



## COMMUNITY AND GOVERNMENT SERVICES

### MUNICIPAL BOUNDARY POLICY

#### PREAMBLE

The Government of Nunavut (GN) may establish or revise municipal boundaries.

#### PRINCIPLES

This policy is based on the following principles:

- A municipal boundary should define a geographic area within which a community can realistically and regularly enforce its authority over all matters within its jurisdiction.
- A municipal boundary should reflect a sense of common association whereby people within that boundary relate to the locality as a centre for services.
- A boundary should be of such size and scope as to allow the community the capability to meet reasonable service demands for municipal services to be delivered in a cost effective manner to all community residents.

#### SCOPE

This policy applies to the establishment or revision of any municipal boundary.

#### DEFINITIONS

##### Community

A body of people living in the same locality and governed by a municipal corporation.

##### Community Government

A municipal corporation or, in the absence of a municipal corporation, a community governing authority recognized by the Minister of CGS as the prime public authority responsible for the provision of municipal services.

##### Municipal Boundary

A line enclosing the geographical area of jurisdiction of a municipal corporation as delineated by territorial legislation.

### Municipal Corporation

A community governing body incorporated under the *Cities, Towns and Villages Act*, or the *Hamlets Act*.

### Municipal Programs and Services

Those programs and services which are normally provided by municipalities, including the provision of water; collection, treatment and disposal of sewage and garbage; fire protection; road maintenance; recreation; by-law enforcement; land use control and community planning. This may also include land administration, borrowing and the collection of property taxes.

## **ROLES AND RESPONSIBILITIES**

### 1. Cabinet

Cabinet may recommend to the Minister of CGS the revision of municipal boundaries of communities incorporated under the *Cities, Towns and Villages Act*, or the *Hamlets Act*.

### 2. Minister

The Minister of CGS may:

- (a) accept applications for municipal boundary establishment or municipal boundary revision;
- (b) issue a Minister's Order establishing a municipal boundary for a community incorporated under the *Hamlets Act*, or the *Cities, Towns and Villages Act*;
- (c) issue, upon the recommendation of Cabinet, a Minister's Order varying a municipal boundary for a community incorporated under the *Cities, Towns and Villages Act*, or the *Hamlets Act*; and
- (d) provide for any transitional matters related to the establishment or revision of municipal boundaries.

### 3. Deputy Minister

The Deputy Minister of CGS:

- (a) is responsible for the administration of all provisions pursuant to this policy;

- (b) ensures proposed boundaries and revisions are consistent with criteria outlined in this policy;
- (c) determines the administrative procedures required in considering municipal boundary proposals;
- (d) directs the preparation of legal descriptions and maps of the proposed boundaries; and
- (e) initiates requests to the Department of Justice for the preparation of Minister's Orders and any other legal instruments which may be required for the establishment or revision of municipal boundaries.

## **PROVISIONS**

### **1. Criteria**

The following criteria shall be used in accordance with Article 14 of the NLCA in determining a newly established municipal boundary or in revision of an existing municipal boundary:

#### **(b) General Criteria**

##### **(i) Territorial Boundary:**

A municipal boundary must be within the boundary of Nunavut.

##### **(ii) Continuous Area:**

A municipal boundary shall be defined by one continuous, unbroken line. Exceptions shall be considered where it can be demonstrated that there are clear and tangible benefits to the community or that the community government's jurisdiction or authority over an area outside a continuous area is necessary.

##### **(iii) Access:**

Land within a municipal boundary should be relatively accessible both to the general public and to the community government in the usual conduct of its responsibilities.

#### **(c) Specific Criteria:**

Boundaries should include sufficient land to encompass:

- (i) the projected expansion requirements of the community for a minimum of 20 years and a maximum of 30 years;
- (ii) the community water supply;
- (iii) the waste disposal areas;
- (iv) if possible, resource areas sufficient to provide a 20 year supply of granular material for the community;
- (v) existing or proposed highways providing access to the community;
- (vi) community airstrips and docking areas;
- (vii) a necessary buffer area around the perimeter of the projected urban community to control development and discourage unorganized development;
- (viii) areas contiguous to the community that are actively utilized by the community on a continuous seasonal basis for recreational or other purposes and which have property development implications; and
- (ix) areas unique to a community on a case by case basis and which may be required by a community government in the conduct of its responsibilities.

## 2. Applications

- (a) Requests for the establishment of a new boundary or the revision of an existing boundary are to be submitted to the Minister of CGS.
- (b) In accordance with the *Cities, Towns and Villages Act*, or the *Hamlets Act*, as applicable, requests for the establishment of a new boundary should be in writing, accompanied by a request for incorporation. Requests for the revision of a boundary should be in writing, indicating the approval of the community government and accompanied by a map showing the proposed revision.

## **NUNAVUT LAND CLAIMS AGREEMENT**

Nothing in this policy shall in any way be construed to limit the authority of the Nunavut Land Claims Agreement. The Agreement shall take precedence over this policy.

## **PREROGATIVE OF CABINET**

Nothing in this policy shall in any way be construed to limit the prerogative of the Cabinet.

## **SUNSET CLAUSE**

This policy shall be in effect from the date of the signature until December 31, 2018.

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Premier