

BY-LAW NO. 7282

BEING A BY-LAW OF THE CITY OF BRANDON IN THE PROVINCE OF MANITOBA WITH RESPECT TO COMMUNITY STANDARDS WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF BRANDON.

WHEREAS the City of Brandon is empowered under *Section 232(1) of the Municipal Act, SM 1996, C.58-M225* to pass by-laws for municipal purposes respecting the following matters:

- (a) *The safety, health, protection and well-being of people, and the safety and protection of property;*
- (b) *People, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;*
- (c) *subject to Section 233, activities or things in or on private property.*

AND WHEREAS Section 233(d) of the Municipal Act, SM 1996, c. 58-M225 provides inter alia:

A Bylaw under clause 232(1)(c) “activities or things in or on private property, may contain provisions only in respect of:

- (d) *activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes, and vibrations.”*

AND WHEREAS it has been found necessary to make provisions for the maintenance of order and to ensure the safety, health, protection and well-being of the City of Brandon residents and visitors to the City;

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

TITLE:

1.0 This Bylaw shall be referred to as “Community Standards Bylaw”.

PART 1: DEFINITIONS

1.1 Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this Bylaw have the same meaning as the same words and expressions in *The Municipal Act*, the City’s Legislative Standards Bylaw, or as defined within other Bylaws for the City.

1.1.1 “AUTHORITY HAVING JURISDICTION” means those persons assigned responsibility for the enforcement of the provisions of this Bylaw, including but not limited to police officers and Bylaw enforcement officers appointed with this authority.

“BYLAW VIOLATION NOTICE” commonly referred to as a BVN, means a written notice issued by the Authority Having Jurisdiction providing the owner/occupier an opportunity to bring the property into compliance within an established time period.

“DERELICT VEHICLE” means any automobile, tractor, truck, trailer or other vehicle that either:

- (a) has no valid license plates or derelict vehicle permit attached to it; or
- (b) is not a vehicle used seasonally and plated annually for a period of time less than a full year; or
- (c) is in a wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and is located on private land, but that:
 - i. Is not within a structure erected in accordance with any By-law respecting the erection of buildings and structures in force within the City; and
 - ii. Does not form part of a business enterprise lawfully being operated on that land.

“GRAFFITI” means words, figures, letters, drawings, initials, symbols, marks, or slogans scribbled, scratched or sprayed on a surface with or without the consent of the owner of the premises or Property on which they are placed but does not include marks made accidentally, or any of the following:

- (a) a sign, public Notice or traffic control mark authorized by the City;
- (b) a sign authorized pursuant to the City’s applicable Bylaw provisions regulating signs;
- (c) a public Notice authorized by a City Bylaw or by Provincial or Federal legislation; and
- (d) in the case of private premises or Property, a letter, symbol, or mark appears.

"LOITERING" means to stand around or wait around idly without apparent purpose or action.

"NOISE" means any sound, especially which is likely to unreasonably annoy or disturb persons, or to injure, endanger or detract from the comfort, health, peace or safety of persons;

“NON-PERMITTED WEED” includes any plant designated as “Noxious Weed”, or “Prohibited Noxious Weed” as defined in the *Noxious Weed Act* thereto, as well as any other plant designated as such by this Bylaw.

“NOTICE" means any Notice issued pursuant to this Bylaw to remedy a condition that is not in compliance with any provision of this Bylaw or any applicable Bylaw within the City of Brandon including the *Zoning Bylaw*;

“PANHANDLING” means to ask for a gratuitous donation of money, food, or goods of any kind, whether by spoken or printed word, or bodily gesture, but does not include the solicitation of charitable donations allowed or authorized by any legislation permitting the solicitation of charitable donations;

“PROPERTY” means a parcel of land whether it has building structures or not and regardless of zoning designation that resides within the City limits;

“PUBLIC PLACE” means any Property, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation; whether on payment of any fee or not;

"RECREATIONAL VEHICLE" means a Vehicle that provides temporary accommodation for recreation or travel purposes and includes, but is not limited to campers, tent trailers, fifth wheel travel trailers, boats, snowmobiles, ATV, and motorhomes;

"RECREATIONAL VEHICLE PARKING SPACE" means a plot of ground within a residential area designed to accommodate the parking of one Recreational Vehicle;

"STREET FURNITURE" includes items such as poles, traffic control devices, waste receptacles, benches, bus enclosures, trees, plants, grass, utilities, planters, bicycle racks, newspaper boxes or any other similar property placed on a Public Place;

PART II: PROPERTY STANDARDS AND MAINTENANCE

2.0 UNTIDY AND UNSIGHTLY PREMISES OR PROPERTY

- (a) For the purposes of this section, all terms referred to and not defined in this Bylaw are as defined in the *Building Safety Standards Bylaw No. 7279*.
- (b) In this part, "Building" includes a structure and any part of a Building or structure placed in, on or over land whether or not it is so affixed to become transferred without special mention by a transfer or sale of the land.
- (c) For the purposes of this part, a person who owns or occupies land shall be considered to occupy that portion of any highway between the Property line and the center line of the highway.
- (d) Any owner of untidy or unsightly premises or Property is required to remedy the situation upon Notice from an Authority Having Jurisdiction under this Bylaw.

2.1 NUISANCES AND OBLIGATIONS OF OWNERS OF PREMISES OR PROPERTY

- 2.1.1 A person shall not cause, permit or fail to prevent a nuisance to exist on premises or Property they own or occupy.
- 2.1.2 No person shall leave, place, deposit or throw upon any private Property or premises, belonging to another, any refuse or debris or materials.
- 2.1.3 A person who has left, placed, deposited or thrown any matter mentioned in section 2.1.2 upon any private Property or premises shall forthwith remove it, or be issued with a Penalty Notice.
- 2.1.4 For the purpose of greater certainty, a nuisance in respect of premises or Property, means that which shows signs of serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:
 - (a) excessive accumulation of material including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not, at the sole discretion of the Authority Having Jurisdiction;
 - (b) wrecked, dismantled or Derelict Vehicles or motor vehicles, whether insured or registered or not;
 - (c) loose litter, garbage or refuse in the area used for the storage of such materials or in the area used for the placement of such materials for collection, at the sole discretion of Authority Having Jurisdiction;

- (d) excessive odor or messy compost heaps at the sole discretion of the Authority Having Jurisdiction;
- (e) unkempt grass or weeds;
- (f) general untidy and unsightly condition of the premises or Property, at the sole discretion of the Authority Having Jurisdiction;
- (g) production of excessive dust, dirt or smoke; at the sole discretion of the Authority Having Jurisdiction;
- (h) any tree, shrub, other type of vegetation or any structure at the sole discretion of the Authority Having Jurisdiction:
 - i. that interferes or could interfere with any public work or utility;
 - ii. that obstructs any sidewalk adjacent to the land, streets or lanes; or
 - iii. that impairs the visibility required for safe vehicle and pedestrian traffic flow at any intersection adjacent to the land; and
- (i) parking on front lawns, at the sole discretion of the Authority Having Jurisdiction.

This section 2.1.4 shall not apply to any growth which forms part of natural garden that has been deliberately planted to produce ground cover, decoration, or food, including one or more species of wildflowers, shrubs, trees, perennials, fruits, vegetables and ornamental grasses or combination of them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass.

2.1.5 A person shall not place, cause or permit to be placed any waste bin on premises or Property they own or occupy unless the waste bin:

- (a) is equipped with a lid or cover capable of completely covering the waste bin;
- (b) is kept closed or covered at all times except for the actual loading or unloading of waste;
- (c) contains only material that will not emit an excessive/obnoxious odour; and
- (d) ensures that loose refuse or debris to be collected and contained on the premises or Property will not be blown out of the bin so that they do not escape onto adjacent or other neighbouring properties.

2.1.6 With respect to Recreational Vehicles on premises or Property within a residential area, a person owns or occupies:

- (a) a Recreational Vehicle Parking Space is allowed and does not require a development permit if it is contained solely in the flankage, rear and side yards and does not encroach in the flankage or side yard setbacks;
- (b) a development permit approval is required for a Recreational Vehicle Parking Space utilized between November 1 and March 31 for a period of more than 7 days that does not meet the criteria of section 2.1.6(b)(i) and the approval is subject to the parking space:
 - i. being an accessory use to a principal residence;
 - ii. not impeding emergency access to any area on the site; and

- iii. not encroaching into any required setbacks for the front or side yard within the area that the parking space would be located in; and
- (c) a parked Recreational Vehicle must not encroach over a sidewalk or road right of way.

2.2 CONSTRUCTION OF PREMISES OR PROPERTY

- 2.2.1 An owner of premises or Property under construction shall ensure that building materials or debris on the premises or Property are removed or contained and secured in such a manner that prevents such building material or debris from being blown off or scattered from the premises or Property.
- 2.2.2 No person shall keep or permit in any part of a premises or Property, an excavation or debris during construction or renovation unless said excavation is properly secured and debris is stored in a container and removed after being filled, or within 48 hours upon being provided Notice unless said excavation or debris is allowed pursuant to the *Building Safety Standards Bylaw No. 7279*.
- 2.2.3 Upon such container being filled or partly filled, it must be completely secured in such a manner that no portion of the load can escape, blow, drop, spill, or fall onto a highway or premises or Property adjacent thereto. It must then be transported to an appropriate location designated for the disposal of such building materials or debris.
- 2.2.4 An owner of premises or Property under construction or renovation shall not pile or store any building materials or debris related to the construction or renovation on the street, sidewalk or any premises or Property owned by the City or other landowners without written permission to do so.

2.3 BOULEVARDS AND SIDEWALKS

- 2.3.1 A person shall maintain any boulevard or sidewalk adjacent to the premises or Property, whether at the back, front or side, which they own or occupy by:
 - (a) maintaining landscaping and by keeping any grass on the boulevard cut to a length of no more than 20 centimeters;
 - (b) removing any accumulation of fallen leaves or other refuse or debris
- 2.3.2 Every owner and/or occupant of a property shall clear away and remove, or cause to be cleared away and removed, any and all snow or ice from sidewalks adjacent to their property to a condition to provide safe passage by pedestrians.

2.4 STRUCTURES AND BUILDINGS

- 2.4.1 All property, including land, Buildings, structures and yards, shall be maintained in accordance with the minimum standards prescribed in this Bylaw and *Bylaw No. 7279 Building Safety Standards Bylaw*.
- 2.4.2 No person shall cause, permit or suffer their Property, including land, Buildings, structures, or yards, to contravene the minimum standards prescribed in this Bylaw, and as prescribed in Schedule "A" of this Bylaw.
- 2.4.3 A person shall not cause or permit a nuisance to exist in respect of any building on any premises or Property they own or occupy.

2.4.4 For the purpose of greater certainty, a nuisance in respect of a “Building” means a Building showing signs of serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:

- (a) any damage to the Building;
- (b) any rot or other deterioration within the Building; and
- (c) any inappropriate infiltration of air, moisture or water into the Building due to peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the Building.

2.4.5 If a structure normally intended for human habitation is unoccupied, any door or window that is not secured to prevent unauthorized entry must be covered with a solid piece of wood but only if the wood is:

- (a) installed from the exterior and fitted within the frame of the opening in a watertight manner; and
- (b) of a thickness sufficient to prevent unauthorized entry into the structure; and
- (c) secured in a manner sufficient to prevent unauthorized entry into the Building.

2.4.6 The inspections of Property by a designated Authority Having Jurisdiction to determine if this Bylaw is being complied with is hereby authorized.

2.4.7 Inspections under this Bylaw shall be carried out in accordance with the *Municipal Act*, Manitoba, and any other relevant City Bylaw in effect.

2.5 **GRAFFITI**

2.5.1 No person shall create or apply Graffiti.

2.5.2 Every owner or occupier of premises or Property shall ensure that any Graffiti placed on their premises or Property is removed, painted over, or otherwise permanently blocked from public view within 14 days of receiving written Notice from an Authority Having Jurisdiction.

2.5.3 Notwithstanding section 2.5.1, street painting, graphic art, street art, murals and other similar art work on buildings, specified areas and on sidewalks may be allowed where sanctioned and authorized by the City of Brandon, or the owner of the premises or Property; excepting where the street painting, graphic art, street art, murals and other similar art work on buildings are of an inappropriate nature, as determined by the Authority Having Jurisdiction.

2.5.4 In a prosecution for this offence, if the defendant seeks to rely on the Graffiti being made with the consent of the owner of the premises or Property, the onus of proving the owner's consent rests with the person relying on consent.

2.6 **WEED AND PEST CONTROL**

2.6.1 In this Section "Inspector" means an individual appointed as an inspector pursuant to the *Noxious Weeds Act*; and

- 2.6.2 "Non-Permitted Weed" includes any plant designated as "Noxious Weed", or "Prohibited Noxious Weed" as defined in the *Noxious Weeds Act* thereto, as well as any other plant designated as such by this Bylaw.
- 2.6.3 A person shall not cause or permit a Non-Permitted Weed to grow, scatter, spread or ripen on premises or Property they own or occupy and shall comply with any order received in accordance with Part VI of this Bylaw. For the purposes of this Bylaw, the plants listed in the *Noxious Weeds Act* and *Pesticide Bylaw No. 6825* are designated as Non-Permitted Weeds within the boundaries of the City:

PART III: PUBLIC BEHAVIOUR

3.1 LITTERING

- 3.1.1 No person shall leave, place, deposit or throw upon any Public Place any refuse or debris except in a receptacle designated and intended for such use.
- 3.1.2 A person who has left, placed, deposited or thrown any matter mentioned in Section 3.1.1 upon any Public Place shall forthwith remove it.

3.2 PUBLIC OFFENCES

- 3.2.1 A person shall not urinate or defecate in public except in a facility designed and intended for such use.
- 3.2.2 No person shall spit on any street, sidewalk, walkway, trail in or on any Public Place, or on the private Property of another person without that person's consent; this prohibition does not apply to the participants in an organized sporting event who are governed by the rules of conduct of that sporting event.
- 3.2.3 No person shall discharge a bow, gun, slingshot or other firearm within the municipal boundaries of the City of Brandon unless such discharge occurs in accordance with one or more of the following requirements:
- (a) a discharge made by an Authority Having Jurisdiction during the course of their duty;
 - (b) a discharge made on a shooting range.
- 3.2.4 No person shall participate in a fight or similar physical confrontation in any Public Place, or any place to which the public reasonably have access; this prohibition does not apply to the participants in a sanctioned organized sporting event who are governed by the rules of conduct of that sporting event.
- 3.2.5 Any person not being in a dwelling unit, shall not cause a disturbance in or near a Public Place by any of the following:
- (a) fighting, screaming, shouting, swearing or using insulting or obscene language;
 - (b) being intoxicated by alcohol or other substances;
 - (c) disturbing the peace and quiet of the occupants of a dwelling unit by disorderly conduct in a Public Place.
- 3.2.6 No person shall vandalize public, private or City Property by:
- (a) removing, destroying, damaging, rendering inoperable, causing damage to or altering the appearance, characteristic, or feature, tampering with, mutilating, defacing, or climbing on any Building, structure, fixture, chattel, monument, art, vase, fountain, wall, fence, wire, netting, vehicle, tool, gate, seat, bench, exhibit, cage or ornament.

- (b) this prohibition shall not apply to any person climbing on a structure, wall or piece of equipment expressly designed for that purpose, including playground equipment, climbing wall or similar recreational equipment.

3.2.7 No person shall:

- (a) assault an Authority Having Jurisdiction;
- (b) assault an Authority Having Jurisdiction with intent to resist or prevent the lawful arrest or detainment of themselves or another person;
- (c) without consent of an Authority Having Jurisdiction, take or attempt to take a weapon that is in the possession of the Authority Having Jurisdiction when the Authority Having Jurisdiction is engaged in the execution of their duty.

3.2.8 No person shall willfully obstruct, impede or hinder an Authority Having Jurisdiction while the Authority Having Jurisdiction is engaged in the execution of their duty.

3.2.9 No person shall fail or refuse to comply with a lawful order or request of an Authority Having Jurisdiction while that Authority Having Jurisdiction is engaged in the execution of their duty.

3.3 LOITERING

3.3.1 No person shall loiter and/or obstruct any other person in any Public Place.

3.3.2 No person shall be allowed to loiter in front of any business establishment or residence or in a street so as to cause any obstruction to the free use of said premises whereby a member or members of the public are liable to be subjected to disturbance or annoyance provided that nothing contained in this section shall be construed to extend to any person taking part in any lawful procession or gathering.

3.3.3 No person shall solicit in any Public Place of the City. No person shall solicit on private, residential Property or private business Property including, but not limited to, shopping malls without the permission from the owner or other person lawfully in possession of such Property, except registered charities, recognized community and recreation groups in the course of door to door canvassing. Persons who hold a valid license issued by the City are exempted from the provisions of this section.

3.4 PANHANDLING

3.4.1 No person shall engage in Panhandling:

- (a) while intoxicated or under the influence of illegal substances;
- (b) as a member of a group of two or more persons;
- (c) within 10 metres of the entrance to:
 - i. a financial institution;
 - ii. an automated teller machine or bank deposit slot;
 - iii. any other retail outlets or other business; or
 - iv. a bus stop or transit terminal;
- (d) in a manner which obstructs or impedes the convenient passage of pedestrians or vehicles on a street, sidewalk or within a Public Place;
- (e) in such a manner as to threaten, insult, or harass other users of the street;
- (f) from any person who is an occupant of a motor vehicle; or
- (g) from any person who has already refused or declined the solicitation.

3.5 **OUTDOOR LIGHTING**

3.5.1 No person shall cause or permit outdoor lighting located on a Property they own or occupy to shine in a manner that:

- (a) disturbs the peace of another individual;
- (b) unreasonably affects the use or enjoyment of another Property; or
- (c) interferes with traffic safety on any roadway.

PART IV: NOISE CONTROL

4.0 **PROHIBITED NOISE**

4.1.1 No person shall cause or permit any noise that is likely to disturb the peace of another individual.

4.1.2 No person shall cause or permit Property they own or occupy to be used so that noise from the Property disturbs the peace of another individual.

4.2 **CRITERIA**

4.2.1 In determining if a sound is likely to disturb the peace of others the following criteria may be considered:

- (a) type, volume, and duration of the sound;
- (b) time of day and day of week;
- (c) nature and use of the surrounding area;
- (d) minimum standard prescribed in Schedule "A" to this Bylaw; and
- (e) any other relevant factor at the discretion of the Authority Having Jurisdiction.

4.3 **CONSTRUCTION ACTIVITY**

4.3.1 No person shall cause or permit any construction activity on or adjacent to any Property zoned for residential use before 7:00 a.m. or after 10:00 p.m. Monday through Friday or before 9:00 a.m. or after 10:00 p.m. on Saturday or Sunday.

4.4 **IDLING VEHICLES**

4.4.1 No person shall cause or permit the idling of parked vehicles for more than three (3) minutes to a maximum of fifteen (15) minutes at any time.

4.4.2 Section 4.4.1 applies to all vehicles, except for:

- (a) an emergency vehicle that is being used for standard operational activities;
- (b) emergency vehicles assisting in an emergency activity;
- (c) vehicles that require idling to use mechanical or electrical systems;

- (d) when idling is required to repair or service a vehicle;
- (e) armoured vehicles that are being loaded, unloaded or guarded;
- (f) parked vehicles that are loading and unloading passengers; or
- (g) when outside temperatures above 30°C or below -20°C.

4.5 EXCEPTIONS

4.5.1. Nothing in this part prohibits:

- (a) an employee or authorized agent of the City of Brandon from producing noise while acting within the scope of their functions, duties or powers;
- (b) situations where the Authority Having Jurisdiction has issued a permit allowing the production of certain sounds on whatever conditions the Authority Having Jurisdiction deems appropriate; or
- (c) any activity that is carried out in accordance with the conditions of a validly issued development permit issued by the City of Brandon or an activity that constitutes a legal non-conforming use for which no development permit is required pursuant to the provisions of the *Municipal Act*, Manitoba.

PART V: TRAFFIC, STREET FURNITURE AND UTILITIES

5.1 No person shall remove any traffic control device or other Street Furniture.

5.1.1 No person shall climb or interfere with any bridge, telephone, signal service, fire alarm, electric wire, lamp, post, tower or pole connected with the lighting, gas, telephone, transit, fire protection system or any other utility system or work of the City.

PART VI: ENFORCEMENT

6.1 Any person who contravenes, or does not comply, or improperly complies, or only partly complies with any provision of a Bylaw of the City commits an offence and is subject to a penalty. Such penalty shall follow the process of an Order to Remedy, a Penalty Notice, or an Offence under the *Provincial Offences Act*.

6.1.1 In addition to any other relief or enforcement measure that may be taken, if a designated Authority Having Jurisdiction finds that a Property, or any part thereof, is in contravention of this Bylaw, the Authority Having Jurisdiction may, by written order, require the owner of the Property to remedy the contravention.

6.1.2 Prior to performing any work to comply with an order, the owner must apply for, and obtain, all permits and approvals required by law for the work.

6.1.3 All work necessary to comply with an order shall be carried out in good and workmanlike manner in accordance with industry standards and good construction practices.

6.1.4 An order shall be served on the owner of the land/Building in accordance with the requirements of *The Municipal Act*, Manitoba and/or any other relevant City Bylaw.

6.2 RIGHT TO APPEAL

6.2.1 Where an order is issued pursuant to section 6.1.1 above, a designated Authority Having Jurisdiction may decide that the City remedy the contravention without providing the Property owner with a right of appeal where there is a high risk of any one or more of the following occurring:

- (a) unauthorized entry to the building;
- (b) harm to the safety, health or welfare of people;
- (c) damage to the Property or surrounding Properties; or
- (d) the Property owner not complying with the order.

PART VII: PENALTIES

7.1 Any person who contravenes, neglects, omits or fails to obey or observe any provision of this Bylaw is guilty of an offense and is liable to penalties assessed in accordance with the terms and provisions of the City of Brandon's *Compliance Bylaw No 7198C* as it exists, or as may be passed from time to time.

7.1.1 Where a fine/penalty is not specified in the City's *Compliance Bylaw No 7198C* or the City's fees schedule, then a fine/penalty as determined by the Authority Having Jurisdiction is appropriate.

7.1.2 In addition to being liable to the penalties of this Bylaw, any person found to be in contravention of Part III, Section 3.2.5 and 3.4.1 of this Bylaw may have any alcoholic or illegal substance in their possession confiscated from them and disposed of by the Authority Having Jurisdiction.

7.1.3 Where the contravention, refusal, neglect, omission or failure continues for more than one (1) day, the person is guilty of a separate offense for each day that it continues.

PART VIII: SEVERABILITY, REPEAL AND ENACTMENT

8.1 SEVERABILITY

8.1.1 Should any section or part of this bylaw be declared to be invalid, it is the intent of City Council that it would have passed all other portions of this bylaw independent of the elimination of any such portion as may be declared invalid.

8.2 REPEAL

8.2.1. Nuisance By-law No. 5806/81/90, and amending By-law Nos. 6165/14/94, 6775, 6886, 7189, 7210 and 7224 is hereby repealed and the repeal provisions set out in the Legislative Standards By-law apply.

8.3 ENACTMENT

8.3.1 This by-law shall come into full force and take effect on the date following the date of passage.

DONE AND PASSED by the Council of The City of Brandon duly assembled this 17th day of July , 2023.

<u>“J. Fawcett”</u>			<u>“R. Sigurdson”</u>	
MAYOR			CITY CLERK	
Read for a first time this	18 th	day of	July	A.D. 2022
Read for a first time this	19 th	day of	December	A.D. 2022
Read for a first time this	17 th	day of	July	A.D. 2023

I, Renee Sigurdson, Clerk of the City of Brandon, DO HEREBY CERTIFY the above within to be a true and correct copy of By-law No. 7282.



SCHEDULE “A”
REGULATIONS
BYLAW NO.7282

Authority: Community Standards Bylaw No. 7282

Covers: All persons within the City Of Brandon

Effective: July 18, 2023

Purpose: The purpose of these regulations is to establish standards to regulate maintenance of properties, and noise control in relation to creating a nuisance within the City of Brandon (“City”), and to provide for enforcement of same.

1.0 Part II: Property Standard and Maintenance

1.1 A yard shall be maintained such that grass and weeds are permitted to achieve a height no greater than 20 centimeters, and are kept neatly groomed and not permitted to achieve an unkempt appearance.

1.2 When violation(s) under section 2.1 and 2.6 of the Bylaw are determined by an Authority Having Jurisdiction, the owner and/or occupier may be issued a Bylaw Violation Notice (BVN) to correct the non-compliance. The following provisions establish the responsibilities and authorities delegated through the Bylaw as appropriate, and a BVN issued under this section of the regulation shall also reference the following:

- (a) the timeline for compliance with the BVN would typically range from between 24 hours up to 15 calendar days depending on the circumstances and determined at the sole discretion of the Authority Having Jurisdiction.
- (b) if the owner and/or occupier fails to comply with the BVN within the stated timeline, the City shall be authorized to carry out or cause to be carried out such work as required without further notice to the owner and/or occupier.
- (c) the total cost and expenses related to having the work carried out shall be the responsibility of the owner and/or occupier.
- (d) in the event the owner and/or occupier does not pay the debt, or if the owner and/or occupier cannot be located to pay the debt, then all costs may be added to the real property taxes for the premises and collected in the same manner as ordinary municipal taxes.
- (e) any owner and/or occupier claiming to be injuriously affected by the requirements set out in the BVN to comply with this section may appeal in accordance with the processes and procedures set out in the City’s *Compliance Bylaw* in writing and within the timeline stipulated on the BVN for compliance. No extension of the appeal period will be granted.
- (f) on receipt of a written notice for appeal hereunder, the Authority Having Jurisdiction shall forthwith consider the BVN in respect to which the appeal is made and shall make such enquiries as deemed necessary. The

Authority Having Jurisdiction shall then, within his sole discretion, affirm, modify or revoke the BVN and cause a copy of the decision to be served upon the appellant.

- (g) any owner and/or occupier who has not corrected all violations by the stated date is guilty of an offence and subject to a penalty, in addition to the above requirements related to bringing the Property into compliance. Such penalty shall follow the process established in the *Compliance Bylaw* for a Penalty Notice.

1.3 Without limiting the generality of Part VI of the Bylaw:

Every remedial order written with respect to the Bylaw must;

- (a) identify the nature of the remedial action required to be taken to bring the Property into compliance;
- (b) identify the time within which the remedial action must be completed;
- (c) indicate that if the required remedial action is not completed within the time specified, the City may take whatever action or measures necessary to remedy contravention;
- (d) indicate that the expenses and costs of any action or measures taken by the City under this section are an amount owing to the City by the person to whom the order is directed;
- (e) indicate that the expenses and costs referred to in this section maybe attached to the tax roll of the Property if such costs are not paid by a specified time;
- (f) indicate that an appeal lies from the remedial order to the Bylaw Compliance Standards Committee, if a notice of appeal is filed in writing in accordance with the processes and procedures laid out in Part IV of the City's *Compliance Bylaw No. 7198C*.

1.4 Service of Order

- 1.4.1 An order issued for a contravention of the Bylaw may be served in accordance with the provisions of sections 33 and 34 of the City's *Compliance Bylaw No. 7198C*.

2.0 Part IV: Noise Control

- 2.1 Without restricting the generality of Section 4.0 through to Section 4.2 of the Bylaw hereof, the following shall be deemed likely to disturb the peace of another individual;

- (a) the sound caused by the discharge of a gun or other firearm, grenade, or any other explosive or noise making device, including a firecracker or other fireworks, unless specifically authorized by the Chief of Police, Fire Chief, Council or Authority Having Jurisdiction;
- (b) the sounding of any auditory warning device, including but not limited to a bell, burglar alarm, horn or siren, except when required by law or in order to give warning of the existence of a present or impending dangerous situation;

- (c) the sound emanating from any musical instrument or loud speaker, when audible from a distance, unless authorized by the Chief of Police or Council;
- (d) the sound emanating from an improperly operated or maintained vehicle, including the squealing of tires, the operation of a vehicle with an improperly maintained or otherwise deficient exhaust system and those noises which emanate from a vehicle by reason of its state of disrepair;
- (e) the sound resulting from the operation of an internal combustion engine, whether situated within a vehicle or otherwise, except where used in conjunction with an exhaust system and muffler which effectively prevents the emanating of loud or unusual noises;
- (f) the sound emanating from excavation or construction work of any nature between 2200 hours of any day and 0700 hours of the next following day (10:00 p.m. - 7:00 a.m.), except in such locations where such conduct is permitted by applicable land use provisions, or where authorized by the Chief of Police;
- (g) the sound resulting from the operation of any motorized lawn mower, snow clearing device, chain saw, motorized garden tiller or motorized toy in any residential area between 2200 hours of any day and 0700 hours of the next following day (10:00 p.m. - 7:00 a.m.).
- (h) the sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device or sound-producing, sound-reproducing, or sound transmitting instrument or apparatus for the purposes of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise or which projects noise or sound into any street or other public place;
- (i) any loud, blasphemous, abusive, obscene, or insulting language or singing or shouting in a boisterous manner;
- (j) any loud, excessive, or continual barking, howling, wailing, caterwauling or other sound caused by any domestic animal.
- (k) any sound that occurs for a continuous duration of more than 3 minutes; or sporadically for a total of more than 3 minutes, in any continuous 15 minute time period.

References

1. *Community Standards Bylaw No. 7282*
2. *Compliance Bylaw No. 7198C*
3. *Municipal Act, Manitoba*