

TOWN OF LUNENBURG

BY-LAW NO. 5

A BY-LAW RESPECTING RULES GOVERNING
THE TOWN COUNCIL

- Short title 1.1 This by-law shall be known as and may be cited as the "Council Procedure By-law".
- Apply to
Council,
committees
and boards 2.1 In all the proceedings had or taken in the Council the following rules and regulations shall be observed and shall be the rules and regulations for the order and discharge of the business of the Council and mutatis mutandis of its committees, boards and commissions.
- Organization
of Council 3.1 At the first meeting after a general election of councillors, or so soon thereafter as practicable, the date of which meeting shall be fixed by the outgoing Council, the Council shall be organized by administering the required oaths, if not previously administered, and the appointment to any vacancies in the offices of the Deputy Mayor, committees, boards and commissions and the further business hereinafter provided.
- Adjournment 4.1 The Council shall adjourn at the hour of twelve o'clock midnight if in session at that hour, unless otherwise determined by a vote of two-thirds of the councillors present.
- Opening
of meeting 5.1 At or so soon after the hour of meeting as there shall be a quorum present, the Mayor shall take the chair and call the meeting or order.
- If Mayor
absent 6.1 In case the Mayor does not attend within fifteen minutes after the time appointed, the Deputy Mayor shall call the councillors to order and if a quorum be present, shall preside over the meeting or until the arrival of the Mayor.

Deputy Mayor also present 7.1 In case neither the Mayor nor the Deputy Mayor is in attendance within fifteen minutes of he appointed time, the Town Clerk shall call the councillors to order if a quorum be present, and the councillors shall choose a chairman who shall preside over the meeting or until the arrival of the Mayor or the Deputy Mayor.

Lack of quorum 8.1 If there be no quorum present within one-half hour after the time appointed for the meeting, the Town Clerk shall take down the names of the councillors then present and the Council shall stand adjourned until the same appointed time of the next day not being a holiday; provided always, that if all councillors remain present until a quorum is made up the meeting may proceed with business as long as the quorum remains.

Minutes 9.1 Minutes of the proceedings of every meeting of the Council shall be drawn up and fairly entered by the Town Clerk in a book kept for that purpose or cause the same to be done and such book shall be properly indexed.

Contents of minutes 9.2 Such minutes shall:
9.2.1 contain all resolutions and motions passed, with the names of the movers and seconders; and
9.2.2 mention reports, petitions and other papers submitted to the Council by their respective titles only, or by a brief description of their purport except reports accepted by Council, which shall be entered at length or attached to the minutes.

Approval
of minutes

9.3 Unless objection is taken to the minutes when read or as circulated, they shall be deemed approved and shall be signed by the chairman. If any objection is made to the minutes, the councillor making such objection shall state his grounds without comment and if the Council agrees the minutes shall be amended accordingly. If all the councillors do not acquiesce in the proposed amendment, the motion must be made and seconded to amend the minutes in accordance with the objection which shall then be debatable and resolved by Council.

Duties of
presiding
officer

10.1 The Mayor shall preserve order and decorum and decide questions of order, subject to an appeal to the Council and in the absence of the Mayor, the presiding officer shall have the same authority while so presiding as the Mayor would have if present.

11.1 When the Mayor is called upon to decide a point of order, practice or procedure the point shall be stated without unnecessary comment and the Mayor shall cite as far as able the rules or authorities applicable to the case.

Decision by
majority

12.1 All questions arising in the Council or one of its committees, boards or commissions shall be decided by a majority of the votes of Council, or the committee, board or commission, including the Mayor or other presiding officer who shall have a right to vote on all such questions, and in the event of a tie the motion shall be deemed to have been lost.

Mayor
leaving
chair

13.1 If the Mayor decides to leave the chair for the purpose of taking part in debate or otherwise, he shall call upon the Deputy Mayor, or in his absence, a councillor, to fill his place and discharge his duties until he resumes the chair.

- Councillor speaking 14.1 Every councillor previous to speaking on any question or motion, shall rise from his seat and shall address himself to the Mayor.
- Recognition of councillor 15.1 When two or more councillors rise to speak, the Mayor shall name the councillor who in his opinion first rose from his seat, but a motion may be made that any councillor who has risen, "be now heard" or "do now speak" and if such motion is carried such councillor shall then be heard.
- Every councillor to vote 16.1 Every councillor who is present when a question is put, shall vote thereon unless the Council excuses him therefrom or unless he is personally interested in the question, provided that such interest is resolvable into a personal pecuniary profit, or is peculiar to that councillor and not in common with the interests of the citizens or Council at large and in such case he shall not be required to vote.
- No disturbance 17.1 When the Mayor is putting a question, no councillor shall walk across the room or make any noise or disturbance nor when any councillor is speaking shall any other councillor pass between him or the chair or interrupt him except to raise a point of order.
- Councillor called to order 18.1 A councillor called to order from the chair, shall immediately sit down but may afterwards explain his conduct, and, if an appeal is taken to Council it shall decide the case but without debate. If there be no appeal, the decision of the Mayor shall be final.

- No offensive language or action 19.1 No councillor shall use offensive words in or against the Council or any councillor nor shall he speak outside the question in debate nor resist the rules of Council or disobey the decision of the Mayor or of the Council upon any question of order or practice or upon the interpretation of the rules of the Council, and in case any councillor so resists or disobeys, he may be ordered by the Mayor by order or resolution of the Council to leave his seat for that meeting, and in case of his refusing to do so he may on order of the Mayor be removed therefrom by a policeman, but in case of an apology being made by the offender he may by vote of the Council be permitted forthwith to resume his seat.
- Reading of question 20.1 Any councillor may require the question or motion in discussion to be read at any time during the debate but not so as to interrupt another councillor while speaking.
- Length and number of speeches 21.1 No councillor shall speak more than once on the same question without leave of the Council except in explanation of a material part of his remarks which may have been misconceived, and in so doing he shall not introduce new material. A reply is allowed to a councillor who has moved an amendment. No councillor shall speak, without leave of the Council, to the same question or reply for longer than ten minutes.
- Recorded vote 22.1 Upon division of the Council the names of those who voted for and the names of those who voted against the question shall be entered in the minutes when any councillor shall have so requested.
- Separate propositions 23.1 When the question before Council contains two or more distinct propositions upon request of any councillor a vote upon each proposition shall be taken separately in such order as determined by the Mayor.

Declaration of vote 24.1 After a question is finally put by the Mayor no councillor shall speak to the question nor shall any other motion be made until after the result of the vote has been declared and the decision of the Mayor as to whether the question has been finally put shall be conclusive.

Contrary motion 25.1 Whenever the Mayor is of the opinion that a motion is contrary to the rules and privileges of Council he shall advise the councillors thereof immediately without putting the question and shall cite the rules and authorities applicable to the case without argument or comment. If there be no appeal to Council or if the chair is sustained or appeal taken to Council, the question shall not be put.

Point of order 26.1 Any councillor may rise and call to order another councillor. In so doing the councillor must state the point of order clearly and distinctly and the Mayor shall decide whether the point is well taken.

Appeal 27.1 An appeal may be taken from the decision of the Mayor by any councillor. When an appeal is taken to Council the Mayor shall first give the terms of his decision appealed from and add "The question is now, shall the decision of the chair stand as a decision of Council?"

Consideration of order decided first 28.1 When any question of order, procedure or practice is raised it must be decided before the question then in discussion is proceeded with.

Privilege 29.1 When any matter of privilege arises it shall be immediately taken into consideration.

Right to
be heard

30.1 Every councillor shall be heard in his place touching any charges brought against him as councillor or on any motion by which his private interests may be affected, but such councillor may withdraw from the Council Chamber before the Council proceeds to consider or decide on such charge or motion.

Not to
leave

31.1 The councillors shall not leave their places on adjournment until the Mayor leaves the chair.

31.2 No councillor shall leave the Council Chamber during the transaction of business without the permission of the Mayor.

Motions in
writing

32.1 All motions save 34.1.1 to 34.1.6 inclusive as set forth in Section 34.1 shall be in writing if so required by the Mayor or any councillor and all motions shall be seconded before being debated or put by the chair.

Reading of
motion

33.1 When a motion is read by the Mayor it shall be deemed to be in the possession of Council, but may, with the permission of Council, be withdrawn by the mover and seconder at any time before voting thereon or amendment.

Priority
motions

34.1 When a question is under consideration no other motion shall be received unless it is a motion to:

- 34.1.1 adjourn,
- 34.1.2 lay on the table,
- 34.1.3 postpone to a certain time,
- 34.1.4 refer,
- 34.1.5 amend; or
- 34.1.6 move the previous question

34.2 The motions referred to in subsection 34.1 shall have precedence in the order in which they are named therein.

34.3 A motion to adjourn shall always be in order except,

- 34.3.1 when a councillor is in possession of the floor,
- 34.3.2 when a vote is being conducted,
- 34.3.3 when a motion to adjourn was the last preceding motion; provided that a motion to adjourn Council or the debate to a day certain shall not come within this rule.

Question
be now put

35.1 A motion that the question be now put, until it is decided, shall preclude all amendments to the main question and shall be put without debate in the following words: "That the question be now put." If this motion is resolved in the affirmative the original question shall be put forthwith without any amendment or debate; but if the said motion is resolved in the negative then the main question is superseded and a new subject or motion must be submitted to Council.

No debate

36.1 The following questions shall be decided without debate or amendment:

- 36.1.1 a motion to reconsider,
- 36.1.2 a motion as to priority of business or as to the suspension of the general order of the day,
- 36.1.3 application to speak more than the prescribed number of times or longer than the prescribed times,
- 36.1.4 a motion to allow any person other than a councillor to address the Council,

- 36.1.5 the previous question,
- 36.1.6 a motion to adjourn,
- 36.1.7 a motion to postpone to a day certain,
- 36.1.8 a motion to lay on the table.

Motions not dealt with

37.1 All motions called in pursuance of the general order of the day and not disposed of shall be placed at the foot of the list, unless otherwise ordered by Council, but where any order, resolution or question shall be lost by the Council breaking up for want of a quorum the order, resolution or question so lost shall be the first business proceeded with and disposed of at the next meeting of Council under that particular head.

Amendments

38.1 Amendments shall be put in the reverse order to that in which they are moved. Every amendment submitted shall be reduced to writing, if required by the Mayor or any councillor, and shall be decided or withdrawn before the main question is put. Only one amendment is to be allowed to an amendment and any amendment more than one must be to the main question.

Strike out and insert

39.1 On an amendment to "strike out and insert" the paragraph to be amended shall first be read as it stands. Then the words proposed to be struck out shall be read; then those to be inserted shall be read; and finally the paragraph as it would stand if so amended shall be read.

Appointments

40.1 On all motions for the appointment of any person to any office in the gift of Council, the candidates for such office shall be voted on separately in the order in which they are proposed.

Extraordinary expenditures 41.1 All resolutions involving "extraordinary expenditure" or an expenditure not specifically provided for in the estimates, shall be laid on the table as a notice of motion to be discussed and decided at a subsequent meeting, and no such resolution shall be voted upon at the same meeting at which it is introduced unless the Council, by a two-thirds vote of the councillors then present, shall deem it expedient to do so.

Reconsideration 42.1 After any question has been decided either in the affirmative or negative any councillor may move for a reconsideration thereof, but no discussion of the main question shall be allowed unless reconsidered, and there shall be no reconsideration at any subsequent meeting unless notice of such reconsideration be given at the meeting at which the main motion is carried, and after such notice is given no action shall be taken by Council upon the main motion until such reconsideration is disposed of.

42.2 No question shall be reconsidered more than once nor shall a vote to reconsider be reconsidered.

General order of the day 43.1 The following shall be the general order of the day, subject however, to suspension by the Council at any meeting as the exigencies of business may require:

43.1.3 reading or considering the minutes as circulated of the last regular meeting and of any special meeting held since such meeting,

43.1.2 hearing of delegations or individuals,

43.1.3 correspondence and other original communications,

43.1.4 receiving of accounts and dealing with same,

43.1.5 reading of memorials and petitions,

- 43.1.6 notices of motion,
 - 43.1.7 presentation and consideration of committee reports,
 - 43.1.8 motions,
 - 43.1.9 unfinished business,
 - 43.1.10 questions by members,
 - 43.1.11 new business.
- Material for councillors 44.1 The Town Clerk shall prepare for the use of councillors at regular meetings of Council all matters that are to come before the Council in the sequence in which such matters appear in the general order of the day.
- Order of business 45.1 Business shall be taken up in the order in which it stands upon the general order of the day.
- Special meetings 46.1 For all special meetings of Council the Town Clerk shall prepare for councillors, under the direction of the Mayor, a memorandum of the principal business to be transacted at any such meeting.
- Petitions, etc. 47.1 Every petition, remonstrance or other written application to be presented to Council must be plainly written and signed.
- Petition to be examined 47.2 Every such petition, remonstrance or written application must be presented to Council by a councillor or the Town Clerk, who shall examine the same and be answerable that it does not contain any impertinent or improper matter and that the same is respectful and temperate in its language.
- Certification 47.3 When any report, by-law, petition, or other written application or communication is read in Council, the Town Clerk shall certify on the back thereof the reading and date for all orders passed with regard thereto.

Actions,
petitions,
etc. to be
referred

48.1 All actions against the Town and all petitions or other communications on any subject within the competence of a standing committee shall on presentation, be considered as referred to the appropriate committee without any motion, unless otherwise ordered; and no councillor shall speak upon or shall debate be allowed upon the presentation of a petition or other communication; but a councillor may move in referring the petition or communication, that certain instructions be given by Council or that the petition or communication shall be referred to a select committee; and if the petition or communication complains of some present personal grievance requiring immediate remedy, the matter therein contained may be brought into immediate discussion and disposed of forthwith by Council.

Select
committee

49.1 Every councillor who shall introduce a petition or motion upon any subject which may be referred to a select committee shall be one of the committee and shall, unless Council otherwise determines, be the chairman of such committee.

Person not to
be heard
without
permission

50.1 No person, not a councillor, shall be heard in Council without the permission of the Council.

Presence
within the
bar

51.1 No person, except councillors and of the Council, shall be allowed within the bar during the sitting of the Council without the permission of the Mayor.

Police

52.1 One of the policemen of the Town may, on request of the Mayor or Council, attend all meetings of Council, and, if ordered by the Mayor or other presiding officer, on resolution of Council, such officer shall expel and exclude from the meeting any person who has been guilty of improper conduct at such meeting.

- Voting 53.1 When a division on any question is requested the presiding officer shall call for the yeas and nays, that is, the councillors voting in the affirmative shall rise and be counted and then sit down, and then the councillors voting in the negative shall rise and be counted and then sit down, and the presiding officer shall then declare the result.
- Secret ballot 53.2 When any two councillors so request, the yeas and nays shall be taken by secret ballot.
- Rules of Parliament 54.1 In all cases not specifically provided for herein, the Rules of Parliament shall govern the proceedings of Council.
- Suspend rules 55.1 No standing rule or order concerning the meetings of Council shall be suspended except by the unanimous vote of councillors present.
- Repeal 56.1 All former Council Procedure By-laws of the Town are hereby repealed and this by-law substituted therefor.

Approved by Town Council: July 27, 1978
Approved by M.M.A. : January 16, 1979