

**CONTINUING CONSOLIDATION
LEGISLATIVE STANDARDS BY-LAW NO. 5986/23/92**

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 Section 98 of The Municipal Act, R.S.M. 1988, 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 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 - (2) When a specific portion has been repealed or deleted by an amending by-law the designation '[REP B/L #]' shall be inserted adjacent to the current section, subsection, paragraph or clause number in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.**

Reference to the Act

- 3. Unless otherwise expressly provided or unless the context otherwise requires, words and expressions shall have the same meaning as the same words and expressions in The Municipal Act of the Province of Manitoba.**

"He" includes "she"

4. All references to "he" shall include "she" unless the context thereof requires otherwise.

Definitions

5. (a) "**ACT**" means The Municipal Act of the Province of Manitoba and current amendments thereto unless otherwise indicated.
- (b) "**CALENDAR DAY**" includes Sundays and holidays.
- (c) "**CHIEF BUILDING INSPECTOR**" means the Chief Building Inspector appointed by the Brandon and Area Planning District Board.
- (d) "**CHIEF OF POLICE**" means the Chief of Police for the City and any one acting or authorized to act on his behalf.
- (e) "**CITY**" means The City of Brandon or the area contained within the boundaries thereof.
- (f) "**CITY CLERK**" means the City Clerk for the City and any one acting or authorized to act on his behalf.
- (g) "**CITY ENGINEER**" means the City Engineer for the City and any one acting or authorized to act on his behalf.
- (h) "**CITY MANAGER**" means the City Manager for the City and any one acting or authorized to act on his behalf.
- (i) "**CITY SOLICITOR**" means the City Solicitor for the City and any one acting or authorized to act on his behalf.
- (j) "**COUNCIL**" means the Council of the City.
- (k) "**DAY**" means a twenty-four hour period starting at one second after midnight and ending at the following midnight.
- (l) "**DEVELOPMENT OFFICER**" means the Development Officer appointed by the Brandon and Area Planning District Board in accordance with the provisions of The Planning Act of the Province of Manitoba.
- (m) "**FIRE CHIEF**" means the Fire Chief for the City and any one acting or authorized to act on his behalf.
- (n) "**FIRE DEPARTMENT**" means the Fire Department for the City.
- (o) "**MANAGER OF PUBLIC WORKS**" means the Manager of the Public Works Section of the Engineering and Operations Department of the City and any one acting or authorized to act on his behalf.
- (p) "**MONTH**" means calendar month.
- (q) "**MUNICIPAL LICENSING OFFICE**" means the Municipal Licensing Section of the Department of Legal Services for the City.
- (r) "**OFFICER**" means a peace officer, police officer or constable working for the Police Department or such other person appointed as By-law Enforcement Officer by the Chief of Police or Council.

5. (s) "**PARKS DEPARTMENT SUPERVISOR**" means the Supervisor of the Parks Department for the City and any one acting or authorized to act on his behalf.
- (t) "**PERSON**" means any individual and includes corporation, firm, partnership and association or company and utilities.
- (u) "**POLICE DEPARTMENT**" means the Police Department for the City.
- (v) "**PROPERTY ADMINISTRATOR**" means the Property Administrator for the City and any one acting or authorized to act on his behalf.
- (w) "**SUPERVISOR OF MUNICIPAL LICENSING**" means the Supervisor of the Municipal Licensing Office or any one acting or authorized to act on his behalf.
- (x) "**WEEK**" means a period of seven consecutive days.
- (y) "**WORKING DAY**" means those days on which the City's respective administrative offices are open for business.
- (z) "**WRITTEN PERMISSION**" means, where no official form is supplied, a letter of authorization issued by a designated City official.
- (aa) "**YEAR**" means calendar year.

Form of Enactment

6. (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.
- (c) The preamble of a by-law and schedules, appendices, forms and tariffs referred to in a by-law or made under the authority thereof, are each part thereof.

Supplementary Matters Form No Part of By-law

7. Marginal notes, and the notes and headings in the body of a by-law, and the tables of contents and indices form no part of the by-law but shall be deemed to be inserted for convenience of reference only.

Numbering System within By-law

8. 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

8. (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

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

Time References

10. (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

11. 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.

General Penalty

12. Pursuant to Section 202 of 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 \$1,000; 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

13. (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, judgement, 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

13. (b) (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

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

Form of Repealing Section

15. Each repealing section in a by-law shall clearly specify a by-law repeal by indicating the number assigned to the by-law.

Rules of Enactment

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

DONE AND PASSED by the Council of The City of Brandon duly assembled this 2nd day of March, A.D. 1992.

 "R. N. Borotsik"

MAYOR

 "C. R. Arvisais"

ACTING CITY CLERK

Read a first time this 2nd day of March, A.D. 1992.

Read a second time this 2nd day of March, A.D. 1992.

Read a third time this 2nd day of March, A.D. 1992.

I, Conrad Robert Arvisais, Acting Clerk of the municipality of the City of Brandon, DO HEREBY CERTIFY the above to be a true and correct copy of By-law No. 5986/23/92.

 C. R. Arvisais, Acting City Clerk