
Town of Mulgrave

Bylaw Development Policy

Title:

1. This Policy is entitled the “*By-law Development Policy*”.

Purpose:

2. The purpose of this policy is to create a coordinated framework to expedite consistent by-law writing, consultation, approval process, referencing, storing and accessing and to ensure that all staff are aware of the responsibilities they will have in respect of a By-law before it is introduced before Council.

Exception:

3. This Policy does not apply to planning documents adopted pursuant to Part VII (Planning and Development) and Part IX (Subdivision) of the *Municipal Government Act*.

Initiation of By-law:

4. By-laws may be initiated in one of two ways:
 - 1) A recommendation from Council/Committee which is sent to staff for a report and ultimately considered at a Council meeting; or
 - 2) Staff, by means of a staff report.

By-law Development Process:

5. Once a by-law is initiated, the Municipal Clerk or a staff member delegated by the Municipal Clerk is to prepare a report, which shall include who originated the request, the need for the by-law, who will enforce it, who will administer it, and the costs involved. The report is to be forwarded to Town Council for review and recommendation. If Town Council recommends proceeding, a recommendation shall be made to initiate the By-law process as outlined in Section 168 of the *Municipal Government Act*.

Writing of By-laws:

6. (1) By-laws are written by the staff member designated as the “Municipal Clerk”;

(2) The template for drafting by-laws is attached as Schedule “A”. Fonts on all by-laws must be consistent (Times New Roman 12);

Town of Mulgrave Policy & Procedures Manual
Bylaw Development Policy

(3) The Municipal Clerk shall contact the Town Solicitor to assist with the by-law drafting and approvals process. The Municipal Clerk will assign a by-law number which must be used on all documents;

(4) The Municipal Clerk will consult with all affected Departments which will be involved in the licensing, administration, remedy and enforcement of the By-law to ensure the by-law is enforceable and shall circulate the draft by-law to all those affected for comment;

(5) The Municipal Clerk will consult with any Committees of Council with a stake in the By-law;

(6) The Municipal Clerk will consult with any External Stakeholder groups where appropriate. Methods of consultation with external stakeholders may vary and is at the discretion of the Municipal Clerk;

(7) When the Municipal Clerk has completed the draft by-law and amendment to the Resolution respecting fees, it shall forward the documents to the Town Solicitor for final review, noting a date at which time a response is required from the Town Solicitor, which date shall not be less than 10 business days from the time the By-law is received by the Town Solicitor. The Town Solicitor shall immediately advise the Municipal Clerk if the target date cannot be met and shall provide the Municipal Clerk with a date on which the review will be completed. Upon completion of the review of the documents on or before the agreed date, the Town Solicitor shall provide the Municipal Clerk with a list of deficiencies, or if there are no deficiencies, provide written notice that the language of by-law is sound and ready to be reviewed by Town Council;

(8) When the By-law and the Resolution amendments have been approved by the Town Solicitor, the Municipal Clerk shall forward the documents along with the staff report to the Town Council for review and comment.

Distribution, Storage and Indexing of By-law

7. The original by-law is to be securely filed in the Municipal Clerk's office. All approved by-laws are electronically stored for access both internally and externally on the Town's website.

Certification for Town of Mulgrave Policy & Procedures Manual:

Date of notice to Council Members of Intent to Consider [**7 Day minimum**]: August 26, 2008

Date of Passage of Current Policy: September 2, 2008

I certify that this *Bylaw Development Policy* was adopted by Council as indicated above.

Municipal Clerk

Date