporate seal, etc. not to be taken in execution	420(1)	The corporate seal, tools, machinery, equipment and records, office furniture, fixtures and fittings of every municipality shall be exempt from forced seizure or sale by any process of law.
Costs earned by salaried officer of municipality	421(1)	In any court proceedings under this Ordinance, costs awarded to a municipality

shall not be disallowed or reduced upon such taxation merely because the solicitor who earned such costs, or in respect of whose service costs are charged, was a salaried officer of the municipality.

Division (5) - Inspector of Municipalities

Inspector of Municipalities

422(1) The Commissioner shall appoint an officer to be known as the Inspector of Municipalities who has such powers and duties in addition to those prescribed under this Ordinance as may be assigned to him by the Commissioner and shall hold office at pleasure.

(2) The Inspector shall, subject to the Commissioner, administer this Ordinance and insure that the provisions be carried out and perform such other duties as may devolve upon him under this or any other Ordinance.

(3) The Inspector may, by himself or by any deputy or other person authorized by him, inspect the records of any municipality and, for this purpose, every officer of any municipality shall make available to the Inspector any record or document relating to the conduct of the municipality.

Official seal

423(1) The Inspector shall have an official seal inscribed with the words "Inspector Of Municipalities of Yukon". Every paper, writing or instrument purporting to be issued by the Inspector and impressed with the seal of his office is admissible in evidence in all courts of the territory without proof of such sealing or of the signature of the Inspector, or of his deputy, to such paper, writing or instrument.

True copy of documents 424(1) The record of any document or instrument forming part of the records of the office of the Inspector or any copy of the same, or any copy of any document or instrument kept in his office, certified to be a true copy under the hand of the Inspector or his deputy, is admissible in evidence in all courts of the territory as of equal validity with the original document or instrument.

Division (6) - Appointment of Administrator

Appointment of Administrator 425(1) Where

- (a) a municipality has failed to or cannot make due provision for the payment of either the principal of or interest on any loan, or
- (b) the council has failed to carry out any duty or function imposed on it pursuant to this Ordinance, or
- (c) The Commissioner for any other reason considers it in the best interest of the municipality that its affairs be conducted by an administrator

the Commissioner may by order appoint a person as administrator of the municipality.

(2) Where the Commissioner appoints an administrator for a municipality pursuant to subsection (1)(c), he shall table a report in the Territorial Council concerning the reasons for the appointment of an Administrator.

(3) On the appointment of an administrator of a municipality, the council shall be deemed to have retired from office and to be no longer qualified to act for or on behalf of the municipality or to exercise any of the powers and duties vested in the council by this or any other Ordinance.

- Powers of administrator 426(1) The administrator shall, subject to this Ordinance, have, possess, enjoy and may exercise all the powers and duties of a duly constituted council.
- Power to obtain all municipal documents 427(1) The administrator may demand and is entitled to receive from officers of the municipality, all monies, securities, evidence of title, books, assessment rolls, tax rolls, by-laws, papers and documents of or relating to the affairs of the municipality in their possession or under their control.
- (2) Any person who fails or refuses to comply with the demand of the administrator made pursuant to subsection (1) is liable upon summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.
- Bonding of administrator 428(1) The administrator shall be bonded in such amount as the Commissioner determines, for the due and faithful performance of his duties, and the premium shall be paid by the municipality.
- Commissioner to advise 429(1) In the administration of the affairs of the municipality and prior to the making of any expenditure or the incurring of any liability on account of the municipality, the administrator shall consult with and be guided by the advice and directions of the Commissioner, as the order appointing the administrator or any subsequent order from time to time provides.
- Local committee (2) The Commissioner shall appoint a local committee of two or more residents with whom the administrator shall consult in relation to the conduct of the affairs of the municipality.



Disposal of assets	430(1)	For the purpose of realizing upon the outstanding assets of the municipality, the administrator has all the powers and duties of the council.
	(2)	All amounts realized upon such assets shall be devoted to the payment of the then existing liabilities of the municipality in such manner and to such extent as is determined by the Commissioner.
Rate of taxation	431(1)	Notwithstanding anything in this Ordinance, the Commissioner shall determine the rate of taxation which shall be levied in the municipality for which an administrator has been appointed.
Books and accounts	432(1)	The administrator shall keep books of account relating to the affairs of the municipality, showing its financial condition, and the books shall be open at any time to the examination and inspection of the Commissioner or any person authorized by him in that behalf.
	(2)	At least once every month or as specified in the order of appointment, the administrator shall furnish to the Commissioner a statement of the financial condition of the municipality including a statement of its assets and liabilities.
Record of proceedings	(3)	A record of all proceedings relating to the affairs of the municipality shall be kept by the administrator.
Approval of by-laws	433(1)	The Commissioner may require that all by-laws passed by the administrator shall before becoming effective be approved by the Commissioner.
Payment of administrator	434(1)	The administrator shall be paid out of the funds of the municipality for his

services and such reasonable travelling and other expenses as the Commissioner determines.

Revocation of administrator's appointment

435(1)

Where the Commissioner in his discretion considers it advisable to provide that the affairs of the municipality shall again be conducted by a council, he shall by order revoke the appointment of the administrator and make suitable provisions for the election of a new council.

Division (7) - Certification of Municipal By-laws and Securities

Certification of borrowing from commercial source

436(1)

The Council of any municipality which seeks to borrow funds from any sources outside of the Government of the Territory, and which adopts a loan authorization by-law or a by-law imposing a special assessment or a special rate, may apply to the Inspector for a certificate approving the by-law.

Certificate of approval not to be granted while action pending

(2)

A certificate shall not be granted by the Inspector while any action or proceeding in which the validity of the by-law is called in question, or by which it is sought to quash it, is pending, or until the expiration of the time limited for giving notice of intention to make application to quash the by-law.

(3)

Notwithstanding anything contained in subsection (2) if the time for giving notice of intention to make application to quash any by-law has been allowed to elapse before the application to approve is made under subsection (1), the Inspector may, in his discretion, disregard any action or proceeding in which the validity of the by-law is in question, commenced after the application for approval was

made, and proceed to give his certificate of approval without reference to such action or proceeding; and such certificate, if given, shall be of the same force and effect as if such action or proceeding had not been begun.

Debenture issued on approved by-law may be approved

- (4) Where a by-law has been approved, the Inspector may also approve the debentures or other securities issued in conformity with its provisions.
- (5) Any certificate issued under the provisions of subsection (4), may bear the actual or lithographed signature of the Inspector.

Decision of Inspector not subject to action

- 437(1) The Inspector may, by himself, or by any deputy or other person authorized by him, direct and hold inquiry into any application for a certificate under this Part, and may hear and determine protests; and his decision in respect of the granting, withholding, or refusing of any certificate shall not be subject to action, suit, or proceeding, mandamus, certiorari, or prohibition in or issued out of any of the courts of the territory.
- (2) The person holding an inquiry under this section has in respect of the same the like protection and privileges, and the like powers of summoning and compelling attendance of witnesses, administering an oath to witnesses, calling for production of documents and punishing for contempt, as are by law given appointed under the Public Inquiries Ordinance. Expenses of and incidental to the inquiry shall be paid by the municipality.

Certificates to be conclusive evidence of validity of by-laws and debentures

- 438(1) The production of a certificate issued under this Part or of the certified copy of a certificate is, in all courts and places and for all purposes whatsoever,

conclusive evidence that the by-law, debenture, or other security described in or covered by the certificate has been lawfully and validly made and issued, and that all statutory and other requirements have been complied with, and the validity of such by-law, debenture, or other security shall not be attacked or questioned or adjudicated upon in any action, suit, or proceeding whatsoever in any of the courts of the Territory.

Form of Certificate

(2) The Certificate may be in the following form:

In pursuance of the Municipal Ordinance, I hereby certify that the within by-law (debenture or other security, as the case may be) has been lawfully and validly made and enacted (or made and issued, as the case may be) and that its validity is not open to be questioned on any ground whatever in any of the courts of the Yukon Territory.

Dated this        day of        , 19    .

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Inspector of Municipalities of Yukon

Regulations

439(1) The Commissioner may make such regulations and prescribe such forms as he deems necessary for carrying out the purposes and provisions of this Ordinance.

Transitional provisions

440(1) All orders, regulations, contracts, licences, by-laws and other documents pertaining to any municipality or Local Improvement District issued pursuant to any Ordinance prior to the coming into force of this Ordinance that are not inconsistent with the provisions of this Ordinance shall remain in effect until such time as they expire or are expressly repealed.

- (2) Section 3 of the Building Standards Ordinance is repealed.
- (3) Section 110.1 of the Motor Vehicles Ordinance is repealed.
- (4) Section 2 of the Recreation Development Ordinance is amended by repealing the words "or the board of trustees of a local improvement district" therein.
- (5) Section 6(2) of the Recreation Development Ordinance is amended by repealing the words "pursuant to section 102" therein.
- (6) Section 10(1) of the Recreation Development Ordinance is amended by repealing the words "or local improvement district" therein.
- (7) Paragraph 49(1)(b) of the Assessment and Taxation Ordinance is amended by striking out the words "or Local Improvement District".
- (8) Subsection 50(3) of the Assessment and Taxation Ordinance is amended by striking out the words "the Local Improvement District".
- (9) Subsection 58(2) of the Assessment and Taxation Ordinance is amended by striking out the words "the Local Improvement District Ordinance".

Repeal

- 441(1) The following Ordinances are repealed:
  - (a) Local Improvement District Ordinance;
  - (b) Municipal Ordinance;
  - (c) Municipal Elections Ordinance;
  - (d) Municipal Employees Benefit Ordinance.

Coming into force

- 442(1) This Ordinance or parts thereof come into force on such day or days as may be fixed by the Commissioner.





