

CHAPTER 3
BY-LAWS, STANDARD BY-LAWS AND REGULATIONS(a) *By-laws*

7. The procedure for making by-laws.—(1) To make a by-law, a municipal council must pass a resolution declaring its intention to this effect.

(2) After the resolution has been passed, the municipal council must—

- (a) announce its intention to make by-laws by notice in the *Provincial Gazette*, and where these exist, in one or more newspapers circulating in the area concerned;
- (b) specify the following in the notice:
 - (i) that comment is being sought on a draft by-law;
 - (ii) in summarised form, what the draft by-law deals with;
 - (iii) the person to whom or place where enquiries relating to the draft by-law may be directed;
 - (iv) subject to subsections (7) and (8), the place where, time when and the circumstances and manner in which a copy of the draft by-law may be obtained or displayed for inspection;
 - (v) the period for comment on the draft by-law which must be no less than one month from the date of the notice; and
 - (vi) the person with whom or place where comments on the draft by-law may be lodged;
- (c) at any time before making the by-law, consultations with any relevant interest groups may be held in any form, including the holding of an enquiry; and
- (d) the comments received and the content of consultations must be considered before making the by-law.

(3) If a municipal council has not made a by-law within one year of the announcement referred to in subsection (1) (b), that by-law cannot be made unless the procedure provided for in subsection (1) is repeated.

(4) The provisions of subsections (1) (b) and (2) do not apply in respect of—

- (a) any by-law which the public interest requires to be made without delay; and
- (b) an amendment to correct a textual error.

(5) The provisions of subsections (1) to (3) apply in respect of amending or repealing any by-law, with such changes as may be required by context.

(6) A by-law comes into operation on the date of its publication in the *Provincial Gazette* or such other date specified in the *Provincial Gazette*.

(7) A municipal council may determine a fee for obtaining a copy of the draft by-law.

(8) The place where the draft by-law is displayed must enable all those affected by the by-law to be speedily and conveniently informed of its contents.

(9) Every municipal council must develop and implement policies and programmes to assist members of the public to comment on the draft by-law.

8. Periodic review of by-laws.—(1) A municipal council must conduct and complete a review of its by-laws—

- (a) that are in operation prior to or upon this Act coming into effect by not later than a date prescribed by the MEC;
- (b) that come into operation after the this Act has taken effect, at intervals of no less than ten (10) years after the coming into operation of that by-law.