

Municipality of Swan Valley West By-law No. 0093-22

Being a BY-LAW of the Municipality of Swan Valley West Authorizing the Use of Municipal Resources in an Election or a By-Election

WHEREAS 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 election or a by-election.

NOW THEREFORE the Council of The Municipality of Swan Valley West enacts as follows:

TITLE

1. This by-law may be known as the "Use of Municipal Resources in an Election By-Law".

DEFINITIONS

2. In this by-law,

"Candidate" means an individual who has been registered under section 93.3 of The Municipal Act.

"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.

"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 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,
- e. any information collected or controlled by the Municipality that is not available to the general public.

"Municipality" means the Municipality of Swan Valley West.

RESTRICTIONS ON CANDIDATES' USE OF MUNICIPAL RESOURCES

2. Subject to section 4, 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

3. Subject to section 4, 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 an electoral advantage to a Candidate; and
 - b. The name, voice or image of a member of council in municipal communications.

EXCEPTIONS

4. Restrictions in sections 2 and 3 do not apply:
 - a. To any use of Municipal Resources that may be necessary in respect of an emergency or dangers 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 signing 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

5. 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.
6. An order made under this By-law shall be made in writing and signed by the Authority having jurisdiction.

Any order made under this By-law shall be served:

- (a) personally upon the person to whom it is directed;
- (b) by regular mail; or

- (c) by posting a copy of the order in a conspicuous place on the building or property if the person to whom it is directed cannot be found, is not known or refuses to accept service of said order.

In the case of service by regular mail the order shall be deemed to have been received on the fifth (5th) business day subsequent to the date it is mailed.

Any person who contravenes, disobeys, refuses or neglects to obey:

- (a) any provision of this By-law, taken or things done under this By-law; is guilty of an offence and is liable, upon summary conviction to a fine of not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00) for each day's neglect or failure to comply.
- (b) Any person who hinders or obstructs the Authority having Jurisdiction in the exercise of his duty is guilty of an offence and liable upon summary conviction to a fine of not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00).

DONE AND PASSED in open session of Council duly assembled at the Council Chambers of the Municipality of Swan Valley West at 216 Main Street W. in the Town of Swan River in Manitoba this 26th day of April, 2022

MUNICIPALITY OF SWAN VALLEY WEST



Reeve, William Galloway


CAO, James Webb
KRISTI BONNQUIST

Read a first time this 12th day of April, 2022

Read a second time this 12th day of April, 2022

Read a third time this 26th day of April, 2022