

TOWN OF RADISSON

BYLAW NO. 437/05


A BYLAW OF THE TOWN OF RADISSON TO ESTABLISH A PUBLIC NOTICE POLICY

1) PURPOSE

- a) The purpose of this policy is to set out the minimum notice requirements, the methods of notice to be followed in providing such notice, and the minimum time for giving notice with respect to any matters for which public notice is required to be given by Council.

2) DEFINITIONS

For the purpose of this policy, the following terms and words shall have the following meanings:

- a) the term “affected parties” shall mean those members of the public who are, in the opinion of the Administrator, directly and uniquely affected by a matter under consideration by Council, to an extent greater than other members of the general public;
 - b) the term “Council” means the elected officials of the Town of Radisson
 - c) the term “Administrator” means the person appointed as the Administrator for the Town of Radisson or his/her duly authorized representative or designate;
 - d) the term “clear days” shall mean the number of calendar days, including the day of original posting, publishing or mailing, as the case may be, but excluding the day of the Council meeting;
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3. MATTERS FOR WHICH NOTICE MUST BE GIVEN

Public notice in accordance with this policy shall be given before Council initially
Considers the following matters:

- a) permanently closing or blocking off a street, lane or walkway;
- b) disposition of municipal lands or buildings;
- c) selling or leasing land for less than fair market value and without a public offering;
- d) prohibiting or limiting the number of businesses of a particular type in an area of the municipality or specifying separation distances between businesses of a particular type;
- e) borrowing money, lending money or guaranteeing the repayment of a loan;
- f) imposing a special tax or determining the use to which excess revenue from a special tax is to be put;
- g) establishing a purchasing policy;
- h) sale or lease of mines and minerals owned by a municipality;
- i) establishing a business improvement district;
- j) setting remuneration for council members or committee members and other bodies established by the council;
- k) increasing or decreasing the number of councilors on Council;
- l) appointing a wards commission and dividing the municipality into wards;
- m) amending or repealing a bylaw for which public notice was a requirement at the time the bylaw was passed;
- n) any matter where holding a public hearing is required under The Municipalities Act or any other Act except where the Act contains its own public notice provisions;



- o) discussing a matter at a public meeting held as a result of a petition signed by the required number of electors; and
- p) the amendment or repeal of a bylaw or resolution when the resolution or bylaw or bylaw was passed as a result of a vote of the electors where at least three years have passed from the date that the bylaw or resolution was passed and a vote of the voters is not being held regarding the proposed current action.

4. NOTICE TO THE GENERAL PUBLIC AND AFFECTED PARTIES

Notice shall be given to the general public for all matters set out in subsection 3 (a to o) in accordance with this section:

- a) notice of the matter shall be posted at the Municipal Office at least seven (7) clear days prior to the meeting at which Council will initially consider the matter; and
- b) notice of the matter shall be posted in a conspicuous place in the municipality at least seven (7) clear days prior to the meeting at which Council will initially consider the matter.

5. Notice shall be given to the general public for all matters set out in subsection 3 (p) in accordance with this section:

- c) notice of the matter shall be posted at the Municipal Office at least twenty one (21) clear days prior to the meeting at which Council will initially consider the matter; and
- d) notice of the matter shall be posted in a conspicuous place in the municipality at least twenty-one (21) clear days prior to the meeting at which Council will initially consider the matter

6. In addition to the general notice requirements of Section 4, Subsections (a & b) additional notice shall be given in accordance with Section 7 to all affected parties when Council is initially considering the following matters:

- a) prohibiting or limiting the number of businesses of a particular type in an area of the municipality or specifying separation distances between businesses of a particular type;



- b) permanently closing or blocking off a street, lane or walkway;
- c) permanently modifying an intersection with the use of physical barriers;
- d) imposing a special tax or determining the use to which excess revenue from a special tax is to be put; and
- e) establishing a business improvement district.

7. Additional notice of the matters listed in Section 6 shall be given using either of the following methods;

- a) by mailing notice of the matter to all affected parties by ordinary mail which is to be postmarked no later than seven (7) clear days prior to Council meeting at which the matter will initially be considered; or
- b) by leaving notice of the matter in a mail receptacle at the address of the affected party at least seven (7) clear days prior to the Council meeting at which the matter will be initially considered.

8. Notice of further dealings respecting a matter.

- a) The notice requirements provided for in this policy shall only be applied when Council initially considers a matter. For purposes of clarity, unless otherwise directed by Council, no notice, including notice to affected parties, will be given of any subsequent meeting of Council at which the matter will be considered.

9. Discretion of Council

- a) The notice requirements set forth in this policy are minimum requirements and are not intended to limit Council's discretion to provide additional notice, utilizing different methods or repeating notice, as may be deemed appropriate by Council.

10. Responsibilities of Administrator

- a) The Administrator shall be responsible to Council for ensuring compliance with this policy and may in his/her absolute discretion:
- b) Refuse to place any item on the agenda of Council, where there has been substantive non-compliance with the notice requirements of this Policy; or

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- c) Where there have been deficiencies in meeting the notice requirements provided for in this Bylaw, place any item on the agenda of Council, with a caution to members of Council that the matter should be tabled pending full compliance with the notice requirements set forth in this Policy.



Mayor

Administrator

Public notice

128(1) A council shall ensure that public notice is given before initially considering any report respecting a matter listed in clause 127(b), (e), (i), (j), (m), (o), (p) or (s).

(2) If a council is required pursuant to this Act to give public notice of a matter, the council shall provide notice:

(a) in the manner required in its public notice policy adopted pursuant to subsection (3); and

(b) subject to subsection (4), at the time specified pursuant to its public notice policy.

(3) Subject to the regulations, a council shall, by bylaw, adopt a public notice policy that sets out, with respect to any class or subclass of matters with respect to which public notice is, by this Act, to be given pursuant to this section:

(a) the minimum notice requirements;

(b) the methods of notice to be followed; and

(c) any prescribed matters.

(4) Unless a longer time is specified, public notice must be given at **least seven days** before the council meeting at which the matter for which public notice is required is to be considered.

(5) The Lieutenant Governor in Council may make regulations respecting the required contents of a bylaw to be passed pursuant to this section.

2005, c.M-36.1, s.128; 2010, c.24, s.16.

Public meeting

129(1) The mayor or reeve, when authorized by resolution of the council, may call a public meeting of the voters for the discussion of any municipal matter.

(2) The mayor or reeve shall call a public meeting to be held within 30 days after the receipt by the council of a petition requesting that a public meeting for the discussion of a municipal matter be held, if the petition is signed by:

(a) in the case of a resort village, 8% of the voters; or

(b) in the case of a municipality other than a resort village, the greater of 20 voters or the number of voters equal to 5% of the population of the municipality.

(3) The administrator shall determine the sufficiency of the petition and that determination is final.

(4) The council shall ensure that public notice of the meeting is given.

(5) If a public meeting is held pursuant to subsection (2), 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 public meeting.

2005, c.M-36.1, s.129; 2010, c.24, s.17.

DIVISION 5
Debt Limits

Debt limit

161(1) Subject to subsection (2), the debt limit for a municipality is the total amount of the municipality's own source revenues for the preceding year.

(2) In the prescribed circumstances, the debt limit for a municipality may be a debt limit established by the Saskatchewan Municipal Board determined in accordance with the regulations.

(3) The Lieutenant Governor in Council may make regulations:

- (a) for the purposes of subsection (1), defining "own source revenues";
- (b) for the purposes of subsection (2), prescribing the circumstances in which a municipality may apply to the Saskatchewan Municipal Board for the establishment of a debt limit, including prescribing procedures for the determination of the debt limit and factors that must be taken into consideration in making the determination.

2013, c.19, s.26.

Limitations on borrowings and loan guarantees

162(1) Unless the borrowing is approved by the Saskatchewan Municipal Board, no municipality shall borrow money if the borrowing:

- (a) will cause the municipality to exceed its debt limit;
- (b) is not repayable within three years after the borrowing is made; or
- (c) is to be secured by the issue of debentures of the municipality.

(1.1) Clause (1)(b) does not apply if the Saskatchewan Municipal Board has determined the municipality's debt limit pursuant to subsection 161(2).

(2) Unless approved by the Saskatchewan Municipal Board, no municipality shall lend money or guarantee the repayment of a loan if making the loan or guarantee would cause the municipality to exceed its debt limit.

(3) In making a decision in relation to this section, the Saskatchewan Municipal Board shall consider and take into account the factors set out in subsection 23(2) of *The Municipal Board Act*.

2005, c.M-36.1, s.162; 2014, c.19, s.15.

Approval of Saskatchewan Municipal Board

163(1) A council may apply to the Saskatchewan Municipal Board for authorization of a proposed debt for which approval of the board is required by submitting:

- (a) a certified copy of a resolution requesting authorization; or
- (b) a certified copy of a bylaw to incur the debt that has received first reading.

- (2) If the Saskatchewan Municipal Board authorizes the council to pass a bylaw to incur the debt, the council may pass the bylaw subject to any conditions imposed by the board.
- (3) A council shall forward the bylaw passed pursuant to subsection (2) to the Saskatchewan Municipal Board.
- (4) On receipt of the bylaw pursuant to subsection (2), the Saskatchewan Municipal Board:
- (a) may approve the bylaw; and
 - (b) if it approves the bylaw, shall advise the council of the approval in writing.
- (5) Notwithstanding any defect or irregularity in substance or in form in the proceedings before the passing of a bylaw to incur a debt or in the bylaw itself, the Saskatchewan Municipal Board may grant its approval if, in its opinion, the provisions of the Act pursuant to the authority of which the bylaw is assumed to be passed have been substantially complied with.
- (6) Every bylaw approved by the Saskatchewan Municipal Board and every security issued or to be issued in conformity with the bylaw, is valid and binding on the municipality and on the land and buildings liable to the rate imposed by or pursuant to the authority of the bylaw, and neither the validity of the bylaw nor that of any security is open to question in any court on any ground whatsoever.
- (7) The chairperson of the Saskatchewan Municipal Board or the chairperson's designate shall sign and seal any debenture that is issued or that may be issued pursuant to the authority of a bylaw approved pursuant to this section.
- (8) The signing pursuant to subsection (7) is conclusive proof that:
- (a) the debenture is valid and legally issued; and
 - (b) the bylaw pursuant to the authority of which the debenture is issued has been approved in accordance with this section.

2005, c.M-36.1, s.163.

DIVISION 6

Borrowing Generally

Borrowing bylaw

164 A council must pass a **borrowing bylaw authorizing** the borrowing if the council proposes to borrow moneys that:

- (a) will cause the municipality to exceed its debt limit;
- (b) are not repayable within three years after the borrowing is made; or
- (c) are to be secured by the issue of debentures of the municipality.

2005, c.M-36.1, s.164.

Use of borrowed money

165(1) Subject to subsection (2), if a municipality borrows money for the purpose of financing capital property, the municipality may use that money only for capital property.

(2) A municipality may use money borrowed for the purpose of financing capital property for an operating purpose if the amount spent is available when it is needed for the capital property.

(3) Notwithstanding subsections (1) and (2), money obtained by a municipality pursuant to a borrowing bylaw or resolution that has been put to a vote of the voters may not be used for any purpose other than that set out in the borrowing bylaw or resolution.

2005, c.M-36.1, s.165.

Borrowing for operating expenditures

166(1) A council may, by bylaw or resolution, authorize the borrowing of money for the purpose of financing operating expenditures.

(2) The amount to be borrowed for the purpose of financing operating expenditures, together with the unpaid principal of other borrowings made for that purpose, may not exceed an amount equal to the amount the municipality estimates that it will:

- (a) raise in taxes in the year the borrowing is made; and
- (b) receive in unconditional provincial or federal grants in the financial year the borrowing is made.

2005, c.M-36.1, s.166.

Validity of borrowings, loans and guarantees

167 Every borrowing bylaw and resolution and every loan or guarantee of a loan authorized by bylaw, and any legal instrument issued under the borrowing, loan or guarantee, is valid and binding on the municipality if the requirements of this or any other Act have been met, and neither the validity of the bylaw or resolution nor of any legal instrument is open to question in any court on any ground whatsoever.

2005, c.M-36.1, s.167.

Application of money borrowed

168 A person lending money to a municipality pursuant to a borrowing does not have to verify that the money is applied to the purpose for which it is borrowed.

2005, c.M-36.1, s.168.

DIVISION 7
Long-term Debt

Content of bylaw

169 A borrowing bylaw for the creation of a long-term debt must contain details of:

- (a) the amount of money to be borrowed and, in general terms, the purpose for which the money is being borrowed;
- (b) the rate or rates of interest, the term, and the terms of repayment of the borrowing;
- (c) the source or sources of money to be used to pay the principal and interest owing under the borrowing; and
- (d) the manner in which the indebtedness is to be payable, which may include, subject to clause 162(1)(c), provision for the issue of a debenture respecting the debt.

2005, c.M-36.1, s.169.

Debentures

170(1) Debentures may be issued and made payable as to principal and interest at any place in Canada or in any other country in lawful money of Canada or in the lawful money of the country where they are issued and made payable.

(2) If the bylaw for the creation of a long-term debt so provides, a statement may be inserted in the debenture issued pursuant to the bylaw reserving to the municipality the right to redeem the debenture before maturity.

(3) If a statement is inserted in a debenture in accordance with subsection (2), the debenture must state the manner in which notice of intention to redeem is to be given.

(4) Subject to subsection (5), debentures authorized to be issued pursuant to the authority of a bylaw to create a long-term debt may:

- (a) be issued either all at one time or in instalments, at any times that the council considers expedient, within a period of four years after the passing of the bylaw; and

- (b) bear any date that is within a period commencing six months before and ending four years after the date of the passing of the bylaw.

(5) The council may extend the time for issuing debentures mentioned in subsection (4) by specifying a new period in an amendment to the bylaw that created the long-term debt, and in that case the debentures may:

- (a) be issued within the extended period; and

- (b) bear any date that is within a period commencing six months before the date of the passing of the bylaw to create the long-term debt and ending at the expiration of the extended period.