

# **An Overview of the *Community Planning Act* and the *Local Governance Act***

Department of Environment and Local Government  
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Fredericton, NB  
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# Presentation Overview

## *Community Planning Act (CPA)*

- Update
- Modernization Highlights
- Reference Guide

## *Local Governance Act (LGA)*

- History
- Modernization
- What's New
- Regulations
- Reference Guide
- Questions

# ***Community Planning Act (CPA)***

Department of Environment and Local Government  
September 2018

# Community Planning Act

## Update

- Enacted January 1, 2018
- Reorganized for better flow
- Existing regulations remain in effect
- New regulation development

# Modernization Highlights

- Municipal/Rural Plan requirement
- Provincial Statements of Interest
- Regional planning
- New planning tools
- Modernized public hearing notice options
- Changes to enforcement tools (e.g., entry warrant)
- New regulations proposed



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### Reference Guide to the *Community Planning Act*

1. Introduction
2. Planning Administration and Authorities
3. Planning Documents
4. Land Use Controls and Implementation Tools
5. Making, Amending, Repeal and Review of By-Laws
6. Appeals to the Assessment and Planning Appeal Board
7. Regulations
8. Enforcement

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#### Quick Links

Reference Guide to the *Community Planning Act* (pdf)

#### Legislation

*Community Planning Act*

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# ***Local Governance Act (LGA)***

# *Local Governance Act - Overview*

1. Modernization
2. What's New?
3. Regulations
4. Reference Guide
5. Questions



# 1. Modernization

- Updated to align with modernized legislative approaches
- More enabling/broad legislation
- Language is modernized

## 2. What's New?

### **Significant changes include:**

- Responsible and accountable level of government
- Natural person powers and Broad Powers (with limitations)
- Economic development authority
- Expanded by-law enforcement tools
- New accountability and transparency requirements
- Subject to review every seven years

## 2. What's New?

### **Part 1 – Definitions, Interpretation and Application Sections 1 - 3**

- New definitions include:
  - Local government
  - Economic development
- Precedence of the LGA in relation to municipal charters, private or special Acts or to by-laws

## 2. What's New?

### **Part 2 – Legal Status, Purposes and Powers**

- Responsible and accountable level of government
- Municipal purposes
- Granting of natural person powers (with limitations)
- Authority to establish not for profit corporations
- Broad categories of by-law making authority
- Required by-laws
- **Broad interpretation of powers**

# What are Broad Powers?

- Allows local governments to conduct their day to day business without each power being set out in the Act
- Enables local governments to enact by-laws in response to community needs

**Example 1**  
**Parking Related Matters**



**Example 2**  
**Wild, Domestic or Exotic Animals**



**Example 3**  
**Safety, Health and Welfare of**  
**People and Property**



## 2. What's New?

### **Part 5 – Vacancies, Elections, Accepting Office and Plebiscites**

- Accepting office on a council
- New threshold for plebiscite results

### **Part 6 – Council Meetings**

- Quorum definition
- Electronic meetings
- Means of giving notice

## 2. What's New?

### **Part 7 - Officers and Employees**

- Employment eligibility for council members

### **Part 8 – Conflict of Interest**

- No substantive changes to these provisions



## 2. What's New?

### Part 9 – Financial Matters

- Fixing tax rates
- Short-term borrowing limits
- Provision of grants
- Annual report
- **Economic development (new tools with some limitations)**

# Economic Development

- An activity that a local government may undertake to expand or maintain its tax base
- Local government may establish by-laws respecting economic development
- Cannot provide direct tax or utility fee reductions or reimbursements

## 2. What's New?

### **Parts 13 – Dangerous or Unsightly Premises**

- Entry into a dwelling or a dwelling unit – requires consent or entry warrant
- Provincial approval of by-law no longer required

### **Part 14 – Enforcement (expanding of by-law enforcement tools)**

- Additional ticketing/administrative penalty notices for by-law violations
- Flexibility for differential treatment of individuals and corporation
- Entry onto properties

## 2. What's New?

### **Part 16 – Immunity and Indemnity**

- Immunity from liability in nuisance
- Immunity and Indemnity - fire protection services and rescue services

### **Parts 17 – Miscellaneous and General**

- Notice requirement for action for damages for personal injury
- Review of Act

## 2. What's New?

### Parts 18 – Transitional and Saving Provisions and Repeal and Commencements

- By-laws under the *Municipalities Act*
- Regulations under the *Municipalities Act*
- **New and repealed regulations**

# 3. Regulations

- Regulations currently in effect under the LGA
  - Code of Conduct
  - Dangerous or Unsightly Premises and Property
  - Forms
    - Penalty notice
    - Oath of office or affirmation of office
    - Statement disclosing a conflict of interest
    - Notice re dangerous or unsightly premises
  - Local Government Budgets
  - Procedural By-law
- Repealing regulations

The screenshot shows a web browser window displaying the New Brunswick Government website. The address bar shows the URL: [https://www2.gnb.ca/content/gnb/en/departments/elg/local\\_government/content/reference\\_guide\\_localgovernanceact.html](https://www2.gnb.ca/content/gnb/en/departments/elg/local_government/content/reference_guide_localgovernanceact.html). The page features the New Brunswick logo at the top left and a navigation menu with options like 'GNB Home', 'Contacts', 'Français', 'Departments', and 'Services'. The main heading is 'Environment and Local Government'. Below this, there is a sub-menu with 'About Us', 'Services', 'Publications', 'Environment', and 'Local Government'. The main content area is titled 'Reference Guide to the Local Governance Act' and lists 18 parts of the act, with Part 4 highlighted. A 'Quick Links' sidebar on the right contains a link to the 'Reference Guide to the Local Governance Act'. At the bottom, there are sections for 'GNB.ca', 'News & Media', 'Government', and 'Resources'. The Windows taskbar at the bottom shows the system clock as 4:14 PM on 2018/09/14.

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# Questions

