



Municipal By-Laws by Breena Murray

Municipal by-laws are like any other law in Manitoba, in that they are enforceable through penalties (like fines), can be challenged by the public and have to comply with other laws in Canada, like the *Charter of Rights and Freedoms*. The main difference is that they only apply to a small geographical area. The by-laws passed by the City Council in Brandon on apply to the city. Once you exit the city limits, those by-laws are no longer enforceable.

There are currently 51 different by-laws listed on the City of Brandon's website that cover a wide range of topics from vehicle parking and stopping regulations to animal control to noise regulations to licensing and business regulations. For example, the Traffic By-law is what allows the city to put up traffic control devices (such as stop signs) and no parking/stopping signs.

One of the biggest complaints people have when it comes to by-laws is that they did not know what they were doing was against a particular by-law. Unfortunately, not knowing that something was against a law is

not a defence to a by-law ticket, just like it is not a defence to a criminal law.

As a person in the City of Brandon, whether you live in the city or only enter the city limits occasionally, you are responsible for knowing all laws that apply to you and have to conduct yourself accordingly. The City is not responsible for ensuring that you know what you have to comply with, just as Government of Canada does not have to ensure each person in Canada is aware of all the criminal or other laws that have been enacted. That said the City does have to make the by-laws available to the public, which they have done by publishing them on their website and making them available at the City Clerk's office.

So, just because you did not see that no parking sign or did not know that you could only put your garbage bin on the curb after 8:00 p.m. the day before collection occurs and had to remove it from the street by 10:00 p.m. the day of collection does not mean you are not guilty of breaching the by-law. By-laws don't require that the person had the intent to commit the offence,

but rather just require that it be shown that the offence was committed.

There are many different by-laws in Brandon. For example, it is a by-law that technicians at body art establishments can only perform a tattoo or piercing on someone under 18 if their parent or guardian is present, with proper identification. It is also a by-law that your dog must have a collar with his or her current licence attached and be on a leash if you are not in the city, expect at designated off-leash dog parks.

If you have received a ticket for breaching a by-law, and you believe you didn't commit the infraction, you have the right to contest it. If you do so, you will get a hearing date and be able to go before a Provincial Court Judge. If the lawyer for the City believes that the ticket is valid, the matter will proceed to a trial that day. Both you and the by-law enforcement officer who issued the ticket will give oral evidence to the judge. The judge will make a decision that day and set the fine, if you are found guilty.