

Bylaws...

How do we get them right?

Municipal Affairs

Outline

- **Bylaw Development**
 - Format
 - Essentials

- **Bylaw Enforcement**
 - Available options
 - Bylaw Enforcement Officers

Policy, Procedure or Bylaw

Policy

- Rules or guidelines describing the aim, purpose or objective to achieve the Municipality's principles

Procedure

- Is a guide for the task or series of tasks that will ensure the quality of a program/service is reached and maintained

Bylaw

- Law made by a local authority in accordance with the powers conferred by or delegated under a statute (*MGA*)

Bylaws

- **Part 2 (Sections 7-13) of MGA**
 - **Definition**
 - Local law - manage municipality's affairs
- **Authority to act**
 - Section 180 of MGA

Bylaws

- **Drafting Bylaws:**
 - usually CAO
 - CAO can and should use other resources
 - neighbouring municipality for sample
 - municipal solicitor
 - Use simple language

Bylaws

- **Drafting Bylaws:**
 - words/phrases with more than one meaning should be defined
 - refer to Interpretation Act
 - Headings, subheadings and marginal notes can help to clarify
 - should be logically numbered for reference and tracking

Bylaws

- **Parts Of A Bylaw:**
 - corporate title
 - bylaw number
 - purpose
 - definitions
 - statements to whom and what bylaw applies
 - significant general rules and special provisions

Bylaws

- **Parts Of A Bylaw:**
 - schedule clauses
 - penalty clauses (section 7)
 - transitional clauses
 - repeal clauses
 - effective date - not effective until date signed

Bylaws

- **Passing Of Bylaw:**
 - 3 readings required (section 187)
 - signatures and seal (section 213)
 - need to follow strict procedures
 - need to follow strict advertising when required

Bylaws

- **Revision and Consolidation**

- Section 63 - Revision
- Section 64 – Adopting revised bylaws
- 65 - Requirements
- 66 - Effect
- 67 - References
- 68 – Mistakes during revision
- 69 – Consolidation
- 191 – Power to amend or repeal

Bylaws

- **Security Of Bylaws**
 - section 208 of MGA

- **Challenging Bylaws**
 - sections 536 & 537 of MGA

Bylaws

- **Enforcement**

- Expectation that bylaws will be enforced
- Municipalities found negligent by courts

- ***MGA Section 7 (i)***

- creation of offence in bylaw
- fines not exceeding \$10,000 or imprisonment
- Penalty in addition to a fine as long as relates to specific cost

Bylaws

- **MGA Part 13, Division 4**
 - Inspections by designated officer
 - Reasonable notice
 - Court order if non-compliant
- **Order to Remedy contravention – MGA 545**
- **Order to Remedy Dangers and Unsightly Properties – MGA 546**
- **Stop Order –**
 - Must be issued by Development Authority (S. 645, 646)

Bylaws

- **Cite MGA section on enforcement forms**
 - Section 545 – written order stating required actions
 - Section 546 – written order re dangerous or unsightly premises
- **Opportunities for appeal**
 - Appeal to Council for review (s 547)
 - Appeal to Subdivision and Development Appeal
 - Appeal to Court of Queen's Bench

Bylaws

- **Caveats**

- Register on title in respect of an order

- **Adding Amounts to Tax Roll (S 553)**

- Unpaid utility connection costs and user fees

- Unpaid expenses in municipality
remedy of contravention

- Fire fighting costs

- Sidewalk clearing

- Costs for issuing Stop Orders

Bylaws

- **Bylaw Enforcement Officers**
 - Responsibilities – S 555
 - Oath of Office – S 555
 - Bylaw citing specific powers, duties – S 556
 - Establish disciplinary procedures – S 556

Bylaws

- **Resources**

- **Basic Principles of Bylaws** is available on our website under the Municipal Resource Handbook at

www.municipalaffairs.alberta.ca/1574.cfm

- **Municipal Excellence Network Resource Library**

www.municipalaffairs.alberta.ca/mc_municipal_excellence.cfm

Questions, Final Thoughts? Thank you

- **Municipal Services 780-427-2225**
- **Toll-free 310-0000**
- **Website**
www.municipalaffairs.gov.ab.ca