



THE RURAL MUNICIPALITY OF MACDONALD

BY-LAW NO. 13/22

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MACDONALD to establish rules and procedures for the use of municipal resources during the 42-day period before an election.

WHEREAS section 93.18.1(1) of the Municipal Act provides that a council must pass a by-law establishing rules and procedures for the use of municipal resources during the 42-day period before a general or a by-election.

NOW THEREFORE, the Council of the Rural Municipality of Macdonald, in Council assembled, enacts as follows:

Title

1. This by-law may be referred to as "The Use of Municipal Resources in an Election By-Law".

Definitions

2. Unless otherwise expressly provided in this By-Law or unless the context otherwise requires, words and expressions in this By-Law have the same meaning as the same words and expressions in *The Municipal Act*.

- a. In this by-law,

“Candidate” means an individual who has registered under section 93.3 of the Municipal Act.

“Municipal Resources” means:

- a. Any resource owned or controlled by the Municipality, including but not limited to:
 - i. Property, facilities, infrastructure and equipment,
 - ii. Websites, social media accounts and other communication tools or media;
- b. employees or volunteers of the Municipality in the course of their employment or volunteer service, including any full-time, part-time, casual or contract employees and volunteers, whether or not the volunteer receives reasonable compensation or expense money from the Municipality for their voluntary service;
- c. events or functions organized by the Municipality;
- d. the Municipal logo, seal or other identifying marks associated with the Municipality; and
- e. any information collected or controlled by the Municipality that is not available to the general public.

“Restricted Period” means the period beginning 42 days before a municipal general election or by-election and ending after polls close on the date of the municipal general election or by-election.

RESTRICTIONS ON CANDIDATES' USE OF MUNICIPAL RESOURCES

3. Subject to section 5, during the Restricted Period, a Candidate or a person acting on their behalf may only use a Municipal Resource for an election related purpose if:
 - a. The Municipal Resource is normally made available to the general public without the general public needing to seek permission or authorization for its use; and
 - b. The Candidate's use of the Municipal Resource does not unreasonably interfere with use of the Municipal Resource by other members of the public.

RESTRICTIONS ON MUNICIPAL ACTIVITIES

4. Subject to section 5, during the Restricted Period, the Municipality and any person acting on its behalf is restricted from using:
 - a. Municipal Resources in communicating information about the Municipality's programs or services, if the communication may reasonably be seen as providing electoral advantage to a Candidate; and
 - b. The name, voice or image of a member of council in Municipal communications.

EXCEPTIONS

5. Restrictions in sections 3 and 4 do not apply:
 - a. To any use of Municipal Resources that may be necessary in respect of an emergency or dangerous to property or health;
 - b. to any event where all Candidates are invited and provided equivalent opportunities with respect to any election-related purpose;
 - c. to any use of Municipal Resources by the Municipality to educate and inform the public about the election process, as long as no Candidate is promoted, supported or opposed;
 - d. to the preparation of any document, notice or communication that is required by legislation, and any subsequent distribution that is normally made by the Municipality, such as posting council meeting minutes online;
 - e. to the preparation of any documents or communications of a strictly administrative nature required for the usual functioning of the Municipality, such as members of council singing payments;
 - f. to any method of providing public access to council meetings;
 - g. to any Candidate declared elected by acclamation during the Restricted Period, after such declaration is made.

INSPECTION AND ENFORCEMENT

6. Any person appointed or designated to enforce the Municipality's by-laws may determine compliance with and enforce this by-law, and in the course of this activity may request access to records and make any inspection they deem necessary.
7. The Municipality's Designated Officer or the By-Law Enforcement Officer may issue a notice in a form approved by the Municipality hereinafter referred to as an "Administrative Penalty Notice", to any person who has allegedly contravened any of the provisions of this by-law pursuant to the Municipality By-Law Enforcement Act By-Law No. 6/22.

8. In the event that a recipient of an “Administrative Penalty Notice”, for an offence, voluntarily makes payment at the Macdonald Municipal Office, will be provided with a receipt issued by the Municipality to the offender. No prosecution shall be proceeded with if the required penalty has been voluntarily paid within the time limit established.
9. A person who contravenes this By-Law is guilty of an offence and is liable for a penalty of not more than \$1000.00. A Response to the issued “Administrative Penalty Notice”, payment or contestation, shall be made in accordance with directions provided on the issued “Administrative Penalty Notice”. Voluntary payment of the set penalty under this by-law may also be made at the Macdonald Municipal Office. When permitted under Provincial Legislation, non-payment of fines may be accrued to the Vehicle Registration Licence fees for the vehicle identified in an “Administrative Penalty Notice” and paid for at the time of registration.
10. This By-Law shall come into force and take effect on the passing thereof.

DONE AND PASSED by the Council of the Rural Municipality of Macdonald, in Council duly assembled, at Sanford, Manitoba this 12th day of April, A.D., 2022.

THE RURAL MUNICIPALITY OF MACDONALD

Original Signed by

“B. Morse”

Bob Morse
Deputy Reeve

“D. Hrehirchuk”

Daryl Hrehirchuk, CMMA
Chief Administrative Officer

Read a First time this 22nd day of March A.D., 2022

Read a Second time this 12th day of April, A.D., 2022

Read a Third time this 12th day of April A.D., 2022