

**LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
10TH ASSEMBLY, 8TH SESSION**

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LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

AN ACT RESPECTING CHARTER COMMUNITIES
IN THE NORTHWEST TERRITORIES

Statement of Purpose

The purpose of this Bill is to establish charter communities and to provide for their administration, powers and duties.

Important

This Bill is tabled by the Minister of Municipal and Community Affairs for public review. This Bill does not represent the final policy of the Government of the Northwest Territories and is subject to change after public review and comment. Furthermore, changes of a technical nature can be expected to prepare the Bill for introduction in the Legislative Assembly.

AN ACT RESPECTING CHARTER COMMUNITIES
IN THE NORTHWEST TERRITORIES

The Commissioner of the Northwest Territories,
by and with the advice and consent of the
Legislative Assembly, enacts as follows:

SHORT TITLE

Short title 1. This Act may be cited as the Charter Communities Act. 5

INTERPRETATION

Definitions 2.(1) In this Act,

"band council" "band council" means the council of a band under the Indian Act (Canada); 10

"budget" "budget" means the budget of a municipal corporation adopted by the council pursuant to section 141;

"by-law" "by-law" means a by-law made by a council, under this or any other Act; 15

"charter community" "charter community" means a municipal corporation established or continued with a community charter pursuant to section 7 or 8;

"city" "city" means a city as defined in the Cities, Towns and Villages Act; 20

"community charter" "community charter" means the charter of a charter community set out in an order made pursuant to section 7 or 8;

"council" "council" means the council of a municipal corporation; 25

"council member" "council member" means a member of a council;

"councillor" "councillor" means any council member other than the mayor;

EXPLANATORY NOTES

New Act

"election"	"election" means an election of a council member pursuant to the <u>Local Authorities Elections Act</u> or this Act;	
"election day"	"election day" means the day fixed for an election;	
"employee"	"employee" means an employee of a municipal corporation including an officer;	5
"hamlet"	"hamlet" means a hamlet as defined in the <u>Hamlets Act</u> ;	
"local improvement"	"local improvement" means a work that, in the opinion of a council, principally benefits real property in a particular geographic area of the municipality;	10
"local improvement by-law"	"local improvement by-law" means a by-law made pursuant to section 162 that authorizes a local improvement;	15
"mayor"	"mayor" means the presiding council member;	
"municipal administrator"	"municipal administrator" means a municipal administrator appointed pursuant to section 197;	
"municipal corporation"	"municipal corporation" means a corporation established or continued under this Act as a charter community;	20
"municipal inspector"	"municipal inspector" means a municipal inspector of municipal corporations appointed pursuant to the <u>Cities, Towns and Villages Act</u> ;	
"municipal road"	"municipal road" means a road in respect of which a council may make by-laws under section 74;	25
"municipal taxing authority"	"municipal taxing authority" means a municipal corporation with the authority to levy property taxes under the <u>Property Assessment and Taxation Act</u> ;	30
"municipality"	"municipality" means the geographic area of jurisdiction of a municipal corporation;	
"officer"	"officer" means the senior administrative officer or an employee of a municipal corporation appointed as an officer by the council under section 48;	35
"property tax"	"property tax" means tax on property levied under the <u>Property Assessment and Taxation Act</u> ;	

"public notice"	"public notice" means the giving of a notice to the general public in accordance with section 216;	
"ratepayer"	"ratepayer" means a ratepayer as defined in the <u>Property Assessment and Taxation Act</u> ;	
"resolution"	"resolution" means a resolution of a council;	5
"senior administrative officer"	"senior administrative officer" means the senior administrative officer of a municipal corporation appointed by a council under section 47;	
"settlement"	"settlement" means the geographic area designated as a settlement under the <u>Settlements Act</u> ;	10
"town"	"town" means a town as defined in the <u>Cities, Towns and Villages Act</u> ;	
"village"	"village" means a village as defined in the <u>Cities, Towns and Villages Act</u> ;	
"voter"	"voter" means a person who is eligible to vote at an election.	15
Aboriginal rights	(2) Nothing in this Act shall be interpreted so as to affect aboriginal rights.	

PART I

INCORPORATION 20

Public notice of establishment of charter community	3.(1) The Minister may, on his own initiative or at the request of at least twenty-five residents in a settlement, cause public notice to be given in the settlement that he intends to establish a charter community.	25
Content of public notice	(2) The public notice shall state the proposed (a) name of the charter community; (b) boundaries of the municipality; and (c) date of incorporation.	
Time of notice	(3) The public notice shall be given at least ninety days prior to the date of incorporation.	30
Objection to incorporation	4.(1) Any resident of a settlement that is proposed to be established as a charter community may, by writing to the Minister, object to the establishment of a charter community.	35

Time of objection	(2) In order to be considered, any objection referred to in subsection (1) must be received by the Minister within ninety days of the giving of public notice of intention to establish a charter community.	5
Community consultation and approval	5. No charter community shall be established unless (a) the Minister consults with such persons and groups, including any band council or other local aboriginal organization, in the proposed municipality that the Minister considers necessary; and (b) the proposed community charter is approved by sixty per cent of the voters in the proposed municipality who vote.	10 15
Procedure to obtain approval	6.(1) The approval of a community charter by the voters must be obtained in accordance with this section.	
Public notice	(2) Prior to the vote, the Minister shall cause public notice of the content of the proposed community charter to be given.	20
Application of <u>Local Authorities Elections Act</u>	(3) The Minister shall, as soon as is practicable, obtain the approval of the voters in accordance with the provisions of the <u>Local Authorities Elections Act</u> respecting an election.	25
Powers and duties of Minister	(4) The Minister shall exercise all the powers and may perform all the duties of a council under the <u>Local Authorities Elections Act</u> for the purposes of the vote.	
Establishment of a municipal corporation	7.(1) Subject to sections 3 and 5, the Minister, upon the recommendation of the Executive Council, and after considering any objection made pursuant to section 4, may, by order, establish a charter community.	30
Contents of order	(2) The order establishing a municipal corporation must (a) fix the name and status of the municipal corporation; (b) determine the boundaries of the municipality; and (c) include the community charter.	35 40

Interpretation	8.(1) In this section, "municipal corporation" includes a hamlet, village, town and city.	
Change in status of municipal corporation	(2) The Minister may, on his own initiative or at the request of the council, by order, (a) change the status of a municipal corporation to a charter community; and (b) provide for such transitional matters as may be necessary.	5
Idem	(3) The provisions of sections 5 and 7 apply to an order pursuant to subsection (2).	10
Public notice	(4) At least one hundred and eighty days prior to making an order pursuant to subsection (2), the Minister shall cause public notice to be given of his intention to change the status of the municipal corporation.	15
Transitional provisions for change in status	9.(1) Subject to this Act, the change in status of a municipal corporation does not affect (a) any officer or employee, (b) any by-law or resolution, or (c) any asset, liability, right, duty, obligation or function of the municipal corporation.	20
Idem	(2) Where a municipal corporation changes status, the mayor and councillors of the municipal council continue in office until their successors take office.	25
Request to vary boundaries	10.(1) A council may request the Minister to vary the boundaries of the municipality.	
Variation of boundaries	(2) Where the Minister considers it to be in the public interest, the Minister, upon the recommendation of the Executive Council, may, by order, vary the boundaries of a municipality and provide for such transitional matters as may be necessary.	30
Effect of variation of boundaries	(3) Where the boundaries of a municipality have been varied, all by-laws apply to the municipality as varied from the date the order made under subsection (2) takes effect.	35

Community Charters

Contents of
community
charter

11. A community charter must
- (a) describe the composition of the council;
 - (b) specify the names of the council, the mayor and councillors; 5
 - (c) specify the length of the term of office for a council member;
 - (d) specify if the terms of office for council members are staggered;
 - (e) specify how terms of office are to be allocated among council members if the terms of office are staggered; 10
 - (f) specify the dates when the terms of office for council members begin and end;
 - (g) specify the manner in which council members are to be appointed or elected; and 15
 - (h) specify which powers to pass by-laws under Part III are to apply to the charter community. 20

Idem

12. A community charter may, in respect of the charter community,
- (a) vary the provisions of the Local Authorities Elections Act, except those relating to controverted elections, offences and penalties; 25
 - (b) provide that all or certain specified by-laws are not effective until approved by the Minister or some other authority;
 - (c) establish a procedure for removing a council member before the expiration of the member's term of office; and 30
 - (d) define the relationship between the council and any band council or other local aboriginal organization in or near the municipality. 35

Amendment to
community
charter

13. An order amending or repealing a community charter is subject to the same conditions as an order establishing a charter community.

PART II 40

ADMINISTRATION

Municipal Councils

Composition
of council

14. The composition of the council of a charter community and the terms of office for council members are set out in the community charter. 45

Role of council	15. Except as otherwise provided by this Act, the powers and duties of a municipal corporation shall be exercised and performed by the council.	
Exercise of powers and duties	16.(1) Every council shall exercise its powers and perform its duties by resolution or by by-law.	5
Limitation	(2) Where this Act or any other enactment requires it, a council shall exercise its powers and perform its duties only by by-law.	
Change in titles	17. A council may call the mayor, deputy mayor and councillors by other names, for the purposes of the municipal corporation.	10
Effect of order	18. An order varying the number of council members set out in the community charter	
	(a) shall not affect the term of office of any council member in office at the time the order is made;	15
	(b) shall apply to the next general election in respect of elected council members; and	
	(c) may apply before the next general election in respect of non-elected council members.	20
Transitional	19. Where a charter community is declared to be a municipal taxing authority, the term of office for council members shall end at noon on the first Monday in November in the year in which the term would otherwise end.	25
Oath of office	20. Every council member shall, before taking office, take an oath or affirmation as follows:	
	"I, _____, do solemnly and sincerely promise and swear (affirm) that I will duly, faithfully and to the best of my skill and knowledge, execute the powers and trust reposed in me as a (name of office).".	30
Ineligibility	21. A council member who, subsequent to his election, would not be eligible to be a candidate shall vacate his seat and cease to be a mayor or councillor, as the case may be.	35
Corporate seal	22. Every municipal corporation shall have a corporate seal.	

Meetings of Council

Place of business	23. Every council shall hold its meetings and transact its business only within the municipality, unless the council by resolution provides otherwise.	5
Language of business	24.(1) A council may conduct its meetings and transact its business in the language of its choice.	
Translations of proceeding	(2) A council may provide a translation of its proceedings in a language of its choice, during or after the proceedings.	10
Language of records	25.(1) The by-laws, resolutions and minutes of every council must be in English.	
Translations of records	(2) A council may provide a translation of its by-laws, resolutions and minutes in a language of its choice.	15
Quorum	26. A quorum for a council is a majority of the number of council members who comprise the council.	
Public meetings	27.(1) Subject to this section, every council shall hold its regular, special and committee meetings in public.	20
Exclusion from meetings	(2) No person shall be excluded from any meeting of a council or a committee of council except for improper conduct.	
Private meetings	(3) A council or a committee of council may, by resolution, authorize its meeting to be closed to the public where	25
	(a) it is of the opinion that to do so is in the public interest; and	
	(b) the resolution is made by at least two-thirds of the council members present.	30
Limitation on power	(4) A council has no power, at a meeting that is closed to the public, to make a by-law or a resolution, other than a resolution to revert to a public meeting.	35
First meeting of council	28. The first meeting of a council following a general election must be held no later than twenty-eight days after the election day at such time and place as the mayor designates.	

Regular meetings	29. Every council shall hold at least one regular meeting each month at such time and place as the council fixes by resolution.	
Public notice	30. The council shall ensure that public notice of the time and place of each regular meeting of council is given at least three days prior to the meeting.	5
Special meetings	31.(1) The senior administrative officer shall call a special meeting of the council if requested to do so in writing by (a) the mayor; or (b) two councillors.	10
Notice of special meeting	(2) The senior administrative officer shall, at least forty-eight hours in advance, give notice of the time and place of the special meeting and the nature of the business to be transacted at the special meeting.	15
Method of notice	(3) The notice referred to in subsection (2) must be given by (a) posting a copy of the notice in a conspicuous place in the office of the municipal corporation; and (b) delivering a copy of the notice to each council member or to a place designated by a council member for this purpose.	20 25
Limit on nature of business	(4) No council shall transact any business at a special meeting other than what was specified in the notice of the special meeting, unless all council members are present at the special meeting and they all agree to it.	30
Waiver of notice	32. If all council members are present, they may, by unanimous consent, waive notice of a meeting and hold a meeting at any time.	
Rules of procedure for council	33. Every council shall, by by-law, make rules respecting (a) the calling of meetings of council and its committees; (b) the procedure of the council; (c) the behaviour of council members and other persons present at meetings of council and its committees; (d) the establishment, appointment and duties of committees of council; and (e) the general transaction of its business.	35 40

Rules for public meetings	34. A council may, by by-law, make rules respecting	
	(a) the calling of public meetings;	
	(b) the procedure at public meetings; and	
	(c) the behaviour of persons at public meetings.	5
Validity of resolutions and by-laws	35.(1) Subject to this Act, a resolution or by-law is not valid unless a majority of the council members present and entitled to vote at a duly constituted meeting of council vote in favour of it.	10
Idem	(2) A resolution or by-law is not invalid by reason only that	
	(a) the election of a council member is invalid; or	
	(b) a council member is disqualified from serving on a council,	15
	if the resolution or by-law was validly made by a duly constituted council.	
Council Members		
Entitlement to vote	36. Every council member has one vote at a meeting of council or committees of council.	20
Deemed resignation for non-attendance	37. A council may, by by-law, provide that, where any council member is absent from regular meetings of council, without the prior consent of the council, more than a certain number of times specified in the by-law, the council member shall be deemed to have resigned.	25
Indemnities and allowances to council members	38. Subject to this Act, a council may, by by-law, provide for the payment of	
	(a) an annual indemnity to	30
	(i) the mayor, and	
	(ii) the councillors;	
	(b) an indemnity to council members for attending meetings of council or for performing any other duties; and	35
	(c) a reasonable allowance for expenses necessarily incurred in the performance of a council member's duties.	

Protection for council members	39. Subject to the <u>Conflict of Interest Act</u> , no council member is <u>liable to any civil action</u> , prosecution, arrest, imprisonment or damages by reason of	
	(a) anything said by the council member in a meeting of council or a committee of council; or	5
	(b) anything brought before council or a committee of council by the council member,	10
	unless it is said or brought with malicious intent.	
Records		
Record of voting	40. The senior administrative officer shall record in the minutes the name of each council member and how that council member voted where	15
	(a) a recorded vote is demanded by a council member; or	
	(b) the vote requires more than a majority.	
Keeping of minutes	41.(1) The senior administrative officer shall record, legibly and in writing, the minutes of the proceedings of all meetings of the council and shall certify them as correct.	20
Adoption of minutes	(2) Every council shall, after correcting any errors, adopt the certified record of its minutes after which the mayor or other presiding council member shall sign them.	25
Public inspection of records	42.(1) The by-laws and the minutes of all meetings of every council and its committees must be open for public inspection once the by-laws are made or the minutes adopted by the council.	30
Copies of records	(2) Any person may receive copies of all or any part of the by-laws or the minutes of a council upon the payment of a fee to be determined by by-law.	
Mayor		
Presiding council member	43.(1) The mayor shall preside at all meetings of the council.	35
Senior executive officer	(2) The mayor is the senior executive officer of the municipal corporation.	

Maintaining order	(3) The mayor shall maintain order and decorum at all meetings of the council and shall decide all questions of order subject to appeal to the council as a whole.	
Responsibility to council	44.(1) The mayor, as senior executive officer of a municipal corporation, shall communicate to the council such information and recommend to it such measures, within the authority of the council, as, in the mayor's opinion, may be necessary in the public interest.	5 10
Direction to officers	(2) The mayor shall provide direction to the officers of the municipal corporation.	
Membership in all committees	45. The mayor is, by virtue of his office, a member of all committees of the council, and possesses all the rights, privileges, powers and duties of such membership.	15
Deputy mayor	46.(1) A council may appoint a council member to be the deputy mayor.	
Duties of deputy mayor	(2) The deputy mayor (a) shall perform the duties and may exercise the powers of the mayor when the mayor is absent or unable to act; and (b) shall perform such other duties and may exercise such other powers, subject to the authority of the mayor, as the council may determine.	20 25
Officers		
Senior administrative officer	47.(1) Every council shall, by by-law, appoint the senior administrative officer.	30
Status	(2) The senior administrative officer is an employee.	
Change in title	(3) A council may call the senior administrative officer by another name, for the purposes of the municipal corporation.	35

Appointment and designation of duties	48.(1) The council may, by by-law, appoint employees to be officers and authorize them to perform (a) any statutory duty assigned to the senior administrative officer by this Act, other than those assigned under section 51; or (b) any other duties the council considers necessary.	5
Acting officers	(2) The council may appoint employees to act on behalf of any officer where the officer is absent or unable to act.	10
Prohibited officers	49.(1) No council shall appoint as an officer any person who has a direct or indirect interest in a contract with the municipal corporation.	
Conflict of interest	(2) No officer shall have any direct or indirect interest in a contract with the municipal corporation.	15
Dismissal for conflict of interest	(3) An officer who acquires an interest in a contract with the municipal corporation may be dismissed without notice and without compensation.	20
Exceptions	(4) This section does not apply to (a) contracts for the purchase of a residence or land upon which to build a residence to be occupied by the officer or the officer's dependants; (b) loans or quarantees made pursuant to section 172; (c) contracts for the supply of a utility or other service generally available at common rates to members of the public; or (d) contracts of employment or for benefits related to employment.	25 30
Bonding	50.(1) The following persons must be bonded in such amount, for such risks and with such surety as the council directs: (a) the senior administrative officer; (b) such other officer as may be performing the duties under paragraphs 52(1)(f) to (1); and (c) such other officers or employees as the council may require.	35 40
Costs of bonding	(2) The costs of the bonding required by subsection (1) must be paid by the municipal corporation.	

Delegation by council	51.(1) The senior administrative officer shall perform such duties and exercise such powers of the council as the council may, by by-law, delegate other than	
	(a) the power to make by-laws or resolutions; and	5
	(b) any duty or power that is exercisable only by by-law.	
Mandatory duties	(2) The senior administrative officer, subject to the direction of the mayor, shall	10
	(a) supervise and direct the affairs of the municipal corporation, its other officers and its other employees;	
	(b) implement the policies of the council;	15
	(c) provide advice to the council;	
	(d) inspect and report on all municipal works as required by the council;	
	(e) ensure that estimates of revenues and expenditures are prepared in accordance with this Act;	20
	(f) ensure that all contracts of the municipal corporation are prepared and executed as required by the council; and	
	(g) perform such other duties as the council may require.	25
Other duties	52.(1) The senior administrative officer or such other officers as council may appoint under section 48 shall	
	(a) have custody of the seal of the municipal corporation and cause it to be affixed to documents when required;	30
	(b) attend all meetings of the council and record accurately all its resolutions, decisions and proceedings;	
	(c) prepare and have custody of the minutes and other records of the council and its committees;	35
	(d) have custody of the original of every by-law of the municipal corporation;	
	(e) provide copies of by-laws, minutes and other public documents of the municipal corporation in accordance with this Act;	40
	(f) ensure the safekeeping of all funds and securities of the municipal corporation;	
	(g) collect and receive all moneys belonging to or owing to the municipal corporation;	45

	(h) ensure that all disbursements of the funds of the municipal corporation comply with this Act and any applicable by-law;	
	(i) ensure that complete and accurate accounts are kept of all moneys received and disbursed on behalf of the municipal corporation;	5
	(j) ensure that complete and accurate accounts are kept of all assets and liabilities of the municipal corporation and all transactions affecting the financial position of the municipal corporation;	10
	(k) ensure that the financial statements of the municipal corporation are prepared annually in accordance with this Act and at such further times as the council may direct; and	15
	(l) provide such financial information respecting the municipal corporation as the Minister may require.	20
Powers related to financial control	(2) The officer performing the duties specified in paragraphs (1)(f) to (l) may	
	(a) inspect any financial record of the municipal corporation; and	
	(b) give directions to any employee of the municipal corporation in order to perform those duties.	25

Employees

Employees	53.(1) A council may employ such persons as the council deems necessary to carry out the business of the municipal corporation.	30
Holding multiple offices or positions	(2) A council may, by by-law, allow one person to hold two or more offices or positions.	
Prohibited employees	54. No council shall appoint a council member to any salaried office or employment in the municipal corporation.	35
Terms of employment	55. A council may, by by-law,	
	(a) establish the remuneration and benefits of employees;	40
	(b) establish hours of work and terms of employment;	
	(c) provide for the manner of appointment, promotion, discipline and dismissal of employees and officers;	45

	(d) provide retirement, death or disability benefits to employees, either independently or pursuant to the <u>Municipal Employees Benefits Act</u> ; and	
	(e) on behalf of the municipal corporation, enter into collective or other agreements with employees.	5
Indemnification of employees	56. A council may, by by-law,	
	(a) provide for the indemnification of employees who are sued in connection with the performance of the employee's duties or the conduct of municipal business;	10
	(b) establish the terms and conditions of the indemnity;	
	(c) establish the risks and positions that will be covered.	15
Prohibition on paying employees' fines	57. No municipal corporation shall pay any fine imposed on an employee found guilty of an offence under the law of Canada or the Northwest Territories.	20

PART III

BY-LAWS

General

Limit on power of council	58. A council may make by-laws under this Part only where it is specifically authorized to do so in its community charter.	25
Idem	59.(1) The power of a council to make by-laws is subject to all Acts and regulations of Canada and the Territories, unless an Act or regulation expressly states otherwise.	30
Effect of inconsistency	(2) Where a by-law is inconsistent with an Act or regulation, the by-law is of no effect to the extent of the inconsistency.	
Geographical limitation	60.(1) Subject to subsection (2) and paragraph 74(e), a by-law applies only inside the boundaries of the municipality.	35

Endorsement of approval	(2) A by-law that receives the approval of the Minister, the voters, the ratepayers or some other authority must have the approval endorsed on it.	
Limit on resubmission for approval	66. If a by-law requiring the approval of the voters or ratepayers does not receive that approval, the council shall not submit another by-law for the same purpose to the voters or ratepayers within six months of the vote, except with the permission of the Minister.	5
Petition for by-law	67.(1) Where at least twenty-five per cent of the voters in any municipality petition the council to submit, for the approval of the voters, any by-law dealing with any matter within its power to make by-laws, the council shall	10
	(a) cause a by-law dealing with the subject-matter of the petition to be prepared and read a first time;	15
	(b) cause a copy of it to be forwarded to the Minister; and	
	(c) submit the by-law to the voters for their approval.	20
Duty to make by-law	(2) If a majority of the voters who vote approve of the by-law, the by-law as submitted shall be given third reading by the council within four weeks after the vote, without any alteration being made in the by-law affecting its substance.	25
Procedure for obtaining approval	68.(1) Where this Act requires a by-law to be approved by the voters or ratepayers of a municipality, the approval must be obtained in accordance with this section.	30
Public notice	(2) After the proposed by-law has been introduced and considered by the council, the council shall give public notice of the purpose of the by-law at least two weeks prior to the date of the vote.	
Application of <u>Local Authorities Elections Act</u>	(3) The council shall obtain the approval of the voters or ratepayers, in accordance with provisions of the <u>Local Authorities Elections Act</u> respecting an election, at the next election or at such earlier date as the council may require.	35
Appointment of scrutineers	(4) The mayor shall, if so requested, appoint in writing a sufficient number of persons from among those who support and those who oppose the proposed by-law to act as scrutineers at each voting station and at the final count of the ballots.	40

Powers and duties of scrutineers	(5) The persons appointed as scrutineers have the same powers and duties as agents of a candidate at an election.	
Entitlement to vote	69. Where a ratepayer is a corporation, a group of co-owners or an unincorporated body of persons, the corporation, group or body, as the case may be, is entitled to only one vote on any by-law submitted to the ratepayers.	5
Amending or repealing a by-law	70.(1) Subject to this Act, a council may, by by-law, amend or repeal a by-law.	10
Limit on amendment or repeal	(2) The power of a council to amend or repeal a by-law is subject to the same conditions as the power to make the by-law.	
Evidence of by-law	71. A copy of a by-law under the seal of the municipal corporation and certified by the senior administrative officer to be a true copy is admissible in evidence without further proof.	15
Disallowance	72. The Minister may, upon the recommendation of the Executive Council, disallow any by-law for any reason within one year of the by-law receiving third reading.	20
Quashing By-laws and Resolutions		
Application to quash	73.(1) Any person (a) resident in the municipality, or (b) adversely affected by a resolution or by-law may apply, by way of originating notice, to a judge for an order quashing a resolution or by-law of the municipal corporation.	25 30
<u>Supreme Court Rules</u>	(2) The application must be in accordance with the <u>Supreme Court Rules</u> .	

Roads

Authority over roads	74. A council has the power to make by-laws in respect of the following roads in the municipality: (a) any road included in a plan of survey registered pursuant to the <u>Land Titles Act (Canada)</u> ;	35
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	(b) any road on public land that is designed or intended for or used by the public but not included in a plan of survey registered pursuant to the <u>Land Titles Act</u> (Canada);	5
	(c) any road on private land dedicated for public use, by the owner by instrument in writing, and adopted as a municipal road by by-law;	
	(d) any road maintained at the expense of the municipal corporation on a frozen body of water or water course; and	10
	(e) any road outside the municipality and designated as a municipal road by the Minister, by order, upon the recommendation of the Executive Council.	15
Incidental powers	75. A council may, by by-law,	
	(a) classify municipal roads for any purpose it considers necessary;	
	(b) adopt as a municipal road any road on private land dedicated for public use, by the owner by instrument in writing;	20
	(c) designate parts of municipal roads as sidewalks; and	
	(d) provide for the naming or numbering of municipal roads and the numbering of buildings.	25
Construction	76.(1) A council may, by by-law, provide for the construction of	
	(a) roads on land belonging to the municipality or on land expropriated for the purpose, pursuant to the <u>Expropriation Act</u> ;	30
	(b) works on municipal roads; and	
	(c) signs, signals, markings or devices for traffic control on municipal roads.	35
Repair	(2) A council may, by by-law, provide for the repair of	
	(a) municipal roads;	
	(b) works on municipal roads; and	
	(c) signs, signals, markings or devices for traffic control on municipal roads.	40
Removal of snow and other obstructions	77. A council may, by by-law, provide for the removal of snow, ice, dirt, garbage or other obstructions from municipal roads by	
	(a) the municipal corporation;	45
	(b) the occupier of adjacent property; or	
	(c) any person responsible for depositing it on a municipal road.	

Limitation of actions	78. No action for damages caused by the negligent maintenance or repair of a municipal road shall be commenced unless (a) notice is given to the municipal corporation within sixty days, and (b) the action is commenced no later than two years after the damage was sustained.	5
Encroachments	79. A council may, by by-law, prohibit and provide for the removal of encroachments, obstructions and nuisances on municipal roads.	10
Closing roads	80.(1) A council may, by by-law, provide for the opening and closing of municipal roads in accordance with this Act.	
Right to compensation and access	(2) No municipal corporation shall close any municipal road if it excludes a person from entering or leaving the person's real property or residence, unless the municipal corporation provides the person with (a) reasonable compensation; and (b) other convenient means of access.	15 20
Temporary closure	81.(1) A council may, by resolution, temporarily close a road for a fixed period of time.	
Notice of closure	(2) Where a council temporarily closes a road, it shall (a) cause signs or signal devices to be erected to warn traffic of the closure; and (b) give such notice of the closure to the public as may be appropriate in the circumstances.	25 30
Public notice and hearing	82. Before a council gives third reading to any by-law that will open, establish, close, widen, divert or dispose of any municipal road, the council shall (a) give public notice of the proposed by-law at least two weeks in advance; and (b) hear any person, or representative of the person, who claims to be affected by the by-law and who wishes to be heard.	35 40
Sewage and Drainage Systems		
Establishment of sewage and drainage system	83. A council may, by by-law, provide for the establishment of (a) a sewage system to collect, convey and dispose of sewage; or (b) a drainage system to collect, convey and dispose of surface and other waters.	45

Operation, maintenance and alteration	84. A council may, by by-law, provide for the operation, maintenance and alteration of a sewage or drainage system established or acquired by the municipal corporation.	
Source of funding	85. Any by-law made under section 83 or 84 must state the sources of funding for all costs that will be incurred by the municipal corporation as a result.	5
Regulation of use of system	86. A council may, by by-law, prohibit or regulate the discharge of substances and liquids into a sewage or drainage system.	10
Regulation of private system	87. A council may, by by-law, regulate the design and installation of sewage and drainage systems owned or operated by persons other than the municipal corporation.	15
Mandatory connection to system	88. A council may, by by-law, require the owners of real property to connect their buildings and structures to a sewage or drainage system in such manner as the by-law may require.	
Costs of connection	89. A council may, by by-law, impose a charge on the owner of real property for the costs incurred by the municipal corporation in providing a connection between a sewage or drainage system and the edge of the real property to be served.	20
	Garbage and Waste	25
Incinerators, garbage dumps, toilets and garbage collection	90. A council may, by by-law, <ul style="list-style-type: none"> (a) provide for the establishment and operation of public incinerators and public garbage dumps; (b) regulate or prohibit certain types of waste from being burned in public incinerators or dumped in public garbage dumps; (c) provide for the establishment and operation of public toilets; and (d) provide for the establishment and operation of a system for the collection, removal and disposal of garbage. 	30 35
Mandatory use of garbage collection system	91. A council may, by by-law, require persons to use any system established for the disposal of garbage upon such terms and conditions as the by-law may require.	40

Regulation of drains, cesspools, septic tanks and toilets 92. A council may, by by-law, require and regulate the emptying, cleaning and disinfecting of private drains, cesspools, septic tanks and toilets and the removal and disposal of waste from them. 5

Sale or use of by-products 93. A council may, by by-law, provide for the sale or use of any by-product, including neat, obtained by the municipal corporation by incinerating or processing garbage or waste.

Water Supply 10

Establishment of water distribution system 94. A council may, by by-law, provide for the establishment of a water distribution system for the supply of water for drinking and other purposes in the municipality.

Operation, maintenance and alteration 95. A municipal corporation may, by by-law, provide for the operation, maintenance and alteration of a water distribution system established or acquired by the municipal corporation. 15

Source of funding 96. Any by-law made under section 94 or 95 must state the sources of funding for all costs that will be incurred by the municipal corporation as a result. 20

Regulation of private system 97. A council may, by by-law, regulate the design and installation of a water distribution system owned or operated by persons other than the municipal corporation. 25

Mandatory connection to system 98. A council may, by by-law, require the owners of real property to connect their buildings and structures to a water distribution system in the municipality in such manner as the by-law may require. 30

Costs of connection 99. A council may, by by-law, impose a charge on the owner of real property for the costs incurred by the municipal corporation in providing a connection between a water distribution system and the edge of the real property to be served. 35

Other Works and Services

Parking facilities, trailer parks and mobile home parks 100. A council may, by by-law, provide for the establishment and operation of (a) parking lots; (b) parking buildings; (c) trailer parks; and (d) mobile home parks. 40

Airports

Establishment and operation of municipal airports	101.(1) A council may, by by-law, provide for the establishment and operation of airports or aerodromes and facilities for them, under licences issued pursuant to the <u>Aeronautics Act</u> (Canada).	5
Establishment and operation of airports under agreement	(2) A council may, under an agreement or as a result of an obligation imposed under an agreement made by the Government of Canada, make by-laws respecting	
	(a) the establishment and operation of airports or aerodromes and facilities for them; or	10
	(b) respecting other matters that are necessary to implement or operate the agreement or arising as a result of the agreement.	15
Fire Prevention		
Establishment and operation of fire department	102. A council may, by by-law,	
	(a) provide for the establishment and operation of a fire department;	
	(b) provide for the staffing of the fire department; and	20
	(c) set out the duties of the staff of the fire department.	
Building control	103. A council may, by by-law,	
	(a) divide the municipality into fire districts of different classes;	25
	(b) determine the standards for buildings and structures in each class of fire district; and	
	(c) prohibit or regulate the construction of buildings and structures in a fire district according to the standards of that class of fire district.	30
Agreements	104. A municipal corporation may enter into agreements with other municipal corporations in the Territories respecting the use of fire-fighting staff and equipment in the municipality.	35
Regulation of dangerous goods	105. A council may, by by-law, prohibit or regulate the manufacture, processing, storage, sale, transport or use of combustibles, chemicals, explosives or other dangerous products.	40

Ambulance Services

- Establishment and operation of ambulance service
106. A council may, by by-law, provide for
- (a) the establishment and operation of an ambulance service; and
 - (b) entering into agreements with the Government of the Northwest Territories respecting ambulance services.
- 5

Public Health

- Public health and contagious diseases
107. A council may make by-laws respecting public health and the prevention of contagious diseases and may, by by-law,
- (a) compel the removal of any insanitary thing or thing dangerous to public health and safety from public or private property;
 - (b) prohibit or regulate the construction and use of outdoor toilets, cesspools and septic tanks;
 - (c) prohibit or regulate the construction and operation of slaughterhouses, gas works, tanneries and other trades or factories that may create a nuisance to the public;
 - (d) prohibit or regulate the deposit of anything prejudicial to public health in any stream or body of water in or used by the municipality; and
 - (e) prohibit or regulate smoking in public places.
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- Cemeteries and disposal of the dead
108. A council may, by by-law,
- (a) provide for the establishment and operation of cemeteries; and
 - (b) regulate the disposal of the dead.
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Recreation

- Recreation programs, services and facilities
109. A council may, by by-law, provide for the establishment and operation of recreation programs, services and facilities.
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Building Control

- National Building Code of Canada
- 110.(1) A council may, by by-law, adopt, in whole or in part, the National Building Code of Canada issued from time to time by the Associate Committee on the National Building Code, National Research Council of Canada, as a code of standards for buildings, structures and excavations.
- 40

Modifications	(2) A council may, in a by-law under subsection (1), modify the standards in the <u>National Building Code of Canada</u> , but shall not reduce any minimum standard or increase any maximum standard, without the approval of the Minister.	5
Building control	111. A council may, by by-law, prohibit or regulate (a) the construction, alteration, repair and demolition of buildings and structures, and (b) excavations, in accordance with the code of standards adopted under section 110.	10
Building permits	112.(1) A council may, by by-law, (a) require permits to be obtained from the municipal corporation for the purposes of section 111; and (b) subject to sections 183, 184 and 185, provide for matters relating to the issuance, suspension and cancellation of permits by the municipal corporation.	15 20
Combination of building permit and development permit	(2) A council may, by by-law, combine a permit issued for the purposes of section 111 with a development permit issued under the <u>Planning Act</u> .	25
Non-conforming construction, etc.	(3) No by-law made under section 111 shall affect any construction, alteration, repair, demolition or excavation that was commenced prior to the coming into force of the by-law.	
Compulsory demolition, etc.	113. Subject to sections 183, 184 and 185, a council may, by by-law, provide for (a) the demolition, removal or alteration of buildings or structures that were constructed, altered or repaired in violation of a by-law made under section 111; and (b) the filling, covering or alteration of excavations that were made in violation of a by-law made under section 111.	30 35
Business Licensing		
Definition of "business"	114. For the purposes of this section and sections 115, 116 and 117, "business" includes (a) a profession, trade, manufacture or undertaking of any kind,	40

	(b) an adventure in the nature of trade, and (c) the sale or offer for sale of goods in any public place,	
	but does not include a business that is regulated by an Act of Parliament or any other exempt business prescribed by regulation.	5
Business licensing and regulation	115. A council may, by by-law, (a) classify businesses for the purposes of business licences; (b) prohibit the operation of any class of business without a licence issued by the municipal corporation; (c) regulate the operation of any class of business; and (d) subject to sections 183, 184 and 185, provide for matters relating to the issuance, suspension or cancellation of business licences.	10 15
Time of opening and closing	116. A council may, by by-law, regulate the time of opening and closing of any class of business that is licensed by the municipal corporation.	20
Compliance with <u>Workers' Compensation Act</u>	117. No business licence shall be issued by a municipal corporation unless the application is accompanied by a certificate in a form prescribed by regulation stating that the business is in compliance with the <u>Workers' Compensation Act</u> .	25
Taxis		
Regulation of taxis	118. A council may, by by-law, (a) prohibit the operation of a taxi without the vehicle or operator, or both, being licensed by the municipal corporation; (b) regulate the operation of taxis; (c) establish quotas for taxi licences; (d) establish a tariff of minimum and maximum fares that may be charged by taxi operators; (e) regulate the transfer of taxi licences; (f) classify taxis for the purposes of the by-law; (g) regulate the nature and location of taxi stands; and (h) subject to sections 183, 184 and 185, provide for matters relating to the issuance, suspension and cancellation of taxi licences.	30 35 40 45

Public Transit System

Public transit system	119. A council may, by by-law, (a) establish and operate a public transit system; and (b) regulate the operation of a public transit system operated by other persons.	5
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Animals

Regulation of animals	120. A council may, by by-law, (a) prohibit or regulate the keeping of animals; (b) prohibit or regulate the movement of animals; (c) prohibit the owner or person in possession of an animal from allowing it to run loose or out of control; (d) require animals or certain classes of animals to be licensed; (e) classify animals for the purposes of the by-law; (f) provide for matters related to the issuance, suspension and cancellation of licences for animals; and (g) prohibit cruelty to animals.	10 15 20
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Enforcement	121. A council may, by by-law, provide for the enforcement of a by-law made under section 120 by authorizing (a) the capture or impounding of animals; (b) the sale or destruction of captured or impounded animals; and (c) the charging of fees for the release of a captured or impounded animal.	25 30
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Insect control	122. A council may, by by-law, provide for the establishment and operation of a program for the elimination or control of insects.	
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Snares and traps	123. Notwithstanding the <u>Wildlife Act</u> , a council may, by by-law, (a) prohibit or regulate the setting of snares and traps; and (b) provide for the removal and disposition of snares and traps set in contravention of the by-law.	35 40
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Public Nuisances

Noise	124. A council may, by by-law, (a) prohibit or regulate the creation of noise that could disturb the public in all or any part of the municipality; and (b) prohibit or regulate the use of public address systems and similar systems.	5
Air pollution	125. A council may, by by-law, (a) prohibit or regulate the emission of pollutants into the atmosphere; and (b) establish or adopt standards for the maximum amount of pollution that may be emitted into the atmosphere.	10
Indecent writings or pictures	126. A council may, by by-law, prohibit or regulate the posting or exhibition of writings or pictures, in a public place or visible from a road or public place, that are indecent or may tend to corrupt the public.	15
Defacing property	127. A council may, by by-law, prohibit the defacing of private or public property by posters, graffiti or other markings.	20

Firearms and Fireworks

Discharge of firearms	128. A council may, by by-law, prohibit or regulate the discharge of firearms, air guns and spring guns.	25
Sale and use of fireworks	129. A council may, by by-law, (a) classify fireworks; (b) prohibit or regulate the sale of classes of fireworks; and (c) prohibit or regulate the use of classes of fireworks.	30

Inoperable Vehicles

Removal and disposal of inoperable vehicles	130. Subject to sections 183, 184 and 185, a council may, by by-law, provide for the removal and disposal of vehicles that (a) are inoperable, wrecked, dismantled or abandoned; (b) are not located in a building; and (c) do not form part of a business lawfully operated on the premises.	35 40
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Grant of franchises	131.(1) A council may, by by-law, grant a franchise to any person authorizing the person to provide (a) electric power, (b) water, (c) gas, or (d) public transit to persons in the municipality.	5
Approval of voters	(2) Every by-law made under this section must be approved by the voters.	
Terms and conditions	(3) A franchise may be exclusive or not and may be granted upon such terms and conditions as the council considers necessary or advisable.	10
Incidental powers	(4) A franchise may authorize the person providing the utility to construct, operate or remove poles, wires, conduits, vehicles, buildings, structures or vehicles on municipal roads or public places.	15
Term of years	132.(1) No council shall grant a franchise for a term in excess of twenty years.	
Renewal	(2) A council may, from time to time, by by-law, renew the term of a franchise for further terms of no more than ten years each.	20
Action on expiry of franchise	(3) Where a franchise is not renewed, a council may, with the approval of the Minister, purchase any or all the rights under the franchise and any or all property used in connection with the franchise upon such terms as the parties may agree or, failing agreement, such terms as may be determined by a sole arbitrator pursuant to the <u>Arbitration Act</u> .	25
	Miscellaneous Powers	30
Flag, crest and coat of arms	133. A council may, by by-law, approved by the Minister, (a) adopt a flag, crest or coat of arms for the municipal corporation; and (b) make rules for the use of such flag, crest or coat of arms.	35
Taking a census	134. A council may cause a census to be taken in the municipality.	

Contracts

Power to contract	135.(1) A municipal corporation has the power to contract for municipal purposes.	
Making of contracts	(2) A council may, by by-law, provide for the making of	5
	(a) contracts for and on behalf of the municipal corporation; and	
	(b) contracts with other persons for the provision of municipal services by them on behalf of the municipal corporation.	10

Property

Power to acquire, hold and dispose of property	136.(1) A municipal corporation may acquire, hold and dispose of real and personal property for municipal purposes.	15
Procedural by-law	(2) A council may, by by-law, provide for the acquisition, holding and disposal of real and personal property belonging to the municipal corporation.	
Acquisition and disposal of real property	(3) The acquisition and disposal of real property belonging to the municipal corporation must be done by by-law.	20
Prohibition	(4) No person shall sell or dispose of any property belonging to the municipal corporation, except in accordance with	25
	(a) a by-law made pursuant to subsection (2); and	
	(b) subsection (3).	
Development of real property	137. A council may, by by-law, provide for the acquisition, development and disposal of real property in the municipality for the purpose of generating revenue for the municipal corporation.	30

Limitations

Prohibition on exemptions	138. No council has the power to grant any specific person an exemption from	35
	(a) any tax, rate, rent or other charge payable to the municipal corporation, or	
	(b) the application of a by-law,	
	unless specifically authorized by an Act or regulation.	40

Limit on powers after election day	139.(1) During the period commencing on election day and ending on the day the term of new council members begins, no council or council member shall	
	(a) make any by-law or resolution that will result, directly or indirectly, in an expenditure not set out in the budget for the current fiscal year;	5
	(b) enter into any contract or obligation on behalf of the municipal corporation; or	
	(c) appoint or dismiss any officer of the municipal corporation.	10
Exception	(2) Notwithstanding subsection (1), a council or council member may do those things referred to in subsection (1) where	
	(a) it is in the public interest and is urgently required; or	15
	(b) it is authorized by a by-law made prior to the election day.	

PART IV

FINANCIAL AFFAIRS 20

Budgets

Fiscal year	140. The fiscal year for a municipal corporation is	
	(a) the period commencing on the first day of April and ending on the thirty-first day of March in the following year; or	25
	(b) the calendar year, if the municipal corporation is a municipal taxing authority.	
Adoption of budget	141.(1) Every council shall, by resolution, prior to each fiscal year, adopt a budget for the fiscal year.	30
Contents of budget	(2) The budget must include estimates of	
	(a) all expenditures to be incurred by the municipal corporation, including	
	(i) payments in respect of debts,	35
	(ii) operating expenditures,	
	(iii) capital expenditures, and	
	(iv) grants;	
	(b) all revenues to be received by the municipal corporation, including	40
	(i) charges for municipal services, and	
	(ii) grants and contributions; and	
	(c) any sum required to meet a deficit of the municipal corporation, if any, in the preceding fiscal year.	45

Idem	<p>(3) Where the municipal corporation is a municipal taxing authority, the budget must include estimates of</p> <p>(a) property taxes to be received by the municipal corporation; and</p> <p>(b) all school taxes that may be collected by the municipal corporation and forwarded pursuant to the <u>Property Assessment and Taxation Act</u> or the <u>Education Act</u>.</p>	5
Forwarding copy of budget	142. Every council shall ensure that a copy of the budget is forwarded to the Minister or his designate.	10
Surplus	143.(1) A municipal corporation may save any surplus at the end of a fiscal year for use in future fiscal years.	15
Deficit	(2) Every municipal corporation shall eliminate any deficit at the end of a fiscal year by the end of the next fiscal year.	
Expenditures and Disbursements		
Expenditure control	144.(1) No person shall incur an expenditure on behalf of the municipal corporation that is not included in or is inconsistent with the budget for the fiscal year.	20
Exception	<p>(2) Notwithstanding subsection (1), where</p> <p>(a) a council has not yet adopted a budget, or</p> <p>(b) an expenditure is not included or is inconsistent with the budget,</p> <p>a person may incur an expenditure on behalf of the municipal corporation, if the expenditure</p> <p>(c) is one that the municipal corporation is legally obligated to incur, or</p> <p>(d) is authorized by the council by resolution.</p>	25 30
Deposit of moneys	145. The senior administrative officer shall ensure that all moneys received by or on behalf of the municipal corporation are deposited in accounts in banks designated by the council by resolution.	35
Disbursements	<p>146.(1) Every disbursement of money belonging to the municipal corporation must be made by a cheque or other negotiable instrument that is</p> <p>(a) drawn on or made from a bank account referred to in section 145; and</p>	40

	(b) signed or authorized by	
	(i) the mayor or such other council member as the council by resolution designates, and	
	(ii) the senior administrative officer.	5
Reproduction of signatures	(2) A council may, by by-law, authorize the signature of any person referred to in paragraph (1)(b) to be engraved, lithographed, printed or mechanically reproduced for the purpose of issuing cheques.	10
Petty cash funds and imprest bank accounts	(3) Notwithstanding subsection (1), the council may authorize the establishment and use of petty cash funds and imprest bank accounts.	
General municipal fund	147. Subject to section 148, every municipal corporation shall have a fund, to be known as the general municipal fund, composed of all moneys belonging to the municipal corporation, whether received or receivable.	15
Other funds	148.(1) A council may, by resolution, establish funds in addition to the general municipal fund.	20
Matters relating to other funds	(2) Every council, for each fund established pursuant to subsection (1), shall, by resolution, (a) designate the name of the fund; (b) describe the purpose of the fund; (c) describe what the fund will be composed of; and (d) make such rules governing the operation of the fund as the council considers necessary or advisable.	25
	Financial Statements	30
Preparation of financial statements	149.(1) The senior administrative officer shall ensure that financial statements of the municipal corporation are prepared for each financial year.	
Contents of financial statements	(2) The financial statements must include (a) a statement of assets and liabilities of the municipal corporation presenting fairly the financial position of the municipal corporation as at the end of the fiscal year; (b) a statement of expenditures and revenues of the municipal corporation showing the results of operations for the fiscal year;	35 40

	(c) a statement of changes in financial position of the municipal corporation for the fiscal year;	
	(d) a list of all debts written off by the municipal corporation during the fiscal year;	5
	(e) a list of all debts forgiven by the municipal corporation during the fiscal year;	
	(f) a list of all capital assets disposed of by the municipal corporation during the fiscal year;	10
	(g) any statement, report, schedule, account, note, explanation or information relating to the financial statements that the council considers necessary or advisable; and	15
	(h) the report of the auditor on his examination of the accounts and financial transactions of the municipal corporation.	20
Requirements of financial statements	(3) The financial statements must be prepared	
	(a) in accordance with generally accepted accounting principles;	
	(b) on a basis consistent with that of the preceding fiscal year or another disclosed basis; and	25
	(c) in accordance with guidelines issued by the Minister.	
Time of submission	(4) The financial statements must be submitted to the Minister no later than one hundred and twenty days after the end of the fiscal year.	30
Auditor	150.(1) Every council shall, by resolution, appoint an auditor for the municipal corporation.	
Prohibited auditors	(2) No person or firm shall be appointed as an auditor who, at the time of appointment or during the current or preceding fiscal year,	35
	(a) is or was a council member;	
	(b) is or was an officer of the municipal corporation; or	
	(c) has or had, directly or indirectly, any interest in a contract or employment with the municipal corporation, other than as an auditor.	40
Notice of appointment	(3) Every council shall give written notice to the Minister of the appointment or revocation of an auditor, within thirty days of the appointment or revocation.	45

Compulsory revocation of appointment 151. The Minister may, by written notice, require a council to revoke the appointment of an auditor where, in the opinion of the Minister, the auditor (a) is incapable of satisfactorily performing the duties of auditor; or (b) has failed to satisfactorily carry out his duties under this Act. 5

Auditor's report 152.(1) An auditor shall report annually to the council on the results of his examination of the accounts and financial statements of the municipal corporation and shall (a) state whether, in his opinion, (i) the financial statements present fairly the financial position as at the end of the fiscal year and the results of the operations and the changes in financial positions for that fiscal year in accordance with an appropriate disclosed basis of accounting consistently applied, (ii) proper books of account have been kept and the financial statements are in agreement with the books of account, and (iii) the transactions that have come under his notice are in accordance with (A) this Act and the regulations, (B) the by-laws of the municipal corporation; and (b) report on any other matter falling within the scope of his examination that, in his opinion, should be commented on. 10 15 20 25 30

Powers of auditor (2) An auditor may require any council member or any employee of the municipal corporation (a) to produce all records kept in respect of the administration of the municipal corporation; and (b) to provide such information and explanations as the auditor deems necessary. 35 40

Place of audit (3) An auditor must conduct the audit in the municipality, unless the auditor obtains the permission of the council or a judge to conduct it elsewhere.

Borrowing 45

Prohibition 153. No municipal corporation shall borrow money except in accordance with this Act.

Temporary borrowing	154.(1) A council may, by by-law, authorize the municipal corporation to borrow on a temporary basis from a bank such amounts as may be needed to meet expenditures lawfully authorized to be incurred but for which revenues received are insufficient.	5
Maximum amount	(2) The total amount borrowed pursuant to subsection (1) must not at any time exceed eighty-five per cent of the estimated revenues as set out in the budget for that fiscal year.	10
Form of borrowing	(3) The municipal corporation may borrow pursuant to subsection (1) by way of overdraft, line of credit, temporary loan or other arrangement.	
Administrative matters	(4) A by-law made pursuant to subsection (1) may provide for such administrative matters in respect of the borrowing as the council considers necessary or advisable.	15
Long-term borrowing	155.(1) Where a municipal corporation is a municipal taxing authority, the council may, by by-law, authorize the municipal corporation to borrow on a long-term basis, on the security of debentures, such amounts as may be needed for municipal purposes.	20
Maximum amount	(2) The total amount borrowed pursuant to subsection (1) must not exceed ten per cent of the total current assessed value of all property in the municipality on which property taxes are paid or in respect of which grants are made in lieu of such taxation.	25
Approval	(3) Every borrowing by-law must be approved by (a) the Minister; and (b) the ratepayers, subject to subsection (4) and section 167.	30
Exemption	(4) The Minister may, by order, exempt a borrowing by-law from the approval of the ratepayers required by paragraph (3)(b).	35

Contents of borrowing by-law	156.(1) Every borrowing by-law made must	
	(a) set out	
	(i) the principal amount to be borrowed,	
	(ii) the specific purpose for which the money is being borrowed,	5
	(iii) the term of the debentures to be issued,	
	(iv) the rate of interest payable or the method of determining the rate of interest,	10
	(v) the method of repayment of principal, and	
	(vi) the total current assessed value of all property in the municipality on which property taxes are paid or in respect of which grants are made in lieu of such taxation;	15
	(b) authorize the issue of debentures in an amount not exceeding in total the amount set out in subparagraph (a)(i);	20
	(c) specify the denominations of the debentures;	
	(d) specify the terms of payment of interest and repayment of principal; and	
	(e) be in such form and contain such other provisions as the Minister may require.	25
Administrative matters	(2) A borrowing by-law may provide for such administrative matters in respect of the borrowing as the council considers necessary or advisable.	
Redemption of debentures	(3) Every borrowing by-law must provide that any debentures issued pursuant to the by-law are redeemable by the municipal corporation on such terms and conditions as the by-law provides.	30
Term of debentures	157. The term of every debenture issued by a municipal corporation must be no greater than the expected life of the asset in respect of which the money is being borrowed.	35
Requirements for debentures	158.(1) Every debenture issued by a municipal corporation must be	
	(a) in a form approved by the Minister;	40
	(b) signed by	
	(i) the mayor or another council member designated by the council, and	
	(ii) the senior administrative officer;	
	and	45
	(c) under the seal of the municipal corporation.	

Interest of debentures	(2) Every debenture issued by a municipal corporation must bear interest at the same rate after as before maturity.	
Where debenture payable	(3) A debenture issued by a municipal corporation and any of its interest coupons may be made payable anywhere in Canada.	5
Forwarding of debentures to Minister	159.(1) The senior administrative officer shall forward to the Minister every debenture before it is issued.	
Record of debentures	(2) The Minister shall cause a record to be kept of every debenture forwarded to him.	10
Countersigning by Minister	(3) Where the Minister is satisfied that a debenture is being issued in compliance with this Act, the Minister shall countersign the debenture and return it to the municipal corporation.	15
Limit on lenders	160. A municipal corporation may borrow, under a borrowing by-law, only from (a) the Government of Canada or the government of a province or territory; or (b) a bank.	20
Use of borrowed money	161.(1) No person shall expend any money borrowed under a borrowing by-law except for the purposes set out in the by-law.	
Return of unexpended money	(2) Any money borrowed under a borrowing by-law that is unexpended after achieving the purposes set out in the by-law must be used to redeem the debentures within sixty days.	25

Local Improvements

Undertaking local improvements	162. Where a municipal corporation is a municipal taxing authority, the council may, by by-law, undertake a local improvement, where the council is of the opinion that the local improvement principally benefits real property in a particular geographic area of the municipality.	30
Contents of local improvement by-law	163. Every local improvement by-law must set out (a) the nature of the local improvement; (b) which parcels of real property will, in the opinion of the council, principally benefit from the local improvement; (c) the total estimated costs of the local improvement and the nature of those costs;	35 40

	(d) the proportion of the costs that would be financed by	
	(i) a local improvement charge levied against the real property principally benefitting from the local improvement, and	5
	(ii) general revenues of the municipal corporation;	
	(e) the total estimated principal amount of	
	(i) all borrowing under a borrowing by-law, and	10
	(ii) any temporary borrowing under section 154;	
	(f) the total estimated amount of the local improvement charges to be levied;	15
	(g) the period over which the local improvement charges would be payable; and	
	(h) the conditions upon which the local improvement charges, in respect of a parcel of real property, could be paid in a lump sum.	20
Public hearing and notice	164.(1) Before second reading of a local improvement by-law, every council shall	
	(a) hold a public hearing on the local improvement by-law;	25
	(b) give public notice of the purpose, date, time and place of the hearing fourteen days in advance; and	
	(c) ensure that a notice of intent to make the local government by-law is sent to every ratepayer who would be required to pay any local improvement charges.	30
Contents of notice	(2) The notice of intent referred to in paragraph (1)(c) must include	
	(a) a description of the local improvement;	35
	(b) an estimate of its costs;	
	(c) an estimate of the local improvement charges; and	
	(d) a description of the options for payment of the local improvement charges.	40
Consent of affected ratepayers	165.(1) Before third reading of a local improvement by-law, every council must obtain from sixty per cent of the ratepayers, who would be required to pay local improvement charges, their written consent to the making of the local improvement by-law.	45

Majority consent	(2) The ratepayers who consent must represent at least one-half of the assessed value of all real property in respect of which local improvement charges will be levied.	
Certification of consent	(3) The senior administrative officer shall certify to the council whether the consent required by this section has been obtained.	5
Levy of local improvement charges	166.(1) After a local improvement is complete, a council may, by by-law, (a) establish the method for assessing the amount of the local improvement charge; (b) establish the amount of the local improvement charges and their manner of payment; and (c) authorize the levy of a local improvement charge against the real property that, in the opinion of the council, principally benefit from the local improvement.	10 15
Use of local improvement charges	(2) Every municipal corporation shall use local improvement charges only for the purpose of financing the local improvement.	20
Other source of financing	(3) A municipal corporation may finance a portion of the costs of a local improvement from the general revenue of the municipal corporation.	
Where borrowing by-law exempt from ratepayer approval	167. A borrowing by-law made for the purpose of a local improvement does not need the approval of the ratepayers, where (a) the costs of any borrowing under the borrowing by-law, for a local improvement, are completely financed by local improvement charges; and (b) the local improvement by-law has been approved in accordance with section 165.	25 30

Forgiveness of Debts

Prohibition	168. No municipal corporation shall forgive a debt owed to it except in accordance with section 169.	35
Procedure	169.(1) A council may, by by-law, approved by the Minister, forgive a debt owed to the municipal corporation, in whole or in part, if (a) the debt is not in respect of property taxes; and (b) the council is satisfied that (i) the debt is not collectable, or (ii) there are other reasons justifying the forgiveness of the debt.	40 45

Contents of by-law	(2) A by-law made pursuant to subsection (1) must set out <ul style="list-style-type: none"> (a) the name of the debtor; (b) the date the debt was incurred; (c) the nature of the debt; (d) the amount of the debt; and (e) the reason for the forgiveness. 	5
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Effect of forgiveness	(3) There is no obligation to pay a debt, owed to the municipal corporation, that is forgiven in accordance with this section.	10
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Grants

Making grants	170.(1) Subject to subsection (2), a council, on behalf of the municipal corporation, may, by resolution, make grants to persons or groups resident in the municipality for purposes that, in the opinion of the council, will benefit residents of the municipality.	15
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Maximum amount	(2) The total amount of all grants made by a council in a fiscal year must not exceed two per cent of the total expenditures of the municipal corporation as set out in its budget.	20
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Loans and Guarantees

Prohibition on loans and guarantees	171. No municipal corporation shall <ul style="list-style-type: none"> (a) make a loan to any person, or (b) guarantee the payment of a debt owed by any person, except in accordance with section 172.	25
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Exception for housing	172.(1) A council may, by by-law, authorize the municipal corporation to make a loan or guarantee a loan to an employee only for the purpose of buying a residence or land upon which to build a residence.	30
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General exception	(2) A council may, by by-law, make a loan to any person for purposes other than those set out in subsection (1), where the by-law is approved by the Minister.	35
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Investments

Authorized investments	173. A council may, by resolution, authorize the senior administrative officer to invest surplus money belonging to the municipal corporation	
	(a) in certificates of deposit, deposit receipts, notes or other evidences of indebtedness given by a bank in consideration of deposits made with the bank;	5
	(b) in securities where repayment of principal and interest is unconditionally guaranteed by a bank; and	10
	(c) in an investment within the classes of investments enumerated in subsection 63(1) of the <u>Canadian and British Insurance Companies Act (Canada)</u> .	15

Revenue

Charges for municipal services	174. A council may, by by-law, provide for the establishment, levy and collection of charges for municipal services, including	
	(a) the use of a sewage or drainage system;	20
	(b) garbage collection;	
	(c) water supply;	
	(d) recreation programs; and	
	(e) the use of any facilities belonging to the municipal corporation.	25
Reduction in rates	175. A council may, by by-law, provide for the reduction or waiver of a charge for the use of a sewage, drainage or water distribution system, where any past or present owner or occupier of the real property has paid for any portion of the sewage, drainage or water distribution system.	30

PART V

ENFORCEMENT

Procedures

By-law officers	176. A council may, by by-law, appoint by-law officers and establish their specific duties.	35
Municipal prosecutions	177.(1) A by-law officer may represent the municipal corporation before a justice of the peace in the prosecution of any person charged with an offence under a by-law.	40

Duty to enforce by-laws	(2) Every by-law officer shall enforce the provisions of the by-laws of the municipal corporation.	
Duty to enforce other Acts	(3) Every by-law officer is an officer within the meaning of the <u>Vehicles Act</u> and shall enforce the provisions of that Act and the <u>All-terrain Vehicles Act</u> .	5
Power to issue orders	178.(1) A council may, by by-law, ensure compliance with its by-laws by providing for the issuance of orders by the council, a by-law officer or other employee directing a person do any act or refrain from doing any act.	10
Failure to obey order	(2) A council may, by by-law, provide that failure to obey an order issued pursuant to subsection (1) is an offence.	
Inspections	179. A council may, by by-law, provide for the inspection of buildings, structures and excavations to ensure compliance with its by-laws.	15
Notice of certain by-laws	180. No council shall give third reading to any by-law that authorizes the entry or use of real property without the consent of the owner or occupier of it, unless it first causes a copy or summary of the by-law to be published in a newspaper circulating in the municipality.	20
Use of ticket procedure	181.(1) A municipal corporation may use the provisions of the <u>Summary Conviction Procedures Act</u> to enforce its by-laws.	25
Record keeping	(2) Every senior administrative officer shall ensure that complete and accurate records are kept in respect of (a) all tickets issued pursuant to the <u>Summary Conviction Procedures Act</u> for offences under the by-laws; (b) all payments of fines in respect of those tickets; and (c) the disposition of those tickets.	30 35
Destruction of records	(3) A council may, by by-law, provide for the destruction of records kept under subsection (2) when they are no longer useful or required by law.	
Injunction	182. In addition to any other remedy available to it, a municipal corporation may enforce a by-law by applying to the Court for an injunction in accordance with the <u>Supreme Court Rules</u> .	40

Application	183.(1) This section applies to (a) the enforcement of by-laws made under sections 113 and 130; and (b) the suspension and cancellation of building permits, business licences and taxi licences pursuant to by-laws made under sections 112, 115 and 118.	5
Hearing	(2) Before any action referred to in subsection (1) is taken, the council shall allow any person affected, or that person's representative, an opportunity to be heard.	10
Who holds hearing	(3) The hearing must be conducted by the council.	
Notice	(4) Notice must be served on the owner or occupant of the property affected at least three days prior to the date of the hearing.	15
Contents of notice	(5) The notice must (a) set out the time and place of the hearing; and (b) advise the person of the purpose of the hearing and the right of the person to attend and make representations.	20
Service of notice	(6) The notice must be served personally or, where personal service cannot be effected because the address of the owner or occupier is not known, the notice may be published twice in a newspaper having general circulation in the municipality.	25
Exception for imminent danger	184. Where the council, or such other person as may be authorized to take the action referred to in subsection 183(1), is of the opinion that there is imminent danger to public health and safety, (a) the period of notice required by subsection 183(4) may be shortened; or (b) the action may be taken without the notice and hearing required by section 183.	30 35
Appeal	185.(1) An appeal may be taken from a decision made under section 183 or 184 to a judge by way of originating notice, pursuant to the <u>Supreme Court Rules</u> .	
Time for appeal	(2) The appeal must be made no later than thirty days after the decision.	40

Time for enforcement	(3) Subject to section 184, no person shall take any action referred to in subsection 183(1) until after	
	(a) the period for taking an appeal has expired and no appeal has been taken; or	5
	(b) any appeal taken has been dismissed by a judge.	
Action at expense of person in default	186.(1) Where a person does not do any act lawfully required under a by-law made under section 77, 79 or 130, the council may direct that the act be done by the municipal corporation at the expense of the person in default.	10
Collection of expenses	(2) The expenses incurred by a municipal corporation under subsection (1) may be recovered from the person in default by charging it against the real property in respect of which the expenses were incurred in the same manner as arrears of property taxes under the <u>Property Assessment and Taxation Act</u> .	15
Penalties and Offences		20
Penalties for by-law offences	187.(1) A council may, by by-law, provide that a person who is guilty of an offence under a by-law is liable on summary conviction to	
	(a) a fine in an amount specified in the by-law; or	25
	(b) imprisonment for a period not exceeding six months, in default of payment of a fine.	
Maximum amount of fine	(2) A fine specified pursuant to paragraph (1)(a) must not exceed	30
	(a) \$1,000 for an individual; and	
	(b) \$5,000 for a corporation.	
Order respecting other matters	188. In addition to any fine that may be levied, a court, subject to its jurisdiction, may order a person convicted of an offence under a by-law to	35
	(a) pay any fee or charge that may otherwise be payable by the person to the municipal corporation in respect of any licence or permit that should have been obtained by the person; and	40
	(b) do or refrain from doing any activity that the court may specify.	
Ownership of fines collected	189. Subject to any other enactment, a fine or penalty collected in respect of an offence under a by-law belongs to the municipal corporation.	45

Offence	190. Every person who contravenes this Act or the regulations is guilty of an offence.	
Penalty for offences under this Act or by-laws	191. Where no other penalty is specified by this Act or by a by-law, every person who is guilty of an offence under this Act, the regulations or a by-law is liable on summary conviction to	5
	(a) a fine not exceeding	
	(i) \$1,000 for an individual, and	
	(ii) \$5,000 for a corporation; or	
	(b) imprisonment for a period not exceeding six months, in default of payment of a fine.	10
Obstructing an officer	192. Every person who wilfully obstructs or interferes with	
	(a) a by-law officer,	15
	(b) another officer of the municipal corporation,	
	(c) a municipal inspector, or	
	(d) a municipal administrator,	
	in the performance of that person's duties under this Act or a by-law, is guilty of an offence.	20

Municipal Inspectors

Appointment	193. <u>Municipal inspectors appointed pursuant to the Cities, Towns and Villages Act</u> are municipal inspectors for the purposes of this Act.	25
Mandatory inspections	194. Every municipal corporation, at least once a year and at such other times as the Minister may require, must have its	
	(a) records, books and accounts examined,	
	(b) management and administration reviewed, and	30
	(c) financial affairs examined,	
	by a municipal inspector.	
Report	195.(1) Every municipal inspector shall prepare a report on the examinations and reviews made pursuant to section 194 and submit it to the Minister.	35
Contents of report	(2) The report of a municipal inspector may include	
	(a) a statement describing any violation of this Act or the by-laws of the municipal corporation that, in the opinion of the municipal inspector, has occurred; and	40
	(b) recommendations on action to be taken by the municipal corporation or the Minister.	45

Forwarding copy of report	(3) Every municipal inspector shall forward a copy of the report to the mayor, unless the Minister otherwise directs.	
Powers of municipal inspector	196. A municipal inspector may, for the purpose of section 194,	5
	(a) inspect or require the production of any record, book, account or document of the municipal corporation and make copies of it;	
	(b) require any council member or employee of the municipal corporation or any person managing or administering money belonging to the municipal corporation to provide such information and explanations as are necessary;	10
	(c) examine any council member or employee of the municipal corporation or any person managing or administering money belonging to the municipal corporation under oath or require such person to provide a statement under oath;	15
	(d) enter municipal premises at any reasonable time;	20
	(e) obtain from a bank or other financial institution any financial information it may have respecting the municipal corporation; or	25
	(f) exercise the powers of a commissioner for oaths.	
	Municipal Administrator	30
Order placing municipal corporation under control of municipal administrator	197.(1) The Minister may, by order, declare a municipal corporation to be under the control of a municipal administrator, where	
	(a) the municipal corporation is incapable of meeting its financial obligations;	35
	(b) the council has failed to perform a duty required of it by this Act or any other Act; or	
	(c) the Minister is of the opinion that for other reasons it is in the best interests of the municipal corporation that it be under the control of a municipal administrator.	40
Contents of order	(2) The order under subsection (1) must	
	(a) appoint the municipal administrator; and	45
	(b) state the term of the municipal administrator, if any.	

Effect of order	198. Where an order has been made under section 197, the council members shall be deemed to have retired from office and the council shall remain vacant until after a new election is held pursuant to section 210.	5
Powers and duties of municipal administrator	199. Subject to this Act, a municipal administrator may exercise the powers and shall perform the duties of a council under this Act.	
Limit on powers of municipal administrator	200. No municipal administrator shall incur any expenditure or liability on behalf of the municipal corporation without the approval of the Minister.	10
Bonding	201.(1) Every municipal administrator must be bonded in such amount as the Minister determines.	
Costs of bonding	(2) The municipal corporation shall pay the costs of bonding a municipal administrator.	15
Directions of Minister	202. The Minister may, by order or otherwise, direct a municipal administrator in the exercise of his powers or the performance of his duties.	
Municipal advisory committee	203.(1) The Minister may, by order, establish a municipal advisory committee composed of at least two members.	20
Members	(2) The members of the municipal advisory committee must be appointed by the Minister from among the residents of the municipality.	25
Duty of municipal advisory committee	(3) A municipal advisory committee shall advise a municipal administrator in the exercise of his powers and the performance of his duties.	
Disposal of property	205. Subject to direction from the Minister, a municipal administrator may dispose of any personal or real property belonging to the municipal corporation as may be necessary to satisfy any of its outstanding debts.	30
Power to establish rate of taxation	205. The Minister shall exercise the power of a council under the <u>Property Assessment and Taxation Act</u> to establish the rate of tax, where the municipal corporation is a municipal taxing authority and under the control of a municipal administrator.	35
Books of account	206.(1) A municipal administrator shall ensure that accurate books of account are kept, relating to the financial affairs of the municipal corporation.	40

Inspection of books of account	(2) The books of account referred to in subsection (1) must be open to inspection by the Minister or any person designated by the Minister.	
Financial statements	207.(1) Every municipal administrator shall provide to the Minister	5
	(a) a balance sheet that presents fairly the financial position of the municipal corporation; and	
	(b) a statement of income that presents fairly the operating results of the municipal corporation.	10
Time of submission	(2) The statements referred to in subsection (1) must be submitted at the end of each calendar month or at the end of such shorter period of time as the Minister may require.	15
Approval for by-laws	208. Every by-law made by a municipal administrator must be approved by the Minister.	
Costs of municipal administrator	209. The costs of a municipal administrator, including	
	(a) remuneration at a rate to be prescribed by regulation, and	20
	(b) all reasonable living and travelling expenses,	
	must be paid out of the funds of the municipal corporation.	25
Return of control to council	210. Where the Minister is of the opinion that a municipal corporation under the control of an administrator should be returned to the control of a council, the Minister may	
	(a) revoke the order issued pursuant to section 197; and	30
	(b) by order, establish an election date for new council members and provide for their election in the same manner as the first election of a council.	35

PART VI

DISSOLUTION

Order of dissolution	211. The Minister may, by order, dissolve a municipal corporation where he is satisfied that	
	(a) the municipal corporation is unable to continue in operation for financial or other reasons; and	40

(b) due provision has been made for winding up the affairs of the municipal corporation, the payment of all its debts and the satisfaction of all its obligations.

Liquidator	212. The Minister may appoint a liquidator to	5
	(a) wind up the affairs,	
	(b) pay all the debts,	
	(c) satisfy all the obligations, and	
	(d) transfer all the assets	
	of a municipal corporation that is to be dissolved.	10
Transfer of assets	213. All the assets of a dissolved municipal corporation must be transferred to the Government of the Northwest Territories, upon such terms and conditions as the Minister may require.	
Ownership of receivables	214. All revenues of a dissolved municipal corporation not yet received by it belong to the Government of the Northwest Territories and may be collected accordingly.	15

PART VII

GENERAL

Order varying time	215. The Minister may, by order, vary the time required by this Act for the doing of any thing, whether the time has passed or not, where the thing cannot or has not been done.	
Public notice	216. When public notice is required under this Act, the notice must be given to the general public in any one or more of the following ways:	25
	(a) by inserting the notice at least once in a newspaper circulating in the municipality;	
	(b) by mailing or delivering a copy of the notice to each voter in the electoral district;	30
	(c) by causing announcements to be made on a radio or television station received in the municipality on at least three separate days; or	35
	(d) by posting a notice in at least five widely separated and conspicuous places in the municipality.	

Regulations

217. The Commissioner may, upon the recommendation of the Minister, make regulations

- (a) prescribing such forms as are necessary or advisable in carrying out the provisions of this Act; and
- (b) prescribing any matter or thing that by this Act may or is to be prescribed by regulation.

Coming into force

218. This Act shall come into force on a day or days to be fixed by order of the Commissioner.