

A BY-LAW TO PROVIDE FOR IMPLEMENTATION OF THE PROVINCIAL OFFENCES ACT

WHEREAS:

- A. The Provincial Offences Act replaced the Summary Convictions Act and provides for the enforcement of contraventions of Provincial Acts, Regulations and contraventions of municipal by-laws;
- B. The Municipal Act gives the council of a municipality the power to pass by-laws for municipal purposes and to enforce these by-laws, the Municipal Act and any other act the Municipality is authorized to enforce; and
- C. Council for the R.M. of Manitoba (“Municipality”) deems it advisable in the public interest to provide for the implementation of the Provincial Offences Act as an additional means of encouraging compliance with its municipal by-laws, the terms or conditions of permits, approvals and orders, and acts it is authorized to enforce;

NOW THEREFORE Council of the R.M. of Manitoba enacts as follows:

PURPOSE AND INTERPRETATION

- 1. The purpose of this by-law is to implement and provide for the enforcement, under the Provincial Offences Act, of
 - a. the Municipality’s by-laws, the Municipal Act, the Planning Act and any other act the Municipality is authorized to enforce, and
 - b. permits, approvals, and orders made or issued under the Municipality’s by-laws, the Municipal Act, the Planning Act or any other act the Municipality is authorized to enforce.
- 2. Words defined in the Provincial Offences Act, the Municipal Act or the Planning Act have the same meaning in this by-law, unless provided otherwise in this by-law.
- 3. This by-law includes the following Schedule:
Schedule A: Preset Fines for municipal offences under the Municipality’s by-laws.

PRESET FINES FOR THE MUNICIPALITY’S BY-LAWS

4. The preset fines for municipal offences are set out in Schedule A.

ENFORCEMENT OFFICER'S AUTHORITY

5. The persons appointed under the *(list all of the Municipality's by-laws and positions named in those by-laws that appoint a person to enforce a by-law)* are authorized to enforce offences, including municipal offences, under the Provincial Offences Act.

Additional wording to be used by a municipality in a planning district

6. The persons appointed under the XX Planning District's By-law No. XX *(list the Planning District's by-law appointing persons to carry out enforcement and the positions named in the By-law)* are authorized to enforce offences, including municipal offences, under the Provincial Offences Act.

CHIEF ADMINISTRATIVE OFFICER'S AUTHORITY

7. The chief administrative officer is authorized to do the following under the Provincial Offences Act:
 - a. under section 87(3), collect fine payments and remit the amount due to the government on account of costs;
 - b. under section 90, issue a certificate in respect of an unpaid fine, and file the certificate in the Court of Queen's Bench;
 - c. under section 91, file a restitution order in the Court of Queen's Bench if a debtor has failed to comply with the payment provisions of a restitution order;
 - d. under section 92, register a financing statement in the Personal Property Registry to give effect to the municipality's lien against the personal property of a debtor for an unpaid fine; and
 - e. under section 93(4), register documents in the Personal Property Registry to postpone the Municipality's interest under a financing statement, or to amend, renew or discharge a financing statement.

ADMINISTRATIVE FEE

8. The administrative fee under section 92(3) of the Provincial Offences Act for a lien for unpaid fines is set at \$60.00.

AMENDMENTS TO OTHER MUNICIPAL BY-LAWS

9. *This section will make amendments to the enforcement and offence provisions of the Municipality's by-laws in required. If a Municipality's by-law refers to a person being subject to a set fine amount for a specific offence, (1) the by-law should either be amended to make the person liable to a fine "up to a maximum of \$xx", instead of having a set amount for the fine in that by-law in which case the amount of the fine will then be shown as a preset fine in Schedule A to this by-law, or (2) the by-law may remain unchanged and the preset fine set in this by-law must match the amount of the fine set out in that by-law*

TRANSITIONAL

10. This by-law applies to existing offences and prosecutions. Proceedings commenced under the former Summary Convictions Act that are not finally disposed of before this by-law comes into force are to be taken up and continued under and in conformity with the provisions of this by-law.

DONE AND PASSED by Council of the R.M. of Manitoba, in open meeting, duly assembled, this ___ day of _____ 201__.

SCHEDULE A

Section #	Name of By-law and By-law #	Description of offence	Preset fine amount
			\$
			\$
			\$
			\$