



# THE RURAL MUNICIPALITY OF VICTORIA BEACH

## BY-LAW NO. 1616

### ENFORCEMENT OF GENERAL BY-LAWS

A By-Law of The Rural Municipality of Victoria Beach to provide for an administrative penalty scheme for general by-law enforcement.

WHEREAS section 3(1) of the Act provides that a municipality may require that administrative penalties be paid in respect of the contravention of its by-laws;

WHEREAS section 3(2) of the Act provides that a municipality may only require that administrative penalties be paid if it first passes a by-law respecting specific matters as set out herein;

AND WHEREAS Council for the Municipality deems it advisable and in the public interest to enact this by-law to provide for an administrative penalty scheme as an additional means of encouraging compliance with its by-laws;

NOW THEREFORE Council of the Rural Municipality of Victoria Beach enacts as follows:

#### **DEFINITIONS AND INTERPRETATION**

- 1(1) Unless otherwise expressly provided in this by-law, or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in the Act.
- 1(2) The following definitions apply in this by-law:
  - (a) "Act" means *The Municipal By-Law Enforcement Act*;
  - (b) "By-law Enforcement Officer" means a person appointed by or designated under *The Municipal Act* to enforce by-laws of the Municipality, including a designated employee or officer under *The Planning Act*, and any police officer of the Victoria Beach Police;
  - (c) "Council" means the Council for the Rural Municipality of Victoria Beach;
  - (d) "Municipality" means the Rural Municipality of Victoria Beach;
  - (e) "Registrar of Motor Vehicles" means the Registrar of Motor Vehicles appointed under *The Drivers and Vehicles Act*;

#### **BY-LAW CONTRAVENTIONS AND PENALTIES**

- 2(1) The by-law contraventions described in Schedule A to this by-law are hereby designated as by-law contraventions that may be dealt with by a penalty notice under the Act.
- 2(2) The administrative penalties described for each contravention identified in Schedule A to this by-law are hereby set.

#### **PENALTY NOTICES**

- 3(1) In accordance with section 6(1) of the Act, a By-Law Enforcement Officer may complete and issue a penalty notice to a person against whom a designated by-law contravention is alleged.
- 3(2) The contents of a penalty notice must satisfy the requirements of section 6 of the Act.
- 3(3) A penalty notice may be in any form permitted by the Act and approved by the Chief Administrative Officer of the Municipality.
- 3(4) A penalty notice shall not be delivered if the limitation period prescribed by section 8 of the Act has elapsed.
- 3(5) The delivery of a penalty notice shall be in accordance with section 9 of the Act as well as the following provisions:

- (a) If a penalty notice is delivered via email, it is deemed to have been delivered to the person to whom it is addressed 2 days after the email was sent.
- (b) When a penalty notice is delivered in accordance with section 9, the owner of the vehicle indicated in the records of the Registrar of Motor Vehicles is liable to pay the administrative penalty set out in the penalty notice, in accordance with section 7 of the Act.

#### **RESPONDING TO A PENALTY NOTICE**

- 4(1) A person to whom a penalty notice is delivered has 30 days after the date of delivery to either pay the administrative penalty or request a review by a screening officer appointed pursuant to section 5(1) of this by-law.
- 4(2) The discounted amount as shown in Schedule A for the by-law contravention to which it relates may be paid as an administrative penalty if payment is made within 14 days after delivery of the penalty notice, as permitted in section 3(3)(a) of the Act.
- 4(3) Persons who request a review by a screening officer shall have their penalty notice reviewed on the basis of the full amount, not the discounted amount.
- 4(4) The Chief Administrative Officer of the Municipality must deliver a final notice as required by section 22 of the Act to a person who fails to respond to a penalty notice in compliance with section 9 of the Act.
- 4(5) The Municipality is authorized to collect penalties in accordance with sections 23 and 24 of the Act and any Regulations made pursuant to the Act.

#### **THE SCREENING OFFICER**

- 5(1) Council shall appoint one or more screening officers as required to meet the administrative needs of this by-law, and
  - (a) Neither a member of Council nor a member of a committee of Council shall be appointed as a screening officer; and
  - (b) The Chief Administrative Officer or Assistant Chief Administrative Officer shall serve as a screening officer in the absence of an appointed screening officer.
- 5(2) A screening officer shall review penalty notices as requested in accordance with this by-law and the Act within 30 days of a request being made.
- 5(3) Upon review, a screening officer may make one of the following decisions in accordance with section 11(1) of the Act:
  - (a) Confirm the administrative penalty;
  - (b) Enter into a compliance agreement with the person on behalf of the Municipality;
  - (c) Reduce or cancel the amount of the administrative penalty where:
    - (i) The circumstances surrounding the contravention are such that reduction or cancellation of the amount of the administrative penalty would be in the public interest;
    - (ii) In the case of a parking contravention:
      - (1) There would have been no contravention if a permit, licence, ticket or other document had been properly displayed on or within the vehicle, and the vehicle owner can show that, although the permit, licence, ticket or other document was not properly displayed, it had been issued and was valid and applicable to the vehicle at the time of the contravention;
      - (2) The vehicle owner can show that the contravention was a result of a minor medical emergency;
      - (3) The vehicle owner can show that the person in respect of whom the penalty notice was issued was undergoing a personal tragedy which played a role in the contravention and a reduction of the amount of the administrative penalty is in the public interest; or

(4) The vehicle owner can show both that the contravention was a result of mechanical problems and that they reasonably prevented the person in respect of whom the penalty notice was issued from complying with the by-law despite the fact that he or she exercised due diligence in attempting to comply;

(d) Cancel the administrative penalty, where, in the screening officer's opinion, the contravention did not occur as alleged or the penalty notice does not comply with the Act or this by-law.

5(4) If a decision is made in accordance with 5(3)(a) or 5(3)(c)(i) or 5(3)(c)(ii), the screening officer must give the person notice of the decision and inform them, if applicable, that they have 14 days to either pay the amount of the administrative penalty established by the screening officer, or request an adjudicator to review the screening officer's decision.

(a) If the person does not request adjudication within 14 days of receiving notice from the screening officer, the administrative penalty shall be immediately due and payable to the Municipality.

## **COMPLIANCE AGREEMENTS**

6(1) All by-law contraventions may be dealt with by compliance agreements except parking contraventions, as demarcated in Schedule A of this by-law.

6(2) Compliance agreements shall satisfy the requirements and abide by the terms of section 12 of the Act.

6(3) A compliance agreement shall:

(a) Not be entered into unless the screening officer has received comments about the proposed compliance agreement from the By-Law Enforcement Officer who issued the penalty notice;

(b) Describe the action to be taken to bring the person into compliance with the by-law;

(c) State a date no later than 60 days after the date of the compliance agreement by which the action must be completed; and

(d) Provide for inspection by the screening officer for the purpose of determining compliance with the agreement.

6(4) If the screening officer believes that a person who has entered into a compliance agreement has failed to comply with its terms, the screening officer may end the compliance agreement and give the person notice of the fact by regular mail. The notice is deemed to have been received 7 days after it was mailed.

6(5) When a screening officer ends a compliance agreement, the person who entered into it may, within 14 days after receiving notice under 6(4), pay the administrative penalty set out in the penalty notice, or request that the screening officer submit for adjudication the issue of whether the person complied with the terms of the agreement.

6(6) If the person does not request adjudication within 14 days of receiving the notice, the administrative penalty set out in the penalty notice is immediately due and payable to the Municipality.

## **REPORTING TO COUNCIL**

7(1) The Chief Administrative Officer shall provide an annual report to Council on administrative penalties within the Municipality.

## **ADJUDICATION**

8(1) An adjudication process as described in sections 14 to 21 of the Act and the Regulations made pursuant to the Act is hereby established to allow a person to whom a penalty notice has been issued to do the following:

- (a) request a review of a screening officer’s decision to confirm or reduce the administrative penalty set out in the penalty notice; or
- (b) request a determination of a dispute as to whether the terms of a compliance agreement were complied with.

8(2) A fee of \$25 must be submitted along with a request for adjudication. A request for adjudication is not complete and shall not proceed until the fee is paid. If the adjudicator determines that no penalty notice is payable, this fee shall be refunded.

8(3) Adjudications must be held in accordance with, and the adjudicator must follow, sections 16 to 20 of the Act.

8(4) Parties to an adjudication must receive advance notice of the place, date and time at which an adjudication will be held.

8(5) Failure to attend an adjudication, by any of the forms permissible in section 17 of the Act, without reasonable explanation, shall result in the full amount of the penalty notice becoming immediately due and payable to the Municipality.

8(6) Adjudicator’s decisions pertaining to the Municipality shall be available to the public.

**COLLECTIONS**

9(1) The Municipality shall deliver final notices in accordance with the procedures provided in section 22 of the Act.

9(2) The Municipality may collect penalties in accordance with the procedures provided in sections 23 and 24 of the Act.

**AMENDMENTS TO OTHER BY-LAWS**

10(1) This by-law shall be considered to make the necessary amendments to the enforcement provisions of any of the Municipality’s by-laws that contain designated contraventions, violations or offences, as set out in Schedule A of this By-law.

**SEVERABILITY**

11(1) The invalidity of any provisions of this by-law with an Act or Regulation in force in the Province of Manitoba or a decision of Court, shall not affect the validity or enforceability of any other provisions of this By-law, which shall remain in full force and effect.

12 By-Law 1610 be and is hereby repealed.

DONE AND PASSED in Council assembled, in the City of Winnipeg, in the Province of Manitoba, this 16<sup>th</sup> day of March A. D. 2021.

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Penny McMorris – Mayor

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Raymond Moreau – CAO

Read a first time this 2<sup>nd</sup> day of March A. D. 2021.

Read a second time this 16<sup>th</sup> day of March A. D. 2021.

Read a third time this 16<sup>th</sup> day of March A. D. 2021.



**THE RURAL MUNICIPALITY OF VICTORIA BEACH  
ADMINISTRATIVE PENALTIES BY-LAW NO. 1616**

**SCHEDULE A**

The following are the by-law contraventions which may be dealt with by a penalty notice under *The Municipal By-Law Enforcement Act*, as well as the administrative penalties for each contravention, and the discounted amount for each contravention, if applicable.

Parking contraventions, pursuant to sections 5(3) and 6(1) of this By-Law, are denoted with an asterisk (\*).

<b>By-Law Number</b>	<b>Subject/Title</b>	<b>By-Law Contravention</b> <i>The following are excerpts only, for ease of reference. The exact text is contained within the by-law referred to.</i>	<b>Administrative Penalty</b>	<b>Discounted Amount</b>
1581	DOG CONTROL	DOGS RUNNING AT LARGE, DOGS ON THE BEACH, BARKING DOGS	MINIMUM - \$50 MAXIMUM - \$500	
1584	WATER CONSUMPTION	OUTDOOR WATERING DURING RESTRICTION OR PROHIBITION	MINIMUM - \$50 MAXIMUM - \$500	
1586	FEEDING WILDLIFE / FOOD & REFUSE STORAGE	BIRD AND WILDLIFE FEEDING FOOD STORAGE REFUSE STORAGE	MAXIMUM - \$500	
1587	REGULATING PRIVATE CROSSINGS & ROADWAYS	CONSTRUCTION OF PRIVATE CROSSING WITHOUT A PERMIT OR AUTHORIZATION	MAXIMUM - \$500	
1588*	REGULATING USE OF STREETS AND ROADS BY MOTOR VEHICLES	DRIVING IN THE VEHICLE RESTRICTED AREA WITHOUT A VALID VEHICLE PERMIT	\$100	\$50
1589	FIREARMS & FIREWORKS	DISCHARGE OF FIREARMS AND FIREWORKS / SALE AND STORAGE OF PYROTECHNICAL DEVICES	MAXIMUM \$1,000	
1590	DERELICT VEHICLES	PARKING AND STORAGE OF DERELICT VEHICLES	MAXIMUM \$1,000	
1591	FIRES AND FIRE PITS	NON-PERMITTED OUTDOOR FIRES / NON- APPROVED FIREPLACE – FIREPIT / NON-APPROVED MATERIALS	MAXIMUM \$1,000	
1592	FIRE PREVENTION AND EMERGENCY SERVICES	PUBLIC INTERFERENCE WITH FIRE DEPARTMENT OFFICIALS / EQUIPMENT	MAXIMUM \$1,000	
1593	NOISE	NOISE DISTURBANCES	MAXIMUM \$1,000	
1594	ENCROACHING ONTO MUNICIPAL PROPERTY	UNAUTHORIZED CONSTRUCTION AND MAINTENANCE OF PRIVATE ENCROACHMENTS	MAXIMUM \$500	

1595	UNAUTHORIZED USE OF BANKS	UNAUTHORIZED USE OF SAND BANKS / STORAGE OF ITEMS ON BANKS AND LAKESHORE	MAXIMUM \$1,000	
<b>By-Law Number</b>	<b>Subject/Title</b>	<b>By-Law Contravention</b> <i>The following are excerpts only, for ease of reference. The exact text is contained within the by-law referred to.</i>	<b>Administrative Penalty</b>	<b>Discounted Amount</b>
1596	UNSIGHTLY / UNSAFE PROPERTY	RUBBISH / UNSAFE STRUCTURES / UNSIGHTLY PROPERTY / STORAGE OF VEHICLES, APPLIANCES / WEEDS	MAXIMUM \$1,000	
1597	BUILDING	UNAUTHORIZED CONSTRUCTION / NON-CODE COMPLIANT CONSTRUCTION	MAXIMUM \$1,000 (INDIVIDUAL) MAXIMUM \$5,000 (CORPORATE)	
1598	UNAUTHORIZED WORK ON MUNICIPAL PROPERTY	REMOVAL, CLEARING, DESTRUCTION OF TREES, BRUSH, NATURAL VEGETATION REMOVAL, PLACEMENT OF MATERIAL, FILL, GRAVEL	MINIMUM \$500 MAXIMUM \$1,000	
1600*	TRAFFIC VIOLATIONS	PARKING IN A "NO PARKING" AREA / PARKING CONTRARY TO A TRAFFIC CONTROL SIGN / PARKING AS TO OBSTRUCT TRAFFIC / OPERATING A MOTOR VEHICLE ON A BEACH	\$80	\$40
1609	REGULATING USE OF PUBLIC PROPERTY	DUMPING REFUSE / CAMPING / OPEN FIRES	MAXIMUM \$1,000	
1614	OFF ROAD VEHICLES	UNAUTHORIZED OPERATION OF OFF-ROAD VEHICLES ON MUNICIPAL PROPERTY	MAXIMUM \$1,000	