

CITY OF STEINBACH

By-Law No. 2203

BEING A BY-LAW FOR USE OF CITY RESOURCES IN AN ELECTION

WHEREAS The Municipal Act provides that a council must pass a by-law establishing rules and procedures for the use of city resources during the 42-day period before a general election or a by-election.

NOW THEREFORE the Council of the City of Steinbach enacts as follows:

TITLE

1. This by-law may be known as the "Use of City 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.

"City Resources" means:

- a. Any resource owned or controlled by the City, 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 city for their voluntary service,
- c. Events or functions organized by the City,
- d. The city logo, seal, or other identifying marks associated with the City,
- e. Any information collected or controlled by the City that is not available to the general public.

"City" means the City of Steinbach.

RESTRICTIONS ON CANDIDATES' USE OF CITY RESOURCES

2. Subject to section 4, during the Restricted Period, a Candidate or a person acting on their behalf may only use a City Resource for an election-related purpose if:
 - a. The City 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 City Resource does not unreasonably interfere with use of the City Resource by other members of the public.

RESTRICTIONS ON CITY ACTIVITIES

3. Subject to section 4, during the Restricted Period, the City and any person acting on its behalf is restricted from using:
 - a. City Resources in communicating information about the City'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 city communications, if the communication may reasonably be seen as providing an electoral advantage to a Candidate.

EXCEPTIONS

4. Restrictions in sections 2 and 3 do not apply:
 - a. To any use of City 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 City Resources by the City 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 City, 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 City, 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 City'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. PENALTIES AND ENFORCEMENT

- 6.1 Subject to the Administrative Penalty By-Law, or a By-Law implemented under the Authority of the Provincial Offences Act, any person who contravenes or disobeys, or refuses or neglects to obey any provision(s) of this By-Law is guilty of an offence and is liable to the fines listed in Schedule "A"
- 6.2 Where a corporation commits an offence against this By-Law, each person who is authorized, or consented to, connived at, or knowingly permitted or acquiesced in, the doing of the act that constitutes offence, is likewise guilty of the offense and liable to the penalty for which provision is made in Section 6.1
- 6.3 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the guilty person is liable to a separate offence for each day it continues.

- 6.4 The costs (including legal fees related to the enforcement) of an action or measure taken by the City under this by-law are an amount owing to the City by the Person who contravened the by-law, The Municipal Act, The Planning Act, or any other Act the City is authorized to enforce.
- 6.5 In addition to all other rights of collection which the City may have at law, such amounts may be collected by the City in the same manner as a tax may be collected or enforced under the Municipal Act.

DONE AND PASSED by the City of Steinbach, in Council duly assembled, this 19th day of April, 2022.



Mayor



City Manager

Read a first time this 5th day of April, 2022.
Read a second time this 5th day of April, 2022.
Read a third time this 19th day of April, 2022.

Certified copy of By-Law No. 2203 given
third reading on the 19th day of April, 2022.

City Clerk

SCHEDULE A: PENALTY FINES

Use of City Resources in an Election By-Law No.		Fine	
Provision	Contravention	Full Penalty (\$)	Discounted Penalty (\$)