



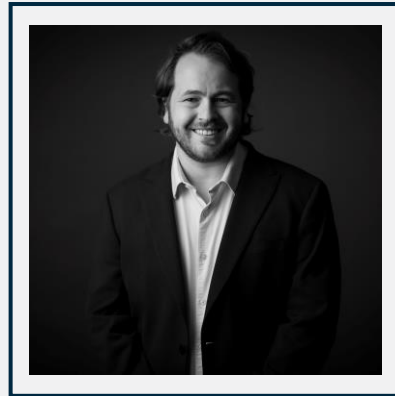
# Looking Back, Moving ➤ Forward

---

Lessons learned after 1.5 years of the  
*Towns and Local Service Districts Act*



Justin Hewitt  
*Partner*  
*Stewart McKelvey*



Robert Bradley  
*Senior Associate*  
*Stewart McKelvey*



Sharmane Allen  
*Senior Legislative Advisor*  
*Government of NL*

# AGENDA

---

- By-Laws
- Taxation
- Governance
- Q&A Session

 **By-Laws – Implementation and  
Enforcement**

---

## Section 404 No More

**404.** (1) A council may make an order that:

- (f) where a building is in a dilapidated state, or is, in the opinion of the council, unfit for human habitation, or another use for which it is then being used, or is a public nuisance, the owner or occupier is to pull down, remove, fill in or otherwise destroy the building and restore the site to its original state, or make the disposition or alteration of the building that the order directs;
- (j) a person who causes a nuisance contrary to the regulations of the council cease causing that nuisance;
- (l) that the owner or occupier of real property remove from that property, solid waste, noxious substances and substances or things which may be a hazard to public health and safety or which adversely affects surrounding properties.

# By-Laws: Less is More, More or Less

## *Drafting & Implementation*

- Not intended to be a policy document
- Enabling vs. Prescriptive
- Prohibitions should be specific
- Precision is key
- Need to be enforceable

# Enforcement of By-Laws

- Orders
- Violation notices
- By-law enforcement officers (section 278)
  - What powers do they have?

 **Taxation**

---

# Imposition of taxes

- Clarity of tax structure/resolution
- Poll tax – phasing out
- Tourist accommodation tax
- No discrimination

# Collection of Taxes

- Arrears sales
  - Mandatory by-law
  - Mandatory Notice of Arrears
- Appeal process
  - What does an appeal look like?
- Other tax collection mechanisms

# Governance

---

# Rules of Procedure

- Mandatory
- Town Council Meetings Rules of Procedure Regulations
  - Basic framework
- Comprehensive and comprehensible

# Open Meetings vs Closed Meetings

- Transparency, accountability and procedure
- A municipal council is a public assembly
- With limited exceptions, council business must be conducted in public – including:
  - Regular meetings
  - Special meetings
  - Committee meetings
- Closed meetings available to discuss, among other things, commercially sensitive matters, issues subject to solicitor-client privilege, and labour and employment matters

# Committees

- Committee of the whole structure
- Be cautious of conflict of interest
- Quorum required

An aerial photograph of a rocky coastline. The left side shows rugged, brownish-grey rocks with white foam from waves crashing against them. The right side shows deep blue water with white foam from waves breaking further out. The overall scene is dynamic and natural.

# Q&A Session

---

CLICK TO ADD A SUBHEAD