



HOUSE USE ONLY

CHAIR:

WITH / WITHOUT

1st SESSION, 67th GENERAL ASSEMBLY
Province of Prince Edward Island
2 CHARLES III, 2023

(Bill No. 37)

An Act to Amend the Municipal Government Act

Hon. Rob Lantz
Minister of Housing, Land and Communities

GOVERNMENT BILL

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Acting King's Printer
Charlottetown, Prince Edward Island



AN ACT TO AMEND THE MUNICIPAL GOVERNMENT ACT

BILL NO. 37

2023

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. (1) **Clause 14(b) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1, is repealed.**
- (2) **Section 14 of the Act is renumbered as subsection 14(1) and the following is added after subsection (1):**
 - Municipal planning services required**
 - (2) A municipality that has an official plan and bylaws as of January 1, 2024, shall provide municipal planning services in accordance with the *Planning Act* R.S.P.E.I. 1988, Cap. P-8.
 - New or restructured municipality**
 - (3) A municipality that is established or restructured on or after January 1, 2024, pursuant to section 21 may be required by an order of the Lieutenant Governor in Council under subsection 21(2) to develop an official plan and bylaws and to provide municipal planning services in accordance with the *Planning Act*.
 - Municipality without official plan**
 - (4) A municipality that does not have an official plan and bylaws as of January 1, 2024, may choose to develop an official plan and bylaws and, if it does so, it shall provide municipal planning services in accordance with the *Planning Act*.
2. (1) **Subsection 98(4) of the Act is amended by the addition of the words “or a council committee on which the member serves” after the words “meetings of the council”.**
- (2) **Subsection 98(5) of the Act is amended by the addition of the words “during the member’s term” after the words “indictable offence”.**
3. **Subsection 107(4) of the Act is amended by the addition of the words “for each sanctioned offence” after the words “not more than \$500”.**
4. **Subsection 119(7) of the Act is amended by the deletion of the words “clause 216(1)(b)” and the substitution of the words “section 217”.**

- 5. Subsections 172(3) and (4) of the Act are repealed.**
- 6. (1) Subsection 174(2) of the Act is repealed.**
 - (2) Subsection 174(3) of the Act is amended by the deletion of the words “or review engagement”.**
 - (3) Subsection 174(4) of the Act is amended by the deletion of the words “subsection (1), (2) or (3)” and the substitution of the words “subsection (1) or (3)”.**
- 7. Subsection 175(2) of the Act is repealed.**

EXPLANATORY NOTES

SECTION 1 repeals clause 14(b) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1. This clause required all municipalities to provide municipal planning services, including a municipal plan and bylaws, within a specified period of time after the coming into force of the Act. Section 14 of the Act is also amended by being renumbered as subsection 14(1), and the municipal planning responsibilities of those municipalities that have an official plan and bylaws as of January 1, 2024, are now set out in a new subsection 14(2). The responsibilities of a municipality established or restructured pursuant to section 21 are set out in a new subsection 14(3). The responsibilities of those municipalities without an official plan and bylaws as of January 1, 2024, are set out in a new subsection 14(4).

SECTION 2 amends subsection 98(4) of the Act to add as grounds for disqualification of a member of council the member's absence from three consecutive regularly scheduled meetings of a council committee on which the member serves. The section also amends subsection 98(5) of the Act to clarify that the indictable offence referred to is one for which the member was convicted during the member's term of office.

SECTION 3 amends subsection 107(4) of the Act to clarify that the option of a fine of not more than \$500 applies to each sanction imposed by a council for a breach of the code of conduct.

SECTION 4 amends subsection 119(7) of the Act to correct the section reference.

SECTION 5 repeals subsections 172(3) and (4) of the Act. Together, these subsections authorized a municipality continued under the Act with projected annual budgeted expenditures of less than \$50,000 to appoint an auditor to undertake a review engagement of its finances rather than a full annual audit. That exception came to an end on March 31, 2020.

SECTION 6 repeals subsection 174(2) of the Act and amends subsection 174(3) of the Act to delete a reference to a "review engagement". The authorization for a review engagement as an exception to the requirement for an annual audit is revoked by section 4 above. Subsection 174(4) of the Act is amended to delete a reference to subsection (2) that is being repealed.

SECTION 7 repeals subsection 175(2) of the Act. That subsection also dealt with the review engagement and is no longer applicable.

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<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	November 7, 2023
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Darlene Compton, Speaker

Joseph Jeffrey, Clerk

Hon. Rob Lantz
Minister of Housing, Land and Communities

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