



Communities, Land  
and Environment

# Municipal Bylaw Processes

## Guidebook



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## Introduction

This manual has been prepared by the Municipal Affairs and Provincial Planning Division. It is designed to serve as a guide for municipalities preparing municipal bylaws. Municipal Affairs recommends that a Council seek legal advice when preparing more complex municipal bylaws to help ensure that Council has the authority to enact and enforce a proposed bylaw.

## Background

Municipalities in Prince Edward Island are created by provincial legislation. The *Municipal Government Act* (MGA) extends power to municipalities that is within the province's scope of jurisdiction and any further regulation created by a municipality (bylaws) must also be within the scope of provincial jurisdiction.

Section 180 of the *Municipal Government Act* (MGA) sets out the general jurisdiction to pass bylaws and provide services for municipal purposes. This general jurisdiction gives broad authority to municipalities to develop bylaws that are specific to each municipality. The bylaw making powers of a Council also include the power to amend or repeal bylaws.

## Acting in Good Faith

*A Council is expected to act in good faith and in the public interest when creating bylaws and to act in good faith when carrying out the responsibilities established in them. Bylaws created by a Council should be clear, enforceable and accomplish the Council's desired goal.*

## Bylaw Making Authority

Section 180 of the MGA is the primary section that identifies the areas in which a municipal government may pass bylaws and provide services for municipal purposes. Under the Act, a municipal Council may pass bylaws and provide services for the following:

- Protecting the safety, health, and welfare of people and property
- Municipal utilities, facilities, works, and improvements on private and public land
- Businesses, business activities and persons engaged in business
- Acquisition of land and improvements by expropriation for municipal purposes with the exception of land owned by the Government of Prince Edward Island, Government of Canada or a Prince Edward Island First Nation Band
- Acquisition, sale, management, mortgaging, construction, leasing, renting, or any other dealings with real property
- Public places and spaces
- Construction, demolition, removal, or alteration of any building or structure including signage


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- The use of motor vehicles or other vehicles, on or off highways, and the regulation of traffic, parking, and pedestrians
  - Management and control of highways and sidewalks in the municipality
  - Subject to the ongoing review of police services, police services
  - Transport and transportation systems including taxi drivers, vehicles and taxi businesses, and other forms of public transport
  - Nuisances, loitering, dangerous or unsightly property, noise, pollution and waste
  - Establishment, operation and decommissioning of cemeteries
  - Vegetation and activities in relation to it, including but not limited to tree preservation, protection, development and implementation of maintenance standards for trees and other vegetation
  - Control and health and safety of wild and domestic animals including insects and birds, as well as protection from them
  - Protection of the environment
  - Regulation of the discharge of firearms
  - Parks and recreation
  - Pension and benefit plans for municipal employees
  - Community and regional development in cooperation with neighbouring municipalities or provincial organizations
  - Libraries
  - Regulation of real property maintenance and the protection of heritage property
  - Provision of a system of licenses, inspections, permits or approvals
  - Enforcement of bylaws

## **Difference between Bylaws, Resolutions and Policies**

The differences between bylaws, resolutions, policies and motions can be a common source of confusion. It is important to understand the differences and interconnections between bylaws, resolutions, and policies as all three can be used to establish effective municipal governance.

The formalities of passing of a resolution are less restrictive than those for the passing of a bylaw.

Resolutions typically deal with matters of an administrative or routine nature (e.g., appointing an auditor or awarding a contract). A Council should enact a bylaw for more important matters such as Council actions that affect residents or that may require the intervention of the courts. Bylaws are required under the MGA in order to undertake certain activities such as collecting fees or entering into an agreement.



Under the MGA, the powers of a municipal Council can be exercised only by bylaw or resolution. A municipal Council has the discretion to develop policies that provide further guidance on matters of importance to the municipality, but policies have limitations regarding enforcement and applicability.

### ***Bylaw Definition***

A municipal bylaw is a law made by a municipal government in accordance with the powers conferred by or delegated to it under a statute, in this case the MGA. A municipal bylaw is no different than any other law of the land. It can be enforced with penalties, challenged in court and must comply with provincial and federal standards set out in legislation. Municipal bylaws are often enforceable through the justice system and offenders can be charged with an offence for breaching a municipal bylaw.

### ***Resolution Definition***

A resolution is a record of decisions voted on by Council and includes routine administrative and management matters (e.g., resolution to hold a community event).

### ***Policy Definition***

Municipal policies provide guidance to municipal council and staff pertaining to procedures (e.g., a travel policy) or to govern the actions of the public within municipally-owned facilities (e.g., a public use of municipal facilities policy). However, policies established by a Council do not have the same force as law.

### ***Motion Definition***

A Council adopts a formal resolution or bylaw by proposing a motion as part of the approval process by Council. Simply stated, the purpose of a motion is to set the process in “motion” by which Council can deliberate on an issue while a resolution is the formally recorded “result” of a Council’s deliberation on a matter. A motion may also be used to acknowledge an instruction or directive of Council (i.e., approval of meeting minutes).



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“Under the MGA, the powers of a municipal Council can be exercised only by bylaw or resolution.”

# Bylaws, Resolutions and Policies Set Out in the MGA

## ***Mandatory Bylaws***

Under the MGA, a Council is required to establish certain bylaws. Some bylaws are mandatory which means that a Council is required to establish them in order to comply with the Act.

Some mandatory bylaws will come into effect immediately when the MGA is proclaimed while others must be established within timeframes stated in the Act. Mandatory bylaws required by the MGA are listed below and the specific timeframes associated with each specific bylaw are also noted. The following list is not exhaustive and should not take the place of legal advice:

- Subsection 36.1: Campaign Contributions, Spending Limits and Disclosure Bylaw (must be passed 90 days before an election)
- Subsection 78.4: Council Size Bylaw (must be passed at least 180 days before the election at which it is to take effect)
- Subsection 82.1: Council and Council Committee Remuneration Bylaw (required immediately upon the MGA coming into effect)
- Clause 86.2(e): Procedural Bylaw (must be passed within 12 months of the Act coming into effect)
- Subsection 97.(2): Conflict of Interest Bylaw (must be passed within 12 months of the Act coming into effect)
- Subsection 107.1 Code of Conduct for Council Bylaw (must be passed within 12 months of the Act coming into effect)
- Subsection 117.1: Records Retention Bylaw (must be passed within 12 months of the Act coming into effect)
- Subsection 147.1: Access to Information Bylaw (must be passed within 12 months of the Act coming into effect)
- Subsection 148.1: Protection of Personal Information Bylaw (must be passed within 12 months of the Act coming into effect)
- Section 169: Procurement Bylaw (required date will be set out in regulation)

## ***Discretionary Bylaws***

Under the MGA, some bylaws are discretionary. This means that they are optional and are only required if a Council decides to provide a service or exercise a specific authority. Optional bylaws are listed below and the specific timeframes associated with each specific bylaw are also noted. The following list is not exhaustive and should not take the place of legal advice:

- Subsection 35.(3): Classification of Restricted Municipal Employees Bylaw
- Section 48: Voting by Alternative Means Bylaw
- Section 49: Automated Voting Systems
- Subsection 88.(1): Delegation of Specified Power, Duties or Functions Bylaw
- Subsection 134.(1): Authorizing A Person to Conduct A Revision of Bylaws
- Subsection 155.(1): Reserve Fund Bylaw
- Subsection 160.(2): Establishing Tax Rate Group Bylaw (required for more than one tax rate including commercial/non-commercial before March 30th in each year)
- Subsection 161.(2): Tourism Accommodation Levy Bylaw
- Subclause 162.(1)(a) (i) and (ii): Fees Bylaw

- Sections 164 – 166: General Borrowing Bylaw
- Subsection 184.(1): Levying Rates and Frontage Charges for Utility Services
- Section 201: Local Improvements Bylaw
- Subsection 223.(1): Bylaw Enforcement Bylaw
- Subsection 226.(3): Municipal Offence Ticketing Bylaw

## Drafting a Bylaw

A new bylaw may be created and passed to meet a new need or a new initiative. Drafting bylaws is often a duty assigned by Council to the Chief Administrative Officer (CAO) or to a person who has been delegated that function by the CAO. There are resources available to help municipal Councils and CAOs through the bylaw drafting such as:

- Municipal Affairs staff have developed bylaw templates to assist you in developing many of the bylaws required under the MGA. Many of the mandatory bylaw templates have been drafted, as well as discretionary bylaw templates that may be required once the Act comes into effect. Other bylaw templates are currently being drafted. The templates can be accessed online at: <https://www.princeedwardisland.ca/en/information/communities-land-and-environment/municipal-sample-bylaws>
- You may choose to have your municipal legal counsel prepare bylaws. If you choose not to seek legal advice in the preparation of your bylaws, you may run the risk of improperly drafting a bylaw or of adopting a bylaw that is beyond the jurisdiction of the municipality.
- You may contact the Federation of PEI Municipalities to request a sample bylaw if one is available.
- You may want to obtain a sample bylaw from another municipality.

Bylaws should be drafted in plain and simple language to ensure that they are easily understood and enforced. Any words or phrases that could be confusing or have more than one meaning should be defined within the bylaw.

Bylaws should be logically numbered and indexed for easy reference and tracking. It is beneficial to use a consistent format for all bylaws with respect to a numbering and/or lettering system for sections, subsections, paragraphs, and sub-paragraphs in the bylaws (see Appendix A for more information about content and format for a bylaw).

## Drafting, Amending and Repealing a Bylaw is a Legal Process

*The power to pass a bylaw includes the power to amend or repeal it and so the act of amending a bylaw is also a legal process with legal implications. For this reason, a bylaw is required in order to amend or repeal a bylaw. The amending and repealing process must also be done in accordance with legal principles and in adherence to proper procedures.*



## Passing a Bylaw

Under section 124 of the MGA, the following bylaw adoption process must be followed:

- The bylaw must be read and formally approved by a majority of the Council members present and voting on two (2) separate occasions at meetings of the Council held on different days.
- After the bylaw is read a second time, it is formally adopted by resolution of the Council.
- The adopted bylaw must be signed by the mayor and CAO and sealed with the municipality's seal.

If a copy of the proposed bylaw is made available to the public to read at the Council meeting or before it, Council may recite the bylaw name and a brief description rather than reading the entire bylaw aloud during the meeting.

Under the MGA, some bylaws have additional public notice requirements. Check the MGA or contact Municipal Affairs if you have questions on a specific subject.

Non-planning bylaws come into force when they are passed unless otherwise stated in the MGA or the bylaw itself.

Some bylaws (mostly those under the *Planning Act*) may require approval by the Minister. If that is the case, the bylaw will not be in force until the Minister approves it.

### ***Resolutions of Council and the Bylaw Adoption Process***

A new bylaw or amendment bylaw will require a total of **five (5) resolutions** over **two (2) meetings** held on different days:

1. Resolution to give first reading
2. Approval of first reading
3. Resolution to give second reading
4. Approval of second reading
5. Adoption of the Amendment Bylaw

There are sample resolutions included in this guide (see Appendix A). These sample resolutions could be modified with the specific titles and details pertinent to the situation.

The resolutions, along with the bylaw itself, are prepared before the Council meeting and are provided to each member of Council prior to the discussion at the meeting. The text of the resolutions is the text to be read at the meeting and it is the text to be voted on by Council. Unless amended during the Council discussion, the text of the resolutions should appear in the minutes of the meeting.

#### **Council Meeting #1 – Open to the public**

- Resolution to give 1st reading to the bylaw
- Resolution to approve the bylaw (1st instance)

#### **Council Meeting #2 – Open to the public**

- Resolution to give 2nd reading to the bylaw
- Resolution to approve the bylaw (2nd instance)
- Resolution to adopt the bylaw

All resolutions to give reading to the bylaw or bylaw amendment should be accompanied by the actual bylaw as a schedule and all members of Council should be able to clearly see what they are voting on.

### ***Requirement for Council to Hold Meetings in Public***

Subsection 118.(1) of the MGA states that all Council meetings and Council committee meetings must be conducted in public and members of the public are entitled to attend (subject to limitations set out in subsection 118.(2) and section 119). Council must ensure that if council or a Council committee is closed to the public, no resolution or bylaw shall be passed during that meeting (some exceptions are outlined in subsection 119.2).

The Act requires each Council to establish and publish an annual schedule of meetings for the conduct of its business, including at least six public meeting of council each year.

The meeting schedule must be published electronically (i.e., on a municipal website, at a minimum) and in one other non-electronic format (i.e., sign posted in the municipal office or in a local newspaper).

### ***Amending a Bylaw Before it is Passed***

A proposed bylaw may be amended after its first reading. If it is, the amendment must be read word by word at the Council meeting even if updated copies are made available to the public at or before the meeting.

If a bylaw is not formally adopted within two years from the date of its first reading, it must be read again for the first and second time as if it were a brand new bylaw once again.

### ***Bylaw Requirements***

Every bylaw is required to be in print form. A signed and sealed copy must be kept in the register of bylaws for the municipality.

Copies of the bylaws may be inspected by any person and copies must be provided to any person (through payment of a reasonable fee established by Council in a Fees Bylaw).

A certified copy of each bylaw must also be filed with the Minister.

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“If a bylaw is not formally adopted within two years from the date of its first reading, it must be read again for the first and second time as if it were a brand new bylaw once again.”

### ***Inconsistencies in Municipal Bylaws***

Section 5 of the Act, states that if a bylaw is inconsistent with the MGA or another act, it is deemed to be of no force or effect to the extent of the inconsistencies. This means that a bylaw made by a Council is valid only to the extent that it is consistent with provincial legislation. Any aspects of the bylaw that are inconsistent are considered to be without any force or effect and could be challenged in the courts. Some pieces of provincial legislation do clearly enable municipalities to establish different standards.

### ***Quashing a Bylaw***

A person can apply to the Supreme Court if they believe that a bylaw or resolution is contrary to law, beyond the powers of the municipality, or if the proper procedure was not followed when the bylaw was passed (see section 131). There are various grounds on which a bylaw cannot be challenged described in the MGA, such as a Council member was not qualified to vote on the bylaw or the election was invalid, etc.

# Amending, Consolidating or Repealing a Bylaw

## Amending Bylaws

An amending bylaw changes text or maps or other components of an existing bylaw but does not technically form part of the existing bylaw.

A bylaw may only be amended by an amending bylaw (See Appendix B for a summary of the bylaw amendment process). An amending bylaw will generally be titled in such a way as to explain its purpose (e.g., A Bylaw to Amend Bylaw #99-002, being an Animal Control Bylaw”).

Minor changes in wording generally will contain language similar to the following: “Words ‘a, b and c’ in section 3 (1) are replaced with the words “x, y and z”.

If major changes in wording are required, then it is most likely easier to replace a section or part with language such as: “section 3 is replaced with a new section 3” or multiple sections if that is the case.

If there are significant changes required to a bylaw, it may be better to consider repealing the existing bylaw and passing a new bylaw.

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“A consolidation of bylaws is the process of taking an original bylaw and incorporating into it all the amendments that have been made to it, as well as taking out of it all deletions that resulted from the amendments.”

## Consolidating Bylaws

A consolidation of bylaws is the process of taking an original bylaw and incorporating into it all the amendments that have been made to it, as well as taking out of it all deletions that resulted from the amendments. In the consolidation process, no language can be changed. The consolidation must consolidate the flaws in amendments along with everything else.

Consolidated bylaws offer greater ease of use for office staff and the public. However, consolidated bylaws will have no legal effect in their entirety as they have not been passed by the Council, they may contain errors from the consolidation process, and there may have been further changes since the consolidation process was carried out.

Any consolidated version of a bylaw should contain a disclaimer such as the following:

*“This document is an office consolidation of this Bylaw. It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources. If you find any errors or omissions in this consolidation, please contact \_\_\_\_\_”.*

Council may, by bylaw, authorize the CAO to consolidate one or more bylaws.

### ***Authorizing a Revision of Bylaws***

Section 134 of the MGA also gives Council the discretion to authorize to a person to conduct a revision of bylaws. Bylaw revision is a process in which all consolidations and corrections are made and a fully revised bylaw is adopted by council. The bylaw revision process is complex and could include an extensive rewrite that substitutes a new set of bylaws for the existing ones. Therefore, it is important that Council consider both the outcomes and implications of undertaking this process.

### ***Replacing or Repealing a Bylaw***

The power to repeal a bylaw is a necessary and related power to the ability to pass a bylaw. A bylaw that is in effect may only be cancelled by a repealing bylaw. When a bylaw has no further need, action or consequence it is redundant and should be repealed. This process involves repealing the former bylaw and introducing an entirely new bylaw that includes language that clearly indicates that one bylaw is being replaced by another.

Sometimes a bylaw is repealed, but not replaced. In this instance, a repeal bylaw would still have to be duly passed as a bylaw that is in effect may only be cancelled by a repealing bylaw. If this is not done, a bylaw would remain in full force and effect indefinitely.

”

A bylaw is never removed from the minutes even if it has been subsequently repealed.

## **Retention of Bylaws**

The original bylaw must be attached to and form a part of the minutes of the meeting at which the bylaw was read a second time and formally adopted by resolution of Council. A bylaw is never removed from the minutes even if it has been subsequently repealed.

A bylaw register is a collection of current bylaws of the municipality which is maintained separately from the minutes. A certified true copy of the bylaw must be kept in the bylaw register. This copy must display the corporate seal and it must be certified to be a true copy by the Mayor and CAO.

# Appendix A

## Bylaw Content and Samples

There are certain essential elements that a bylaw should including the following:

- The title and number of the bylaw.
- Words of enactment (e.g., “BE IT ENACTED by the Council of the City/Town/Rural Municipality of \_\_\_\_\_ as follows:”
- A statement that identifies where the authority for the bylaw comes from in the Act. For example:
  - *Section 82 of the Municipal Government Act, enables Council, by bylaw, to establish the types, rates, and conditions of payments to be made to or on behalf of a member of the Council, a member of a Council committee or another person.*
- A purpose section, if desired.
- A definitions section, if required.
- The substantive content of the bylaw (laws/bylaws generally prohibit, mandate or permit something or things).
- How, and by whom, the bylaw is to be enforced.
- Penalties for contraventions of the bylaw, or parts of it (in accordance with the MGA).
- Transitional sections, if necessary.
- If the bylaw is meant to repeal another bylaw, then language to that effect should be included.
- A statement of when the bylaw becomes effective, if not immediately at passage.
- A signature page that contains confirmation that the bylaw has been read and approved at two separate meetings of Council, and was formally adopted by the Council along with the required signatures and the municipal seal.

Remember, it is the responsibility of any municipality passing a bylaw to:

- Ensure that the bylaw has been adopted in accordance with the procedures set out in legislation; and
- Ensure that the municipality has the legislative authority to do what it is setting out to do and that the contents of the bylaw comply with all applicable legislation.

It is highly recommended that all municipalities consult with their legal counsel regarding the passage, repeal, amendment or consolidation of any bylaw or bylaws.

## SAMPLE BYLAW STRUCTURE

**City/Town/Rural Municipality of \_\_\_\_\_, PEI**  
**A Bylaw to [TITLE]**  
**Bylaw # 20XX-XX**

**BE IT ENACTED** by the Council of the City/Town/Rural Municipality of \_\_\_\_\_ as follows:

**1. Title**

1.1 This bylaw shall be known and cited as the “\_\_\_\_\_ Bylaw.”

**2. Authority**

2.1 Section \_\_\_\_ of the *Municipal Government Act*, enables Council, by bylaw, to \_\_\_\_\_.

**3. Application**

This bylaw applies to all Council members. For greater certainty, this includes the Mayor, Deputy Mayor.

**4. Definitions**

4.1 “Act” means the *Municipal Government Act*.

4.2 “Chief Administrative Officer” or “CAO” means the administrative head of a municipality as appointed by council under subsection 95(2) of the *Municipal Government Act*.

4.3 “Council” means the mayor and other members of the council of the municipality.

4.4 “Councillor” means a member of council other than the mayor.

**5. General**

5.1 General provisions...

5.2 The purpose of this bylaw is to \_\_\_\_\_.

Sample clause

Sample list;

## 6. Specific Topic Header

Sample section provision:

Sample subsection list;

Sample clause;

## 7. Enforcement (if applicable)

7.1

## 8. Penalties (if applicable)

8.1

## 9. Repeal of Existing Bylaw (if applicable)

9.1

## 10. Effective Date

10.1

### First Reading:

This \_\_\_\_\_ Bylaw, Bylaw# 20XX-XX, was read a first time at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20XX.

This \_\_\_\_\_ Bylaw, Bylaw# 20XX-XX, was approved by a majority of Council members present at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20XX.

### Second Reading:

This \_\_\_\_\_ Bylaw, Bylaw# 20XX-XX, was read a second time at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20XX.

This \_\_\_\_\_ Bylaw, Bylaw# 20XX-XX, was approved by a majority of Council members present at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20XX.

### Adoption and Approval by Council:

This \_\_\_\_\_ Bylaw, Bylaw# 20XX-XX, was adopted by a majority of Council members present at the Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20XX.

This \_\_\_\_\_ Bylaw, Bylaw# 20XX-XX, is declared to be passed on this the \_\_\_\_\_ day of \_\_\_\_\_, 20XX.

## 11. Signatures

\_\_\_\_\_

**Mayor** (signature sealed)

\_\_\_\_\_

**Chief Administrative Officer** (signature sealed)

## Schedule A

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**Note:** this Schedule forms part of the bylaw and may only be amended in accordance with Part 5 Division 2 of the Act.

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## **SAMPLE RESOLUTIONS**

### **Council Meeting #1 - Bylaw or Bylaw Amendment Resolution #1 – FIRST READING**

Date: \_\_\_\_\_

Moved by Councillor: \_\_\_\_\_

Seconded by Councillor: \_\_\_\_\_

Whereas [reason for adopting or amending the bylaw in question]

Be it resolved that the “\_\_\_\_\_” bylaw/bylaw amendment [bylaw #], a bylaw to amend the [title of main bylaw] be hereby read a first time.

Schedule A is attached. [Schedule A would be the actual bylaw or amendment bylaw].

### **Council Meeting #1 - Bylaw or Bylaw Amendment Resolution #2 – APPROVAL OF FIRST READING**

Date: \_\_\_\_\_

Moved by Councillor: \_\_\_\_\_

Seconded by Councillor: \_\_\_\_\_

“Whereas [reason for adopting or amending the bylaw in question]

And whereas the “\_\_\_\_\_ bylaw” / “bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw]”, was read a first time at this Council meeting;

Be it resolved that the “\_\_\_\_\_ bylaw” / “bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw]”, be hereby approved.

### **Council Meeting #2 - Bylaw or Bylaw Amendment Resolution #3 – SECOND READING**

Date: \_\_\_\_\_

Moved by Councillor: \_\_\_\_\_

Seconded by Councillor: \_\_\_\_\_

“Whereas [reason for adopting or amending the bylaw in question]

And whereas the “\_\_\_\_\_ bylaw” / “bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw]”, was read and formally approved a first time at the Council meeting held on \_\_\_\_\_;

Be it resolved that the “\_\_\_\_\_ bylaw” / “bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw]”, be hereby read a second time.

Schedule A is attached [Schedule A would be the actual amending bylaw]

**Council Meeting #2 - Bylaw or Bylaw Amendment Resolution #4 – APPROVAL OF SECOND READING**

Date: \_\_\_\_\_  
Moved by Councillor: \_\_\_\_\_  
Seconded by Councillor: \_\_\_\_\_

“Whereas [reason for adopting or amending the bylaw in question]

And whereas the “\_\_\_\_\_ bylaw” / “bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw]”, was read and formally approved a first time at the Council meeting held on \_\_\_\_\_;

And whereas the “\_\_\_\_\_ bylaw” / “bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw]”, was read a second time at this Council meeting;

Be it resolved that the “\_\_\_\_\_ bylaw” / “bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw]”, be hereby approved.

**Council Meeting #2 - Bylaw or Bylaw Amendment Resolution #5 – ADOPTION OF BYLAW AMENDMENT**

Date: \_\_\_\_\_  
Moved by Councillor: \_\_\_\_\_  
Seconded by Councillor: \_\_\_\_\_

“Whereas [reason for adopting or amending the bylaw in question]

And whereas the “\_\_\_\_\_ bylaw” / “bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw]”, was read and approved at two separate meetings of Council held on different days;

Be it resolved that the “\_\_\_\_\_ bylaw” / “bylaw amendment [amending bylaw #], a bylaw to amend the [title of main bylaw]”, be hereby formally adopted.

# Appendix B

## Bylaw Amendments Summary

The process for amending a bylaw is the same as the process for creating one. Essentially, the municipality is creating a bylaw that has the effect of amending the original bylaw.

During the amendment process, two readings and an adoption of the bylaw amendment will still be required.

### Council Meeting #1

1. Resolution to give 1<sup>st</sup> reading to the bylaw
2. Resolution to approve the bylaw (1<sup>st</sup> instance)

### Council Meeting #2

3. Resolution to give 2<sup>nd</sup> reading to the bylaw
4. Resolution to approve the bylaw (2<sup>nd</sup> instance)
5. Resolution to adopt the bylaw

When voting, the Council should have the amendment bylaw in front of them that contains all of the content and describes in full detail both the text that is being removed as well as the text that is being inserted (refer to the sample bylaw structure template and sample resolutions described in Appendix A of this guide for more information).

In summary, for an amended bylaw to be fully in force, the following products and processes must occur:

1. The amending bylaw has been drafted (the bylaw amendment) and has been assigned a bylaw number.
2. All required resolutions required in the process have been passed.
3. The bylaw contains signatures of mayor and CAO as well as the dates of all resolutions for the bylaw and is sealed.

### Remember:

All documents listed above should be included in the municipality's record files. The amendment bylaw and the signature page should be in the package submitted for filing to the Minister.

It is strongly recommended that the resolutions and bylaws be provided to Council members prior to the meeting so that all understand exactly what they are voting on.

The wording of resolutions as voted on by Council should match the wording of resolutions on the resolution sheets unless amended in the meeting.

The wording of resolutions as reflected in the minutes of the meetings should match the wording of resolutions on the resolution sheets unless amended in the meeting.

Non-planning bylaws and amendments are effective upon formal adoption by Council.

Please refer to the *Planning Amendments Handbook* for Planning Bylaw amendments.

# Appendix C

## Sample Resolution Template

**AGENDA ITEM #**

Meeting Date

### ***Proposed Motion***

Date: \_\_\_\_\_

Moved by Councillor: \_\_\_\_\_

Seconded by Councillor: \_\_\_\_\_

\_\_\_ Carried \_\_\_ Did not carry

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**“Whereas** [include a bit of very basic background on the subject matter before council – i.e. “council is seeking to build a playground in Playground Park”];

**“And whereas** [provide more information if applicable – i.e. “council has received and reviewed proposals from several parties”];

**Be it resolved that** [include details on the actual decision – i.e. “council enter into a contract with Playgrounds R Us for the installation of playground equipment as specified in the RFP, for the amount of \$10”].

Schedule A [describe what Schedule A is] is attached [Schedule A would be any relevant attachments, i.e. the RFP and proposed contract. Remove if not applicable]

**Note:** Resolution Sheets, used together with the Agenda Item Summary, can make meetings more efficient by ensuring that councillors know ahead of time what they might be asked to vote on and making it simpler to record decisions, with fewer questions later as to what the final decision was.

The wording of motions can be prepared ahead of time, especially where they are based on known recommendations coming from a particular committee or from municipal staff.

It is generally acceptable if, through discussion during the meeting, there is a change to the wording. The base is there for ease of reference, and the final wording can be noted.



# Municipal Bylaw Processes

Guidebook

December 2017



Communities, Land  
and Environment





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and Environment**