

In this set of revision there is also a change to clarify the start time, now shown in Bylaw 416 as meetings to commence at 2:30 pm per amendment Bylaw 423, 2016. This change was made in order to accommodate the schedule of former council members; however, a start time of 7 pm is the current practice and provides for participation on Council by members working during the day and for public to participate in normal times.

Finally, the bylaw already provides for members of the public to appear as Delegates, subject to resolution by Council, and at any meeting, provided that the individuals apply in writing before Wednesday at 12 pm on the week prior to the council meeting. This remains unchanged and is the current bylaw. While this deadline is in advance of the publishing of the Village agenda, the intent is to allow for members of the public to understand and question Council on a decision, not to participate in the actual deliberations at the time of the item, as the elected officials have that responsibility. This meets the standards of the provincial publication entitled *Procedures Bylaw Guide: for B.C.'s Local Governments*, released December 5, 2020.

The timelines allow for staff to contact the potential delegate and obtain their email address in order to invite them to attend the meeting as a delegate via TEAMS. In the event that the member of the public does not have access to a computer or account, staff will endeavour to assist their participation through setting them up in the administrative office to enable their participation.

## **DISCUSSION**

The most significant proposed revisions include the proposed new addition of Section 20. Correspondence. This section provides direction to staff on how to manage public correspondence. This includes requirements for the writer's name and address for administrative purposes, the deadline for receipt, and how to handle anonymous, illegible, or defamatory correspondence.

The proposed revisions also clarify what correspondence will not be placed on Council's agenda including that related to staff performance, administrative matters or items received after the 12:00 pm deadline on the Wednesday preceding the scheduled council meeting and matters that have previously been decided by Council within the past 12 months.

It is important to note that the proposed new Section 20 of Bylaw 416, Procedures Bylaw provides discretion to the Chief Administrative Office to discern how correspondence will be handled, in accordance with the criteria included in Section 20, subsections (1) through (7). As well, correspondence going forward to Council will be published on the Village of Sayward website and agenda showing the writer's name, and for privacy purposes the address and phone number and other required information will be redacted. The proposed revisions are intended to maintain the principle of open, accountable, and transparent government, meet the objectives of Bylaw 442, A Bylaw to Establish a Code of Conduct for Village of Sayward Council, and to enable Council to carry out its duties as elected and to ensure that administrative matters are handled by its CAO. As well, the vetting of correspondence that is disrespectful and/or defamatory. While not defined in the Village of Sayward proposed revisions, defamatory includes remarks that are damaging the

reputation of someone, slanderous or libelous. Staff intend to forward correspondence to Council or post on the proposed new Village website in a confidential correspondence portal for Council; however, correspondence withheld from being placed on the council agenda per Section 20 subsections (1) through (7) will be handled as administrative correspondence and not placed on the public agenda or website.

A new subsection has also been added to Section 19 (6) that clarifies that Council's role is to listen and ask questions of delegates, (and a similar clause per correspondence in revised Subsection 20 (7)) and that Council refrain from responding to requests or questions from delegates, (or that raised in Correspondence) nor engage in debate other than to ask clarifying questions, instead choosing to refer the matter to staff or a COTW meeting with a request that the matter return to a future meeting with more information, take no further action, table the matter to closed meeting if Section 90 of the *Community Charter* provides for the matter to be considered in camera, or consider the matter at that meeting or a future meeting. The intent of these sections is to re-enforce the public's right to ask questions and raise concerns but also to clarify that it is the role of the elected officials to deliberate matters among themselves in an orderly manner with a planned agenda rather than a debate among Council and the public representatives.

Staff has worked with the Ministry staff to complete the proposed revisions. Upon their recommendation, staff reviewed recent revisions to the District of Sparwood Council Procedure Bylaw, Bylaw No. 1245, 2020 as their recent review included a newly defined section on how to receive and manage public correspondence, and that is the bulk of the proposed revisions here.

Once a local government has adopted a bylaw it can only be amended or repealed by bylaw. Generally, bylaws to amend or repeal an existing bylaw are subject to the same approval and other requirements as the power to adopt a new bylaw under that authority, per section 339 of the BC *Local Government Act*.

Before adopting an amendment to the Council Procedure Bylaw, Council must give public notice in accordance with section 94 (public notice) of the *Community Charter* describing the proposed changes in general terms. Staff intend to place an ad in the Campbell River Mirror and on the Village website and Facebook page in advance of returning to Council for final adoption on April 6, 2021.

## **RECOMMENDATIONS**

THAT Council receive the Proposed Revisions to Bylaw 416, 2015 Council Procedure Bylaw Report for information and discussion, and;

THAT Staff post notice of the proposed revisions on the Village Website, the Campbell River Mirror, the notice boards, and the Village of Sayward News, April 2021 edition, and;

FINALLY THAT staff return to the April 6, 2021 council meeting with a summary of public comments received on the proposed revisions, and request that Council consider fourth reading and final adoption of the bylaw.

Respectfully prepared,

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Ann MacDonald, CAO

**Attached:** Council Procedure Bylaw No. 416, 2015 (consolidated) with proposed revisions

***References:***

1. District of Sparwood [Council Procedure Bylaw \(civicweb.net\)](#) Bylaw
2. BC Covid Related Measures Act
3. [Ministerial Order 192/2020 \(gov.bc.ca\)](#)
4. [Procedure Bylaw Guide: For B.C.'s Local Governments](#)



## VILLAGE OF SAYWARD

### BYLAW NO. 416 Village of Sayward Council Procedure Bylaw, 2015 (Consolidated)

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**A BYLAW TO ESTABLISH THE RULES OF PROCEEDINGS FOR THE COUNCIL OF THE VILLAGE OF SAYWARD PURSUANT TO THE *COMMUNITY CHARTER AND LOCAL GOVERNMENT ACT*.**

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The following is a consolidated version of Bylaw No. 416, Village of Sayward Council Procedure Bylaw, 2015 and includes the following amendment bylaws:

Bylaw No.	Bylaw Name	Adopted	Purpose
423	Council Procedure Amendment Bylaw No. 423, 2016	March 15, 2006	To amend Part 2, section 5(2)(b)

**CONSOLIDATED COPY FOR CONVENIENCE PURPOSES ONLY.** This version of the bylaw may not be complete due to pending updates or revisions and therefore is here for reference purposes only. **THIS BYLAW SHOULD NOT BE USED FOR ANY LEGAL PURPOSES.** Please come into the Village office to view the complete bylaw when required.

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## **VILLAGE OF SAYWARD**

### **BYLAW NO. 416**

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#### **A BYLAW TO ESTABLISH THE RULES OF PROCEEDINGS FOR THE COUNCIL OF THE VILLAGE OF SAYWARD PURSUANT TO THE *COMMUNITY CHARTER AND LOCAL GOVERNMENT ACT*.**

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The Municipal Council of the Village of Sayward enacts as follows:

#### **PART 1 – INTRODUCTION**

##### **Title**

1.) This Bylaw may be cited as the “**COUNCIL PROCEDURE BYLAW NO. 416, 2015**”.

##### **Definitions**

2.) In this Bylaw,

"Village Office" means the Village Office located at 652 H'Kusam Way, Sayward, British Columbia;

"Village Web Site" means the information resource found at an internet address provided by the Village;

"CAO" means the Chief Administrative Officer for the Village;

"Committee" means a standing, select, or other committee of Council, but does not include Committee of the Whole;

"COTW" means the Committee of the Whole Council;

"Corporate Officer" means the Corporate Officer for the Village;

"Council" means the Council of the Village of Sayward;

"Mayor" means the Mayor of the Village of Sayward;

“Public Notice Posting Places” means the Notice Board at the Village Office and the Village Website;

### Application of rules of procedure

- 3.) (1) The provisions of this Bylaw govern the proceedings of Council, COTW and all standing and select committees of Council, as applicable.
- (2) In cases not provided for under this Bylaw, *The New Robert's Rules of Order, 11th edition, 2011* is:
- (a) applicable in the circumstances, and
  - (b) not inconsistent with provisions of this Bylaw or the *Community Charter*.

## PART 2 – COUNCIL MEETINGS

### Inaugural Meeting

- 4.) (1) Following a general local election, the first Council meeting must be held on the first Tuesday in December in the year of the election.
- (2) If a quorum of council members elected at the general local election has not taken office by the date of the meeting referred to in subsection (1), the first Council meeting must be called by the Corporate Officer and held as soon as reasonably possible after a quorum has taken office.

### Time and location of meetings

- 5.) (1) All Council meetings must take place within Village Office except when Council or the Mayor decides to hold meetings elsewhere.
- (2) Regular Council meetings must:
- (a) be held on a schedule that generally follows the first and third Tuesday of each month, and
  - (b) ~~begin at 2:30 pm;~~  
**begin at 7:00 pm;**
  - (c) be adjourned at 11:00 pm on the day scheduled for the meeting unless Council resolves to proceed beyond that time in accordance with section 30;
  - (d) when such meeting falls on a statutory holiday, be held on the next Tuesday or a time determined by Council;
- (3) Regular Council meetings may:

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2016

- (a) be cancelled or rescheduled by Council, provided that two consecutive meetings are not cancelled; and
- (b) be postponed to a different day, time and place by the Mayor, provided at least 2 days written notice is given.

### **Notice of Council Meetings**

- 6.) (1) In accordance with section 127 of the *Community Charter*, Council must prepare annually on or before December 31st, a schedule of the dates, times and places of regular Council meetings and must make the schedule available to the public by posting it at the Public Notice Posting Places; and give notice in accordance with Section 94 of the *Community Charter*.
- (2) Where revisions are necessary to the annual schedule of regular Council meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a regular Council meeting.

### **Notice of special meetings**

- 7.) (1) Except where notice of a special meeting is waived by unanimous vote of all council members under section 127(4) of the *Community Charter*, a notice of the date, hour, and place of a special Council meeting must be given at least 24 hours before the time of meeting, by:
  - (a) posting a copy of the notice at the Public Notice Posting Places, and
  - (b) leaving one copy of the notice for each Council member in the Council member's mailbox at Village Office.
  - (c) contacting each member of Council by telephone to notify them of the special meeting.
- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting.

### **Electronic meetings**

- 8.) (1) Provided that conditions set out in Section 128 (2) of the *Community Charter* are met regular or special Council meetings may be conducted by means of audio electronic or other communication facilities provided that the members participating have received a copy of the agenda material.
- (2) The member presiding at a Council or Council committee meeting must not participate electronically.

(3) No more than 2 members of Council at one time may participate at a Council or Council Committee meeting under Section 8 (1).

(4) Notwithstanding subsections 8 (2) and (3), in an emergency, special circumstances or public health event that prevents or restricts members from being able to physically meet in one location, members may participate in a meeting by means of electronic or other communication facilities provided that the rationale for the electronic meeting is agreed to by members and endorsed by a resolution explaining the rationale at the beginning of the meeting.

### **PART 3 - DESIGNATION OF MEMBER TO ACT IN PLACE OF MAYOR**

- 9.) (1) In December of each year Council must, from amongst its members designate a Councillor to serve as Deputy Mayor who is responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (2) The Councillor designated under section 9 (1) must fulfil the responsibilities of the Mayor in his or her absence.
- (3) If both the Mayor and the member designated under section 9 (1) are absent from the Council meeting, the Council members present must choose a Councillor to preside at the Council meeting.
- (4) The member designated under section 9 (1) or chosen under section 9 (3) has the same powers and duties as the Mayor in relation to the applicable matter.

### **PART 4 – COUNCIL PROCEEDINGS**

#### **Community Charter Provisions**

- 10.) (1) Matters pertaining to Council proceedings are governed by the *Community Charter* including those provisions found in Division 3 of Part 4 and Division 2 of Part 5. The relevant extracts from the *Community Charter* are appended to this bylaw for convenient reference.

#### **Attendance of Public at Meetings**

- 11.) (1) Except where the provisions of section 90 of the *Community Charter* apply all Council meetings must be open to the public.
- (2) Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with section 92 of the *Community Charter*.

(3) This section applies to all meetings of the bodies referred to in section 93 of the *Community Charter*, including without limitation:

- (a) COTW,
- (b) standing and select committees,
- (c) parcel tax review panel,
- (d) board of variance,
- (e) advisory committees.

i.) Despite Section 11 if the presiding member considers that a person at the meeting is acting improperly, the member may order that the person be expelled from the meeting.

ii.) If the person who is expelled does not leave the meeting, a peace officer may enforce the order as if it were a court order.

**Minutes of meetings to be maintained and available to public**

12.) (1) Minutes of the proceedings of Council must be

- (a) legibly recorded,
- (b) certified as correct by the Corporate Officer, and
- (c) signed by the Mayor or other member presiding at the meeting following the meeting at which the minutes are adopted.

(2) Subject to subsection 12 (3) and in accordance with section 97 (1) (b) of the *Community Charter* minutes of the proceedings of Council must be open for public inspection at Village Office during its regular office hours.

(3) Subsection 12 (2) does not apply to minutes of a Council meeting or that part of a Council meeting from which persons were excluded under section 90 of the *Community Charter*.

**Calling meeting to order**

13.) (1) As soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, must take the Chair and call the Council meeting to order. Where the Mayor is absent, the Councillor designated as the member responsible for acting in the place of the Mayor in accordance with section 9 must take the Chair and call such meeting to order.

(2) If a quorum of Council is present but the Mayor or the Councillor designated as the member responsible for acting in the place of the Mayor under section 9 do not attend within 15 minutes of the scheduled time for a Council meeting:

- (a) the Corporate Officer must call to order the members present, and
- (b) the members present must choose a member to preside at the meeting.

#### **Adjourning meeting where no quorum**

14.) (1) If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Corporate Officer must:

- (a) record the names of the members present, and those absent, and
- (b) adjourn the meeting until the next scheduled meeting.

#### **Agenda**

15.) (1) Prior to each Council meeting, the Corporate Officer must prepare an Agenda setting out all the items for consideration at that meeting, noting in short form a summary for each item on the agenda.

(2) The deadline for submissions by the public to the CAO of items for inclusion on the Council meeting Agenda must be noon on the Wednesday prior to the meeting.

(3) Council must not consider any matters not listed on the Agenda unless a new matter for consideration is properly introduced as a late item pursuant to section 17.

#### **Order of proceedings and business**

16.) (1) The Agenda for all regular Council meetings contains the following matters in the order in which they are listed below:

- ~~(a) Public Input – 15 minutes;~~
- (b) Introduction of late items;
- (c) Approval of agenda;
- (d) Adoption of minutes;
- (e) Public and statutory hearings;
- (f) Petitions and delegations;
- (g) Correspondence and emails;
- (h) Council Reports;
- (i) Reports of committees and COTW;

- (j) Mayor's Report;
- (k) Unfinished business;
- (l) Staff Reports;
- (m) Reports from Fire Chief, Public Works Supervisor, Recreation Coordinator and Emergency Program Coordinator;
- (n) Bylaws;
- (o) New business;
- (p) Question and Answer Period (Maximum 15 minutes);
- (q) Adjournment.

(2) Particular business at a Council meeting must in all cases be taken up in the order in which it is listed on the agenda unless otherwise resolved by Council.

#### **Late Items**

- 17.) (1) An item of business not included on the Agenda must not be considered at a Council meeting unless introduction of the late item is approved by Council at the time allocated on the Agenda for such matters.
- (2) If the Council makes a resolution under section 17 (1), information pertaining to late items must be distributed to the members.

#### **Voting at meetings**

- 18.) (1) The following procedures apply to voting at Council meetings:
- (a) when debate on a matter is closed the presiding member must put the matter to a vote of Council members;
  - (b) when the Council is ready to vote, the presiding member must put the matter to a vote by stating:  
  
"All in favour." and then "Those opposed."
- (2) When the presiding member is putting the matter to a vote under section 18 (1) (a) and (b) a member must not:
- (a) cross or leave the room;
  - (b) make a noise or other disturbance, or;
  - (c) interrupt the voting procedure under paragraph (b) unless the interrupting member is raising a point of order;

- (d) after the presiding member finally puts the question to a vote under section 18 (1 ) (b), a member must not speak to the question or make a motion concerning it;
- (e) the presiding member's decision about whether a question has been finally put is conclusive;
- (f) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand;
- (g) the presiding member must declare the result of the voting by stating that the question is decided in either the affirmative or the negative. Where the number of votes on a motion are equal, the motion is defeated and the presiding member shall so indicate;
- (h) the presiding member must state the names of members voting in opposition to the motion; and
- (i) the result of the vote and the names of the members voting in opposition to the motion shall be recorded in the minutes.

### **Delegations**

- 19.) (1) The Council may, by resolution, allow an individual or a delegation to address Council at the meeting on the subject of an Agenda item provided written application has been received by the CAO by noon on the Wednesday prior to the meeting. Each address must be limited to 10 minutes unless a longer period is agreed to by unanimous vote of those members present.
- (2) Where written application has not been received by the CAO as prescribed in section 19 (1), an individual or delegation may address the meeting if approved by majority vote of the members present.
- (3) Council must not permit a delegation to address a meeting of the Council regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- (4) The CAO may schedule delegations to another Council meeting or advisory body as deemed appropriate according to the subject matter of the delegation.
- (5) The CAO may refuse to place a delegation on the agenda if the issue is not considered to fall within the jurisdiction of Council. If the delegation wishes to appeal the CAO's decision, the information must be distributed under separate cover to Council for their consideration.

(6) Council members must refrain from responding to requests or questions from a delegation, nor engage in debate except to ask clarifying questions or to correct incorrect information. Following the delegation's presentation, Council may:

- (a) refer the request to staff, a committee of the whole meeting for a report or further investigation if the matter relates to village funding or village resources, current priorities or initiatives;
- (b) take no further action;
- (c) table that matter to a meeting closed to the public if Section 90 of the *Community Charter* applies to the matter; or
- (d) consider the matter at the meeting at which the delegation has appeared or consider the matter at a future regular meeting of Council.

### Correspondence

20.) (1) If correspondence is to be considered by Council or its Committee it must include the author's full name and current contact information including, at a minimum, the author's residential address, and telephone number or e-mail address.

(2) The deadline for correspondence from the public to the Corporate Officer of items for inclusion on the meeting agenda is noon p.m. on the Wednesday prior to the meeting.

(3) The Corporate Officer will neither respond to nor place on an agenda any correspondence which, is anonymous, illegible, or defamatory.

(4) Correspondence addressed to Mayor and/or Council:

(a) that is related to staff performance will not be considered by Council and shall be referred to the CAO;

(b) that, in the Corporate Officer's determination, is of a purely administrative or operational nature which shall be referred to the CAO or the appropriate Officer or Official, and copied to Council;

(c) that is related to an item of business before Council, a Committee, or Commission received after 12:00 PM on the Wednesday prior to the meeting, if that agenda has been published, will be distributed as a late agenda item.

(d) that relates to the following will not be placed on an agenda:

(i) matters that have been decided upon by Council within the previous twelve (12) months;

(ii) matters that are of a purely administrative or operational nature; and

(iii) matters that have been referred to staff for a report, until the matter is before Council, Committee, or Commission.

(5) Notwithstanding subsection 20 (4) (c) correspondence unrelated to an item of business before Council, received after the deadline under subsection 20 (2) shall be included in a subsequent meeting agenda.

(6) Staff may prepare recommendations related to correspondence for Council, Committee, or Commission consideration.

(7) The provisions of subsection 19 (6) Delegations shall apply to any correspondence included in an agenda for which a proposed Resolution has not been provided.

### Points of order

21.) (1) Without limiting the presiding member's duty under section 132 (1) of the *Community Charter*, the presiding member must apply the correct procedure to a motion:

- (a) if the motion is contrary to the rules of procedure in this bylaw, and
- (b) whether or not another Council member has raised a point of order in connection with the motion.

(2) When the presiding member is required to decide a point of order:

- (a) the presiding member must cite the applicable rule or authority if requested by another Council member,
- (b) another member must not question or comment on the rule or authority cited by the presiding member under subsection (2)(a), and
- (c) the presiding member may reserve the decision until the next Council meeting.

### Conduct and debate

22.) (1) A Council member may speak to a question or motion at a Council meeting only if that member first addresses the presiding member.

(2) Members must address the presiding member by that person's title of Mayor, by using the words "Your Worship" or "Mayor", or "Deputy Mayor".

(3) Members must address other non-presiding members by the title Councillor.

(4) No member may interrupt a member who is speaking except to raise a point of order.

- (5) If more than one member speaks, the presiding member must call on the member who, in the presiding member's opinion, first spoke.
- (6) Members who are called to order by the presiding member:
- (a) must immediately stop speaking,
  - (b) may explain their position on the point of order, and
  - (c) may appeal to Council for its decision on the point of order in accordance with section 132 of the *Community Charter*.
- (7) Members speaking at a Council meeting:
- (a) must use respectful language,
  - (b) must not use offensive gestures or signs,
  - (c) must speak only in connection with the matter being debated,
  - (d) may speak about a vote of Council only for the purpose of making a motion that the vote be rescinded, and:
  - (e) must adhere to the rules of procedure established under this Bylaw and to the decisions of the presiding member and Council in connection with the rules and points of order.
- (8) If a member does not adhere to subsection (21) (7), the presiding member may order the member to leave the member's seat, and
- (a) if the member refuses to leave, the presiding member may cause the member to be removed by a peace officer from the member's seat, and
  - (b) if the member apologizes to the Council, Council may, by resolution, allow the member to retake the member's seat.
- (9) A member may require the question being debated at a Council meeting to be read at any time during the debate if that does not interrupt another member who is speaking.
- (10) The following rules apply to limit speech on matters being considered at a Council meeting:
- (a) a member may speak more than once in connection with the same question only:
    - i.) with the permission of Council, or

ii.) if the member is explaining a material part of a previous speech without introducing a new matter;

(b) a member who has made a substantive motion to the Council may reply to the debate;

(c) a member who has moved an amendment, the previous question, or an instruction to a committee may not reply to the debate;

(d) a member may speak to a question, or may speak in reply, for longer than a total time of 3 minutes only with the permission of Council.

### **Motions generally**

23.) (1) Council may debate and vote on a motion only if it is first made by one Council member and then seconded by another.

(2) A motion that deals with a matter that is not on the agenda of the Council meeting at which the motion is introduced may be introduced with Council's permission.

(3) A Council member may make only the following motions, when the Council is considering a question:

(a) to refer to committee;

(b) to amend;

(c) to lay on the table;

(d) to postpone indefinitely;

(e) to postpone to a certain time;

(f) to move the previous question;

(g) to adjourn.

(4) A motion made under subsections (3) (c) to (g) is not amendable or debatable.

(5) Council must vote separately on each distinct part of a question that is under consideration at a Council meeting if requested by a Council member.

### **Motion to commit**

24.) Until it is decided, a motion made at a Council meeting to refer to committee precludes an amendment of the main question.

### **Motion for the main question**

- 25.) (1) In this section, "main question", in relation to a matter, means the motion that first brings the matter before the Council.
- (2) At a Council meeting, the following rules apply to a motion for the main question, or for the main question as amended:
- (a) if a member of Council moves to put the main question, or the main question as amended, to a vote, that motion must be dealt with before any other amendments are made to the motion on the main question; and
  - (b) if the motion for the main question, or for the main question as amended, is decided in the negative, the Council may again debate the question, or proceed to other business.

### **Amendments generally**

- 26.) (1) A Council member may, without notice, move to amend a motion that is being considered at a Council meeting.
- (2) An amendment may propose removing, substituting for, or adding to the words of an original motion.
- (3) A proposed amendment must be reproduced in writing by the mover if requested by the presiding member.
- (4) A proposed amendment must be decided or withdrawn before the motion being considered is put to a vote unless there is a call for the main question.
- (5) An amendment that has been defeated by a vote of Council cannot be proposed again.
- (6) A Council member may propose an amendment to an adopted amendment.
- (7) The presiding member must put the main question and its amendments in the following order for the vote of Council:
- (a) a motion to amend a motion amending the main question;
  - (b) a motion to amend the main question, or an amended motion amending the main question if the vote under subparagraph (a) is positive;
  - (c) the main question.

### **Reconsideration by Council Member**

- 27.) (1) Subject to subsection (5), a Council member may, at the next Council meeting,

- (a) move to reconsider a matter on which a vote, other than to postpone indefinitely, has been taken, and
  - (b) move to reconsider an adopted bylaw after an interval of at least 24 hours following its adoption.
- (2) A Council member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
- (3) Council must not discuss the main matter referred to in subsection (1) unless a motion to reconsider that matter is adopted in the affirmative.
- (4) A vote to reconsider must not be reconsidered.
- (5) Council may only reconsider a matter that has not:
  - (a) had the approval or assent of the electors and been adopted
  - (b) been reconsidered under Section 26 (1) of this Bylaw or section 131 of the *Community Charter* [mayor may require Council reconsideration of a matter],
  - (c) been acted on by an officer, employee, or agent of the Village.
- (6) The conditions that applied to the adoption of the original bylaw, resolution, or proceeding apply to its rejection under this section.
- (7) A bylaw, resolution, or proceeding that is reaffirmed under Section 26 (1) of this Bylaw or section 131 of the *Community Charter* is valid and has the same effect as it had before reconsideration.

### Privilege

- 28.) (1) In this section, a matter of privilege refers to any of the following motions:
- (a) fix the time to adjourn;
  - (b) adjourn;
  - (c) recess;
  - (d) raise a question of privilege of the Council;
  - (e) raise a question of privilege of a member of Council.
- (2) A matter of privilege must be immediately considered when it arises at a Council meeting.
- (3) For the purposes of subsection (2), a matter of privilege listed in subsection (1) has precedence over those matters listed after it.

### **Reports from committees**

- 29.) Council may take any of the following actions in connection with a resolution it receives from COTW:
- (a) agree or disagree with the resolution;
  - (b) amend the resolution;
  - (c) refer the resolution back to COTW;
  - (d) postpone its consideration of the resolution.

### **Adjournment**

- 30.) (1) A Council may continue a Council meeting after 11:00 p.m. only by an affirmative vote of the Council members present.
- (2) A motion to adjourn either a Council meeting or the debate at a Council meeting is always in order if that motion has not been preceded at that meeting by the same motion.
- (3) Subsection (2) does not apply to either of the following motions:
- (a) a motion to adjourn to a specific day;
  - (b) a motion that adds an opinion or qualification to a preceding motion to adjourn.

## **PART 5 – BYLAWS**

### **Copies of proposed bylaws to Council members**

- 31.) A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each Council member at least 24 hours before the Council meeting, or all Council members unanimously agree to waive this requirement.

### **Form of bylaws**

- 32.) A bylaw introduced at a Council meeting must:
- (a) be printed;
  - (b) have a distinguishing name;
  - (c) have a distinguishing number;
  - (d) contain an introductory statement of purpose;
  - (e) be divided into sections;

### **Bylaws to be considered separately or jointly**

- 33.) Council must consider a proposed bylaw at a Council meeting either:
- (a) separately when directed by the presiding member or requested by another Council member, or
  - (b) jointly with other proposed bylaws in the sequence determined by the presiding member.

### **Reading and adopting bylaws**

- 34.) (1) The presiding member of a Council meeting may:
- (a) have the CAO read a synopsis of each proposed bylaw or group of proposed bylaws, and then
  - (b) request a motion that the proposed bylaw or group of bylaws be read;
- (2) The readings of the bylaw may be given by stating its title and object;
- (3) A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Community Charter*;
- (4) Subject to section 882 of the *Local Government Act* [OCP adoption procedures], each reading of a proposed bylaw must receive the affirmative vote of a majority of the Council members present;
- (5) In accordance with section 135 of the *Community Charter* [requirements for passing bylaws], Council may give two or three readings to a proposed bylaw at the same Council meeting;
- (6) Despite section 135(3) of the *Community Charter* [requirements for passing bylaws], and in accordance with section 890 (9) of the *Local Government Act* [public hearings], Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

### **Bylaws must be signed**

- 35.) After a bylaw is adopted and signed by the CAO and the presiding member of the Council meeting at which it was adopted, the CAO must have it placed in the Village's records for safekeeping.

## **PART 6 - COMMITTEE OF THE WHOLE**

### **Going into Committee of the Whole**

- 36.) (1) At any time during a council meeting, Council may by resolution go into Committee of the Whole.

(2) In addition to subsection (1), a meeting, other than a standing or select committee meeting, to which all members of Council are invited to consider but not to decide on matters of the Village's business, is a meeting of COTW.

**Notice for COTW meetings:**

37.) (1) Subject to subsection (2) a notice of the day, hour and place of a COTW meeting must be given at least 48 hours previously by posting a copy of the notice at the Public Notice Posting Places; and

(a) leaving a copy of the notice for each Council member in the Council member's mailbox at Village Office.

(b) contacting each member of Council by telephone to notify them of the COTW meeting.

(2) Subsection (1) does not apply to a COTW meeting that is called in accordance with section 36 during a Council meeting for which public notice has been given under section 6 or 7.

**Minutes of COTW meetings to be maintained and available to public**

38.) (1) Minutes of the proceedings of COTW must be:

(a) legibly recorded,

(b) certified by the Corporate Officer.

**Presiding members at COTW meetings and Quorum**

39.) (1) Any Council member may preside in COTW.

(2) The members of Council attending a meeting of COTW must appoint a presiding member for the COTW meeting.

(3) The quorum of COTW is the majority of Council members.

**Points of order at meetings**

40.) The presiding member must preserve order at a COTW meeting and, subject to an appeal to other members present, decide points of order that may arise.

**Conduct and debate**

41.) The following rules apply to COTW meetings:

(a) a motion is not required to be seconded;

(b) a motion for adjournment is not allowed;

- (c) a member may speak any number of times on the same question;
- (d) a member must not speak longer than a total of 3 minutes on any one question;
- (e) the chair may speak to a motion without vacating the chair, but must vacate the chair to move a motion.

### **Voting at meetings**

- 42.) (1) Votes at a COTW meeting must be taken by a show of hands if requested by a member.
- (2) The presiding member must declare the results of voting.

### **Reports**

- 43.) (1) COTW may consider reports and bylaws only if
  - (a) they are printed and the members each have a copy, or
  - (b) a majority of the Council members present decide without debate that the requirements of paragraph (a) do not apply.
- (2) A motion for COTW to rise and report to Council must be decided without debate.

### **Rising without reporting**

- 44.) (1) A motion made at a COTW meeting to rise without reporting:
  - (a) is always in order and takes precedence over all other motions,
  - (b) may be debated, and
  - (c) may not be addressed more than once by any one member.
- (2) If a motion to rise without reporting is adopted by COTW at a meeting constituted under section 36 (1), the Council meeting must resume and proceed to the next order of business.

## **PART 7 – COMMITTEES**

### **Duties of standing committees**

- 45.) (1) Standing committees must consider, inquire into, report, and make recommendations to Council about all of the following matters:
  - (a) matters that are related to the general subject indicated by the name of the committee;
  - (b) matters that are assigned by Council;

(c) matters that are assigned by the Mayor.

(2) Standing committees must report and make recommendations to Council at all of the following times:

(a) in accordance with the schedule of the committee's meetings;

(b) on matters that are assigned by Council or the Mayor:

(c) as required by Council or the Mayor, or

(d) at the next Council meeting if the Council or Mayor does not specify a time.

#### **Duties of select committees**

46.) (1) Select committees must consider, inquire into, report, and make recommendations to Council about the matters referred to the committee by the Council.

(2) Select committees must report and make recommendations to Council at the next Council meeting unless Council specifies a different date and time.

#### **Schedule of committee meetings**

47.) (1) At its first meeting after its establishment a standing or select committee must establish a regular schedule of meetings.

(2) The chair of a committee may call a meeting of the committee in addition to the scheduled meetings or may cancel a meeting.

#### **Notice of committee meetings**

48.) (1) Subject to subsection (2), after the committee has established the regular schedule of committee meetings, including the times, dates and places of the committee meetings, notice of the schedule must be given by:

(a) posting a copy of the schedule at the Public Notice Posting Places; and

(b) providing a copy of the schedule to each member of the committee.

(2) Where revisions are necessary to the annual schedule of committee meetings, the Corporate Officer must, as soon as possible, post a notice at the Public Notice Posting Places which indicates any revisions to the date, time and place or cancellation of a committee meeting.

(3) The chair of a committee must cause a notice of the day, time and place of a meeting called under section 47 (2) to be given to all members of the committee at least 24 hours before the time of the meeting.

### Attendance at Committee meetings

- 49.) Council members who are not members of a committee may attend the meetings of the committee.

### Minutes of Committee meetings to be maintained and available to public

- 50.) Minutes of the proceedings of a committee must be:
- (a) legibly recorded,
  - (b) certified by the person designated to record minutes,
  - (c) signed by the chair or member presiding at the meeting, and
  - (d) filed in date order in the Village Office for public inspection in accordance with section 97 (1) (c) of the *Community Charter*.

### Quorum

- 51.) The quorum for a committee is a majority of all of its members.

### Conduct and debate

- 52.) (1) The rules of the Council procedure must be observed during committee meetings, so far as is possible, and unless as otherwise provided in this Bylaw.
- (2) Council members attending a meeting of a committee of which they are not a member, may participate in the discussion only with the permission of a majority of the committee members present.
- (3) A motion made at a meeting of a committee is not required to be seconded.

### Voting at meetings

- 53.) Council members attending a meeting of a committee of which they are not a member must not vote on a question.

## PART 8 – GENERAL

- 54.) If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
- 55.) This bylaw may not be amended or repealed and substituted unless Council first gives notice in accordance with section 94 of the *Community Charter* [public notice].
- 56.) Village of Sayward Procedure Bylaw No. 386, 2011 and 388, 2011 are repealed.

READ A FIRST TIME THIS 8<sup>th</sup> day of September, 2015.

READ A SECOND TIME THIS 8<sup>th</sup> day of September, 2015.

READ A THIRD TIME THIS 8<sup>th</sup> day of September, 2015.

ADOPTED THIS 17<sup>th</sup> day of November, 2015

Original signed by "J. MacDonald"

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**Mayor**

Original signed by "D. Kiedyk"

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**Chief Administrative Officer**

Public Notice of the intention to adopt this bylaw was given by way of advertising in the Campbell River Mirror on the 30<sup>th</sup> day of October, 2015 and in the November 2015 edition of the Sayward News.



## STAFF REPORT

For: Mayor and Council  
Prepared by: Ann MacDonald, CAO  
Subject: **Proposed Amendment to Bylaw 309, Zoning Bylaw, Section 602, Residential Commercial(R/C)**  
Meeting date: March 2, 2021

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### BACKGROUND

To correct what appears to be an administrative error in in Bylaw No. 309, Village of Sayward Zoning Bylaw, Subsection 602 (1) (d) in the Residential / Commercial (R/C) zone.

### DISCUSSION

The Residential / Commercial (R/C) zone in the Village of Sayward zoning bylaw permits the following as permitted principle uses:

- a) Dwelling, Apartments;
- b) Dwelling, Row and Town Houses;
- c) Dwelling, Duplexes;
- d) Dwelling, Single Family;
- e) Retail;
- f) Offices;
- g) Service establishments;
- h) Restaurants.

The bylaw allows for a number of accessory uses as well, which are permitted only once the primary use is in place, as they are permitted and intended to support the primary use. The permitted accessory uses include:

- a) Secondary suites;
- b) Buildings and structures accessory to the uses permitted.

The error appears to be that a Single-Family Dwelling is currently shown as being a primary (principle) use in a zone intended to support commercial activities and higher density uses. The way the bylaw is currently written, a Single-Family Dwelling could be permitted in a zone intended to be developed for higher density, i.e. townhomes, apartments, etc. and

commercial/retail uses. The proposed zoning amendment complies with the current Official Community Plan which designates the four properties as Residential/ Multi Commercial. This proposed amendment will ensure that the land is eventually used for its highest and best use.

Policy 3 (1) (b) of the Official Community Plan, Bylaw No. 308 designates these same properties in as Multi Residential / Commercial and states the following intended uses:

**b) Multi Residential/Commercial**

- i) Permitted uses in this designation include commercial enterprises, live-work uses, and multi or high-density residential accommodation.
- ii) Senior's housing and facilities, affordable accommodation units, and special needs housing are encouraged in this designation.
- iii) The design and character of structures in the High-Density Residential/Commercial designation shall be sensitive to and integrate access to the Recreation Accessways, Village Open Space, and Community Facilities.

The proposed amendment will render existing single-family dwellings in the area zoned Residential / Commercial (R/C) as a legally non-conforming use, per Division 14, Sections 528-533 of the Local Government Act (sections attached). A non-conforming use designation provides for any existing Single-Family Dwelling to continue as a legal use, be sold and be renovated provided that the renovations do not further extend the non conformity; however, per sections 528-533 of the act, if the use is discontinued for a continuous period of 6 months, or damaged to within 75% of its value by fire it can not be replaced unless Council approves a site specific zoning amendment for the property. There are four properties currently zoned Residential Commercial, and three of which would become legally non-conforming uses, per attached Schedule B of the Zoning Bylaw.

If Council supports the intent of this amendment, staff will return to Council with an amendment bylaw. At that time Council can take First and Second reading of the amending Bylaw and set a date for the Public Hearing. Getting Council's support in advance gives staff direction to gather all of the ownership data and prepare communications for the public so that some questions can be answered in advance of council taking First and Second reading of the bylaw. Furthermore, should Council not wish to proceed with the recommended amendment, staff will forgo the investment in time to prepare the extensive materials.

Division 3, Sections 464 – 470 of the Local Government Act provides for Council to amend the bylaw by holding first and second reading, and then setting a date for a Public Hearing. Section 466 (3) (d) of the Local Government Act requires the Village to place two subsequent notices in the Campbell River Mirror to the public and affected property owners no less than three days before the public hearing and no more than 10 days before the set date for the public hearing. Staff will include the details of those dates in the staff report when returning to Council with the amendment bylaw. (See attached excerpt from the Local Government Act).

It is recommended that Council provide support to this amendment now, in advance of the completion of the official community plan as once that is completed a full review of the zoning bylaw will be required.

That is likely at least one year away and this amendment protects the intent of the limited commercial areas of the village and areas set aside for higher density. This is important given the current interest in investment in Sayward and the North Island overall.

## **RECOMMENDATIONS**

THAT Council receive the Proposed Amendment to Bylaw 309, Zoning Bylaw, Section 602, Residential Commercial(R/C) report for information and discussion, and;

THAT Council direct staff to return to Council with a bylaw to amend Bylaw No. 309, Village of Sayward Zoning Bylaw to remove subsection 602 1 (d) Dwelling, Single Family as a principal use.

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Ann MacDonald  
CAO

### ***Attached:***

1. *Excerpt of Bylaw No. 602, Village of Sayward Zoning Bylaw, Section 602, Residential/Commercial Zone (R/C)*
2. *Excerpt from Local Government Act, Division 3 — Public Hearings on Planning and Land Use Bylaws, Sections 464 – 470*
3. *Excerpt from Local Government Act, Division 14 — Section 528, Non-conforming Use and Other Continuances*

**602**

**RESIDENTIAL /COMMERCIAL (R/C)**

**1. PERMITTED PRINCIPLE USES**

**On any lot:**

- a) Dwelling, Apartments;
- b) Dwelling, Row and Town Houses;
- c) Dwelling, Duplexes;
- d) Dwelling, Single Family;
- e) Retail;
- f) Offices;
- g) Service establishments;
- h) Restaurants.

**2) PERMITTED ACCESSORY USES**

- a) Secondary suites;
- b) Buildings and structures accessory to the uses permitted.

**3. LOT SIZE**

The minimum lot area for subdivision is 1200m<sup>2</sup> (0.3ac).

**4. LOT COVERAGE**

Buildings and structures shall not cover more than 70% of the lot area.

**5. Siting of Structures**

**Except where otherwise specified in this Bylaw, no building or structure shall be located within:**

- a) 6.0m (19.6ft) of front and rear lot lines;
- b) 3.0m (9.8ft) of any side lot line;
- c) 4.5m (14.5ft) of side lot line abutting a public road right-of-way, in the case of a corner lot;
- d) No accessory buildings shall be located within 1.5m (4.9ft.) of a rear or side lot line.

## **Division 3 — Public Hearings on Planning and Land Use Bylaws**

### **Requirement for public hearing before adopting bylaw**

- 464** (1) Subject to subsection (2), a local government must not adopt
- (a) an official community plan bylaw,
  - (b) a zoning bylaw, or
  - (c) a bylaw under section 548 [*early termination of land use contracts*]

without holding a public hearing on the bylaw for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.

- (2) A local government may waive the holding of a public hearing on a proposed zoning bylaw if
- (a) an official community plan is in effect for the area that is subject to the zoning bylaw, and
  - (b) the bylaw is consistent with the official community plan.

### **Public hearing procedures**

- 465** (1) A public hearing under section 464 (1) must be held after first reading of the bylaw and before third reading.

(2) At the public hearing, all persons who believe that their interest in property is affected by the proposed bylaw must be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw that is the subject of the hearing.

(3) Subject to subsection (2), the chair of the public hearing may establish procedural rules for the conduct of the hearing.

(4) More than one bylaw may be considered at a public hearing and more than one bylaw may be included in a notice of public hearing.

(5) A written report of each public hearing, containing a summary of the nature of the representations respecting the bylaw that were made at the hearing, must be prepared and maintained as a public record.

(6) A report under subsection (5) must be certified as being fair and accurate by the person preparing the report and, if applicable, by the person to whom the hearing was delegated under section 469.

(7) A public hearing may be adjourned and no further notice of the hearing is necessary if the time and place for the resumption of the hearing are stated to those present at the time the hearing is adjourned.

## Notice of public hearing

**466** (1) If a public hearing is to be held under section 464 (1), the local government must give notice of the hearing

- (a) in accordance with this section, and
- (b) in the case of a public hearing on an official community plan that includes a schedule under section 614 (3) (b) [*designation of heritage conservation area*], in accordance with section 592 [*giving notice to owners and occupiers*].

(2) The notice must state the following:

- (a) the time and date of the hearing;
- (b) the place of the hearing;
- (c) in general terms, the purpose of the bylaw;
- (d) the land or lands that are the subject of the bylaw;
- (e) the place where and the times and dates when copies of the bylaw may be inspected.

(3) The notice must be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 days and not more than 10 days before the public hearing.

(4) If the bylaw in relation to which the notice is given alters the permitted use or density of any area or the residential rental tenure in any area, or limits the form of tenure to residential rental tenure in any area, the notice must

(a) subject to subsection (6), include a sketch that shows the area that is the subject of the bylaw alteration, including the name of adjoining roads if applicable, and

(b) be mailed or otherwise delivered at least 10 days before the public hearing

(i) to the owners, as shown on the assessment roll as at the date of the first reading of the bylaw, and

(ii) to any tenants in occupation, as at the date of the mailing or delivery of the notice,

of all parcels, any part of which is the subject of the bylaw alteration or is within a distance specified by bylaw from that part of the area that is subject to the bylaw alteration.

(5) If the bylaw in relation to which the notice is given is a bylaw under section 548 [*early termination of land use contracts*], the notice must

(a)subject to subsection (6), include a sketch that shows the area subject to the land use contract that the bylaw will terminate, including the name of adjoining roads if applicable, and

(b)be mailed or otherwise delivered at least 10 days before the public hearing

(i)to the owners, as shown on the assessment roll as at the date of the first reading of the bylaw, and

(ii)to any tenants in occupation, as at the date of the mailing or delivery of the notice,

of all parcels, any part of which is subject to the land use contract that the bylaw will terminate or is within a distance specified by bylaw from that part of the area that is subject to that land use contract.

(6) If the location of the land can be clearly identified in the notice in a manner other than a sketch, it may be identified in that manner.

(7 )Subsection (4) does not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration.

(8) The obligation to deliver a notice under subsection (4) or (5) is satisfied if a reasonable effort was made to mail or otherwise deliver the notice.

#### **Notice if public hearing waived**

**467** (1)If a local government waives the holding of a public hearing under section 464 (2) [*waiver for certain zoning bylaws*], it must give notice in accordance with this section.

(2) The notice must state

(a)in general terms, the purpose of the zoning bylaw,

(b)the land or lands that are the subject of the bylaw, and

(c)the place where and the times and dates when copies of the bylaw may be inspected.

(3) Section 466 (3), (4) and (6) to (8) applies to a notice under subsection (2) of this section, except that

(a)the last publication under section 466 (3) is to be not less than 3 days and not more than 10 days before the bylaw is given third reading, and

(b)the delivery under section 466 (4) (b) is to be at least 10 days before the bylaw is given third reading.

### **Posted notices respecting proposed bylaws**

**468** (1) In respect of public hearings being held under section 464 (1) or waived under section 464 (2), a local government may, by bylaw,

(a) require the posting of a notice on land that is the subject of a bylaw, and

(b) specify the size, form and content of the notice and the manner in which and the locations where it must be posted.

(2) Specifications under subsection (1) (b) may be different for different areas, zones, uses within a zone and parcel sizes.

### **Delegation of public hearings**

**469** (1) If a local government makes a delegation in relation to one or more public hearings,

(a) that delegation does not apply to a hearing unless the notice of hearing under section 466 includes notice that the hearing is to be held by a delegate, and

(b) the resolution or bylaw making the delegation must be available for public inspection along with copies of the bylaw referred to in section 466 (2) (e).

(2) If the holding of a public hearing is delegated, the local government must not adopt the bylaw that is the subject of the hearing until the delegate reports to the local government, either orally or in writing, the views expressed at the hearing.

### **Procedure after public hearing**

**470** (1) After a public hearing, the council or board may, without further notice or hearing,

(a) adopt or defeat the bylaw, or

(b) alter and then adopt the bylaw, provided that the alteration does not

(i) do any of the following:

(A) alter the use;

(B) increase the density;

(C) without the owner's consent, decrease the density

of any area from that originally specified in the bylaw, or

(ii) alter the bylaw in relation to residential rental tenure in any area.

(2) A member of a council or board who

- (a) is entitled to vote on a bylaw that was the subject of a public hearing,  
and
- (b) was not present at the public hearing

may vote on the adoption of the bylaw if an oral or written report of the public hearing has been given to the member in accordance with subsection (3).

(3) The report referred to in subsection (2) must be given to the member by

- (a) an officer or employee of the local government, or
- (b) if applicable, the delegate who conducted the public hearing.

(4) After a public hearing under section 464 (1) or third reading following notice under section 467 [*notice if public hearing waived*], a court must not quash or declare invalid the bylaw on the grounds that an owner or occupier

- (a) did not see or receive the notice under section 466 or 467, if the court is satisfied that there was a reasonable effort to mail or otherwise deliver the notice, or
- (b) who attended the public hearing or who can otherwise be shown to have been aware of the hearing, did not see or receive the notice, and was not prejudiced by not seeing or receiving it.

## **Division 14 — Non-conforming Use and Other Continuations**

### **Non-conforming uses: authority to continue use**

- 528** (1) Subject to this section, if, at the time a land use regulation bylaw is adopted,
- (a) land, or a building or other structure, to which that bylaw applies is lawfully used, and
  - (b) the use does not conform to the bylaw,

the use may be continued as a non-conforming use.

(2) If a non-conforming use authorized under subsection (1) is discontinued for a continuous period of 6 months, any subsequent use of the land, building or other structure becomes subject to the land use regulation bylaw.

(3) The use of land, a building or other structure, for seasonal uses or for agricultural purposes, is not discontinued as a result of normal seasonal or agricultural practices, including

- (a) seasonal, market or production cycles,
- (b) the control of disease or pests, or
- (c) the repair, replacement or installation of equipment to meet standards for the health or safety of people or animals.

(4) A building or other structure that is lawfully under construction at the time of the adoption of a land use regulation bylaw is deemed, for the purpose of this section,

- (a) to be a building or other structure existing at that time, and
- (b) to be then in use for its intended purpose as determined from the building permit authorizing its construction.

(5) If subsection (1) authorizes a non-conforming use of part of a building or other structure to continue, the whole of that building or other structure may be used for that non-conforming use.

### **Non-conforming structures: restrictions on maintenance, extension and alteration**

**529** (1) If the use and density of buildings and other structures conform to a land use regulation bylaw but

- (a) the siting, size or dimensions of a building or other structure constructed before the bylaw was adopted does not conform with the bylaw, or

(b)the siting, size, dimensions or number of off-street parking or loading spaces constructed or provided before the bylaw was adopted does not conform with the bylaw,

the building or other structure or spaces may be maintained, extended or altered to the extent authorized by subsection (2).

(2) A building or other structure or spaces to which subsection (1) applies may be maintained, extended or altered only to the extent that

(a)the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started, and

(b)in the case of protected heritage property, the repair, extension or alteration is permitted or authorized in accordance with the provisions governing the heritage protection of the property.

### **Restrictions on increasing non-conforming use of land**

**530** In relation to land, section 528 [*non-conforming uses*] does not authorize the non-conforming use of land to be continued on a scale or to an extent or degree greater than that at the time of the adoption of the land use regulation bylaw.

### **Restrictions on alteration or addition to building or other structure**

**531** (1)Subject to this section, a structural alteration or addition must not be made in or to a building or other structure while a non-conforming use is continued in all or any part of it.

(2) Subsection (1) does not prohibit a structural alteration or addition that is required by an enactment or is permitted by a board of variance under section 542 (1) [*authority for variance or exemption to relieve hardship*].

(3 )Subsection (1) does not apply to alterations or additions in or to a protected heritage property if the alteration or addition is authorized by a heritage alteration permit under section 617.

### **Restrictions on repair or reconstruction of non-conforming structures**

**532** (1)If a building or other structure, the use of which does not conform to the provisions of a land use regulation bylaw, is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the building inspector, the structure must not be repaired or reconstructed except for a conforming use in accordance with the bylaw.

(2) If the use of a building or other structure that is on land identified in a phased development agreement under Division 12 [*Phased Development Agreements*] complies with a zoning bylaw provision specified under section 516 (2) [*zoning rules for land subject to the agreement*] for the phased development agreement, subsection (1) of this section does not apply to the building or other structure while the phased development agreement is in effect, unless

(a) the provision has been repealed or amended, and

(b) either

(i) the developer has agreed in writing under section 516 (5) that the changes to the zoning bylaw apply, or

(ii) the changes to the zoning bylaw apply under section 516 (6) without the written agreement of the developer.

(3) Subsection (1) does not apply to repair or reconstruction of a protected heritage property if the repair or reconstruction is authorized by a heritage alteration permit under section 617.

### **Non-conforming uses in relation to terminated land use contracts**

**533** (1) In this section:

"contract termination date" means, in relation to a land use contract, the date of termination under section 547 [*termination of all remaining land use contracts*] or 548 [*early termination of land use contract*], as applicable;

"end of land use contract authority" means, in relation to a land use contract, the later of the following:

(a) the contract termination date;

(b) if an order under section 543 [*board of variance exemption to relieve hardship from early termination*] is made in respect of the land, the expiry of the period of time specified in the order.

(2 ) Subject to this section, if, at the end of land use contract authority,

(a) land, or a building or other structure, is lawfully used, and

(b) the use does not conform to a land use regulation bylaw that

(i) is in force at the end of land use contract authority, and

(ii) would not apply to the land, building or other structure but for the end of the land use contract authority,

the use may be continued as a non-conforming use.

(3) If the non-conforming use authorized under subsection (2) is discontinued for a continuous period of 6 months, any subsequent use of the land, building or other structure becomes subject to the land use regulation bylaw.

(4) The following provisions apply in relation to a use described in subsection (2):

(a) section 528 (3) to (5) *[non-conforming uses in relation to new land use regulation rules]*;

(b) section 529 *[non-conforming structures]*;

(c) section 530 *[restrictions on increasing non-conforming use of land]*;

(d) section 531 *[restrictions on alteration or addition]*;

(e) section 532 *[restrictions on repair or reconstruction]*.

(5) For the purposes of subsection (4), a reference in a provision referred to in that subsection to the adoption of a bylaw is to be read as a reference to the applicable end of contract authority.

### **Change in ownership, tenants or occupants in relation to use**

**534** For the purposes of this Division, a change of owners, tenants or occupants of any land, or of a building or other structure, does not, by reason only of the change, affect the use of the land or building or other structure.

### **Non-conforming use and subdivision in relation to expropriation of land**

**535** (1) If the use of land or the siting of existing buildings and other structures on the land ceases, as a result of expropriation of land, to conform to a land use regulation bylaw, the remainder of the property is deemed to conform.

(2) Subsection (1) does not apply if compensation was paid to the owner or occupant of the land in an amount that is directly attributable to the loss, if any, suffered by the owner or occupant as a result of the non-conformity.

(3) If, as a result of an expropriation,

(a) a parcel of land could have been subdivided into 2 or more parcels under the applicable zoning bylaw in effect when the land expropriated was vested in the expropriating authority, and

(b) the parcel, as a result of the expropriation, can no longer be subdivided into the same number of parcels,

the parcel is, to the extent authorized under subsection (4), deemed to conform to the applicable zoning bylaw for the purposes of the subdivision as though the expropriation had not occurred.

(4) The deemed conformance under subsection (3) applies only to the extent that none of the parcels that would be created by the subdivision would be less than 90% of the area that would otherwise be permitted by the applicable zoning bylaw.

(5) Subsection (3) does not apply if the owner of the parcel being subdivided has received compensation that is directly attributable to the reduction in the market value of the land that results from the inability to subdivide the parcel in the manner that would have been permitted under the applicable zoning bylaw.

# Village of Sayward Zoning Bylaw, 2000

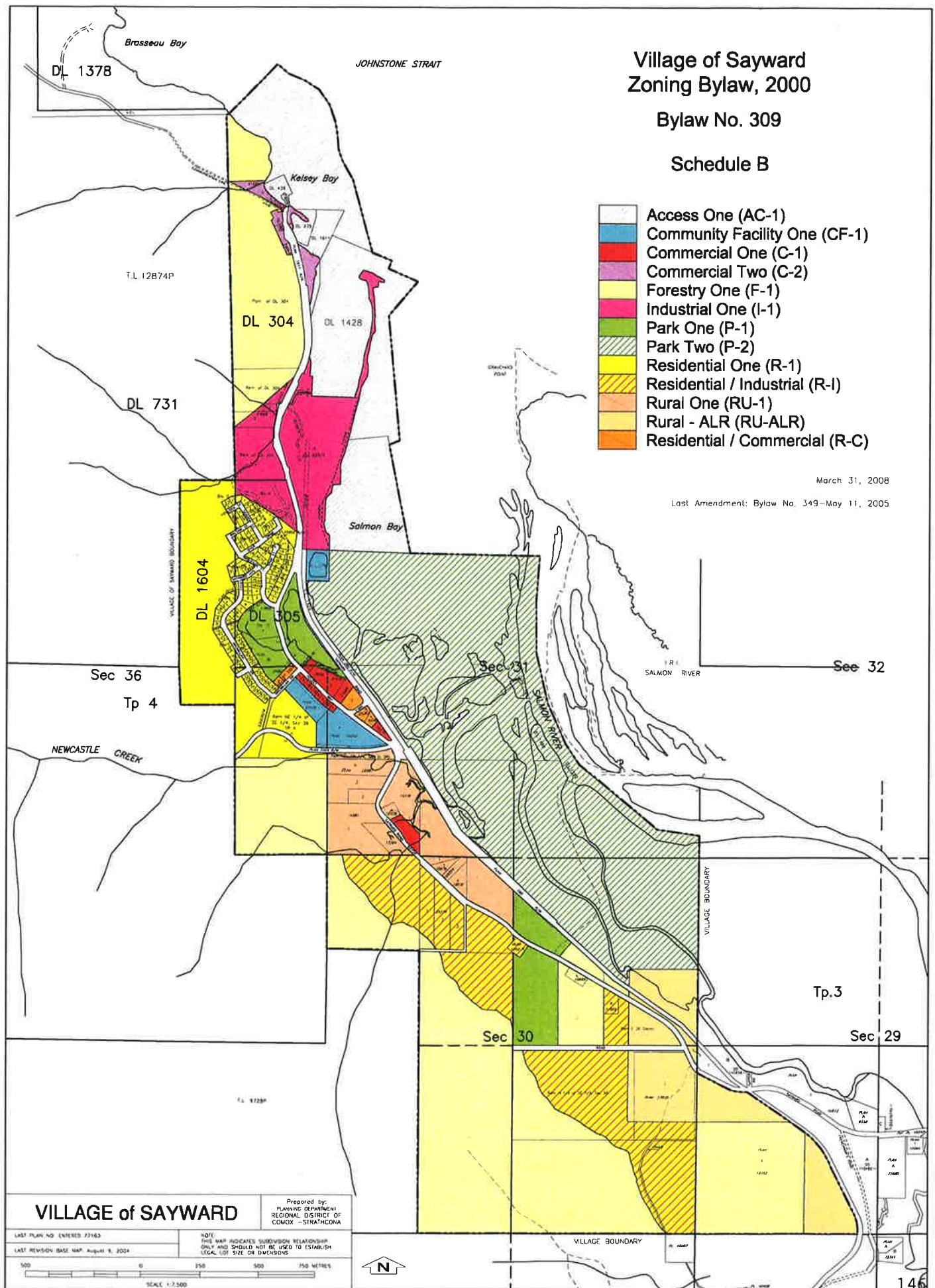
Bylaw No. 309

## Schedule B

- Access One (AC-1)
- Community Facility One (CF-1)
- Commercial One (C-1)
- Commercial Two (C-2)
- Forestry One (F-1)
- Industrial One (I-1)
- Park One (P-1)
- Park Two (P-2)
- Residential One (R-1)
- Residential / Industrial (R-I)
- Rural One (RU-1)
- Rural - ALR (RU-ALR)
- Residential / Commercial (R-C)

March 31, 2008

Last Amendment: Bylaw No. 349-May 11, 2005



### VILLAGE of SAYWARD

Prepared by:  
PLANNING DEPARTMENT  
REGIONAL DISTRICT OF  
COMOX - STRATHCONA

LAST PLAN NO. ENTERED 22163

LAST REVISION BASE MAP: August 9, 2004

NOTE:  
THIS MAP INDICATES SUBDIVISION RELATIONSHIP  
ONLY AND SHOULD NOT BE USED TO ESTABLISH  
LEGAL LOT SIZE OR DIMENSIONS





## VILLAGE OF SAYWARD

### BYLAW NO. 470

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#### A BYLAW TO PROVIDE FOR THE BORROWING OF MONEY IN ANTICIPATION OF REVENUE

---

**WHEREAS** the Village of Sayward may not have sufficient cash on hand to meet the current lawful expenditures of the municipality;

**AND WHEREAS** it is provided by Section 177 of the Community Charter that Council may, without the assent of the electors or the approval of the Inspector of Municipalities, provide for the borrowing of such sums of money as may be necessary to meet the current lawful expenditures of the municipality provided that the total of the outstanding liabilities does not exceed the sum of:

- a.) The whole amount remaining unpaid of the taxes for all purposes levied during the current year, provided that prior to the adoption of the annual property tax bylaw in any year, the amount of the taxes during the current year for this purpose shall be deemed to be 75% of the taxes levied for all purposes in the immediately preceding year; and
- b.) The whole amount of any sums of money remaining due from other governments;

**AND WHEREAS** there are no liabilities outstanding under Section 177;

**AND WHEREAS** the total amount of liability that Council may incur is seven hundred thousand dollars (\$700,000) made up of the sum of two hundred and fifty thousand dollars (\$250,000), being 75% of the whole amount of the taxes levied for all purposes in 2020, and four hundred and fifty thousand dollars (\$450,000), being the whole amount of the sum of money remaining due from other governments;

**NOW THEREFORE** the Council of the Village of Sayward, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "**Revenue Anticipation Bylaw No. 470, 2021**".
2. The Council shall be and is hereby empowered and authorized to borrow upon the credit of the municipality an amount or amounts not exceeding the sum of seven hundred thousand dollars (\$700,000).
3. The form of obligation to be given as acknowledgement of the liability shall be a promissory note or notes bearing the corporate seal and signed by the Mayor and Financial Officer.
4. All unpaid taxes, the taxes of the current year when levied, and sums due from other governments or so much thereof as may be necessary shall, when collected, be used to repay the money so borrowed.

5. All the monies so borrowed and the interest payable thereon shall be payable on or before the 31<sup>st</sup> day of December 2021.
6. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

Read a first time on the 2<sup>nd</sup> day of March 2021.

Read a second time on the 2<sup>nd</sup> day of March 2021.

Read a third time on the 2<sup>nd</sup> day of March 2021.

Adopted on the \_\_\_\_ day of \_\_\_\_\_ 2021.

Certified a true copy of Bylaw  
No. 470 this \_\_\_\_ day of  
\_\_\_\_\_, 2021

\_\_\_\_\_  
Chief Administrative Officer  
Village of Sayward

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer



**VILLAGE OF SAYWARD**  
**BYLAW NO. 471**

---

**A BYLAW TO AMEND COUNCIL PROCEDURE BYLAW 416, 2015**

---

**WHEREAS** the Council of the Village of Sayward has adopted a Council Procedure Bylaw;

**AND WHEREAS** the Council of the Village of Sayward wishes to amend "Council Procedure Bylaw No. 416, 2015";

**NOW THEREFORE BE IT RESOLVED** that the Municipal Council of the Village of Sayward, in open meeting assembled, hereby enacts as follows:

**1. CITATION**

This bylaw may be cited as "**Council Procedure Amendment Bylaw No. 471, 2021**".

**2. AMENDMENT**

Council Procedure Bylaw No. 416, 2015 is hereby amended as follows:

a.) THAT Part 2, Time and location of meetings, section 5 (2) (b) be amended by deleting (b) and replacing it with "(b) begin at 7:00 pm"

b.) THAT Part 2, Electronic meetings, section 8 be amended by adding (4) as follows:

(4) Notwithstanding subsections 8 (2) and (3), in an emergency, special circumstances, or public health event that prevents or restricts members from being able to physically meet in one location, members may participate in a meeting by means of electronic or other communication facilities provided that the rationale for the electronic meeting is agreed to by members and endorsed by a resolution explaining the rationale at the beginning of the meeting.

c.) THAT Part 4, Order of proceedings and business, section 16 (1) (a) be repealed.

d.) THAT Part 4, Delegations, section 19 be amended by adding (6) as follows:

(6) Council members must refrain from responding to requests or questions from a delegation, nor engage in debate except to ask clarifying questions or to correct incorrect information. Following the delegation's presentation, Council may:

(a) refer the request to staff, a Committee of the Whole meeting for a report or further investigation if the matter relates to Village funding or village resources, current priorities or initiatives;

(b) take no further action;

(c) table the matter to a meeting closed to the public, if Section 90 of the *Community Charter* applies to the matter; or

(e) consider the matter at the meeting at which the delegation has appeared or consider the matter at a future regular meeting of Council.

e.) THAT Part 4 be amended by adding a new section as follows:

**Correspondence**

20. (1) If correspondence is to be considered by Council or its Committee it must include the author's full name and current contact information including, at a minimum, the author's residential address, and telephone number or e-mail address.
- (2) The deadline for correspondence from the public to the Corporate Officer of items for inclusion on the meeting agenda is 12:00 pm on the Wednesday prior to the meeting.
- (3) The Corporate Officer will neither respond to nor place on an agenda any correspondence which, is anonymous, illegible, or defamatory.
- (4) Correspondence addressed to Mayor and/or Council:
- (a) that is related to staff performance will not be considered by Council and shall be referred to the CAO;
  - (b) that, in the Corporate Officer's determination, is of a purely administrative or operational nature shall be referred to the CAO or the appropriate Officer or Official, and copied to Council;
  - (c) that is related to an item of business before Council, a Committee, or Commission received after 12:00 pm on the Wednesday prior to the meeting, if that agenda has been published, will be distributed as a late agenda item.
  - (d) that relates to the following will not be placed on an agenda:
    - (i) matters that have been decided upon by Council within the previous twelve (12) months;
    - (ii) matters that are of a purely administrative or operational nature; and
    - (iii) matters that have been referred to staff for a report, until the matter is before Council, Committee, or Commission.
- (5) Notwithstanding subsection 20 (4) (c) correspondence that is unrelated to an item of business before Council, received after the deadline under subsection 20 (2) shall be included in a future meeting agenda.
- (6) Staff may prepare recommendations related to correspondence for Council, Committee, or Commission consideration.
- (7) The provisions of subsection 19 (6) Delegations shall apply to any correspondence included in an agenda for which a proposed resolution has not been provided.

f.) THAT sections 20 to 55 are renumbered to sections 21 to 56.

g.) THAT the Table of Contents be updated to reflect the amendments outlined in a.) to f.)

Read a first time on the 2<sup>nd</sup> day of March 2021.

Read a second time on the 2<sup>nd</sup> day of March 2021.

Read a third time on the 2<sup>nd</sup> day of March 2021.

Adopted on the \_\_\_\_ day of \_\_\_\_\_ 2021.

Certified a true copy of Bylaw No. 471  
this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Chief Administrative Officer  
Village of Sayward

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer