

 M O N C T O N	POLICY	Owner Department: Legal
	Hierarchy of Legislation	
Effective Date: July 17, 2018	Last Reviewed Date: July 17, 2018	
Approving Authority: Moncton City Council	Replaces No.: N/A	

1. Purpose

- To identify the different sources of regulations which govern municipal affairs, in order of precedence
- For municipal regulatory documents, to identify the authority (who) and process (how) for approving each one

2. Policy Statement

Governance documents which fall under the authority of the City of Moncton shall be approved in accordance with this Policy and applicable Provincial or Federal legislation.

3. Sources of Regulation (in order of precedence)

Federal Legislation (Acts and Regulations)

- Passed by the Parliament of Canada or Cabinet

Provincial Legislation (Acts and Regulations)

- Passed by the Legislative Assembly of New Brunswick or Cabinet
- Examples include the Municipalities Act, Community Planning Act, Procurement Act

Regional Plans and Agreements

- Typically established under provincial authority, e.g. Regional Service Commissions which may create regional planning documents
- Agreements of regional cooperation or service delivery to which the City is a party must be approved by City Council and signed by the Mayor and City Clerk

Statutory Plans

- Plans required under provincial or federal legislation, e.g. Municipal Plan

Hierarchy of Legislation

By-laws

- Can only be passed pursuant to authority granted under provincial legislation
- Can only be passed by Council (3 readings required, and specific processes established under provincial legislation)
- Intended to have long-lasting impact
- Often include penalties for violations

Non-Statutory Plans and Strategic Documents

- Passed by Council resolution (one motion required)
- Not required under statute
- Intended to guide some aspect of municipal affairs into the future
- Examples include the Recreation Master Plan, Active Transportation Plan, Sewer Master Plans, Council Priorities, and the City's Strategic Plan

Policies

- Can only be passed by Council resolution (one motion required)
- Addresses a governance, employee relations, financial, service level, or public relations matter that requires Council attention and decision.
- Governs day to day operations and employee decision-making

Directives

- Can only be approved by the City Manager, in consultation with the Leadership Team
- Addresses a legislative, human resource, internal financial, internal service level, or public relations matter that requires the attention and decision of the City Manager to establish an organization-wide expectation of internal or external service delivery
- A guideline for employees to follow when making decisions in their day-to-day operations

Process

- Can only be approved by a General Manager(s) affected by changes to the process, or the City Manager
- A start-to-finish visual representation, either through a written document or flow chart, which describes a series of actions producing a good or service.

Work Instructions

- Can only be approved by a Director/Supervisor or General Manager
- A set of step by step instructions describing how to perform a specific action or task within the Department/Division operations/business plan.

4. Administrative Note

This document should be used going forward to guide how the City approves its governing documents, however it is recognized that some guiding documents currently in place below the level of By-laws may not conform to the standards prescribed herein. Every effort will be made to bring such documents into line as they are updated, reviewed or amended, as resources permit.

5. Administration and Contact

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