

Town of Point Leamington Policy Manual 2024

Adopted: March 19, 2024

**Town of Point Leamington
Policies
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Copies of the by-laws are on file at the Town Office

**Accessibility
(added March 19, 2024)**

The Town of Point Leamington is committed to fostering a community where people of all abilities can participate in every aspect of public life. All members of our community have the right to access municipal services, supports, spaces and programs in ways that promote independence and dignity.

The Town of Point Leamington is committed to meeting the needs of people with disabilities in a timely manner. We will do so by removing and preventing barriers to accessibility and by meeting our accessibility requirements under Newfoundland's accessibility laws.

Alcoholic Beverages (Town Premises)

There will be no sale of alcoholic beverages from any town premises without the appropriate license being obtained. All licenses must have prior approval of Council.

Ambulance Service/Board

Signing Officers - All cheques will be signed by the Town Clerk/Manager and a member of Council.

Point Leamington Ambulance Service Inc (PLASI) will manage the Ambulance Service based on an operational agreement in place with this company.

In Emergency situations, ambulance personnel can contact town maintenance in requesting plow assistance.

The Town Office is responsible for financial record keeping of the Ambulance Service with monies received from Central Health. The Auditor will audit ambulance books with the Town Office audit. **(Revised March 28, 2022)**.

ANIMALS

Adoption of Animal Protection Act and Dog Act.

New Dog Control - regulations adopted.

Cattle, chickens and all other farm animals are to be enclosed in a fenced area 100 feet from property line and/or a minimum of 200 feet from residential housing. **(Revised March 28, 2022).**

BUILDINGS

Adoption of Building Act. (Attached)

Town is not in a position to provide Building Inspections. Every permit holder is responsible to comply with all Government Regulations according to the Building Act.

Frontage for new building lots is a minimum of 50 feet.

Permits are not required for interior work on buildings unless original purpose for the building is changed. Permits will expire December 31.

Applications for non-residential housing are to be submitted, along with plans to Fire Commissioner for approval. Buildings with three or more family units are to go to the fire commissioner for approval.

Anyone in town moving a building is to ensure all permits are in order. The town will not be liable for any damages that may occur.

Maintenance personnel to check on all building permits to see that application conditions have been met (including overhead wires). A follow-up visit will be made after completion of construction

Number of feet to build from a main water line is 20 feet.

There is to be no building, structure or items of any kind on our service lines. **(Revised February 27, 2023)**

Residential and commercial buildings must be 5 feet from the property line and all secondary buildings (sheds/garages) can be 2 feet from the property line with a one-foot eave.

No construction or digging to start unless a permit has been issued. Permits are required for construction, reconstruction and excavation. **(Revised Feb.1, 2021).**

Residents will incur a \$ 100.00 charge, when permits for any work that has been started have not been received and or approved by town office. **(Revised Feb.1, 2021).**

All commercial buildings must have a "permit to occupy" from Council. Approval must first be received from Government Services and Lands.

Buildings cont....

All construction, including structures placed on land has to be up to presentable appearances.

Watershed - No approval for cabins within protected water shed area.

Depot - to be used only for Council business. Arms of Council must submit a written request to Council to use the depot.

Applications for permits can be pre-approved by the Maintenance man and a member of the Public Works committee unless the application is of a controversial nature and it then will require the approval of Council.

Sea Can containers may be approved for placement on property within town. A building application for sea cans must be provided to council for review. **(Revised March 28, 2022)**.

CODE OF CONDUCT - COUNCILLORS

Town of Point Leamington

1. Introduction

The purpose of this Code of Conduct is to establish standards of conduct for councilors. Part III of the **Municipal Conduct Act, 2022** (the Act), requires that municipalities establish a Code of Conduct to govern the conduct of members of council, and sets out minimum requirements for the Code of Conduct.

Councilors are expected to conduct themselves ethically and professionally, and in accordance with this Code of Conduct. The principles underlying the Code of Conduct are integrity, honesty, impartiality, responsibility, and accountability.

2. Application

This Code of Conduct applies to councilors acting in their official capacity as councilors, as well as a councilor off duty conduct that is sufficiently connected to the office of councilor or that could reasonably discredit the reputation of the Municipality.

Interpretation: For the purpose of this policy, Chief Administrative Officer or CAO refers to the person appointed to the position of Manager under the Municipalities Act, 1999. In the event a municipality has not established the position of a town manager, the duties of the CAO under this Code of Conduct shall be performed by the Town Clerk.

3. Standards of Conduct:

Standards of Professional Behavior

- 3.1.1. Councilors must abide by the Council's Rules of Procedure.
- 3.1.2. Councilors must work in the best interest of the municipality without regard for their personal interests.
- 3.1.3. Councilors must act competently and diligently and perform at a level expected of those working in the public interest.
- 3.1.4. Councilors must be respectful of the presiding officer, their colleagues, staff, and members of the public at all times, including during council meetings and proceedings of the municipality.

- 3.1.5.** Councilors must be prepared for meetings, aware of agendas, informed of issues, and contribute to debate in a manner that is meaningful, candid, honest, respectful, and equitable.
- 3.1.6.** Councilors must act in a manner which supports respectful, transparent, and informed debate.
- 3.1.7.** Councilors must use language which is inclusive, respectful, and refrain from using language which could be interpreted as abusive or disrespectful.
- 3.1.8.** Councilors must, in private and public, conduct themselves in a manner which does not bring disrepute to themselves, their position, the Council, or the municipality.
- 3.1.9.** Councilors must not make decisions, take positions, or make statements which are unreasonable, unjust, arbitrary, oppressive, or discriminatory.

3.2. Use of Influence

- 3.2.1.** Councilors must only use the influence of their position for the exercise of their official duties.
- 3.2.2.** Councilors must not use their authority or influence in a manner that could reasonably be perceived as threatening, coercing, or improperly influencing the actions of a municipal official or in a manner which interferes with the municipal official's responsibilities.
- 3.2.3.** Councilors are prohibited from accepting gifts, favors, or free or discounted services from any individual, vendor, contractor or others which could reasonably be perceived to show undue favor, bias, or disadvantage to any individual or organization or could reasonably be perceived to place the councilor in a conflict of interest.
- 3.2.4.** Councilors must not communicate on behalf of the Municipality unless authorized by council or by virtue of a position or role the councilor has been authorized to undertake by council.

3.3. Misuse of Public Assets and Fraud

- 3.3.1.** Councilors must report all expenses promptly, accurately, provide adequate detail, and shall maintain all receipts, invoices, and other relevant financial records and details when claiming expenses.
- 3.3.2.** Councilors must ensure that the business of the municipality is conducted efficiently and must avoid waste, abuse, and extravagance in the provision and use of municipal resources.
- 3.3.3.** Councilors must not request, use, or permit the use of municipal-owned vehicles, land, equipment, materials, or other property for personal convenience or profit, except where such privileges are granted to the general public.

3.4. Confidentiality

- 3.4.1.** Councilors must not disclose confidential information obtained in the course of their duties, except as required by law or as authorized by the Municipality to do so.
- 3.4.2.** Councilors must not use confidential information or official information which is not in the public domain for personal or private gain, the private gain of others, or a corporation.
- 3.4.3.** The collection, protection, access, use, disclosure, and disposal of personal information may only occur in compliance with the **Access to Information and Protection of Privacy Act, 2015** (ATIPPA, 2015).
- 3.4.4.** Confidential information means: information in the custody and/or control of the municipality that is prohibited from disclosure pursuant to legislation or court order or any other information regarding to the business of the municipality generally considered to be of a confidential nature, including, but not limited to:
- a) Any matter that falls under the exceptions to disclosure identified in the **Access to Information and Protection of Privacy Act**, whether or not a request for access has been made.
 - b) Personal information the disclosure of which would constitute an unreasonable invasion of privacy.
 - c) Potential acquisitions or disposition of real property.
 - d) Information which would reveal the substance of deliberation of a privileged meeting.

- e) Pending contracts including tenders, requests for proposals (RFPs), and records related to potential procurement.
- f) Draft documents and legal instruments including reports, policies, bylaws and resolutions that have not been the subject matter of deliberation in a meeting open to the public.
- g) Employment and collective bargaining matters.
- h) Legal matters.
- i) Law enforcement matters.

3.5. Social Media

- 3.5.1.** Councilors must not engage in conduct on personal or official social media platforms which would bring the integrity of themselves, the council, or the Municipality into disrepute.
- 3.5.2.** Councilors must, where possible, conduct municipal business through official accounts and devices and avoid conducting council business on personal devices or through personal accounts.

3.6. Harassment and bullying

- 3.6.1.** The obligations in this section are not intended to fulfill the requirement on a municipality as an employer to implement and maintain a harassment prevention plan, under section 24.1 of the **Occupational Health and Safety Regulations**.
- 3.6.2.** Councilors must not engage in harassment or bullying.
- 3.6.3.** All members of Council shall treat members of the public, one another, staff, and volunteers appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination, bullying and harassment.
- 3.6.4.** Harassment is defined as any objectionable or offensive behavior that is known or ought reasonably to be known to be unwelcome. Harassment may be intended or unintended. Harassment may include, but may not be limited to:
 - a) Abuse of authority – harassment that occurs through a use of authority serving no legitimate work purpose.
 - b) Discriminatory harassment – harassment that is based on actual or perceived prohibited grounds of discrimination as outlined in the **Human**

Rights Act, 2010, such as race, color, nationality, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, or political opinion.

- c) Sexual harassment – harassment which is gender-based or of a sexual nature.
- d) Bullying – a repeated pattern of mistreatment aimed at a specific person or group.

3.7. Legislative Compliance

3.7.1. A councilor must reasonably comply with all obligations imposed on councilors by legislation, regulation, and municipal policy and procedures, including but not limited to:

- a) **Municipalities Act, 1999**
- b) **Municipal Conduct Act**
- c) **Municipal Elections Act**
- d) **Public Procurement Act**
- e) **Urban and Rural Planning Act, 2000**
- f) **Access to Information and Protection of Privacy Act, 2015**
- g) **Occupational Health and Safety Act**
- h) **Human Rights Act, 2010, and,**
- i) **Any accompanying regulations**

3.8. No Adverse Actions or Reprisals

3.8.1. Council or councilors must take no action, and must to the best of their ability, ensure no action is taken, which would be reasonably perceived as a reprisal against any person acting in good faith who brings forward a complaint or information which leads to a complaint.

3.9. Allegations in Bad Faith

3.9.1. A councilor or municipal official shall not file a complaint under this policy which is retributive, made in bad faith, or with malicious intent. A complaint will not be deemed to be retributive, made in bad faith, or malicious solely because it is ultimately determined to be unfounded.

3.10. Investigation

3.10.1 A councilor shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass or fail to cooperate with a person conducting an investigation under the Act and regulations, and this Code of Conduct.

Part 2

Code of Conduct Complaint and Investigation Process

Receiving a Complaint

1. A complaint filed under this Code of Conduct shall be filed with the Chief Administrative Officer (CAO).
2. Where the complainant is the CAO, the complaint shall be filed with the mayor. Where the Mayor is the respondent, the complaint shall be filed with the Deputy Mayor. Where the CAO reasonably believes that neither the mayor nor Deputy Mayor could act impartially and fairly, the CAO may consult with the Department of Municipal and Provincial Affairs (The Department).
3. Where the complainant is the CAO, the following process will still apply, but the Mayor or Deputy Mayor will act as CAO for the purpose of administering the complaint.
4. The complaint shall be in writing.
5. Notwithstanding section 2, a complaint may be made by other means where the complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.
6. A complaint shall include the following:
 - The complainant's name
 - The names of the person or persons the complaint is about
 - A summary of the complaint, and any steps taken to resolve it
 - The date that the breach of the code occurred, if known
 - A description of how the complaint can be resolved, if applicable
7. Notwithstanding section 4, a CAO may accept a complaint confidentially where, in the opinion of the CAO, it is reasonable to do so, taking into account the public interest.
8. A complainant may withdraw their complaint in writing or by other means as per section 5. Notwithstanding, the CAO or investigator may continue investigating where it is reasonable to do so, taking into account the public interest.

9. Where a complaint is received alleging criminal behavior, or at any point it becomes apparent that criminal behavior may have occurred, the CAO shall immediately contact law enforcement, and notify the Department through the Minister's Office.
10. A person may file a complaint within 6 months of becoming aware of a Code of Conduct violation. The CAO may accept complaints outside of that timeframe in instances of harassment, bullying, financial impropriety, or where it is reasonable to do so, taking into account the public interest.

Informal Resolution

11. Where the CAO determines the complaint to be interpersonal in nature, or relates to a disagreement, the CAO may ask the parties if they wish to resolve the complaint through mediation, or Alternative Dispute Resolution (ADR).
12. ADR must not be used where there is a significant power imbalance between the complainant and respondent, where there is a reasonable apprehension of harm, where the allegations involve issues of financial impropriety, sexual harassment, violence, criminality, where either party does not consent, or where other circumstances would prevent the success of ADR.
13. Informal resolution efforts shall be concluded within 20 business days, and may be extended for additional business days with consent of both parties and approval of council.

Referral to Council - Resolution or Agreement of Facts

14. As per sections 14 (2) of the Act, where a complaint is successfully resolved or not resolved but complainants agree on the facts, the CAO shall provide Council with a report.
15. As per sections 14(4) and (5) of the Act, Council shall review the report at a privileged meeting of Council. Following the review of the report, Council shall open the meeting to the public and shall, by resolution, dismiss the complaint or make a determination that the councilor contravened the Code of Conduct.
16. Where the council determines that a councilor has contravened the Code of Conduct, the council may impose penalties in accordance with section 15.

Formal Investigation

17. Where the complaint is not resolved or the facts are not agreed on, the CAO may investigate or appoint an investigator. There shall be 40 business days to conclude an investigation from the date the informal resolution period has expired. Upon request of the CAO, council may approve up to an additional 40 business days for the completion of an investigation.
18. The investigator will notify the respondent within five business days of the failure of informal resolution and provide a copy of the complaint.
19. The respondent may provide a written response to the CAO no later than 10 business days after receipt of a copy of the complaint.
20. The investigator will prepare a written report for council.
21. The report shall at a minimum outline the investigative process, facts, analysis, test (an assessment of the facts relative to the Code of Conduct), conclusion, and recommendations. The following format is flexible but may be of assistance.
- Introduction
 - Investigative Process
 - Background
 - Events before the incident
 - The incident(s)
 - Events after the incident
 - Evidence
 - Analysis
 - Decision
 - Recommendation(s)
22. Council shall review the report at a privileged meeting, and shall within 20 business days, dismiss the complaint or find that a councilor contravened the code at a public meeting.
23. If council finds a councilor contravened the code, council may, by resolution, take an action as set out in Section 15 (Penalties) of the **Municipal Conduct Act**.

Made and adopted by the Council of the Town of Point Leamington on the 27th day of February, 2023.

Code of Conduct – Municipal Officials

Town of Point Leamington

4. Introduction

The purpose of this Code of Conduct is to establish rules of conduct for municipal officials. Part III of the **Municipal Conduct Act, 2022** (the Act), requires that municipalities establish a Code of Conduct to govern the conduct of municipal officials and sets out minimum requirements for the Code of Conduct.

Municipal officials are expected to conduct themselves ethically and professionally, and in accordance with this Code of Conduct. The principles underlying the Code of Conduct are integrity, honesty, impartiality, responsibility and accountability

5. Application

This Code of Conduct applies to municipal officials acting in their official capacity as municipal officials, as well as a municipal official's off-duty conduct that is sufficiently connected to their position or that could reasonably discredit the reputation of the Municipality.

For the purpose of this Code of Conduct, Municipal Official is defined to mean a chief administrative officer, an employee of a municipality, or any person acting with or without remuneration, under the direction of a municipality, including fire chiefs and fire fighters providing services for or to a municipality.

This Code of Conduct is intended to set out the expectations on municipal officials, and to be read in conjunction with any applicable employment policies or collective agreements. Nothing in this Code of Conduct is to be read in a way to limit an employer's ability to manage the workplace or discipline employees for a breach of this Code of Conduct, regardless of whether a complaint has been made, in accordance with applicable labor and/or employment law.

Interpretation: For the purpose of this policy, Chief Administrative Officer of CAO refers to the person appointed to the position of Manager under the Municipalities Act, 1999. In the event a municipality has not established the position of a town manager, the duties of the CAO under this Code of Conduct shall be performed by the Town Clerk.

PART I Standards of Conduct

6. Standard of Conduct:

6.1. Standards of Professional Behavior

6.1.1. Municipal officials must adhere to the policies and procedures of the Municipality.

- 6.1.2. Municipal officials must work in the best interest of the municipality without regard for their personal interests.
- 6.1.3. Municipal officials must act competently and diligently and perform at a level expected of those working in the public interest.
- 6.1.4. Municipal officials shall respect other municipal officials, Council, councilors, and members of the public.
- 6.1.5. Municipal officials must use language which is inclusive, respectful, and refrain from using language which could be interpreted as abusive or disrespectful.
- 6.1.6. Municipal officials must, in private and public, conduct themselves in a manner which does not bring disrepute to themselves, their position, the Council, or the municipality.
- 6.1.7. Municipal officials may not make decisions, take positions, or make statements which are unreasonable, unjust, arbitrary, oppressive, or discriminatory.

6.2. Use of Influence

- 6.2.1. Municipal officials must only use the influence of their position for the exercise of their official duties.
- 6.2.2. Municipal officials must not use their authority or influence in a manner that could reasonably be perceived as threatening, coercing, or improperly influencing the actions of any person.
- 6.2.3. Municipal officials are prohibited from accepting gifts, favors, or free or discounted services from any individual, vendor, contractor, or others which could reasonably be perceived to show undue favor, bias, or disadvantage to any individual or organization or could reasonably be perceived to place the official in a conflict of interest.

6.3. Misuse of Public Assets and Fraud

- 6.3.1. Municipal officials must report all expenses promptly, accurately, provide adequate detail, and shall maintain all receipts, invoices, and other relevant financial records and details when claiming expenses.

6.3.2. Municipal officials must conduct the business of the municipality in a manner that is efficient and must avoid waste, abuse, and extravagance in the provision and use of municipal resources.

6.3.3. Municipal officials must not request, use, or permit the use of municipal-owned vehicles, land, equipment, materials, or other property for personal convenience or profit, except where such privileges are granted to the general public, or except where authorized by Council or the CAO.

6.4. Confidentiality

6.4.1. Municipal officials must not disclose confidential information obtained in the course of their duties, except as required by law or as authorized by the Municipality to do so.

6.4.2. Municipal officials must not use confidential information or official information which is not in the public domain for personal or private gain, the private gain of others, or a corporation.

6.4.3. The collection, protection, access, use, disclosure, and disposal of personal information may only occur in compliance with the **Access to Information and Protection of Privacy Act, 2015**.

6.4.4. Confidential information means: information in the custody and/or control of the municipality that is prohibited from disclosure pursuant to legislation or court order or any other information that pertains to the business of the municipality generally considered to be of a confidential nature, including, but not limited to:

- j) Any matter that falls under the exceptions to disclosure identified in the **Access to Information and Protection of Privacy Act** (ATIPPA), whether or not a request for access has been made;
- k) Personal information which would constitute an unreasonable invasion of privacy;
- l) Potential acquisitions or disposition of real property;
- m) Information which would reveal the substance of deliberation of a privileged meeting;
- n) Pending contracts including tenders, requests for proposals (RFPs), and records related to potential procurement;
- o) Draft documents and legal instruments including reports, policies, bylaws and resolutions that have not been the subject matter of deliberation in a meeting open to the public;
- p) Employment and collective bargaining matters;

- q) Legal matters;
- r) Law enforcement matters.

6.5. Social Media

6.5.1. Municipal officials must not engage in conduct on personal or official social media platforms which would bring the integrity of themselves, the council, or the Municipality into disrepute.

6.5.2. Municipal officials must, where possible, conduct municipal business with residents through official accounts and devices and avoid conducting municipal business on personal devices or through personal accounts.

6.6. Harassment and bullying

6.6.1. The obligations in this section are not intended to fulfill the requirement on a municipality as an employer to implement and maintain a harassment prevention plan, under section 24.1 of the **Occupational Health and Safety Regulations**.

6.6.2. Municipal officials must not engage in harassment or bullying.

6.6.3. All municipal officials shall treat members of the public, one another, staff, and volunteers appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination, bullying and harassment.

6.6.4. Harassment is defined as any objectionable or offensive behavior that is known or ought reasonably to be known to be unwelcome. Harassment may be intended or unintended. Harassment may include, but may not be limited to:

- e) Abuse of authority – harassment that occurs through a use of authority serving no legitimate work purpose.
- f) Discriminatory harassment – harassment that is based on actual or perceived prohibited ground of discrimination as outlined in the **Human Rights Act, 2010**, such as race, color, nationality, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income, or political opinion.
- g) Sexual harassment – harassment which is gender-based or of a sexual nature.
- h) Bullying – a repeated pattern or mistreatment aimed at a specific person or group.

6.7. Legislative Compliance

6.7.1. A municipal official must reasonably comply with all obligations imposed on the municipal official by legislation, regulation, and municipal policy and procedures, including but not limited to:

- j) **Municipalities Act, 1999;**
- k) **Municipal Conduct Act;**
- l) **Municipal Elections Act;**
- m) **Public Procurement Act;**
- n) **Urban and Rural Planning Act, 2000;**
- o) **Access to Information and Protection of Privacy Act, 2015;**
- p) **Occupational Health and Safety Act;**
- q) **Human Rights Act, 2010; and**
- r) Any accompanying regulations

6.8. No Adverse Actions or Reprisals

6.8.1. Municipal officials must take no action, and must to the best of their ability ensure no action is taken, which would be reasonably perceived as a reprisal against any person acting in good faith who brings forward a complaint or information which leads to a complaint.

6.9. Allegations in Bad Faith

6.9.1. A municipal official shall not file a complaint under this policy which is retributive, made in bad faith, or with malicious intent. A complaint will not be deemed to be retributive, made in bad faith, or malicious solely because it is unfounded.

6.10. Investigation

6.10.1. A municipal official shall not hinder, obstruct, attempt to obstruct, interfere with, threaten, harass or fail to cooperate with a person conducting an investigation under the Act, regulations, and this Code of Conduct.

7. Conduct Complaint and Investigation Procedure

7.1. Process

7.1.1. When a complaint is submitted alleging a breach of conduct under sections 3.2 (use of influence), 3.3 (use of public resources or fraud), or 3.6 (harassment and

bullying) the Chief Administrative Officer (CAO) shall follow the procedure set out here.

7.1.2. When a complaint is received regarding another section of the Code of Conduct, the procedure followed is subject to the discretion of the CAO.

7.2. Receiving a Complaint

7.2.1. A complaint filed under this Code of Conduct shall be filed with the CAO.

7.2.2. In the event that the complainant or respondent is the CAO, the complaint shall be filed with the mayor.

7.2.3. Where the complainant or respondent is the CAO, the following process will still apply, but the mayor will act as the CAO for the purpose of administering the complaint.

7.2.4. The complaint shall be in writing.

7.2.5. Notwithstanding section 4.2.4 a complaint may be made by alternate means where the complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.

7.2.6. A complaint shall include the following:

- The complainant's name;
- The names of the person or persons the complaint is about;
- A summary of the complaint, and any steps taken to resolve it;
- The date that the breach of the Code of Conduct occurred, if known; and
- A description of how the complaint can be resolved, if applicable.

7.2.7. Notwithstanding section 4.2.6, a CAO may accept a complaint confidentially where, in the opinion of the CAO, it is reasonable to do so, taking into account the public interest.

7.2.8. A complainant may withdraw their complaint in writing or by other means as per section 4.2.5. Notwithstanding, the CAO or investigator may continue investigating where it is reasonable to do so, taking into account the public interest.

7.2.9. Where a complaint is received alleging criminal behavior, or at any point it becomes apparent that criminal behavior may have occurred, the CAO shall

immediately contact law enforcement, and notify the Department of Municipal and Provincial Affairs through the Minister's Office.

- 7.2.10.** A person may file a complaint within 6 months of becoming aware of a Code of Conduct violation. The CAO may accept complaints outside of that timeframe in instances of harassment, bullying, use of public resources or fraud, or where it is reasonable to do so, taking into account the public interest.

7.3. Informal Resolution

- 7.3.1.** Where the CAO determines the complaint to be interpersonal in nature, or relates to a disagreement, the CAO may ask the parties if they wish to resolve the complaint through mediation, or Alternative Dispute Resolution (ADR).
- 7.3.2.** ADR must not be used where there is a significant power imbalance between the complainant and respondent, where there is a reasonable apprehension of harm, where the allegations involve issues of financial impropriety, sexual harassment, violence, criminality, where either party does not consent, or where other circumstances would prevent the success of ADR.
- 7.3.3.** Informal resolution efforts shall be concluded within 20 business days, and may be extended for additional business days with consent of both parties and approval of council.

7.4. Resolution or Agreement of Facts

- 7.4.1.** Where a complaint is successfully resolved or not resolved but complainants agree on the facts, the CAO shall write a report and either dismiss the complaint or make a determination that an official contravened the Code of Conduct.
- 7.4.2.** Where a complaint is against a department head or an employee reporting directly to Council, or where the CAO determines it is necessary, the CAO shall provide the report to council and council shall either dismiss the complaint or make a determination that an official contravened the Code of Conduct.
- 7.4.3.** The CAO or Council may decide upon appropriate penalties in accordance with applicable labor and/or employment law.

7.5. Formal Investigation

- 7.5.1.** Where the complaint is not resolved or the facts are not agreed on, the CAO may investigate or appoint an investigator. There shall be 40 business days to conclude

an investigation from the date the informal resolution period has expired. Upon request of the CAO, Council may approve up to an additional 40 business days for the completion of an investigation.

7.5.2. The investigator will notify the respondent within five business days of the failure of informal resolution and provide copy of the complaint.

7.5.3. The respondent may provide a written response to the CAO no later than 10 business days after receipt of a copy of the complaint.

7.5.4. The investigator will prepare a written report for council.

7.5.5. The report shall at a minimum outline the investigative process, facts, analysis, test (an assessment of the facts relative to the Code of Conduct), conclusion. The report may include recommendations.

7.5.6. Council shall review the report at a privileged meeting, and shall within 20 business days, dismiss the complaint or find that a municipal official contravened the Code of Conduct.

7.5.7. Council and/or the CAO may decide upon appropriate disciplinary penalties in accordance with applicable labor law.

8. Conflict of Interest

8.1. Disclosure Statements

8.1.1. A conflict of interest is defined as per section 5 of the Act.

8.1.2. The CAO will file a disclosure statement in accordance with section 4(2) of the Act.

8.1.3. Department heads and those reporting directly to Council shall file disclosure statements with the CAO, in the form set out in subsection 4(3) of the Act. However, disclosure statements from spouses of these municipal officials are not required.

8.1.4. Disclosure statements shall be filed with 30 days of employment, and on or before March 1 each year.

8.1.5. Where there is a change in the information contained in employee disclosure statements, the official must report the change(s) to the CAO within 60 days of becoming aware of the change(s).

8.2. Suspicion of Conflict of interest

8.2.1. Where a municipal official suspect they may be in a conflict of interest as defined by section 5 of the Act:

- a) If the official is the CAO or reports directly to council, the CAO or official must disclose the suspected conflict of interest directly to Council and Council shall determine, within a privileged meeting, whether the CAO or official is in a conflict of interest;
- b) All other officials, including volunteers, must disclose their suspicion to the CAO, and the CAO shall determine whether the official is in a conflict of interest.

8.3. Conflict of Interest Complaints

8.3.1. Where an individual believes a municipal official has acted in a conflict of interest, the individual may file a complaint with the CAO.

8.3.2. Where an individual believes a CAO has acted in a conflict of interest, the individual may file a complaint with Council.

8.3.3. A complaint shall be in writing and shall include the following information:

- a) The complainant's name;
- b) The nature of the conflict of interest; and
- c) the municipal officials' actions in relation to the conflict of interest.

8.3.4. Notwithstanding section 5.3.3., a complaint may be made by alternate means where the complainant has a limited ability to read or write English or has a disability or condition that impairs their ability to make a complaint.

8.4. Conflict of Interest Investigations

8.4.1. For complaints relating to the CAO, a department head, or an employee reporting directly to council, the procedure below will be followed.

8.4.2. Where a complaint is received relating to another employee, the process followed shall be at the discretion of the CAO.

- 8.4.3.** Where the complaint relates the CAO, Council shall fill the role of the CAO in the procedure outlined below.
- 8.4.4.** The CAO shall send a copy of the complaint to the respondent within five business days after receipt of the complaint.
- 8.4.5.** The respondent may provide a written response to the CAO no later than twenty business days after receipt of a copy of the complaint. The respondent shall be advised that their response will be provided to the complainant.
- 8.4.6.** Where there is a written response, the CAO shall send a copy to the complainant within one business day after receipt of the written response.
- 8.4.7.** The CAO shall review the complaint and the respondent's written response within ten business days after receipt of a written response, or where a written response is not provided, the CAO must review the complaint within ten business days after the time period to file the written response has expired, and must:
- a) prepare a written report of the complaint;
 - b) refer the complaint to Council, along with a copy of the report, to consider in a privileged meeting;
 - c) advise the complainant in writing, that Council is considering the complaint;
 - d) within fifteen business days after receiving the report, Council may, by resolution, advise the CAO to:
 - e) dismiss the complaint;
 - f) make a determination that the municipal official acted in a conflict of interest; or
 - g) order a third-party investigation to determine whether the municipal official acted in a conflict of interest.
- 8.4.8.** Where a complaint is made against a CAO, complaints will be made to council. Council will investigate the complaint in the manner described above.
- 8.4.9.** Where a municipal official has been found to be in a conflict of interest, whether through their own disclosure or by complaint and investigation, the CAO and/or

council shall take appropriate actions to resolve the conflict of interest. This may include removal of the municipal official from particular duties, decisions, or discussions, or evaluating an affected decision.

8.4.10. Notwithstanding section 5.4.8. and 5.4.9, and in accordance with section 18(5) of the Act, the CAO may provide advice to Council on a matter in which the CAO has a conflict of interest where:

- a) The CAO disclosed the conflict of interest and the nature of the conflict of interest to the council; and
- b) The council made the request for advice knowing of the CAO's conflict of interest.

8.4.11. Council and/or the CAO may decide upon appropriate disciplinary penalties in accordance with applicable labor and/or employment law.

Made and adopted by the council of the Town of Point Leamington on the 27th day of February, 2023.

Council Matters

Council Rules of Procedure Adopted May 24, 2016. **(attached)**

Municipal Councilor code of conduct adopted February 27, 2023. **(attached)**

Municipal official code of conduct adopted February 27, 2023. **(attached)**

Pay per diem applied for each Councilor and spouse attending the MNL convention. Claim can be paid in advance. Council will determine how many Councilors and if staff will attend conventions.

Claims can be paid, without going through a meeting, for Council representatives when attending pre-approved meetings or meetings for reps appointed by Council.

Guidelines for Meals during council or town business will be set at \$75.00 for a full day or \$20.00 breakfast, \$20.00 Lunch and \$35.00 for Supper. Incidentals \$15.00 per day. **(Revised February 27, 2023).**

Councilors are to notify Town Clerk if unable to attend a meeting by 3:00 pm the day of the meeting.

All citizen complaints must be in writing, signed and tabled in Council.

Copies of outgoing correspondence are to be brought in to council meetings if requested.

Any councilor wishing to have something added to the agenda should notify clerk two working days before the next meeting.

Persons wishing to meet with council must inform the Clerk two working days before the next meeting in order to be placed on the agenda. Persons must also let the Clerk know the reason for meeting. One half hour will be the scheduled time for a meeting.

Councilors are encouraged to use the council chambers, instead of the main office, to conduct business.

Beginning January 2006 an annual remuneration is to be paid to Council. Effective January 2019, remuneration will be: Mayor - 3500.00, Deputy Mayor - 1700.00, Councilors - 1500.00 each. **(Revised February 18, 2019).**

\$100 a day will be paid to Council members attending Council related functions if they will lose a day's work and pay in doing so. Verification of loss of income from employer as well as proof of attendance is required. This will be at Council discretion as well as approved before doing so.

Council matters cont....

Effective immediately the Town Council of Point Leamington will meet at least once a month as stated in the Municipalities Act Page 14, Section 24. Any other special meetings will be at the call of the Chair. A half hour can be scheduled for each Arm of Council. Issues to be discussed should be identified before the meeting. 2 - 4 representatives from each Arm of Council. If the Meeting falls on a statutory holiday it will be held the following day (Tuesday)

Newsletters are to be issued at the discretion of council - minimum of one per year.

Certificates, if requested, can be issued to citizens on 80th birthday and over and 50th anniversary and over.

Council Rules of Procedure

Whereas section 24(3) of the *Municipalities Act* requires that every Council shall adopt rules of procedure for its meetings; therefore, the Council of the Town of Point Leamington enacts the following rules and regulations:

Authority

1. Regular meetings of Council shall be held at least once per month at 7:00 pm in the council Chambers of the Town Hall, unless Council, by resolutions, directs otherwise.

Regular Meetings of Council

2. Special meetings of council may be called by either the mayor or any two members of council by giving written notice to the clerk.

Notice

3. Notice for all meetings shall be by way of the agenda, which shall be provided to all members of council forty-eight hours prior to each meeting. The failure of any councilor to have received notice shall not invalidate a meeting of council.

Meeting on a legal holiday

4. When the day fixed for a meeting of council falls on a legal holiday, the said meeting shall be held on the next day following which is not a legal holiday.

Presiding Officer

5. In accordance with Section 22 of the *Municipalities Act*, the mayor shall preside at all meetings of council. In his absence, the deputy mayor shall preside. In the absence of both the mayor and deputy mayor, the clerk shall take the chair, call the members to order, and if a quorum is present, a chairman shall be appointed from among the councilors present. Such chairman shall preside during the meeting or until the arrival of the mayor or deputy mayor.

Quorum

6. In accordance with section 211 of the *Municipalities Act*, a quorum shall consist of a majority of councilors in office.

If no Quorum

7. If there is no quorum present within 15 minutes after the time appointed for holding a meeting, the clerk shall call the roll and take down the names of the members then present. The meeting shall then stand adjourned until the next regular meeting.

Attendance

8. In addition to the mayor and councilors, the town clerk or designate and or the town manager or designate shall attend all meetings of council.

Section 24 and 51 of the Municipalities act, 1999 has been amended to authorize the following: (**added March 19, 2024**).

"... council may allow a councilor to participate in a meeting by electronic means where the electronic means enables the councilor to listen to the proceedings and to be heard".

Procedure:

- a. Notify the clerk 3 working days before the meeting.
- b. Only attend when in-person is impossible.
- c. Any resolution that require a 2/3 vote in-person attendance is required.
- d. The chair must always attend in-person.
- e. There shall be only (2) councilors per meeting remotely attending. If there are more than two requests, priority will be given to first 2 requests received.
- f. If communication is lost, a 10-minute recess will be called to try and re-establish link. If the link cannot be re-established, the electronic participant is deemed to have left the meeting. If this means there is no longer a quorum of councilors in attendance, then the meeting is adjourned.

9. Department Heads and other employees of council shall attend meetings of council when requested to do so by council or the town manager.

Meetings open to the public

10. In accordance with section 213(1) of the *Municipalities Act*, every meeting of council shall be open to the public, unless it is held as a privileged meeting or declared by a vote of the councilors present at the meeting to be a privileged meeting.

11. Where a meeting is held as or declared to be a privileged meeting, all members of the public present at the meeting shall leave.

12. In accordance with section 213(3) of the *Municipalities Act*, where a decision is made by the councilors at a privileged meeting, the decision, in order to be valid, shall be ratified at the next public meeting of council.

Minutes

13. Minutes of meetings of council shall be recorded by the town clerk or designate. Such minutes shall contain:

- (a) All Motions and resolutions coming before council, including the names of the movers and seconders thereof;
- (b) The names of all council members voting in favor or against each motion, and the names of those abstaining;

- (c) The title or brief description of all reports, petitions, and other documents submitted to council. Reports accepted by council shall be attached to the minutes.

Correction of Minutes

14. If any member of council objects to any portion of the minutes of the preceding meeting, that member shall state the grounds of objection, and if council agrees, the motion adopting the minutes shall contain the necessary corrections.

Agenda

15. Prior to each regular meeting of council, the clerk shall prepare an agenda of all business to be brought before the council. As indicated in rule 3, the agenda is to be distributed to councilors forty-eight hours prior to council meetings.

16. Any member of council, up until noon of the Friday prior to the council meeting, may submit to the town clerk an item for inclusion on the agenda.

17. The format of the agenda shall be as follows:

- (a) Calling of meeting to order
- (b) Adoption of agenda and minutes
- (c) Business arising from minutes
- (d) Delegations
- (e) Committee reports
- (f) Correspondence
- (g) Finances
- (h) Regulations
- (i) General Business
- (j) Notices of Motion
- (k) Adjournment

Agenda for special meetings

18. When a special or privileged meeting is called for the consideration of some particular matter, the order of business as set out in Rule 17 shall apply. Council shall proceed immediately to consideration of the business for which the meeting was called, and only the business specified in the notice calling the meeting shall be dealt with, unless otherwise decided by majority vote.

Order and Decorum

19. The presiding officer at any meeting shall preserve order during debate and maintain decorum at all times.

Disorderly Persons

20. The presiding officer may expel and exclude from a meeting any member of council or other person who is guilty of improper conduct at the meeting. In the case of the exclusion of a member of council, an entry shall be made in the minutes of the reason for such exclusion.
21. Any member expelled from a meeting under the provisions of Rule 20 may be permitted, by a majority vote of councilors at the meeting in progress, to resume his place after making an apology to the presiding officer.

Notice of Motion

22. Every notice respecting the passing of a regulation shall be in writing and be placed on the agenda by moving a motion at the previous meeting.

Motions during debate

23. When a question is under debate, the following non-written motions shall be in order:
 - (a) To extend the time of the meeting
 - (b) To refer or commit
 - (c) To amend
 - (d) To lay on the table
 - (e) To postpone indefinitely
 - (f) To move the previous question

Motions to be seconded

24. Every motion shall be seconded before being put on debate.

Withdrawal of Motions

25. When a motion has been moved and seconded, it cannot be withdrawn except with the permission of council and the mover and seconder, and then only before a decision has been taken or an amendment made.

Division of Motion

26. Any motion or question which contains several distinct propositions may, by the direction of the presiding officer or upon the request of any member be divided if the sense of the motion permits. The vote on each such division shall be taken separately. If a motion cannot reasonably be so divided, any request to do so shall be declared out of order by the presiding officer.

Addressing the motion

27. Members of council shall address their remarks to the presiding officer and continue themselves to the question at hand.

Entitlement to speak

28. If two or more members speak at the same time, the presiding officer shall determine which member is entitled to speak.

Call to order

29. The presiding officer may call a member to order while debate is in progress. The debate shall then be suspended and the member called to order shall not speak again until the point of order has been decided.

Appeal on a point of order

30. The decision of the presiding officer on point of order is subject to an appeal to council which is to be decided by majority vote without debate.

Member speaking not to be interrupted

31. When a member is speaking or a question is being put, no member shall hold any private discourse or make any noise or disturbance or interrupt a speaker, except to raise a point of order, explain, or ask a question.

Length of debate

32. No member, without the consent of council, shall speak longer than five minutes at any one time, or more than once on any motion, or amendment thereto. The mover of a motion, however, may speak twice. Debate shall be closed after this second occasion.

Rereading of motion

33. Any member of council may require the question or motion under discussion to be read for information at any period during the debate, but not so as to interrupt a member speaking.

Voting

34. All decisions of council, unless otherwise specified either under the *Municipalities Act* or under these rules, shall be by majority vote of the members present.

Recorded Vote

35. In accordance with Section 212(4) of the *Municipalities Act*, the clerk shall record the names of those voting in favor of the motion, those voting against the motion, and those abstaining.

No secret ballots

36. No vote shall be taken in council by ballot or by any other method of secret voting.

Reconsideration

37. Any question, except one of indefinite postponement, or one that has resulted in a tie vote, may be reconsidered, providing a notice of motion of reconsideration is given in accordance with Rule 22.

38. If the motion to reconsider is carried by a majority of members present and voting, the main question shall then be read and will be open to debate the same as an original motion.

Tie vote

39. In accordance with section 212(5) of the *Municipalities Act*, where there is a tie vote on a question, the question shall be considered to have been defeated.

Motion to adjourn

40. A motion to adjourn is always in order except when:
- (a) A member is addressing the chair,
 - (b) A vote is being taken; and
 - (c) It has been decided that the previous questions shall be taken.
41. A motion to adjourn the council meeting or adjourn the debate cannot be amended and is not debatable. However, a motion to adjourn the council meeting or the debate to a given day may be amended and is open to debate.
42. No Second motion to adjourn the council meeting or the debate shall be made until some intermediate proceedings have transpired.

Previous Question

43. The “previous questions” shall preclude all amendments of the main question and shall be put in the following words “The question now be put”. If the motion is resolved in the affirmative, the original question shall be voted on immediately without amendment or debate. If the motion is defeated, then the main question may then be debated and amended.

Motion to postpone indefinitely

44. A Motion to postpone indefinitely shall not be amended, and when any question before council has been postponed indefinitely, it shall not be taken up again during the same meeting.

Motion to lay on the table

45. A motion to lay a question on the table shall not be debatable. However, a motion “to lay on the table’ with addition, qualification or opinion, shall be subject to amendment and debate.

Motion to suspend the rules

46. A Motion to suspend the rules requires a two-thirds vote of members present.

Privilege

47. Whenever a matter of privilege arises it shall be dealt with immediately by council.

Motion to refer or commit

48. A motion to refer or commit a matter under discussion shall preclude all amendments of the main question until it is decided.

Authority to form

49. In accordance with Section 25 of the *Municipalities Act*, council may from time to time appoint committees. The mayor shall be an ex-officio member of all committees.

Standing committees

50. Standing committees of council shall remain in effect for the life of the council, and members shall be appointed at the first council meeting of each year.

Special committees

51. Special committees of council shall remain in effect only until the purpose for which they were set up has been accomplished. Special committees will automatically expire at the end of each year, unless struck again by council.

Committee of the whole

52. Council may, by majority vote, resolve itself into a committee of the Whole whereby it will operate under the rules for committees as set out hereunder. The deputy mayor will assume the chair, and if the deputy mayor is absent, another member of council shall be elected as chairman.

Committee membership

53. Membership on all committees of council is limited to members of council.

Quorum of committees

54. A majority of the members of any committee shall constitute a quorum.

Committee chairman

55. When council appoints a committee, it shall also appoint one of its members to be chairman of that committee.

Committee Secretary

56. The town clerk (or designate) shall act as secretary to each committee of council.

Committee minutes

57. Prior to the next meeting of the committee, the secretary shall prepare minutes of the previous meeting for submission to and confirmation by the committee.

58. Following every committee meeting, the secretary shall prepare for the chairman a report on all matters which require council action.

Conduct of business in committees

59. The following rules and regulations shall apply to the proceedings in committees:
- (a) The chairman shall preside at every meeting. In the absence of the chairman, one of the other members of the committee shall be elected by the members present to preside during the chairman's absence;
 - (b) The chairman may vote on all questions. In case of a tie vote on any motion, the question shall be deemed lost;
 - (c) No motion need be seconded;
 - (d) The previous question will not be allowed;
 - (e) There shall be no limit on the number of times a member may speak; and
 - (f) The votes of members on any question shall be recorded if requested by any member.

Minority reports

60. Members of a committee dissenting from a report which has been adopted by the majority of a committee may make and present to council a minority report. Such report must be presented at the same meeting of council to which the majority report is submitted and must be signed by the dissenting member(s).

CLARIFICATION AND AMENDMENT PROCEDURE

Clarification of rules

61. In all cases where these rules and regulations do not make provision or adequate provision, then Roberts *Rules of Order* shall apply.

Amendment of rule

62. Any motion to amend these rules must be presented to council in accordance with Rule 22, and must be passed by a two-thirds majority of members present.

Effective Date

63. These rules and resolutions shall become effective upon the date of enactment.

Mayor

Clerk

Date

Christmas Light up and Santa Claus Parade

A Christmas Light- up will be held each Christmas with the following themes and prizes.
(Revised March 19, 2024)

LIGHT UP

Traditional Christmas Theme	Prize \$ 100.00
Christian Theme	Prize \$ 100.00
Children's Theme	Prize \$ 100.00

SANTA CLAUS PARADE

1st Prize	Prize \$100.00
2 nd Prize	Prize \$75.00
3 rd Prize	Prize \$50.00

Judging will be determined by Council on an annual basis.

Covid 19

Background:

COVID-19 is an infectious disease caused by a newly discovered coronavirus. The World Health Organization designated a global COVID-19 pandemic on March 11, 2020. Jurisdictions across Canada and the world implemented measures to curtail the spread of the disease. In Newfoundland and Labrador, a public health emergency under the *Public Health Promotion and Promotion Act* was called on March 18. Residents, workers, visitors and employers are subject to special measure orders as a result of this emergency. Under the provincial COVID-19 Alert Level System, designed to control disease transmission and maintain health system capacity, the Provincial Government is providing guidance for social and business activities to reopen safely. Municipalities are employers in communities. They are also the owners and operators of community recreational facilities such as arenas, pools, fitness centers, playgrounds and other centers/spaces. These facilities provide services to and facilitate programming for community members and organizations.

Purpose:

The purpose of the policy is to outline The Town of Point Leamington's practice and protocols for the reopening and maintenance of municipally owned recreation facilities.

Policy Statement:

The Town of Point Leamington takes COVID-19 seriously. As a council and staff, we are committed to ensuring the safety of our community and our residents. We recognize the importance of recreational facilities and services to our community.

This policy acknowledges that the Town of Point Leamington is implementing COVID-19 Alert Level Guidance from the Government of Newfoundland and Labrador as much as is reasonable and practicable. The policy outlines how and under what circumstances our facilities will be open to public.

The Town of Point Leamington also acknowledges that certain municipal facilities may not open if the risk of COVID-19 transmission is high and/or reasonable, practicable protective measures cannot be implemented.

Definitions:

For the purposes of this policy, reasonable and practicable mean what is practical and possible for a municipality to do given its size, human resource and financial capacity, as well as the number of facilities for which it is responsible to maintain at any given time.

Scope:

This policy applies to the following municipally owned recreation facilities

- The Town Hall
- Recreation Centre
- Fire hall
- Playground
- Heritage Centre

The policy covers the following four (4) areas:

1. Decision-making;
2. Communication;
3. Monitoring and sanitization;
4. Waivers.

Responsibilities:

Municipal staff are responsible for upholding this policy. Should there be challenges with this, the policy will require review.

Guidelines and Procedures:

1. Decision-making

- a. Municipal staff will review public health emergency special orders, guidance and information sheets provided by the Government of Newfoundland and Labrador as it is made available.
- b. Municipal staff will determine their human and fiscal resource capacity to adhere to guidance provided.
- c. Municipal staff will consult with council to provide recommendations on how and under what circumstances facilities will be open to the public. See Appendix A for a list of facilities that are open, and details associated with their monitoring and sanitization.

2. Communication

- a. Municipal staff will communicate with the public through social media, and bulletin board how and under what circumstances facilities will be open to the public. This includes clear information on facility sanitization, physical distancing, limits on numbers and monitoring procedures.
- b. Signage outlining protocols and procedures for facilities will be posted outside, inside or on said facilities in clear view for users to see. This includes clear information on facility sanitization, physical distancing, limits on numbers and monitoring procedures.
- c. Municipal staff will provide updates to the public and adjust signage should anything change with respect to the protocols and procedures for facilities.

3. Monitoring and sanitization

- a. Municipal staff will implement the following steps to sanitize: and maintain numbers of people at municipal locations.
- b. Municipal staff will develop facility monitoring and sanitization logs, where applicable, for facilities that are open according to Appendix A.
- c. These logs will be kept up to date.
- d. In cases where limited or no monitoring and/or sanitization is possible, and the facility is open, municipal staff will communicate that these are use-at-own-risk facilities and will suggest that users take their own sanitization precautions.

4. Waivers

- a. Municipal staff will develop and add waivers to any forms or agreements which they enter in to with the public, including facility rental agreements and program registration forms. The waiver language should include language acknowledging risk of contracting COVID-19 by way of attendance at the municipality's facilities.

Policy Review:

The policy is subject to change and will be reviewed as often as necessary given the evolving COVID-19 circumstances.

Disability

Council policy is that any employee or volunteer member unable to work and being under the care of a doctor, whether on workers compensation, disability insurance or any other form of insurance, is automatically excused from active duties from the first day of the disability and during the full period of disablement. **(Revised February 27, 2023)**

Full clearance must be received from the doctor before the member can resume active duty with his/her organization.

Donations

Annual donations of the following amounts will be given to support the Point Leamington Library Board \$300.00 **(Revised March 19, 2024)**, Point Leamington Academy Awards Program \$150.00, Minor Hockey Association in Botwood \$150.00 and VOXM Happy Tree \$200.00.

High School graduates will receive a \$50.00 congratulatory gift.
(Added March 19, 2024).

Donations “in memory of” for past and present Council members is \$100.00 and will be made to a charity of their choice, if charity is not specified, given to family.
(Added March 19, 2024).

All other donations will be made at the discretion of Council.

Employees

Rules of Procedure adopted (see attached).

Maintenance Personnel responsible for regular check of local roads, lift stations, hydrants, streetlights as well as garage & permits etc. **(Revised Feb. 1, 2021).**

Town Maintenance Personnel are responsible for carrying out duties, outside of w/s that Council deems necessary in operating the Town.

Sick Leave: 1 1/4 sick days per month. An accumulation of 5 (five) days can be carried over to next year. This is not to exceed 25 days more than the regular yearly amount. Employees require a note after 3 consecutive sick days.

Holidays: Must be taken on year given unless approved by Council. Holidays to be taken rather than being paid by Council. - Holidays - same as Provincial Government. Council must be notified of vacation holiday schedule before March 31.

Vacation Time: **(Revised Feb. 1, 2021).**

1	Years continuous service	2 weeks
2- 7	Years continuous service	3 weeks
8-15	Years continuous service	4 weeks
16 +	Years continuous service	5 weeks

Summer Office hours in effect as per Provincial Government dates and guidelines. No accumulation can be made of this time. Full time employees only.

Insurance: Council pays 2/3 and Employees 1/3(council will pay half of LTD). Full time employees only. **(Revised March 28, 2022).**

Pension: Council pays ½ and Employees ½. (Full time employees only).

Employees will be given one call out per two-hour period.

Maintenance Staff will be paid their overtime as accumulated on a weekly basis thus not permitting any buildup in excess of 60 hours. Special consideration can be given at the request of an employee. **(Revised March 19, 2024).**

Christmas Bonuses will be tabled in Council meeting each November.

Employees (cont.)

One employee to be designated as Occupational Health & Safety Representative.

Maintenance staff are to oversee project programs.

Project workers are not to use the Town equipment without permission.
Town will rent or purchase any tools we need rather than borrowing and replacing.

Breaks will consist of 15 minutes in the morning and 15 minutes in the evening.

Town Clerk and Maintenance Supervisor are given permission to issue orders of Council in accordance with section 404.6 of the Municipalities Act.

The town will pay \$600.00 per year for a clothing allowance for full time permanent staff only. One pair of Rubber boots will be provided upon employment. Council will provide safety vests, safety glasses and hard hats. **(Revised March 19, 2024).**

Maintenance Employees are to wear safety equipment as per Occupational Health & Safety requirements and to ensure all safety courses required for work are up to date.

Employees working alone using power equipment must notify Town Office of location before commencing job and expected time of duration.

Bereavement Leave: as per provincial guidelines

Maintenance staff is required to keep a detailed log of daily activities, lift stations, and all vehicles

Maintenance Staff are required to follow the winter storm schedule when a storm is on.

Town Vehicles are to be driven by town staff only.

Maintenance staff that is on call will have the town vehicle.

Maintenance weekend on call status begins 4:30 pm on Friday. **(Addition February 18, 2019).**

Maintenance is responsible for daily checks of water at pump house.

Finance

Town Clerk or designate as well as Mayor and/or Deputy Mayor must sign all cheques written on behalf of the Town.

All arms of Council are required to have a signing officer from that organization as well as a signing officer from the Town for all cheques issued.

The Town Office is responsible for all record keeping of the Arms of Council. The Auditor will audit all books with the Town Office Audit.

Town will pay \$20.00 to anyone bringing items from out of town at the town's request.
(Revised February 18, 2019). (Revised March 19, 2024).

Fire Department

Fire Department By-laws adopted.

Adoption of Fire Regulations (attached)

Expenses of Fire Dept. are the responsibility of Town Council. A requisition will be issued by Town Clerk upon request from Fire Chief for articles needed.

Travel claims are required for all travel related expensed. These are to be filled out and presented to clerk prior to travel.

When Fire Dept. receives a complaint regarding buildings in town the complaint must then be submitted in writing to Council.

Fire Chief is required to forward a copy of all inspection reports to the Town.

If a fire occurs outside the Town's jurisdiction sufficient equipment & firefighters are to remain in Town in case of a fire within the town boundaries. The newer Fire truck is to remain in town.

Fire Chief allowed to attend Conventions along with 2 firefighters. Current policy is to pay up to \$ 1200.00 for costs upon submission of invoices.

New members of Fire Dept. must be 18 and over. A medical note is required. The cost of this, if any, will be paid for by Council.

A valid driver's license is required to be a member of the Fire Department. **(Added March 19, 2024).**

New members are required to supply to council a recent criminal code of conduct. **(Added march 19, 2024)**

The complement of firefighters will be a maximum of twenty -five with preference given to people living in the province at least 6 months of the year.

Fire Dept. Policy guidelines adopted.

Firefighters under the age of 25 are permitted to drive the fire vehicles under the guidelines of our insurance.

Any member who is off work and cannot work because of doctor orders will be excused from fire related duties until clearance is received from the doctor.

Anyone required to lose a day's pay due to Emergency Training will be reimbursed up to \$100.00 per day with a note from the employer verifying the loss of income and also proof of completion of training.

Fire dept cont.....

If accommodation fees are paid and the person does not give enough advance notice for cancellation and reimbursement of funding then the Fire Department will be responsible for the funds out of their budget.

Signing Officers - All cheques will be signed by the Town Clerk or a member of Council and a member of the Fire Department.

The Town Office is responsible for all record keeping of the Fire Department. The Auditor will audit all books with the Town Office Audit.

Bank deposits will be done as necessary.

All spending is required to be documented into the minutes.

Emergency fire equipment and supplies cannot be removed from the Fire Hall for loan or rent. Should it be necessary for the Town to use any equipment, the Fire Chief or Officer in charge of equipment will be notified. If they cannot be contacted a note will be left where the equipment was taken from.

We will provide fire protection to the Local Service District of Pleasantview. Charges to Pleasantview will be based on a per capita cost.

A fee of \$200.00 per emergency call out will be charged to residents within our fire boundary that do not pay fire fees. **(Added February 18, 2019).**

Inventory of all equipment is to be submitted to Council by December 31st of each year.

Fire Department members will be paid \$ 20.00 per meeting for a maximum of 26 meetings. Also, a \$ 300.00 bonus for Chief and \$ 200.00 bonus for Assistant Chief will be given at year end. Proper record keeping of time is required. Members only showing for half the time **per meeting** are to only be paid half the amount and anything less than half the time will count as 0. In certain situations, such as working, this can be waived, **(Revised Feb. 1, 2021)**

The fire hall is not to be rented out for any occasion other than work related courses and or functions relating to fire dept or town. **(Revised February 27, 2023).**

HARASSMENT POLICY

Statement of Position

The Town of Point Leamington believes that all elected and non-elected officials (this includes employees) should be afforded the opportunity to work in an environment free of harassment. All elected and non-elected officials have the right to work in an environment free from all forms of discrimination and misconduct. The purpose of this policy is to ensure everyone is treated with respect and dignity.

Definition of Harassment

Harassment is defined as any unwanted or uninvited verbal, visual, or physical conduct which is offensive or objectionable to the recipient. Repeated, intentional offensive comments and or actions may include, but are not limited to the following: derogatory or suggestive comments, slurs or gestures, jokes, racist graffiti and literature, and offensive posters, cartoons, pictures and drawings.

Conditions Considered Harassing:

Examples of harassment (but not limited to) are as follows:

- Inappropriate physical conduct
- Verbal abuse or threats
- Practical jokes that are insulting or embarrassing
- Sexual obscene or offensive comments, jokes or slurs about or directed to an Individual or class of persons, which an individual may or may not be a member •
- Unnecessary physical conduct such as touching, patting, pinching, or hitting
- Vandalism of personal property, work station, or vehicle
- Physical or sexual assault
- Displaying sexual pictures, cartoons, or calendars
- Staring, leering, sexual gestures
- Placing an employment decision (i.e., hiring, promotion, termination) on submission or rejection of a person's conduct
- The conduct effects or interferes with an individual's work or creates an intimidating, hostile, or offensive work environment

Committee Structure for Investigating Complaints:

A committee will be established and comprised of representatives from management (town manager, town clerk, town clerk manger, or senior management) and council to investigate a complaint. If a person(s) represented on the committee is the subject of the complaint or the complaint, then that person(s) will be replaced by an alternative committee member(s) in that particular incident.

Complaint Procedure:

If you have been the recipient of harassing behavior, then you should do the following:

- **Speak Up** – If an individual feels harassed, he/she should, where appropriate, speak directly to the harasser and state that the behavior is unwelcome and that it must stop.
- **Keep Notes** – Individuals are encouraged to keep a record of all incidents including: dates, time, descriptions, and action taken by the individual, responses by the alleged harasser, possible witnesses and any other relevant information such as the impact of the harassment.
- **Report the Harassment** – Report the harassment immediately to the supervisor, manager or designate. It is preferable to make a complaint in writing. However, if you make a verbal complaint, you should follow up your verbal complaint with a written complaint.

Allegations of harassment will be promptly investigated, giving due respect to the need for confidentiality.

The designated representatives (committee) will conduct interviews with relevant witnesses and provide a report to Council (or designate) upon conclusion of the investigation. Council (or designate) will review the report and provide to parties involved his/her decision with reasons.

All efforts will be made to ensure confidentiality throughout the investigation while providing an opportunity to fully respond to all the allegations.

Consequences and Penalties:

Any person who engages in harassing behavior shall be subject to disciplinary action, including possible termination.

Protection against Retaliation:

Any person has the legal right at any time to raise the issue of harassment without fear of reprisal.

Malicious and False Accusations:

It is a serious matter to deliberately make a false accusation of harassment. If a complaint is found to have been in bad faith, the complainant will be subject to disciplinary measures (for example, possible termination for employee).

Heritage Council

Signing Officers - All cheques will be signed by the Town Clerk or a member of Council and a member of the Heritage Council

The Town Office is responsible for all record keeping of the Heritage Council. The Auditor will audit all books with the Town Office Audit.

Travel claims are required for all travel related expensed. These are to be filled out and presented to clerk prior to travel.

Bank deposits will be done as necessary.

All spending is required to be documented into the minutes.

\$1200.00 to be given from council yearly to offset operating costs.

All new members of the Heritage Council are to file an application before being appointed by Council. A Recent criminal code of conduct is required. **(Revised March 19, 2024).**

It is a conflict of interest for anyone on the Heritage Council to be hired on Heritage Sponsored Projects.

The Committee can consist of eleven members plus two members of the current Council.

The Heritage Council is responsible for the Heritage Centre in conjunction with Council.

The Heritage Centre will be opened and closed for the season at the discretion of the Heritage Board.

Inventory of all equipment is to be submitted to Council by December 31st of each year.

If accommodation fees are paid and the person does not give enough advance notice for cancellation and reimbursement of funding then the Heritage Council will be responsible for the funds out of their budget.

Honoraria

Policy on honorarium for volunteers and volunteer dinner:

Volunteers mean appointed members of the volunteer Arms of Council. At the discretion of Council, in any given year - all volunteers will receive a Christmas gift and be invited to the volunteer dinner.

Volunteer Dinner

All of the above rules apply to those who will be invited to the dinner for volunteers to be held annually the last Friday in May or at the discretion of Council. Dinner will be provided to only those attending the function.

Volunteer Week

During Volunteer Week Council will recognize volunteers with a token of appreciation.

Land & Property

Purchasers of land from the Town will be responsible for all legal cost of purchasing.

All Requests for joining properties will only be approved at Council discretion. Property description, proof of ownership as well as a survey showing the land as one parcel has to be proven by owner. **(Revised June 29, 2020)**. A onetime administrative fee of \$100.00 will be attached to such requests.

At Council discretion, all Parcels of land that are considered nonresidential based on lot size, will be billed as per mill rate with a minimum rate of \$100.00.

All additional properties will be charged the minimum rate.

Marina

An annual fee of \$25.00 is to be charged to all persons using the Marina.

Office Fees

Town will pay someone \$15.00 whenever they bring out items from Grand Falls-Windsor at our request. **(Revised February 18, 2019).**

Tax Certificates - \$ 50.00 **(Revised February 18, 2019).**

Returned Cheques - \$ 40.00 **(Revised March 28, 2022).**

Interest Charges - 2% per month on overdue accounts.

Summer Office Hours Schedule - Provincial guidelines.

Town Clerk has been given permission to destroy files older than 10 years.

Town Clerk and Maintenance Supervisor will be given permission to issue orders of Council in accordance with Section 404.6 of the Municipalities Act.

Building Permit Fees

Residential Repairs	\$ 10.00
Commercial Repairs	\$ 50.00
New Residential Construction (Revised June 29, 2020)	\$ 100.00
New Commercial Construction (Revised June 29, 2020)	\$ 200.00

Building, repairs, renovating or digging (excavation) without proper permits	\$ 100.00
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Quarry Permits (non business)	\$250.00 (annually)
Quarry Permits (business)	\$100.00 (annually)

Water shut off/on by request	\$25.00(each time) (Revised March 19, 2024)
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Water shut off due to arrears is to be billed \$50.00 before re connection.

Tax structure 2023 is attached.

Parks

Churches are permitted to use Park for Open-Air Services.

No bikes are allowed on the Otter Pond Boardwalk.

Trailers can park at designated RV site for a fee of \$25.00 per day.

Dumping station fee of \$ 25.00 if not staying at our RV site.

Use of park area for yard sales etc. will be at the discretion of Council.

Borrowing of picnic tables at a maximum of 5 tables for two days will be at the discretion of Council.

All dogs on walking trails must be on a leash and dog waste taken care of.

Flower pots and Benches will be put away for the winter by October 31 of each year.

Parks & Recreation Committee

Parks & Regulations Adopted.

Signing Officers - All cheques will be signed by the Town Clerk or a member of Council and a member of Parks & Recreation.

The Town Office is responsible for all record keeping of the Park & Recreation Committee. The Auditor will audit all books with the Town Office Audit. Bank deposits will be done as necessary.

Travel claims are required for all travel related expensed. These are to be filled out and presented to clerk prior to travel.

All spending is required to be documented into the minutes.

All new members of Parks & Recreation are to file an application before being appointed by Council. Residents from Western Arm and Pleasantview are welcome to join. **(Revised February 18, 2019).**

New Members are required to supply to Town a recent criminal code of conduct. **(Added March 19, 2024).**

It is a conflict of interest for anyone on Park & Recreation Committee to be hired on Park & Recreation sponsored projects.

The committee can consist of maximum eleven members plus two members of the current Council.

Parks & Recreation Committee are responsible to keep regular check of ball field and playgrounds and give a written report of any necessary maintenance to Council who will designate to Maintenance worker.

Written instructions will be given to Maintenance as to when they will open and close the playground. This will be at discretion of Recreation Committee. Weekly checks by Maintenance will be done. Maintenance will need to know a week in advance of opening playground.

The Community Centre operating out of the Town Hall will be the responsibility of the Parks & Recreation Committee in conjunction with Council.

\$1200.00 to be given from council yearly to offset operating costs.

Community Centre is not to operate after eleven pm without prior approval of Council.

If accommodation fees are paid and the person does not give enough advance notice for cancellation and reimbursement of funding then the Parks and Recreation Committee will be responsible for the funds out of their budget

Point Leamington Day

Point Leamington Day will be the 2nd Saturday of July unless otherwise changed by Council.

There will be no more than two vendors supplying the same foods.

Community and/or nonprofit Groups will not pay for booths and all remaining booths will be shared equally among arms of council.

Soft drinks/water can be sold in all booths if desired.

Tickets will be used instead of cash at each booth. The money will be receipted and paid to the vendors by cheques. The tickets will be counted by the vendor and a committee member.

If vendors are selling tickets, they have to be printed tickets reflecting the committee and not the purchased colored tickets.

No vendors outside of Point Leamington will be allowed to participate without approval.

Toll Booth will be designated for Point Leamington volunteer fire department. Council will consider other requests annually.

Game Booths \$ 25.00 Food Booths \$ 75.00

Parade Prizes:

Float Prizes	1 st Place - \$ 100.00	Boat Parade	1 st Place - \$100.00
	2 nd Place- \$ 50.00		2 nd Place - \$ 50.00

Kids Parade All kids that register in costume for the Parade will receive \$ 5.00 in an envelope and their name will be placed in for draws of \$ 25.00, \$ 15.00 & \$ 10.00.

There will be one way traffic for the day to limit congestion.

Maintenance person will be required to work a regular day for Point Leamington Day. This will be alternated each year, unless holidays are involved.

No smoking on festival grounds.

Projects

All hiring will be carried out by a hiring committee as set up by Council when necessary.

Projects are to be supervised by maintenance staff.

Purchasing

All invoices must be signed by Town Clerk/Manager, Maintenance Personnel or those authorized to sign on behalf of Council.

Rentals

rental or loaning of any of the town's emergency equipment will be at the discretion of Maintenance Personnel and used only in the presence of maintenance personnel. **(Revised March 19, 2024).**

Roads

Council will not permit any new development within 25 feet of the center of the road.

Council will not be responsible for damages to existing structures within 25 feet of the center of the road.

New roads must be 40 feet right of way for two-way traffic.

New roads must be 20 feet right of way for one way traffic.

Cemetery Road will continue to be plowed to the tree line, only after all town roads have been plowed.

Council will supply first culvert on land which has a permit to build submitted to council. Town roads only. **(Added February 27, 2023)**

In the event that a culvert needs to be replaced, the property owner is responsible for purchase of the culvert and replacement of asphalt if necessary. The Town will carry out culvert replacement (labor and equipment only), at no cost to the owner. **(Added February 27, 2023).**

Trees are to be trimmed at owner's expense, if impeding traffic and or snow clearing operations.

Council will follow guidelines from Department of Highways.

Smoking

No smoking or vaping in any municipal building or vehicle. **(Revised February 27, 2023)**

No smoking or vaping in park areas, playground or where children/youth play. **(Revised February 27, 2023)**

Snow Clearing

No vehicles are to be parked on the side or shoulder of the roads so as to obstruct snow clearing operations.

When clearing driveways, residents are not permitted to push snow onto or across the street so as to impede traffic.

Garbage containers and fences must be clearly marked for snow clearing purposes.

Council will not be responsible for any damages that occur to garbage boxes and fences.

Garbage containers must be no more than 15 feet from the edge of pavement

Council will not be responsible for damages to existing structures within 25 feet of the center of the road.

Trees are to be trimmed at owner's expense if impeding traffic and or snow clearing operations.

Maintenance is permitted to clear their own driveways of snow when all other town work is done.

All hydrants will have markers installed for snow clearing.

Hydrants are to be cleared as soon as possible after a storm.

Adoption of the Highway Traffic Act.

Street lighting

Council will not take over privately owned street lights.

Lighting will be placed on every second pole where possible. If not feasible, poles will be placed at locations deemed necessary by Council.

Taxation/Finance

Water/sewer bills to be sent out every three months.

Arrears of taxes will be forwarded to the collection agency for collection after one year of arrears.

Any and all taxpayers with bills in arrears for previous year will be sent letters advising them of action that will be taken. This includes water cutoff, collection agency and expropriation.

Accounts in arrears from previous year will be issued cut off notices after June 30.

The Town Clerk will develop and administer a Tax Recovery Plan (TRP) yearly.

Accounts are considered in arrears after December 31 for the current year. **(Revised June 29, 2020).**

There is 2% interest per month on all overdue accounts. **(Revised March 19, 2024).**

Any new business owner within the first year can apply in writing to Council for a business tax exemption.

Travel

Volunteers traveling to functions as approved by Council will be given payment for cost of transportation as per Provincial Government Rate when attending out of town meetings. Travel Claim to be completed.

Travel claims are required for all travel related expensed. These are to be filled out and presented to clerk prior to travel.

Travel claims can be paid in advance for Councilors and staff traveling on Town business.

Resolved to follow the Provincial Government Rates for travel expense as approved by the Provincial Treasury Board.

Claims can be paid, without going through a meeting, for Council representatives when attending pre-approved meetings or meetings for reps appointed by Council.

Vehicles/Equipment

Expenses of the Fire Truck are the responsibility of the Town Council. A requisition will be issued by clerk upon request from the Fire Chief for articles needed.

Council agrees to maintain the first Fire Truck for the Town of Point Leamington. The truck cannot be disposed of without approval from Council.

Any expenditures of \$ 500.00 or over for equipment are to be referred to Council for study.

A Waiver must be signed by property owner if Town equipment goes on that property to pick up garbage or car wrecks.

Arms of Council and staff must inform Council immediately of any damages that occur to vehicles or property.

Maintenance logs will be kept of all town vehicles, equipment and lift stations.

Volunteers

Employees and volunteers will receive an honorarium at the discretion of Council.

Any member unable to work and being under the care of a doctor, whether on Workers Compensation, Disability Insurance or any other form of insurance, is automatically excused from active Fire related duties from the first day of the disability and during the full period of disablement. **(Revised February 18, 2019)**. (See page 23). Full clearance must be received from the Doctor before the member can resume active duty with his/her organization.

Volunteer Departments must obtain prior approval from Council before making expenditures that the Town has to pay or reimburse.

Pleasantview and Western Arm residents are welcome to apply for membership with any of our Arms of Council.

Policy on Honorarium for Volunteers and Volunteer Dinner: See Page 52.

Waste Disposal

Anti-Litter Act adopted.

Waste Management Collection Policy (as attached) is to be followed. **(Addition February 18, 2019)**

Discarded containers - e.g., deep freezers not to be used as garbage boxes.

Garbage to be picked up from the recreational areas.

One car wreck per household per year can be towed away at no expense to the resident. The wrecks will be moved at the convenience of the Maintenance Department. **(Revised March 19, 2024).**

Town will not be responsible for trees and tires during clean-up week

Annual Clean-up will be determined by Council.

The Churches garbage will be treated the same as residential garbage.

Five (5) garbage bags per household permitted. Clear Bags and Blue bags as per Central Newfoundland Waste Management Policy. No exceptions.

All residential garbage during clean-up week can be delivered by the homeowner to the disposal site at the town's expense.

Garbage Boxes must be no more than 15 feet from the edge of pavement. All garbage and recycling have to be taken from the box and placed at the curb on garbage day.

Water/Sewer

Water and or Sewer (private) regulations adopted (see attached)

Water and Sewer regulations adopted (see attached)

Water/sewer bylaws adopted effective March 1, 1991.

Little Pond has been designated a restricted water supply area and protected watershed area.

Council does not accept responsibility for clothes damaged or stained due to water.

Water/Sewer fees for apartments or rented houses will be billed to the owner of property, not the tenant.

Connection Fees - Water \$ 100.00 Sewer - \$ 100.00 **(Revised February 18, 2019).**

No permits will be issued by Council to do any excavation of sewer lines on weekends. There will be absolutely no tampering with main line without the Maintenance Man being there to supervise.

No connections will be made to the main line between Nov 15 and May 15 unless otherwise approved by council.

The depth for waterlines should be a minimum of 6 feet.

Persons having sewer lines extended to low water mark by contractor will be charged a connection fee as well as monthly sewer rates.

Maintenance Personnel is to be present when connections to water and or sewer take place.

Water/Sewer to a maximum of 35 Feet or to the boundary lines whichever is closer. In cases where the water line is going through the main road the resident will be responsible for the cost to replace the pavement back to its original condition.

A curb stop leak on the owner's side of the curb stop will be cost shared up to a maximum of \$ 200.00. This would be done by way of an application at the Town Office. The materials used would still be the responsibility of the property owner.

All properties must have a working shut off valve coming from the main line.

Water / Sewer cont....

Council is not responsible for anyone having a backup due to drains going into town sewer. Sewer backups will not be compensated by the town unless liability is proven through insurance. Residents are advised to have a backwater valve installed.

Home based business with a single w/s line to the building will only pay one w/s bill.

A \$ 25.00 fee will be charged for convenience shutoff or turn on of water. In the Winter Months the homeowner is responsible to clear the site. **(Revised March 19, 2024).**

The Town is not responsible for personal pavement unless the Town is responsible for the damages occurred.

If there is a water/sewer problem the Town office should be notified and the Town will undertake to determine if the problem is the responsibility of the homeowner or the Town. Council will not be responsible for expenses occurred without prior approval.

All repairs to water/sewer must be compliant with Workplace, Health and Safety Regulations.

Houses with an attached rental apartment are to be billed an extra water/sewer fee while the apartment is being occupied. **(Addition February 18, 2019).**