

**Town of Arborg
By-law No. 3-2022**

**Being a By-law of the Town of Arborg to Establish Rules and Procedures for the Use of
Municipal Resources by Registered Candidates**

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 Town of Arborg enacts as follows:

TITLE

1. This By-law may be known as *the "Use of Municipal Resources in an Elections By-law"*.

DEFINITIONS

2. In this By-law,
 - a) **"Candidate"** means an individual who has been registered under section 93.3 of the *Municipal Act*.
 - b) **"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 election or by-election.
 - c) **"Municipal Resources"** means:
 - i. any resources owned or controlled by the Municipality, including but not limited to:
 - a. property, facilities, infrastructure and equipment;
 - b. websites, social media accounts, and other communication tools or media;
 - ii. 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 service;
 - iii. events or functions organized by the Municipality;
 - iv. the municipal logo, seal, or other identifying marks associated with the Municipality;
 - v. any information collected or controlled by the Municipality that is not available to the general public.
 - d) **"Municipality"** means the Town of Arborg.

RESTRICTIONS ON CANDIDATES' USE OF MUNICIPAL RESOURCES

Subject to Section 4, during the Restriction Period, a Candidate or 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;
- b) The Candidate's use of the Municipal Resource does not unreasonably interfere with the 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 be reasonably 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 elected-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 dates 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 Restriction 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 deemed necessary.
- 6. Any person who is found to have contravened any portion of this By-law shall be issued a Notice of Breach of this By-law, and is guilty of an offense and is liable:
 - a) to a fine of not less than \$50.00 and not more than \$500.00 for the first offense;
 - b) to a fine of not less than \$100.00 and not more than \$1,000.00 for the second and for each subsequent offense during the restricted period.

DONE AND PASSED by the Council of the Town of Arborg duly assembled at Arborg, Manitoba on this 23rd day of March A.D. 2022


Peter Dueck
Mayor


Cindy Stansell
Chief Administrative Officer

Read a first time this 9th day of March A.D. 2022
Read a second time this 9th day of March A.D. 2022
Read a third time this 23rd day of March A.D. 2022