

Defining Municipal Resolution, Policies and By-laws

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Municipal councils can pass and enact municipal resolutions, policies and by-laws which in turn influences a community's long-term health and well-being.¹ It is important to understand the differences between municipal resolutions, policies and by-laws, as all three can be utilized to create healthy public policy. The purpose of this resource is to identify the differences between the terms and how they are interconnected. This resource may be of interest to health promotion and public health professionals seeking to influence the types of resolutions, policies and by-laws passed and enacted by local municipal councils.

MUNICIPAL RESOLUTION

Definition

A resolution is a record of decisions or wishes of council, and includes routine administrative and management matters such as appointing an auditor.^{1,2}

Function

- Resolutions often express the municipality's position on various issues or concerns about existing government policy, regulations or funding.¹ For example, a municipal council could resolve to authorize additional funding to support recreation services provided during the summer for vulnerable populations.
- The formalities for adopting a resolution are not as strict as those for passing a bylaw; resolutions are normally submitted as a motion and then adopted by a majority council vote.^{1,2}

Example

The Chatham-Kent Community Leaders' Cabinet signed a resolution to work together to achieve a better quality of life for everyone in Chatham-Kent. In order to address the health issues of the Chatham-Kent residents, the Cabinet will work jointly across sectors and engage the community to improve and sustain quality of life.³

MUNICIPAL POLICY

Definition

Municipal policies provide guidance to municipal staff related to how to implement the policy (such as a Community Garden Policy) and/or they govern the actions of the public within municipally-owned facilities (such as a Municipal Alcohol Policy).

Function

A municipality's Official Plan is likely the most well-known municipal policy. An Official Plan is a statutory document which sets out long-term land use policy for growth and development in a municipality (over a minimum 20-year period).⁴ Official Plans incorporate a wide range of social, economic, and environmental conditions. To learn more about types of municipal policies in Official Plans visit:

http://www.pecounty.on.ca/pdf/HealthyPoliciesforOfficialPlans_Final_web_1.pdf⁴

Example

The city of Peterborough has a policy in place to support the establishment and operation of Community Gardens on City-owned or managed land. The purpose of this policy is to guide the establishment of sustainable community gardens. The policy statements included describe ways in which the City will demonstrate its support for community gardens and how community gardens will be operated in a safe and fair manner to enhance neighbourhoods.

BY-LAWS

Definition

- A by-law is a form of legislation established by local government to resolve issues and address the needs of citizens; legal action can be taken as a consequence of non-compliance.⁶ In addition, by-laws govern the actions of all people in the municipality.
- Municipal by-laws cannot interfere with legislation or regulations mandated by provincial or federal governments; however, they can be developed to complement or supersede provincial legislation.³
- Municipal councils pass by-laws to address matters that will affect the public, such as access to transit services. Passing a by-law is legislated action.¹

Function

- By-laws follow a specific political process for their development. They must go through an approval process (e.g., adopted by a majority council vote) and must be signed both by the head of council or presiding officer and by the clerk, under the seal of the corporation. Many jurisdictions have additional conditions to meet before a by-law can be passed such as getting approval of a provincial ministry or board, or conducting a public meeting.¹

- By-laws can be considered one way to operationalize overarching municipal resolutions and policies. For instance, zoning by-laws operationalize Official Plan policy statements and provide for its day-to-day administration.
- By-law development efforts could include submitting a resolution. For example, a by-law passed by an upper-tier municipality requires the majority of its lower-tier municipalities to pass resolutions that support the by-law.

Example

The town of Cobourg has a Refreshment Vehicle By-law to license, regulate and govern refreshment vehicles within the town. The purpose of this by-law is to protect the health and safety of consumers. As a consequence for non-compliance, individuals who violate any aspect of this by-law are liable to a fine as provided for in the Provincial Offences Act.⁷

CONCLUSION

It is essential that municipal resolutions, policies and by-laws align with each other. For instance, if it can be demonstrated that a potential by-law is clearly linked to a municipal resolution and/or policy (e.g., Official Plan), the probability of it being considered by municipal council can increase. For example, the Township of Mapleton in Wellington County has a resolution that designates local parks as non-smoking areas, demonstrated through signage. The Wellington-Dufferin-Guelph Public Health unit presented the Smoke Free Outdoor Spaces Survey to Mapleton council and recommended that the county pass a by-law for restrictive legislation. The municipal council passed a resolution to receive their report.⁸ Another example that demonstrates when a policy was enacted as a by-law is the City of Elliot Lake passed a by-law to adopt the Affordable Access to Recreation, Culture and Transit Policy. This policy promotes affordable and inclusive recreation and cultural programs and transit services for all Elliot Lake residents to participate, irrespective of financial circumstances.⁷

RESOURCES

To learn more about how to support municipal decision-makers to create healthy communities, visit PHO resources:

- [By-law Development as a Health Promotion Strategy](#)
- [The Eight Steps for Developing a Municipal By-law](#)
- [Policy at a Glance](#)
- [The Eight Steps to Developing a Healthy Public Policy](#)
- [The Eight Steps for Developing a Municipal Alcohol Policy](#)
- [Understanding Municipal Decision-Makers and Influencers](#)

To learn more about how municipalities function and some of the issues faced by municipal decision-makers, visit:

- [Association of Municipalities in Ontario](#)
- [Association of Municipal Managers, Clerks and Treasurers of Ontario](#)
- [Ministry of Municipal Affairs and Housing](#)
- [Federation of Canadian Municipalities](#)

To find out more about scheduled learning events at PHO, please visit:

<http://www.publichealthontario.ca/en/LearningAndDevelopment/Events/Pages/default.aspx>

REFERENCES

1. Ontario. Ministry of Municipal Affairs and Housing. The municipal councillor's guide. Toronto, ON: Queen's Printer for Ontario; 2010. Available from: <http://www.mah.gov.on.ca/AssetFactory.aspx?did=4965>
2. MacLean MV, Tomlinson JR. A user's guide to municipal by-laws. 2nd ed. Markham, ON: LexisNexis Canada; 2008.
3. Municipality of Chatham-Kent. Office of the Mayor media release –April 5, 2012. Community leaders sign resolution: working together to achieve a better quality of life for everyone in Chatham-Kent [Internet]. Chatham, ON: Municipality of Chatham-Kent; 2012 [cited 2014 July 2]. Available from: <http://www.chatham-kent.ca/Mayor/CommunityLeadersCabinet/Documents/Health%20Signing%20Release%20April%205%202012.pdf>
4. Hastings & Prince Edward Counties Health Unit. Building complete and sustainable communities: healthy policies for official plans [Internet]. Belleville, ON: Hastings & Prince Edward Counties Health Unit; 2012 [cited 2014 July 2]. Available from: http://forms.hpechu.on.ca/web/images/pdfs/CDIP/050713_CDIP_Healthy_Policies_for_Official_Plans.pdf
5. City of Peterborough, Community Services. Policy: community gardens [Internet]. Peterborough, ON: City of Peterborough; 2013 [cited 2014 July 2]. Available from: <http://www.peterborough.ca/Assets/City+Assets/Corporate+Policy/Documents/Community+Services/Recreation/Community+Gardens+Policy.pdf>
6. City of Calgary. What is a bylaw? [Internet]. Calgary, AB: City of Calgary; c2014 [cited 2014 July 21]. Available from: <http://www.calgary.ca/CSPS/ABS/Pages/School-and-educational-programs/Bylaw-development/What-is-a-bylaw.aspx#>
7. Corporation of the town of Cobourg. By-law no. 86-2009: Being a by-law to license, regulate and govern refreshment vehicles within the Town of Cobourg [Internet]. Cobourg, ON: Town of Cobourg; [cited 2014 July 29]. Available from: <https://cobourg.civicweb.net/Documents/DocumentList.aspx?ID=8449>
8. Raftis P. Public health unit unveils plan for outdoor smoking ban [Internet]. Fergus, ON: The Wellington Advertiser; 2014 [cited 2014 Jul 21]. Available from: <http://www.wellingtonadvertiser.com/comments/index.cfm?articleID=20483>

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