

**BY-LAW NO. 7236**

BEING A BY-LAW of The City of Brandon to provide for the establishment of standards concerning by-laws of the City to be known as the "Legislative Standards By-law".

WHEREAS The City of Brandon is empowered under *The Municipal Act*, R.S.M. 2017, c.M225 to make regulations for the peace, order and good government of the municipality as the council deems necessary or advisable;

AND WHEREAS it is deemed expedient to establish standards concerning by-laws of the City.

NOW THEREFORE the Council of The City of Brandon duly assembled, enacts as follows:

**Application**

1. The standards set out in this by-law will apply to all by-laws of the City unless otherwise expressly provided.

**Continuing Consolidation**

2. (a) The City Clerk may cause to be prepared and printed, and kept up to date, a continuing consolidation of any by-law of the City, and indices, schedules and appendices thereto, and may make such arrangements with respect thereto, and with respect to matters incidental thereto, as may be required.
- (b) Where a continuing consolidation of any by-law is prepared, all approved revisions thereto shall bear the designation and be located as follows:
  - (1) When a specific portion has been amended or replaced by an amending by-law the designation '[AM. B/L #]' shall be inserted immediately following the affected block of text.
  - (2) When a specific portion has been repealed or deleted by an amending by-law the designation '[REP B/L #]' shall be inserted adjacent to the current section, subsection, paragraph or clause number in place of the removed text.
  - (3) When a new portion has been enacted herein by an amending by-law the designation '[EN. B/L #]' shall be inserted immediately following the added block of text.
  - (4) When any of the designations referred to in paragraphs (1), (2) and (3) are inserted within the text of this by-law, the figure '#' shall be replaced by the actual number of the respective amending by-law.
  - (5) Where more than one clause, paragraph or subsection of any particular section is affected by the same amending by-law, the designation may be placed at the end of each clause, paragraph or subsection so affected or, at the left aligned margin of the paragraph, subsection or section so affected, whichever is deemed to have more clarity in each particular instance.

**Preamble and Reference Aids**

3. The preamble of a by-law forms part of it and is intended to assist in its meaning and intent. Regulations, schedules, and forms referred to in a by-law or made under its authority, are each part thereof. Tables of contents, headings, notes, examples and other readers' aids are inserted for convenience of references only and form no part of the by-law.
4. Gender specific terms include both genders and include corporations.
5. Words in the singular include the plural, and words in the plural include the singular.
6. All references to "shall" and "must" are imperative while reference to "may" is permissive and empowering.
7. Reference within City by-laws to specific departments/sections, positions or job responsibilities of City employees and/or authorized agents shall be deemed to mean that specific department/section, position or job responsibility as currently established by the City and includes any individual authorized to act in that capacity.

## Definitions

8. (a) Unless otherwise expressly provided or unless the context otherwise requires within a specific by-law, words and expressions shall have the same meaning as the same words and expressions in *The Municipal Act* of the Province of Manitoba.
- (b) The following definitions apply to all City by-laws unless stated otherwise within a specific by-law:

**"BUSINESS DAY"** means those days on which the City's respective administrative offices are open for business and reference to "WORKING DAY" has the same meaning.

**"CALENDAR DAY"** includes Sundays and holidays.

**"CITY"** means the Corporation of The City of Brandon or the area contained within the boundaries thereof as the context requires.

**"COUNCIL"** means the Council of the City.

**"DAY"** means a twenty-four hour period starting at one second after midnight and ending at the following midnight.

**"MONTH"** means calendar month.

**"PERSON"** means any individual and includes corporation, firm, partnership and association or company and utilities.

**"REGULATION"** means any document created in relation to an operational by-law as a regulation in accordance with the authorities established herein, and those regulations established by Provincial or Federal statutes as the context so requires.

**"WEEK"** means a period of seven consecutive days.

**"WRITTEN PERMISSION"** means, where no official form is supplied, a letter of authorization issued by a designated City official.

**"YEAR"** means calendar year.

## Form of Enactment

9. (a) The enacting clause of a by-law may be in the following form: "Now Therefore, the Council of The City of Brandon, duly assembled, enacts as follows:".
- (b) The enacting clause shall follow the setting forth of the purpose, the considerations or reasons, and reference to the enabling legislation upon which the by-law is grounded, and shall, with the purpose, considerations or reasons, and reference, constitute the preamble, and the various provisions of the by-law shall follow in a concise and enunciative form.

## Formatting Requirements

10. By-laws are to be produced in a font that is considered acceptable in accordance with the accessibility standards such as Arial and Calibri. By-laws produced in any other font shall not invalidate any affected by-law provision.
11. Unless otherwise expressly provided, by-laws shall bear the following numbering system:
- (a) Where beneficial to the form of a by-law, it may be divided into Parts which will be designated by stating "PART" followed by a roman numeral and a brief title assigned to the Part.
- ie) PART I: ADMINISTRATION
- (b) Where beneficial to the form of a by-law, any Part may be divided into Divisions which shall be designated by stating "DIVISION" followed by a roman numeral and a brief title assigned to the Division.
- ie) DIVISION I: DEFINITIONS AND APPLICATION

- (c) Where beneficial to the form of a by-law, any Division may be divided into Subdivisions which shall be designated by stating "Subdivision" followed by a roman numeral and a brief title assigned to the Subdivision.
  - ie) Subdivision I: Definitions
- (d) All by-laws shall have the enacting portions set out in sections, subsections, paragraph, clause, and point to be designated as follows:
  - 1. Section
  - 1. (a) Subsection
  - 1. (a) (1) Paragraph
  - 1. (a) (1) i) Clause
  - 1. (a) (1) i) A. Point

#### By-law References

- 12. Reference to any City by-law shall include all amendments thereto.

#### Time References

- 13. (a) All time references are on a twenty-four hour clock basis: 1200 hours being noon and 2400 hours being midnight; however, time references made on a twelve hour clock basis shall be observed and shall not invalidate any affected by-law provision.
- (b) Hour designations shall be deemed to refer to Daylight Savings Time when such is in current use in the City, and at all other times, to Central Standard Time.

#### Weight and Measure References

- 14. All references to weight and measure shall be on the metric system however, references made to the imperial system shall be observed and shall not invalidate any affected by-law provision.

#### Recovery of Costs

- 15. Costs and expenses incurred by the City under a by-law are a debt due to the City and may be recovered from the owner or occupier of the building, structure, premises, yard or area in or upon which work was carried out. The total costs and expenses incurred shall be the responsibility of the owner or occupier. In the event the owner or occupier does not pay the debt, or if the owner or occupier cannot be located to pay the debt, then all costs may be added to the real property taxes for the property and collected in the same manner as ordinary municipal taxes.

#### Adoption of Regulations

- 16. Regulations may be created to establish rules and processes that are supplemental to operational by-laws and shall be adopted by resolution of Council. All such regulations will be posted on the website of the City.

#### General Penalty

- 17. Pursuant to *The Municipal Act*, and unless otherwise expressly provided:
  - (a) any person who contravenes, or refuses, neglects, omits or fails, to obey or observe, any provision of any by-law of the City, is guilty of an offence and liable on summary conviction to a minimum fine of \$100.00, but in any case not to exceed \$5,000; and
  - (b) where such contravention, refusal, neglect, omission, or failure to obey or observe continues for more than one day, the person is guilty of a separate offence for each day that it continues.

#### Rules of Repeal

- 18. (a) The repeal of any by-law shall not revive any by-law or any provision of any by-law repealed by it, nor shall the said repeal prevent the effect of any saving clause in the by-law or the application of any by-law or provision of law formerly in force to any transaction, matter, or thing anterior to the repeal to which they would otherwise apply.
- (b) The repeal of any by-law should not affect:
  - (1) any penalty, forfeiture or liability incurred before the time of such repeal, or

any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal; nor

- (2) any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal; nor
  - (3) any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter, or thing had, done, made, acquired, established or existing at the time of such repeal; nor
  - (4) any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; nor
  - (5) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the City at the time of such repeal.
- (c) Any such repeal shall also not defeat, disturb, invalidate, or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

#### Expired By-law Deemed Repealed

19. Any by-law which has expired or lapsed or otherwise ceased to have effect shall be deemed to be repealed.

#### Form of Repealing Section

20. Each repealing section in a by-law shall clearly specify the number assigned to the by-law being repealed.

#### Rules of Enactment

21. Unless otherwise expressly provided, by-laws shall come into force and take effect upon the date following passing thereof.

#### Severability

22. Should any section or part of this by-law be declared to be invalid, it is the intent of City Council that it would have passed all other portions of this by-law independent of the elimination of any such portion as may be declared invalid.
23. An omission by the City to undertake any action required by a by-law does not negate the need for compliance with that by-law. Immediately upon discovery of such omission the responsible Department Head or Director shall report the omission to the City Manager and ensure appropriate action is taken to remedy the situation.

#### Repeal and Enactment

24. By-law No. 5986, and all amendments thereto are hereby repealed.
25. This by-law shall come into full force and take effect on the day following its passage.

**DONE AND PASSED** by the Council of The City of Brandon duly assembled this 4<sup>th</sup> day of November, 2019.

“R. Chrest”

MAYOR

“E. Ewasiuk”

CITY CLERK

Read a first time this 21<sup>st</sup> day of October , 2019.  
 Read a second time this 4<sup>th</sup> day of November , 2019.  
 Read a third time this 4<sup>th</sup> day of November , 2019.

I, Heather Coreen Ewasiuk, Clerk of the City of Brandon, DO HEREBY CERTIFY the above within to be a true and correct copy of By-law No. 7236.

*Original Signed By*

*H. Ewasiuk*

H. Ewasiuk, City Clerk