

Town of Witless Bay

Official Policies & Procedures

This document contains policies to guide the actions of the Town in the handling of local affairs. It provides a framework for the delegation of decision-making, eliminates misunderstandings, reduces uncertainties and enables goals and objectives to be met. This document provides direction to allow Administration to meet Council's policy objectives, facilitates better and timely decisions, ensures uniformity in the interpretation and implementation of policy, and ensures that similar situations are handled consistently. While some latitude is allowed in decision-making, depending on circumstances, the intent of the policies and procedures herein must be followed.

Section 1: PROCEDURE FOR MEETINGS

1.A Notice & Agenda for Meetings

- 1.A.1 Regular public meetings of Council shall be held in the Town Office on the second Tuesday of each month.
- 1.A.2 The Mayor, the Deputy Mayor in the Mayor's absence, or any two members of Council may call a meeting. All regular meetings of Council must be preceded by a notice of at least 48 hours, which must be coordinated by the Town Clerk.
- 1.A.3 In an emergency situation, a special meeting of Council may be called by a majority of councillors in office. Such emergency meetings must be preceded by a notice of at least 2 hours, and shall deal with only the item(s) of business for which the emergency meeting has been called.
- 1.A.4 Notice for meetings must include the final version of the agenda, in such a manner as to apprise the public of the business to be discussed. Broad items such as "Report of the Chair" shall be avoided.
- 1.A.5 All correspondence, accounts, applications, or any other item to be discussed at a public meeting of Council must be submitted to the Town Office by 12:00pm Noon on the Thursday prior to the Council meeting for inclusion on the agenda. Any item submitted after this deadline will be addressed at the next public meeting of Council.
- 1.A.6 During public meetings of Council, there shall be no discussion of items not on the agenda, nor shall there be action on items not on the agenda.
- 1.A.7 Notice of motion must be given prior to consideration of all regulations or amendments thereto and for the re-consideration of a previously adopted motion or resolution.
- 1.A.8 Council will not act on anonymous complaints. Please submit complaints in writing directly to the Town Office.
- 1.A.9 There may be action on any item on the agenda, unless the agenda explicitly states that this item is "For information only."
- 1.A.10 The agenda for all public meetings shall include:
 - The date, time, and place of the meeting.
 - The exact wording of all motions for which a notice of motion has been given.
- 1.A.11 The minutes of council meetings shall include:
 - The date and place of the meeting.
 - The time at which the meeting was called to order.
 - A record of the attendance at the meeting, including the time when individual councillors arrived or left.
 - The exact wording of all motions and resolutions put before council.
 - The names of the mover and seconder of each motion or resolution.
 - The names of councillors in favour, against, or abstaining on every motion or resolution.
 - A brief description of reports or other documents presented to council, including presentations by delegations.
 - Any declaration of a conflict of interest by a member of council and a record of that councillor's leaving the

- meeting while the matter is under discussion.
- The time of adjournment.

1.B Public Meetings of Council

- 1.B.4 Quorum for public meetings of Council is any four councillors. NOT YET OFFICIALLY RATIFIED: If there is no quorum present within fifteen minutes of the time appointed, the Town Clerk or Acting Clerk shall call a roll and take down the name of the members then present, and Council shall stand adjourned until the next regular meeting.
- 1.B.5 All in attendance shall respect and follow the Rules of Order established by Council.
- 1.B.6 Unless a conflict of interest is declared or a councillor has been permitted to abstain by a majority vote of the other councillors in attendance at the meeting, all councillors must vote on all matters before Council. This includes the Mayor, who has one vote. An abstention is the equivalent of a negative vote.
- 1.B.7 All business of Council shall be conducted by roll call vote (Municipalities Act, 212(4)).
- 1.B.8 A motion or resolution is considered to be defeated in the case of a tie vote.
- 1.B.9 Motions requiring a two-thirds majority require the assent of two-thirds of the councillors in office, not two-thirds of the councillors present (i.e. five supporters are needed when seven councillors are in office).
- 1.B.10 If a motion is not supported by a majority vote, it must be deferred until the next public meeting of Council. If not finalized on that date, three months must elapse before Council includes it on the agenda again.
- 1.B.11 All committees of Council act in an advisory capacity, and do not have any power to act on their own. All committee recommendations must be discussed and decided by Council before becoming valid.
- 1.B.12 Council may go into closed session when a two-thirds majority of Councillors vote that a discussion be held “In Camera.” Decisions taken during closed sessions are not valid until they are moved, seconded, and passed at a public meeting.
- 1.B.13 Any delegation wishing to address council is required to notify the Town Clerk in writing prior to the deadline for inclusion on the agenda. The delegation must appoint a spokesperson, who will appear before Council shortly following the adoption of the minutes. Delegations’ requests will be discussed by Council at a later point in the proceedings or at a future meeting. While members may ask questions to a delegation’s spokesperson, there shall be no debate at this time. The members of the delegation have a right to sit through the remainder of the council meeting, but have no right to address council after their spokesperson has presented their case.
- 1.B.14 Public meetings of Council shall adjourn at 10:30pm, whether or not all agenda items have been settled.
- 1.B.15 Immediately following the adjournment of each public meeting, there shall be a “Public Comment” section, where the public may talk about anything, and where Council may question the public, but where no further action or discussion is allowed. This “Public Comment” section shall end by 11:00pm at the latest.

1.C Communication with the General Public

- 1.C.1 The Town Clerk shall ensure that the agenda for the public meetings of Council are posted on the Town Website at least 48 hours prior to every meeting.
- 1.C.2 The Town Clerk shall ensure that the ratified minutes of all public meetings are posted on the Town Website within one week following their ratification.
- 1.C.3 Updates to policies and procedures shall be posted on the Town Website as they are adopted.
- 1.C.4 A newsletter shall be sent out to residents at least once every four months.
- 1.C.5 Access to Information forms shall be used for public requests where deemed necessary. (M#2011-058)

Section 2: PERMITS & DEVELOPMENT

2.A Subdivision of land

- 2.A.1 No land within the municipal boundaries of Witless Bay is to be subdivided without the prior approval, in writing, of Council (as per Statutes of Newfoundland 2000, 29.2:a)

2.B Permits

- 2.B.1 No development, construction, extension, demolition, excavation, grading, clearing or grubbing is to take place without a permit from the Town.
- 2.B.2 All building applications must be duly filled out and signed before being considered by Council. Applications must be in the applicant's name, and must be accompanied by a duly filled out plot plan, the applicable application fee, and a legal survey (for new home constructions and commercial applications, the survey must be not older than 5 years).
- 2.B.3 The fees related to permits will be according to the Annual Tax Structure adopted by Council.
- 2.B.4 If the applicant has any outstanding debts with Council (e.g. fines, levies, late taxes, etc.), this debt must be paid in full before any application is considered for approval (as per the Municipalities Act, Section 404).
- 2.B.5 No black or grey septic lines or fields will be permitted to run into the harbour or ponds of Witless Bay.

2.C Limits of Permits

- 2.C.1 Permits issued by Council are valid for one year from the date of issue, with the option of renewal for one year. After the second year, the applicant must re-apply to the Town.
- 2.C.2 Permits that are issued to an applicant cannot be transferred. If a property changes hands at any point before the construction is completed, the purchaser must make a new application to the town once he is in possession of the legal deed of conveyance, and submit all required documents with the application.
- 2.C.3 The developer of any residential, commercial, or industrial development in the Town of Witless Bay is responsible for meeting all current provincial and national standards.
- 2.C.4 The Town does not provide compliance or occupancy permits. Compliance with existing codes is not implied or warranted by Council's issuance of a permit. Council's approval of developments is in principle only, and subject to the final approvals by the appropriate government agencies. The developer of any residential, commercial, or industrial development in the Town of Witless Bay is responsible for meeting all current provincial and national standards.
- 2.C.5 The applicant and builder are both responsible to construct as per submitted plans. Any changes must be approved by Council, in writing.

2.D Constructing Driveways

- 2.D.2 There shall be no unauthorized ditch filling or altering. Building on any watercourse constructed as a public storm sewer or ditch without prior approval from Town Council is an offence. Written notice will be given to the property owner that the installation will need to be removed upon the Town identifying, at its discretion; i) a potential detrimental effect to Town-owned infrastructure, ii) unsafe or failed conditions, or iii) the installation as a contributing cause to drainage issues. The property owner will be given five weeks (35 days) to remedy the issue. If the issue is not resolved within 35 days, the Town will rectify the issue at the owner's expense.
- 2.D.3 A driveway must be properly ditched and a culvert meeting the Town's standards must be installed and inspected by Council before the Town can grant a permit to develop a new lot or construct a new home.
- 2.D.4 New or replaced culverts are to be a minimum of 24" in diameter, and are to be plastic.
- 2.D.5 Driveways extending past 60m must be back lot development and shall have one house per driveway. Each application will be reviewed on an individual basis by Council (motion #2011-100).

2.E Constructing & Altering Roads

- 2.E.2 All roads approved by Council have to be built according to the standards adopted by Council.
- 2.E.3 Council shall adopt a 40 ft. street reservation with a 20 ft. paved surface and a thickness according to the minimum engineering standards as a minimum acceptable standard for newly constructed roads within the town.
- 2.E.4 Any ownership or procurement of land for road construction is strictly the responsibility of the applicant.
- 2.E.5 All engineering fees associated with new road construction are the responsibility of the applicant. New road developers are to deposit to the Town a fee determined by the Town and the Town's Engineer for the cost incurred

for inspections of that development. The Town Engineer's road inspections are to be paid by the developer and can be paid from the Developer's Bond unless an alternate agreement is in place to the satisfaction of Council.

- 2.E.6 If it is deemed necessary for an applicant to make a cut in a road, a deposit must first be made with Council, and the individual will be responsible for all costs associated with repairing the cut. Council will determine the cost of this deposit based on the individual need, as well as establish a deadline for the road to be repaired to Council's satisfaction.
- 2.E.7 Permits to develop will not be issued on newly-developed roads until the road is legally turned over to the Town.

2.F Unauthorized or Unlawful Development

- 2.F.1 To develop, construct, excavate, grade, clear or grub without a permit or with an expired permit carries a fine of not more than \$5,000 for a first offence and not more than \$10,000 for a subsequent offence. In addition, if construction contravenes the Town's zoning regulations or by-laws, an additional fine of up to \$10,000 may be levied. Also, the owner will be responsible for the cost of dismantling such construction and restoring the site if so ruled, and the cost of rectifying any problems identified by Council.
- 2.F.2 Stop Work Orders can be issued by Council at any time if no permit has been issued for the civic address/addresses in question. Where a permit has been granted and has not yet expired, any Stop Work Order must be sanctioned by Council during a public meeting. The daily fine for disobeying a Stop Work Order shall be \$500.
- 2.F.3 Development applications which do not conform to the Town Plan, municipal by-laws, the Municipalities Act, and/or other development regulations will be denied. Specific reference to the regulations in question will be cited in the Town's written response and denial.
- 2.F.4 All Discretionary Use Notices, Variance Notices, and Stop Work Orders that are posted will be listed by civic number only (if property has been assessed and assigned a civic number), and will be accompanied by a map as well as the intended use of the land.

Section 3: MUNICIPAL TAXES

- 3.A.1 All land in Witless Bay is taxable back to six (6) years from the time the land has been assessed to the real property owner or owners.
- 3.A.2 Due date for taxes will be May 31st of each year where the 31st falls on a work day, otherwise it will be prior to May 31st rather than June. Taxes not paid by due date of May 31st are subject to compound interest of 18% per annum (Sec. 107 Municipalities Act). If arrangements are made to have accounts paid in full by November 30th of each year, no interest will be added to accounts.
- 3.A.3 Taxes still outstanding or no arrangements made to have accounts paid in full by November 30th of each year will be forwarded to a collection agency. Taxpayers must be given at least one final notice on or before November 1st of each year that their account is being prepared for collection.
- 3.A.4 A 5% discount is offered for all residents who pay taxes by the end of March of each year, 10% for seniors. The senior's discount will apply throughout the entire year.
- 3.A.5 The Town will accept personal cheques for payment on taxes until such a time a cheque is returned for insufficient funds. No further cheques will be accepted by taxpayer after it has been returned NSF.
- 3.A.6 Fisheries: Stages, wharfs, etc. are taxable unless government water rights are in place. Council will determine whether it is feasible to tax fisheries structures, and may select a category for which they are to be taxed.

Section 4: CROWN LANDS

- 4.A.1 Council will not consider applications for Crown Land for agricultural use that are in excess of half hectare (2009-233).

- 4.A.2 Council will hold Crown Land applications on file for a period of 2 years. Once that period has passed it will become available for the general public to apply for, except in instances where there is an amendment process in place that could extend the wait period through no fault of Council.
- 4.A.3 Crown Land applications submitted for property already applied for by another applicant will not be accepted to be entered on an agenda and therefore will not be considered for approval.
- 4.A.4 Crown Land dimensions must be metric.
- 4.A.5 Council will not consider Crown Lands applications for wetlands.
- 4.A.6 Municipal Recommendation Forms for crown land must include a clear location map of the area and clear marking of land being applied for.

OTHER REGULATIONS IN FORCE

6.A Contracted Work

- 6.A.1 It is a contractor's duty to provide Council with updated letters of good standing from Workers Compensation for any work undertaken.
- 6.A.2 A Certificate of Good Standing must be provided on all tendered contractors.

7.A The Town Plan

- 7.A.1 Every Municipal Plan must be reviewed every five (5) years.
- 7.A.2 The Minister of Municipal Affairs has to approve any Municipal Plan to ensure it complies with Government Policy.
- 7.A.3 Council has to advertise any policy amendments prior to implementation.
- 7.A.4 All costs associated with any plan amendment when required by an individual and/or developer, shall be the responsibility of that individual. The requested plan amendment shall be subject to the approval of Council. The individual or developer shall place on deposit with the Town a sum anticipated to be approximately 50% of full cost, which is \$1750.00.
- 7.A.5 At the end of the ten (10) year Plan, Council will have the option of re-adopting the existing Municipal Plan if no revisions are to be implemented.

8.D General

- 8.D.1 It is the policy of the Town of Witless Bay to prohibit smoking at all town-owned recreation facilities, properties, and town-organized events. The objectives of this policy are to provide and support healthy behaviour, and to provide a healthy and safe environment for everyone (residents, players, coaches, fans, tourists, etc.).
- 8.D.3 No excavators are permitted on main roads and are to be transported by flatbed.
- 8.D.4 Office staff requesting annual leave must notify the Mayor, or in his absence, request must be made to the Deputy Mayor.
- 8.D.5 Council will not permit any further quarries to operate within the Town boundaries (2008-054).