

<b>Bylaw Procedure</b>	Policy	G10
	Effective Date	April 2002
	Revision Date	November 2021
	Page Number	1 of 3

**What is the policy?**

This policy applies to communities that are not incorporated to follow a consistent procedure to pass certain bylaws and enactment of bylaws by the minister at the request of, and on behalf of, council.

This policy does not apply to bylaws or regulations enacted by the minister or to incorporated communities. For example, the Tax Rates regulation and Fees in Lieu of Taxes and Related Matters regulation that applies outside the boundaries of a community and/or bylaws that apply throughout Northern Manitoba. Incorporated communities pass bylaws under their own authority.

The minister may by regulation, pursuant to subsection 175(1) of The Northern Affairs Act, delegate authority to an unincorporated community to enact certain bylaws that fall within the delegated authorities. Subsection 29(1) of the act, outlines the spheres of jurisdiction under which the minister may delegate its powers to a community council. Other bylaws that are not covered by the delegated authorities require the minister to enact the bylaw on the communities' behalf for all or part of Northern Manitoba.

The delegated authorities, as per the Procedures and Delegation of Bylaw Making Powers Regulation (Communities that are not Incorporated) 253/2006, are as follows:

- the safety, health, protection and well-being of people, and the safety and protection of property
- people, activities and things in, on or near a public place or a place open to the public, including parks, community roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from taxes imposed by the community
- subject to section 30 [of the act], activities or things in or on private property
- community roads, including naming the roads, posting the names on public or private property, and numbering lots and buildings along the roads
- private works on, over, along or under community roads
- property adjacent to highways or community roads, whether the property is publicly or privately owned
- the operation of off-road vehicles on public or private property
- drains and drainage on private or public property
- preventing and fighting fires
- the sale and use of firecrackers and other fireworks, the use of rifles, guns and other firearms, and the use of bows and arrows and other devices

- wild and domestic animals and activities in relation to them, including bylaws differentiating on the basis of sex, breed, size or weight
- public utilities
- local transportation systems
- businesses, business activities and persons engaged in business
- the enforcement of bylaws

**Note:** All bylaws require legal review prior to enactment. A certified original copy of all bylaws, including ministerial enacted bylaws, are filed in the Bylaw Registry Office (as designated in the regulation). The regional office will arrange for translation prior to enactment, if required.

### **Community responsibilities**

- Prior to obtaining permission or proceeding to enact a bylaw, council may request from the department a sample copy of a similar bylaw or a pro-forma bylaw for the topic and consider the following:
  - the purpose of the bylaw - what it is supposed to accomplish
  - the impact upon the community
  - how the bylaw will be enforced and by whom
  - the cost to the community
  - how the council will involve community residents in the process (ex. public meeting, newsletter, door to door, survey)
  - what limitations are there from other legislation or regulations
- Council must:
  - a) establish a bylaw enactment plan - three readings, number of public meetings (if required), etc.
  - b) provide 21 days notice to the department in Form 1 (see Appendix G10-A Form 1 Notice to Department Re: Bylaw)
  - c) provide 14 days notice, per section 228 of the act of any public meeting, in Form 2 (see Appendix G10-B Form 2 Notice of Public Meeting), if required by the act
  - d) enact bylaw
    - forward bylaw (with a copy of the council resolution authorizing the filing) to the regional office to file with the Bylaw Registry Office in Form 3 (see Appendix G10-C Form 3 Certificate of Enactment Re: Bylaw)
  - e) keep a record of all discussion at public meeting, if held

### **Process:**

1. Council begins by obtaining a copy of a sample bylaw for consideration. A draft bylaw is prepared for review. There may be several drafts before council is satisfied that the proposed bylaw outlines council's desire.

2. After council has received the final draft bylaw and an enactment plan has been established, council must send notice of intent to enact a bylaw to the department through the regional office. A copy of the proposed bylaw must be attached to Form 1.
3. When council receives permission from the department, the bylaw may be given first reading. First reading is reported in the minutes. This will provide community residents with the knowledge that the bylaw is being enacted.
4. At least 14 days before any public meeting, council must post notice in Form 2 of the intent to hold a public meeting to discuss the bylaw. If a copy of the bylaw is not attached to the notice, a copy must be available at the council office.
5. After council has given three readings and held any public meetings, according to the enactment plan, council must forward the bylaw to the regional office to be filed with the Bylaw Registry Office.

This will require completion of Form 3. One signed original copy of the bylaw is required. The regional office will identify the required distribution of certified copies of the bylaw, if additional certified copies are required.

6. When the bylaw has been registered, a certified copy will be returned to the community through the registrar's office. A copy of all enacted bylaws must be kept in a permanent bylaw file in the council office and be available to the public during working hours.

### **Department responsibilities**

- The regional office will assist each community by:
  - a) facilitating discussion and participation by the community
  - b) providing draft bylaws for council review
  - c) supporting council in tailoring the bylaw to meet its needs
  - d) ensuring legal review takes place before enactment of a bylaw
  - e) arranging, where necessary, for translation of bylaws not covered under the delegated authority before enactment
  - f) forwarding bylaws received by the community to the registrar's office for filing and enactment
  - g) providing a certified copy of the bylaw, once enacted, for the community's permanent record

### **Other information**

- Appendix G10-A Form 1 Notice to Department Re: Bylaw
- Appendix G-10-B Form 2 Notice of Public Meeting
- Appendix G10-C Form 3 Certificate of Enactment Re: Bylaw