

BY-LAW NO. A-5(08)

**A BY-LAW RESPECTING THE ADMINISTRATION
OF THE TOWN OF NACKAWIC**

BE IT ENACTED by the Council of the Town of Nackawic as follows:

1. Interpretation

In this by-law,

Mission Statement:	means the ultimate purpose of the Council of the Town of Nackawic.
General Operating Policy:	means a course or method of action selected by Council to guide and determine the Town's actions and future decisions.
Critical Policy Statement:	means a course or method of action subject to and created by the formal requirements of a by-law.
Policy Manual:	means the device used to hold or contain this by-law and applicable policies.

2. General (Scope)

2.01 The intent of this by-law is to enable Council to set general operating policies by resolution while keeping critical policy statements in a by-law format.

2.02 Council continues to recognize its responsibility to subject all critical policy statements to the requirements of a by-law while reserving Council resolutions for everyday administrative decisions.

3. Other Legislation

3.01 This by-law is intended to outline and facilitate the policies of the Council of the Town of Nackawic. Accordingly laws and legislation enacted by Federal and Provincial Governments are recognized as having authority where applicable.

4. Mission Statement

4.01 The Mission Statement of the Town of Nackawic is as follows:

"By committing ourselves to necessary change and improved quality, we are dedicated to providing cost effective and reliable municipal services for the long term benefit of the residents of the Town of Nackawic and, where mutually agreed upon, fiscally responsible and practical to the communities surrounding the Town."

5. Policy Manual

5.01 The Council of the Town of Nackawic shall hereafter keep and maintain a Policy Manual where the general operating policies of Council created by resolution will be kept and maintained.

5.02 The Policy Manual will be kept under the supervision of the Chief Administrative Officer.

5.03 The Policy Manual shall form an integral part of this by-law.

6. Relationship Between Council And The Chief Administrative Officer

6.01 To ensure responsive policy implementation and efficiency of municipal operations, the Council of the Town of Nackawic hereby delegates to the Chief Administrative Officer the power to administer the policies of the Town of Nackawic.

6.02 Town Council shall appoint a Chief Administrative Officer herein who shall also be appointed to the position of Town Clerk and Town Treasurer.

6.03 The Chief Administrative Officer shall

- (a) carry out the Policies and By-laws of Town Council,
- (b) oversee the duties and responsibilities of the Clerk and the Treasurer as set forth in the *Municipalities Act* for the Clerk and for the Treasurer,

6.04 All directives and inquiries of the Mayor and Town Councillors respecting Town Departments and personnel matters shall be carried out through the office of the Chief Administrative Officer.

7. Personnel Administration

7.01 Overview - Policies and Procedures

The personnel policies and procedures adopted by the Town of Nackawic are meant to provide a working guide for all levels of staff in its daily administration and operations.

In addition to the foregoing all policies and procedures adopted by resolution will be compiled into a "Personnel Policy and Procedure" and kept in the Policy Manual.

7.02 Employee Assistance Program

The Town of Nackawic recognizes that almost any human problem can be successfully dealt with provided it is identified in its early stages, and referral is made to an appropriate agency. This is true whether the problem is one of physical illness, finances, marital or family distress, alcoholism, drug abuse, legal problems or other concerns. These problems can have a potentially serious impact upon the lives of those employees affected and, in turn, on their job performance. It is a Town policy that all employees have access to an Employee Assistance Program and that guidelines relating to said program be kept in the Policy Manual.

8. Volunteer Departments

8.01 Fire Department

(a) Administration

Town Council shall make an annual provision in its estimates for the honoraria of the Fire Chief and members of the volunteer fire department and for expenditures necessary to the continued and efficient operation of the Fire Department.

(b) Fees

Town Council may from time to time, by resolution, establish service fees for the provision of fire fighting services to neighbouring areas. This schedule of fees shall be kept and maintained in the Policy Manual. Town residents will not be charged a user fee for fire protection services.

(c) Minimum Stand-by

A minimum of four firemen and one pumper-tanker truck shall remain within the Town and one fireman shall maintain contact with the mobile truck by radio whenever a fire truck leaves the Town. Should the said mobile truck be needed within the Town when it is engaged elsewhere it shall be immediately recalled to the Town to respond to said need(s).

(d) Governing By-laws

In addition to the foregoing, matters governing the affairs and operations of the department may be set forth or continued in a Town by-law or policy relating to the Fire Department.

9. **Rates and Fees**

9.01 **Administration**

- (a) In addition to the rates and fees heretofore mentioned, Council shall from time to time establish rates and fees for the goods and services provided by the Town. These rates and fees shall be kept and maintained in the Policy Manual.
- (b) All rates and fees shall be reviewed annually or more frequently if economic conditions dictate.
- (c) The Finance Committee and the Chief Administrative Officer shall review all rate and fee changes. Council may require that any applicable recommendations be provided to Council in writing.

9.02 **Recreation**

- (a) "Recreation" area means a Town-owned or operated property or facility designated for recreation use and without restricting the generality of the foregoing includes: the arena, the ballfields, the tennis courts, the waterfront area, the boat docks, the Nature Trail, Munro & McNair Parks, and skateboard park.
- (b) Guidelines for the operation of the arena and fees for the use of the arena are as stipulated in the Arena Operations/Ice Rental Policy. Schedule of fees for other recreation areas are determined by resolution of Council and are maintained in the Policy Manual.
- (c) Preferred hourly arena rates shall be granted to the Nackawic Minor Hockey Association, the Nackawic High School and the Nackawic Figure Skating Club.
- (d) Council may from time to time make grants to organizations in connection with their use of the recreation facilities noted in clause (a).

9.03 **Water and Sewer Utility**

- (a) A schedule of rates and fees shall be established in the manner set forth in the *Municipalities Act* and shall include both flat rates and metered rates for domestic, commercial, institutional and industrial users. The schedule of these fees shall be kept and maintained in the Policy Manual.
- (b) The recreation centre operated by the Nackawic Lions Club and Churches within the Town shall receive free water and sewer services.
- (c) The Trailer Courts in the Town of Nackawic shall be subject to flat rate application, per trailer unit.

(d) The Town will issue a credit for unoccupied lots on a pro-rata basis, on receipt of adequate documentation.

(e) In addition to the foregoing, matters governing the methods of billing of water and sewer service may be set forth or continued in a Town by-law relating to water and sewer rates.

9.04 Local Tax Rate (Warrant)

(a) Town Council shall prepare an annual estimate in accordance with provisions of the *Municipalities Act* and shall establish local tax rates accordingly.

(b) It shall be Town policy to establish two local tax rates: an "Inside Rate" and an "Outside Rate" - the latter to be \$0.1800 per \$100 assessment less than the former.

(c) A copy of the tax rates and a map showing their respective area of influence shall be kept in the Policy Manual.

10. Transportation (Public Works)

10.01 Snow Clearance

(a) Streets and sidewalks (one per street) are to be salted and cleared of snow as the need arises and to the capability of available equipment.

(b) On Landegger Drive and on McNair Drive from Landegger to Harding Drive sidewalks and crosswalks will be given special attention to ensure safety for school children. Sidewalks on both sides of this street will be cleared to the extent necessary for such safety. Church yards and the yard of the recreation centre operated by the Nackawic Lions Club will be cleared of snow without cost to these groups as soon as time permits, but in no case until Town streets have first been cleared.

(c) The Snow Clearing procedures by the Public Works Department are defined in the Snow Clearing Policy and may be changed by resolution of Council.

10.02 Garbage & Recycling Collection

Garbage will be collected from residential premises once weekly and recycling once monthly in accordance with applicable by-laws regulating the collection of garbage and other materials. The Town Hall or website will have the current schedule. The Town's policy on garbage collection/recycling is further outlined in the Town's policies.

10.03 Installation of Culverts

The Town of Nackawic shall, at the request of a property owner, provide and install one 7.5 m culvert unless the topography of the land required more,

- (a) at no cost with the submission and approval of a building permit for a main structure on the property, and
- (b) on a cost recovery basis for requests not associated with the construction of a main structure.

11. Ambulance Service

11.01 Town Council shall make every effort to ensure an adequate ambulance service is provided to the citizens of Nackawic.

12. Other

12.01 In addition to the foregoing, all policies governing the operations and administration of the transportation (public works) and recreation departments, adopted by resolution, will be recorded in the Policy Manual.

13. Financial

13.01 Reports

- (a) Financial reports shall be submitted to Town Council each and every month and shall contain such data as Council directs.
- (b) The office of the Chief Administrative Officer shall prepare for Town Council such other reports as Council may require.

13.02 Signing Officers - Banking Purposes

The Mayor, the Chief Administrative Officer and the Treasurer shall be the signing officers of the Town of Nackawic any two of whom are authorized and empowered to sign cheques and documents relating to Bank Accounts in the name of the Town of Nackawic.

13.03 Sale of Land

Subject to the Municipal Plan it is the policy of Town Council:

- (a) To ensure that land designated "parkland" in the Future Land Use Map is to be kept for the future use and enjoyment of the citizens of Nackawic and not to be sold.
- (b) To ensure that all municipal-owned land, other than "parkland", to be sold be advertised at least three times in newspapers circulated in the community. If such land is to be sold at less than market value or appraised value, it is to be advertised as such to

give the citizens of Nackawic an opportunity to state any objections to the sale. An advertisement for the sale of property by the Town may take the form of a tender.

(c) That municipal-owned industrial land, residential lots and developed land be sold at a fixed price determined by Council and is recorded in the Policy Manual.

(d) That, if Council deems it to be in the interest of the municipality that land be sold, an agreement shall be made between the municipality and the purchaser to the effect that if the property is resold, the municipality shall have first option at the original sale price.

(e) That, if Council sells any municipal-owned land the purchaser must start the Council-approved development within six months of the date of purchase; otherwise, the Council will have first option to reclaim the land at the original sale price, less legal fees.

(f) Council may require special covenants be attached to the deeds of land sold to protect the interests of the Town, the welfare of surrounding land, and land owners.

13.04 Purchasing

(a) The Chief Administrative Officer shall be the purchasing agent for the Town and shall be vested with the authority to carry out all purchasing in and on its behalf in accordance with the stipulations and requirements identified in the Policy Manual.

14. Town Hall - Hours of Service

14.01 Office Hours

(a) The official hours for the transaction of public business in the Town Hall shall be from 8:15 am to 4:30 pm on Monday through Friday of each week, except on holidays.

(b) Nothing herein prevents the extension of official hours when public business so demands.

15. Repeal Provision

15.01 By-Law No. A-5, A By-Law Respecting The Administration of the Town of Nackawic, passed by Town Council on December 1, 2003.

15.02 The repeal of By-Law No. A-5, A By-Law Respecting The Administration of the Town of Nackawic shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

DULY PASSED AND ENACTED BY THE COUNCIL OF THE TOWN OF
NACKAWIC ON NOVEMBER 3, 2008.



Rowena Simpson
Rowena Simpson, Mayor

Kathryn Clark
Kathryn Clark, Acting Chief Administrative Officer

First Reading: October 20, 2008
Second Reading: October 20, 2008
Third Reading: November 3, 2008