

MUNICIPAL GOVERNMENT ACT RSA 2000

(Unofficial excerpt)

Petitions for Vote of the Electors - Advertised Bylaws and Resolutions

Petition for vote on advertised bylaws and resolutions

- 231(1)** Except for a bylaw under section 22 or a bylaw or resolution under Part 17, after a proposed bylaw or resolution that is required to be advertised under this or another enactment has been advertised, the electors may submit a petition for a vote of the electors to determine whether the proposed bylaw or resolution should be passed.
- (2) A separate petition must be filed with respect to each advertised bylaw or resolution even if a council advertises 2 or more bylaws or resolutions in a single advertisement.
- (3) A petition under this section for a vote of the electors on a proposed bylaw required to be advertised by Part 8 is not sufficient unless it is filed with the chief administrative officer within 15 days after the last date on which the proposed bylaw or resolution is advertised.
- (4) A petition under this section for a vote of the electors on a proposed bylaw or resolution required to be advertised by another Part of this Act or another enactment is not sufficient unless it is filed with the chief administrative officer within 60 days after the last date on which the proposed bylaw is advertised.
- (5) If a sufficient petition is received under this section, the council must either
- (a) decide not to proceed with the proposed bylaw or resolution, or
 - (b) decide to proceed with the proposed bylaw or resolution and submit the bylaw or resolution to a vote of the electors within 90 days after the chief administrative officer declares the petition to be sufficient.
- (6) If a vote of the electors approves the proposed bylaw or resolution, the council must proceed to pass it.
- (7) If a vote of the electors does not approve the proposed bylaw, the council must not give the bylaw any further readings and any previous readings are rescinded.
- (8) If a vote of the electors does not approve the proposed resolution, the motion for the resolution is rescinded.
- (9) If a sufficient petition is not received, the council may pass the proposed bylaw or resolution.

1994 cM-26.1 s231;1995 c24 s28;1998 c24 s11

Petitions for Vote of the Electors - New Bylaws

Petition for bylaw

- 232(1)** Electors may petition for
- (a) a new bylaw, or
 - (b) a bylaw to amend or repeal a bylaw or resolution on any matter within the jurisdiction of the council under this or another enactment.
- (2) A petition requesting a new bylaw under Part 8, 9, 10 or 17 or an amendment or repeal of a bylaw or resolution made under Part 8, 9, 10 or 17 has no effect.

1994 cM-26.1 s232;1995 c24 s29;1996 c30 s12

Council's duty on receiving certain petition

- 233(1)** Except to the extent provided for in section 234, this section does not apply to a petition under section 232 requesting an amendment or repeal of a bylaw that council was required to pass as a result of a vote of the electors.
- (2) A petition under section 232 requesting an amendment or repeal of a bylaw or resolution is not sufficient unless it is filed with the chief administrative officer within 60 days after the day on which that bylaw or resolution was passed.
- (3) Within 30 days after the day on which the chief administrative officer declares a petition submitted under section 232 to be sufficient, the council must give first reading to a bylaw dealing with the subject-matter of the petition and any other related matters the council considers necessary.
- (4) If the bylaw is not required to be advertised under this or another enactment, the council must
- (a) within 30 days after the bylaw receiving first reading pass the bylaw, or
 - (b) fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.
- (5) If the bylaw is required to be advertised under this or another enactment, the council must
- (a) ensure that the bylaw is advertised, or
 - (b) fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.
- (6) If the bylaw is advertised and a sufficient petition is not received under section 231, the council must
- (a) pass the bylaw within 30 days after the relevant time period set out in section 231(3) or (4), or
 - (b) fix a date that is within 90 days after the relevant time period set out in section 231(3) or (4) for a vote of the electors on the bylaw.
- (7) If the bylaw is advertised and a sufficient petition is received under section 231, the council must either
- (a) decide not to proceed with the proposed bylaw, or
 - (b) decide to proceed with the proposed bylaw and submit the bylaw to a vote of the electors within 90 days after the chief administrative officer declares the petition to be sufficient.

1994 cM-26.1 s233;1995 c24 s30

Petitions respecting public vote bylaws

- 234(1)** In this section, "public vote bylaw" means a bylaw that council was required to pass as a result of a vote of the electors.
- (2) A petition under section 232 requesting an amendment or repeal of a public vote bylaw has no effect unless one year has passed from the date that the public vote bylaw was passed.
- (3) If a council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and only one to 3 years have passed from the date that the public vote bylaw was passed, the council must, within 30 days after the day on which the chief administrative officer declares the petition to be sufficient,
- (a) give first reading to a bylaw dealing with the subject-matter of the petition and any other related matters the council considers necessary, and
 - (b) fix a date that is within 90 days after the bylaw receives first reading for a vote of the electors on the bylaw.

- (4) If council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and more than 3 years but less than 10 years have passed from the date that the public vote bylaw was passed,
 - (a) the amendment or repeal must be treated as a bylaw that is required to be advertised, and
 - (b) section 233(3), (5), (6) and (7) apply.
- (5) If council receives a sufficient petition under section 232 requesting an amendment or repeal of a public vote bylaw and 10 or more years have passed from the date that the public vote bylaw was passed, section 233(3) to (7) apply.

1994 cM-26.1 s234;1995 c24 s31

Result of a vote on a question

- 235(1) If a majority of electors voting on a bylaw under section 233 or 234 vote in favour of a proposed bylaw, the bylaw as submitted to the vote must be passed by council within 30 days after the date of the vote, without any alteration affecting its substance.
- (2) If a majority of electors voting oppose the proposed bylaw, council must not give the bylaw any further readings and all previous readings are rescinded.

1994 cM-26.1 s235

Vote of the Electors - General Provisions

Electors to vote on a question

- 236(1) A council may provide for the submission of a question to be voted on by the electors on any matter over which the municipality has jurisdiction.
- (2) A vote of the electors under subsection (1) does not bind council.

1994 cM-26.1 s236

Local Authorities Election Act

- 237 A vote of the electors under this Part must be conducted in accordance with the Local Authorities Election Act.

1994 cM-26.1 s237

Delaying votes

- 238(1) If a petition for a vote of the electors is filed with the chief administrative officer within 12 months before a general election and a vote of electors is to be conducted because of the petition, the council may direct that the vote be conducted at the general election.
- (2) A vote under subsection (1) must be conducted on the date of the general election whether or not a general election is conducted.

1994 cM-26.1 s238;1995 c24 s32

One year moratorium on similar subject-matter

- 239** If a vote of the electors is conducted on a bylaw or resolution, the council may refuse to receive any further petition on the same or a similar subject filed within one year after the date of the vote.

1994 cM-26.1 s239

Amendments or repeal of bylaws or resolutions voted on by electors

- 240(1)** A bylaw or resolution that council was required to pass as a result of a vote of the electors may be amended or repealed only if
- (a) a vote of the electors is held on the proposed amendment or repeal and the majority of the electors voting vote in favour of the proposed amendment or repeal,
 - (b) three years have passed from the date that the bylaw or resolution was passed and the proposed amendment or repeal is advertised, or
 - (c) ten years have passed from the date that the bylaw or resolution was passed.
- (2) A bylaw or resolution that council was required to pass as a result of a vote of the electors may be amended if the amendment does not affect the substance of the bylaw or resolution.

1994 cM-26.1 s240