

# **CITY OF NIAGARA FALLS**

## **A CONSOLIDATED BY-LAW**

Being **By-law No. 89-155** as amended by:  
By-law 91-02, By-law 91-25, By-law 99-01,  
By-law 2000-152, By-law 2000-219 and By-law 2001-279.

### **A by-law to provide for the Standing Rules of the Council.**

### **THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:**

1. That the following rules shall be in effect from the date of the passing of this By-law for governing the proceedings of the Municipal Council of the City of Niagara Falls.

### **MEETINGS OF COUNCIL**

- Rule 1. The Inaugural Meeting of the new Council shall be opened with prayer, the officiating clergyman to be chosen by the Head of the Council elect. The Inaugural Meeting shall be held on the first Monday of the term for which the Council is elected, providing the same is not New Year's Day.
- Rule 2. Regular meetings of the Council shall be held at the hour of 6:00 p.m. on the dates outlined in Schedule "A" attached to this by-law unless otherwise provided by special resolution of the Council.
- Rule 3. No special meeting of the Council shall be called unless the Clerk has provided to each member of Council, notification by telephone or in writing, of the special meeting, at least forty-eight hours in advance of the date on which the special meeting is to be held. Such notification shall contain a list of all items to be dealt with at the special meeting.
- Rule 4. The Head of Council shall preside at all meetings and may, at any time, summon a special meeting of the Council; and it shall be his duty to summon a special meeting whenever requested in writing to do so by a majority of the members of the Council.
- Rule 5. In the absence of the Head of the Council, or if his office is vacant, a special meeting may be summoned by the Acting Mayor or presiding officer as well as by the Clerk, or upon requisition signed by a majority of the members of the Council.

### **OPENING PROCEEDINGS**

- Rule 6. As soon after the hour of meeting as there shall be a quorum present, the Head of the Council shall take the chair and call the members to order. A majority of the whole number of members required to constitute a Council is necessary to form a quorum. Before proceeding with the matters placed before it for consideration, the Mayor shall call the meeting to order and may proceed with the opening prayer or request a member of Council to do so.

- Rule 7. In case the Head of the Council does not attend within fifteen minutes after the time appointed, or, if the Clerk has been notified that the Head of Council is unable to be present, the Clerk shall call the members to order, and if a quorum be present, a chairman shall be chosen who shall preside during the meeting or until the arrival of the head of Council.
- Rule 8. Immediately after the members of the Council and presiding officer shall have taken his seat, the minutes of the preceding meeting shall be read by the Clerk, or providing the minutes have been forwarded to the members of the Council, a resolution duly moved and carried that the minutes be taken as read, shall be in order.
- Rule 9. The Clerk shall cause to be prepared for the use of the members at the ordinary meetings of the Council an "Order of Business" containing (1) Adoption of Minutes; (2) Conflicts of Interest; (3) Deputations; (4) Unfinished Business; (5) Communications; (6) Reports; (7) Petitions; (8) Resolutions; (9) By-laws; (10) New Business; (11) Miscellaneous Instructions.

#### **DUTIES OF PRESIDING OFFICER**

- Rule 10. The Head of Council shall preserve order and decorum and shall decide questions of order, subject to an appeal to the Council; a majority vote is required to alter the decision of the Head of Council. In the absence of the Head, the chairman shall have the same authority while presiding at the meeting as the Head of the Council would have had if present.
- Rule 11. The Head of the Council (except where he is disqualified to vote by reason of interest or otherwise) may vote with the other members on all questions; and any questions on which there is an equality of votes shall be deemed to be negatived.
- Rule 12. If the Head of the Council desires to leave the chair for any purpose, he shall call on one of the councillors to fill his place until he resumes the chair.

#### **RULES OF CONDUCT OR DEBATE**

- Rule 13. (a) No person other than a member of Council, shall be permitted within the bar unless by permission of the Head of Council, but in no case shall such person be allowed to take a seat among or occupy the seats of the Aldermen.
- (b) No person other than a member of Council, or a City Official, shall be permitted to address Council unless by a majority vote of Council, after having declared the nature and intent of the matter to be discussed.
- (c) Unless authorized otherwise by a majority vote of Council, only one spokesman shall be permitted to speak for each delegation present.

- (d) Any person desiring to address Council shall not speak longer than ten (10) minutes unless permitted to speak beyond that limit by a majority vote of members of Council present at the meeting.

- Rule 14. Every member, previous to speaking to any question or motion, shall rise and shall, when recognized, address himself to the Head of the Council.
- Rule 15. When two or more members rise to speak, the Head of the Council shall name the member who, in his opinion, first rose from his seat; but a motion may be made that any member who has risen “be now heard” or “do now speak”.
- Rule 16. Every member who shall be present in the Council Chamber when a question is put shall vote thereon, unless the Council shall excuse him or unless he be personally interested in the question, providing such interest is resolvable into personal pecuniary profit, or is peculiar to that member and not in common with interest of the citizens at large, and in such cases he shall not vote.
- Rule 17. A member called to order from the chair shall immediately sit down, but may afterwards explain; and the Council, if appealed to, shall decide the case, but without debate; and if there be no appeal, the decision of the Head of the Council shall be final.
- Rule 18. Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.
- Rule 19.
  - (a) No member without leave of the Council, shall speak to the same question, motion or matter or in reply for a longer period than fifteen minutes.
  - (b) A member who has made a substantive motion by making an original motion or moving an amendment, or moving the previous question, shall be allowed a reply.
- Rule 20.
  - (a) The members of the Council shall not leave their places, on adjournment until the Head of the Council leaves the chair.
  - (b) Council members shall obtain the permission of the Chair to leave their places in the Council Chamber during the meeting.

### **MOTIONS IN GENERAL**

- Rule 21. All motions shall be in writing, if requested by the Head of Council, and seconded before being debated or put from the chair. When a motion is seconded it shall be read by the Head of the Council or by some person designated by him, before debate.
- Rule 22. A motion to refer a matter or question for further information, or to postpone a matter for further consideration at a future Council meeting is not debatable and, until decided, shall preclude all amendments to the main question.

- Rule 23. (a) Whenever any matters of privilege arise, they shall be immediately taken into consideration.
- (b) Whenever a motion under consideration consists of more than one distinct proposition, matter or question, then, upon the request of any member, the vote upon each separate proposition, matter or question shall be taken separately in order from the start.

### **AMENDMENTS IN GENERAL**

- Rule 24. (a) An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different subject shall not be in order. Only one amendment shall be allowed to an amendment.
- (b) Any amendment more than one must be made to the main question.
- (c) The paragraph to be amended shall first be read as it stands, then the words proposed to be struck out, and those to be inserted, and finally the paragraph as it would stand if so amended.
- (d) Amendments shall be submitted in the reverse order to that in which they are moved.

### **MOTIONS RULED OUT OF ORDER**

- Rule 25. Whenever the Head of the Council is of the opinion that a motion is contrary to the rules and privileges of the Council, he shall rule the motion out of order and shall cite the rule or authority applicable to the case without argument or comment, subject to an appeal to Council without debate.

### **DIVISIONS**

- Rule 26. Upon a division of the Council, the names of those who vote for and those who vote against the question shall be entered on the minutes.

### **RECONSIDERATIONS**

- Rule 27. After a motion is passed or report adopted, no motion for a reconsideration thereof shall be introduced during the same meeting, unless it is moved and seconded by two members from among those who voted with the majority that carried the main motion or report.
- Rule 28. If the motion for reconsideration be not made until the next meeting, the question shall not be reconsidered unless a majority of the whole Council votes therefor. No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

### **INQUIRIES**

- Rule 29. Questions may be put to the Head of the Council, or through him to any member of the Council, relating to any by-law, motion, or other matter connected with the business of the Council, but no argument or opinion is to be offered or fact to be stated except so far as necessary to explain the same; and in answering any such question a member is not to debate the matter to which the same refers.
- Rule 30. Inquiries from persons other than Council members, relating to the affairs or operation of the Municipality, shall be in writing and shall be handed or delivered to the Clerk of the Municipality at least three clear days before the day of the Meeting at which such inquiry is to be made or presented.

### **PROCEEDINGS IN COMMITTEE OF THE WHOLE**

- Rule 31. (1) Before holding a meeting or part of a meeting that is to be closed to the public, it shall be moved and carried that there is to be held a closed meeting and the general nature of the matter(s) to be considered in the closed meeting and whenever it shall be so moved and carried that the Council go into Committee of the Whole, the Head of Council may leave the chair and, if he or she elects to do so, shall then appoint a Chair of the Committee of the Whole, who shall maintain order in the Committee and who shall preside over the proceedings thereof.
- (2) A motion to rise and report back to the Council or a motion to rise without reporting may be made at any time and shall be put, forthwith, to the meeting by the Chairman and decided without debate.
- Rule 32. Questions of order arising in Committee of the Whole shall be decided by the Chairman, subject to an appeal to the Council; and if disorder should arise in the Committee, the Head of the Council, if not acting as Chairman, shall resume the chair without the question being put.

### **BY-LAWS AND PROCEEDINGS THEREON**

- Rule 33. (1) Every by-law shall be introduced by an Alderman of Council. It shall be introduced upon motion for leave specifying the title of the by-law.
- (2) The question “that this by-law be now read a first time” shall be decided without amendment or debate. If the by-law has been read a first time, it may be read a second and third time, with or without amendments.

**ADJOURNMENT**

- Rule 33A. When a meeting of the Council continues until 11:00 p.m., the Council shall not, without an affirmative recorded vote of the majority of the members present and voting, consider or further consider any item of business and the meeting shall be forthwith adjourned until the next regular meeting of the Council.
- Rule 33B. That a confirmatory by-law be placed at the end of the Council agenda of all regular Council meetings, and as may be required in any special Council meeting, and passed after all actions and proceedings have been taken by Council and after the passage of all other by-laws.

**GENERAL**

- Rule 34. The rules which are in effect as to the Committee of the Whole Meetings and conduct during the same shall also be in effect as to the conduct of all Committee meetings.
- Rule 35. Where the foregoing Rules do not apply, Robert's Rules of Order shall govern.
- Rule 36. Matters not governed by the Standing Rules of Council or dealt with in Robert's Rules of Order, shall be decided by a majority vote of Council.

**ESTABLISHMENT OF STANDING COMMITTEES**

- Rule 37. (1) There shall be established the following committees, which shall be the Standing Committees of the Council:
- (a) Community Services Committee; and
  - (b) Corporate Services Committee.
- (2) Each Standing Committee shall consist of the Mayor and all Members of Council;
- (3) The Council shall fix the day and hour for the regular meetings of the Standing Committees.

**CONDUCT OF BUSINESS IN STANDING COMMITTEES**

- Rule 38. (1) The business of the Standing Committees shall be conducted as follows:
- (a) The Chair, or in the absence of the Chair, the Vice-Chair, shall preside and shall call a vote on all questions submitted, and in the case of an equal division, the question shall be decided in the negative.

- (b) In the absence of the Chair and Vice-Chair, one of the other members shall be elected to preside and shall discharge the duties of the Chair during the meeting or until the arrival of the Chair or Vice-Chair at such meeting.
  - (c) The quorum shall consist of the number of members of the committee required to make a simple majority of the total membership of the committee.
  - (d) There shall be minutes taken for every committee meeting.
  - (e) The Standing Rules of the Council, with the necessary changes, shall be observed by the Standing Committees.
- (2) At the first Council Meeting following any regular municipal election, the Mayor shall appoint the Chair and Vice Chair or each Standing Committee.

### **GENERAL DUTIES OF STANDING COMMITTEES**

Rule 39. The general duties of the Standing Committees shall be as follows:

- (a) to report to the Council on all matters connected with duties imposed on the Committees and to recommend such action by the Council in relation thereto as may be deemed necessary or expedient.
- (b) To recommend to Council the implementation of all projects and programs under its mandate for which monies have been provided in the General Purposes Budget, Capital Construction Budget, Municipal Utility Budget or Parking Operating and Capital Budgets as approved by Council.

Rule 40

- (1) The Standing Committees may establish and appoint members to a Sub-Committee to deal with special or specific matters that come under the terms of reference of the Standing Committee.
- (2) The term of the Sub-Committee so appointed shall be at the pleasure of the particular Standing Committee and shall be responsible to that Standing Committee.
- (3) Any member of a Standing Committee proposing a Sub-Committee shall forthwith become a member of the Sub-Committee.

Rule 41.

Every Standing Committee shall hear interested parties or afford them an opportunity to be heard provided that a written submission is received by the Committee Secretary at least three (3) clear days prior to the scheduled time of the meeting of the Committee, stating the subject upon which it is desired to make representations and the group or organization, if any, upon whose behalf representations will be made.

**COMMUNITY SERVICES STANDING COMMITTEE**

Rule 42. The duties of the Community Services Standing Committee shall be to report and recommend to City Council on all matters pertaining to Fire, Parks, Recreation & Culture, Municipal Works, Building and Inspections, By-law Enforcement, Business Development and Parking and Traffic.

**CORPORATE SERVICES STANDING COMMITTEE**

Rule 43. The duties of the Corporate Services Standing Committee shall be to report and recommend to City Council on all matters pertaining to Clerks, Finance, Legal, Planning, Information Systems and Human Resources.

By-law number 72-148 and amendments 75-207, 79-23 and 84-25 are hereby repealed.

(Original By-law 89-155 was) Passed this Nineteenth day of June, 1989.

PAUL J. BRENNAN, CITY CLERK

WILLIAM S. SMEATON, MAYOR

First Reading: June 19th, 1989

Second Reading: June 19th, 1989

Third Reading: June 19th, 1989