

THE MUNICIPALITY OF RHINELAND

BY-LAW 2019-16

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 bylaws;
- 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 Municipality of Rhineland 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 Municipality of Rhineland 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.

PRE-SET FINES FOR THE MUNICIPALITY'S BY-LAWS

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

ENFORCEMENT OFFICER'S AUTHORITY

- 5. The persons appointed under the
 - Derelict Vehicles (By-Law # 2019-13 or its replacement)
 - Unsightly Property (By-Law #2019-12 or its replacement)
 - Firearms (By-Law # Plum Coulee 748-13, Gretna # 746-2004, Rhineland 2003-08 or its replacement)
 - Off Roads Vehicle (By-Law Plum Coulee 2015-06, Gretna 668-1995 or its replacement)

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.

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 the Council of The Municipality of Rhineland, duly assembled at the Town of Altona, in Manitoba, this 25th day of September, 2019.



Reeve



Chief Administrative Officer

Read a first time this 11th day of September, 2019 A.D.

Read a second time this 25th day of September, 2019 A.D.

Read a third time this 25th day of September, 2019 A.D.

SCHEDULE A

Section #	Name of By-law & By-law #	Description of offence	Pre-set fine
4	Derelict Vehicles By-Law 2019-13	Contravention of By-Law	\$300.00
6 & 15	Derelict Vehicles By-Law 2019-13	Contravention of By-law	\$300.00
3	Unsightly Property By-Law 2019-12	Contravention of By-law	\$200.00
4	PC Fire Arms By-Law 748-14	Contravention of By-law	\$250.00
1	PC Off Roads By-Law 743-14	Contravention of By-law	\$250.00