

BY-LAW # 31

A BY-LAW OF THE MUNICIPALITY OF PERTH-ANDOVER  
RESPECTING BUSINESS HOURS, EMPLOYEES, CERTAIN  
OFFICIALS AND BONDING THE MUNICIPAL TREASURER  
AND OTHER MUNICIPAL EMPLOYEES

The Council of the Municipality of Perth-Andover duly assembled hereby enacts as follows:

1. The hours of the transaction of public business in the Municipal offices at the Municipal hall are from nine o'clock in the morning to five o'clock in the afternoon, Monday to Friday inclusive.
2. All positions and appointments within the gift of the Council shall be filled in accordance with this by-law.
3. No person who has not fully accounted for all municipal monies collected or received by him shall be appointed to or hold any position in the gift of the Council.
4. Where a vacancy occurs in a position or appointment within the gift of the Council, the Clerk, on instructions from Council, shall cause to be published in a newspaper having general circulation in the municipality, a notice describing, and
  - (a) outlining the duties and responsibilities,
  - (b) setting out the qualifications required for,
  - (c) containing any other information council deems relevant, and
  - (d) inviting applications for,the position or appointment.

5. The clerk shall refer any applications received by him pursuant to section 4 to the Council who by resolution at a regular meeting or at a special meeting called for that purpose, shall appoint the applicant who appears to be best suited for the position or appointment.

6. No officer or employee of the municipality receiving pay directly or indirectly from the Council shall take part in an election campaign on behalf of any candidate for mayor or councillor of the municipality, otherwise than as an elector if qualified by law so to do.

7. Where an officer or employee of the municipality canvasses or solicits any vote on behalf of any candidate for mayor or councillor of the municipality or holds out to any elector of the municipality any promise or reward or pecuniary consideration or any other inducement whatsoever in order to secure the vote of any elector for any candidate for mayor or councillor of the municipality or threatens or intimidates with a view of preventing any elector from voting for a candidate, that officer or employee is guilty of a violation of this by-law and on satisfactory proof of the offence before the council or a committee thereof, the council may dismiss him.

8. The council shall by resolution fix the salary or compensation to be paid to municipal employees for their services where that salary or compensation is not provided for by statute and shall prescribe the time and manner of the payment thereof.

9. The person appointed to the office of municipal treasurer

- (a) shall not assume that office until he has sworn or affirmed that he will diligently, faithfully, and impartially and to the best of his ability discharge the duties pertaining to the office so long as he shall hold it and that he will obey the by-laws of the municipality.

9. (b) shall give security by a bond in the amount fixed by resolution of the council from time to time for the faithful performance of his duties, and
- (c) shall deposit the bond referred to in clause (b) with the clerk for safekeeping.

10. A bond issued by a company approved by the Lieutenant-Governor in Council under section 5 of the Surety Bonds Act to provide for the protection of the municipality against any loss of money or other property which the municipality sustains through fraudulent or dishonest act committed by any of its employees acting alone or in collusion with others shall be in force at all times in an amount determined by resolution of the council from time to time.

11. The duties prescribed by this by-law for the various municipal officers are in addition to those prescribed by statute or by any other by-law of the municipality.

THE CLERK OF THE MUNICIPALITY

12. The clerk shall
- (a) attend all meetings of council and record without note or comment all resolutions, decisions and proceedings of council,
- (b) if required by any member present at a council meeting record the name and vote of every member voting on a question,
- (c) cause the minutes of the proceedings of council meeting to be reproduced and cause a copy thereof to be mailed to or left at the residence or place of business of each member at least three days before the next council meeting,

- 12.
- (d) furnish promptly to the chairman of any committee and any municipal officer affected thereby copies of all orders or resolutions made by council in order that the requirements thereof may be carried into effect,
  - (e) prepare and cause to be delivered to the members notices of all special meetings and of all meetings of committees of council,
  - (f) prepare, issue and keep a record of all licenses granted,
  - (g) prepare and attend to the execution of all bonds or other securities required to be taken by the municipality from any person and all contracts and agreements entered into by the municipality,
  - (h) communicate or convey to the proper committee of council, petitions and other documents or correspondence referred to it by council,
  - (i) act as custodian of the books, documents and records of council and the originals of all by-laws and resolutions, and all title documents, mortgages, leases, bonds, agreements or other instruments relating to the property of the municipality and allow the same to be taken from his office only on the order of council or of a court,
  - (j) act as custodian of all bonds given for the faithful discharge of the duties by officials and employees of the municipality,
  - (k) be the custodian of the corporate seal of the municipality and the person authorized to affix it and authenticate it,

12. (l) notify any person appointed to an office by council of his appointment and prepare and issue any necessary commissions for that office,
- (m) attend all meetings of committees of council and keep a record of business transacted thereat, as required, by committee chairman, and
- (n) perform any other duties imposed upon him
- (i) by statute,
- (ii) by the by-laws of the municipality
- (iii) by resolution of council or any committee thereof, and
- (iv) which naturally devolve upon him in his official capacity.

THE ASSISTANT CLERK OF THE MUNICIPALITY

13. The assistant clerk is subject to the direction of the clerk and shall act as clerk in the absence or disability of the clerk and when so acting shall exercise all the powers and perform all the duties of the clerk.

THE MUNICIPAL TREASURER

14. The municipal treasurer shall have control over all officers and employees employed in his office or in connection with the discharge of the duties of his office and rules with the approval of the finance committee may prescribe under which a person so employed shall discharge the duties assigned to him.

15. The municipal treasurer shall
- (a) collect and receive all monies due the municipality and cause accounts to be furnished and delivered or served upon the persons by whom accounts are payable and give and take vouchers for all monies received and paid by him and deposit all monies received by him to the credit of the corporation account in a chartered bank approved by council,
  - (b) pay no money or account except as provided for by statute or on the order of council signed by the Mayor,
  - (c) keep according to the most approved system of bookkeeping, books of accounts showing distinctly and continuously from day to day the receipts and disbursements and all other reckonings and accountings of whatsoever nature or kind connected with the monetary transactions of the municipality,
  - (d) receive all applications for water services and sewer connections and the deposits therefor and notify the water and sewer commission superintendent of the applications for water services and sewer connections and any water service to be turned on or shut off,
  - (e) keep special books and registers for recording the debenture debt of the municipality, the retirement of the coupons or interest warrants of the debenture debt and all other charges for the debenture debt having special regard to the provisions to be made with the bank or the agent of the municipality for meeting all payments as they become payable,

15. (f) give special attention to the maintenance of the sinking funds and the punctual and full appropriation and investment of all monies necessary to that maintenance,
- (g) use all diligence in enforcing the prompt collection of all monies due the municipality and where necessary enforce payment by legal process,
- (h) be guided in the payments and disbursements by his office, by the by-laws, rules and regulations of the municipality respecting the passing and verification of accounts, by the several committees of council or by statutory or other authority and by the appropriation made for their liquidation and advising council when those appropriations are exhausted,
- (i) prepare for publication as early as practicable after the close of the financial year, the annual abstract and report of the civic revenues and expenditures with statements of assets and liabilities and any other information regarding the municipal debt, sinking funds and any other special accounts of the municipality as may be required by council, and
- (j) generally supervise his department and duly compare, check and verify the entries of receipts and disbursements with the accounts and vouchers of the same and with the books of the office.

16 (1) The municipal treasurer shall sign all the cheques of the municipality and the mayor or deputy mayor in his absence shall countersign them.

(2) In the absence or illness of the municipal treasurer or assistant municipal treasurer or if the office of the municipal treasurer is vacant, the Deputy Mayor shall sign the cheques of the municipality and the mayor shall countersign them.

ASSISTANT MUNICIPAL TREASURER

17. The assistant municipal treasurer is subject to the direction of the municipal treasurer and shall act as municipal treasurer and when so acting exercise all the powers and perform all the duties of the municipal treasurer.

THE MUNICIPAL AUDITOR

18. The municipal auditor shall
- (a) examine and report upon all accounts against the municipality and submit them to council.
  - (b) examine and verify the accounts of every municipal official receiving or whose duty it is to receive any part of the municipal revenue whenever he may deem it advisable so to do,
  - (c) examine and verify the annual accounts of the municipal treasurer and report thereon to council previous to the publication thereof and for that purpose shall have free access to all books and records kept by the municipal treasurer and any other officer responsible for municipal revenues and shall report any neglect or refusal on the part of any officer or employee to supply or give the information asked for and any officer or employee neglecting or refusing to supply or give information asked for under this section may be dismissed from office for the neglect or refusal,
  - (d) report promptly to council any payments made contrary to law, any inaccuracies in any municipal account and any other matter that he deems advisable to bring to the attention of council, and,



18. (e) supervise the publication of the annual accounts and do and perform any other work which from time to time may be required of him by council.

THE MUNICIPAL BUILDING INSPECTOR

19. The municipal building inspector shall
- (a) exercise all powers conferred upon him
    - (i) by statute,
    - (ii) by the by-laws of the municipality, and
  - (b) perform all duties imposed upon him
    - (i) by statute,
    - (ii) by the by-laws of the municipality,
    - (iii) by resolution of the council or a committee thereof, and
    - (iv) which naturally devolve upon him in his official capacity.

FIRE PREVENTION OFFICER

20. The fire prevention officer shall
- (a) exercise all powers conferred upon him
    - (i) by statute,
    - (ii) by the by-laws of the municipality, and
  - (b) perform all duties imposed upon him
    - (i) by statute,
    - (ii) by the by-laws of the municipality,

20. (b) (iii) by resolution of the Council or a committee thereof, and  
(iv) which naturally devolve upon him in his official capacity.

21. By-Law # 1, being a by-law regarding bonding of employees is repealed.

22. This by-law comes into force on the date of final passing thereof.

READ A FIRST TIME BY TITLE this 3 day of MAY 1977.

READ A SECOND TIME BY TITLE this 3 day of MAY 1977.

READ IN ITS ENTIRETY IN COUNCIL this 14th day of JUNE 1978.

READ A THIRD TIME BY TITLE AND ENACTION this 6th day of NOVEMBER 1978.

..... *B B Wagner* .....  
Mayor

..... *M. Watten* .....  
Clerk