



Areas of Jurisdiction

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DEFINITION

‘Areas of jurisdiction’ is another new concept and key feature of *The Municipalities Act* in terms of a municipality’s bylaw making and regulatory powers. ‘Areas of jurisdiction’ essentially do two things:

1. Provide the general authority to act and pass bylaws within broadly worded functional areas - in effect saying these are the areas in which municipalities have jurisdiction and authority; and
2. Provide for a wide range of bylaw and regulatory powers within all areas, including the power to regulate, limit, prohibit, license and permit, enforce and collect penalties for non compliance.

The ‘areas of jurisdiction’ are listed in section 8 of the MA and include:

- (a) the peace, order and good government of the municipality;
- (b) the safety, health and welfare of people and the protection of people and property;
- (c) people, activities and things in, on or near a public place or place that is open to the public;
- (d) nuisances, including property, activities or things that affect the amenity of a neighbourhood;
- (e) transport and transportation systems, including carriers of persons or goods;
- (f) subject to *The Highway Traffic Act*, the use of vehicles, and the regulation of pedestrians;
- (g) streets and roads, including temporary and permanent openings and closings;
- (h) businesses, business activities and persons engaged in business;
- (i) services provided by or on behalf of the municipality, including establishing fees for providing those services;
- (j) public utilities;
- (k) wild and domestic animals and activities in relation to them.
- (l) the abandonment, discontinuance, dismantling, removal or decommissioning of any use, building or other structure, including former railway lines, and the reclamation of the land on which the use, building or other structure is located.

The ‘areas of jurisdiction’ provided in section 8 are similar to those in *The Cities Act* and generally reflect current municipal activities and functions, but are worded more broadly to provide councils with more flexibility to deal with local issues and new matters that may not be specifically listed.



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BENEFITS

The ‘areas of jurisdiction’ essentially replace the highly prescriptive and somewhat repetitive provisions of previous legislation which set out in detail all of the specific powers a municipality has for certain activities and functions.

For example, ‘business and business activities’ would include the licensing of business and regulation of store hours, ‘wild and domestic animals’ would include the control of any dangerous animals such as dangerous dogs, and ‘nuisances’ would include all sorts of nuisances such as junked vehicles and derelict property without each of these being specifically listed.

LIMITATIONS

While there is the general authority for municipalities to deal with the matters outlined in the ‘areas of jurisdiction’ provisions, there are however certain matters and powers, particularly regarding streets/roads and public utilities that are required to be limited or prescribed in a bit more detail. Therefore, more specific authority with respect to streets/roads and public utilities have been incorporated under the “Special Powers” provisions outlined in Part III. Such matters include the authority and notice required to close a street or road, how utility service connections are determined and discontinued and the right of entry or inspection related to repairing, discontinuing or metering utility services.

Although municipalities are now provided broad ‘areas of jurisdiction’ they will have to be mindful not to encroach authority that is beyond their scope (i.e. federal jurisdiction, provincial jurisdiction). Municipalities will also need to be mindful not to pass any bylaws that are inconsistent with provincial legislation. Before drafting any bylaws, it is always good practice to consult with a solicitor and obtain advice.

STANDARD BYLAW AND REGULATORY POWERS

Within all of these areas, municipalities are given a wide range of standard bylaw and regulatory powers in subsections 8(2) and 8(3). These include the power to regulate and prohibit, the power to establish a system of licenses, permits, inspections, and approvals, and the power to create offences and impose fines and penalties. These powers apply uniformly to all the areas without the need for repetition within each area. Note that the maximum fines have been increased from the current urban and rural municipal Acts, and license fees continue to be limited to the costs of administration and enforcement, except for transient traders and contractors.