

RURAL MUNICIPALITY OF LAC DU BONNET

Provincial Offences Act By-Law

BY-LAW NO. 04-24

BEING a by-law of the Rural Municipality of Lac du Bonnet to provide for implementation of the Provincial Offences Act.

WHEREAS 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; and

WHEREAS 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

WHEREAS Council for the Rural Municipality of Lac du Bonnet ("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;

THEREFORE, BE IT RESOLVED that the Council of the Rural Municipality of Lac du Bonnet in open meeting assembled, enacts as follows:

1. TITLE

- a. THAT this by-law may be referred to as "The Rural Municipality of Lac du Bonnet Provincial Offences Act By-law".

2. PURPOSE AND INTERPRETATION

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.

3. DEFINITIONS

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.

4. PRESET FINES FOR THE MUNICIPALITY'S BY-LAWS

The preset fines for municipal offences are set out in Schedule A to this bylaw, and Schedules to this By-Law may be amended by Resolution of Council.

5. ENFORCEMENT OFFICER'S AUTHORITY

The persons appointed under the Designated Officer Appointment Bylaw 10-18, as amended from time to time, being a bylaw of the Rural Municipality of Lac du Bonnet providing for the establishment of designated officer positions, are authorized to enforce offences, including municipal offences, under the *Provincial Offences Act*.

6. CHIEF ADMINISTRATIVE OFFICER'S AUTHORITY

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 King's Bench;
- c. Under section 91, file a restitution order in the Court of King'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.

7. ADMINISTRATIVE FEE

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

8. AMENDMENTS TO OTHER MUNICIPAL BY-LAWS

- A) Pursuant to Noise By-Law No. 7-16, the Designated Officer shall be permitted to issue a fine as set out in Schedule "A" to this By-Law per offence.
- B) Pursuant to Animal Control By-Law No. 18-18, the Designated Officer shall be permitted to issue a fine as set out in Schedule "B" to this By-Law per offence.
- C) Pursuant to Temporary Control and Regulation of Vehicle Traffic By-Law No. 11-09, the Designated Officer shall be permitted to issue a fine as set out in Schedule "C" to this By-Law per offence.

9. TRANSITIONAL

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.

This by-law comes into force on the day of passage.

DONE AND PASSED by the Council of the Rural Municipality of Lac du Bonnet, in Council duly assembled, at Lac du Bonnet, Manitoba, this 12th day of March, 2024.

RURAL MUNICIPALITY OF LAC DU BONNET



Loren Schinkel, Reeve



Sandra Broek, Chief Administrative Officer

Read a First time this 28 day of February, 2024

Resolution 2024 0088

Read a Second time this 12 day of March, 2024

Resolution 2024 0120

Read a Third time this 12 day of March, 2024

Resolution 2024 0121

SCHEDULE "A"

Preset Fines for Noise By-Law No. 07-16, as amended from time to time.

Section	By-law	Description	Fine Amount
2	07-16 (Noise)	Nuisance noise undertaken between the hours of 11:00 p.m. of any day and 7:00 a.m.	1st - \$195 2nd - \$340 3rd - \$485
2 (a)	07-16 (Noise)	Nuisance noise that disturbs, injures, or endangers the comfort, health, peace, or safety of an individual.	1st - \$195 2nd - \$340 3rd - \$485
2 (b)	07-16 (Noise)	Nuisance noise created by a person owning, possessing, or harboring any animal or bird.	1st - \$195 2nd - \$340 3rd - \$485
2 (c)	07-16 (Noise)	Nuisance noise created by excavation or construction.	1st - \$195 2nd - \$340 3rd - \$485
2 (d)	07-16 (Noise)	Nuisance noise caused by motorized toy, power tool or similar device outdoors.	1st - \$195 2nd - \$340 3rd - \$485
2 (e)	07-16 (Noise)	Nuisance noise created by a projected noise for the purpose of a performance or advertising.	1st - \$195 2nd - \$340 3rd - \$485
2 (f)	07-16 (Noise)	Nuisance noise that disturbs, injures, or endangers the comfort, health, peace, or safety of an individual.	1st - \$195 2nd - \$340 3rd - \$485
2 (g)	07-16 (Noise)	Nuisance noise caused by an electronic device, audible from a distance of thirty (30) meters or more, unless authorized by Council.	1st - \$195 2nd - \$340 3rd - \$485
2 (h)	07-16 (Noise)	Nuisance noise created by engine retarder brakes ("Jake Brakes") in an identified prohibited restriction zone.	1st - \$195 2nd - \$340 3rd - \$485

SCHEDULE "B"

Preset Fines for Animal Control By-Law – No. 18-18, as amended from time to time.

Section	By-law	Description	Fine Amount
3.1	18-18 (Animal Control)	Allowing dog to run at large.	\$340
3.2	18-18 (Animal Control)	Failure to leash dog.	\$195
3.3	18-18 (Animal Control)	Failure to muzzle dangerous dog.	\$630
3.4	18-18 (Animal Control)	Failure to secure aggressive dog.	\$340
3.5	18-18 (Animal Control)	Own, harbor or keep more than 3 dogs.	\$340
3.6	18-18 (Animal Control)	Failure to confine dog in heat.	\$195
3.7	18-18 (Animal Control)	Fail to confine dog with communicable disease.	\$195
3.8	18-18 (Animal Control)	Failure to dispose of excrement.	\$340
3.9	18-18 (Animal Control)	Dog left unattended in motor vehicle in unsafe conditions.	\$775
3.10	18-18 (Animal Control)	Allowing dog to bark or howl causing undue noise.	\$485
3.11	18-18 (Animal Control)	Allowing dog to upset or break into a refuse container.	\$340
4.1	18-18 (Animal Control)	Failure to provide adequate care of a dog.	\$775
4.2	18-18 (Animal Control)	Failure to tether dog.	\$195
4.3	18-18 (Animal Control)	Failure to enclose dog.	\$195
4.4	18-18 (Animal Control)	Own dog without sufficient identification.	\$195
CATS			
6.1	18-18 (Animal Control)	Failure to provide adequate care of a cat.	\$775
6.2	18-18 (Animal Control)	Failure to enclose cat.	\$195
6.3	18-18 (Animal Control)	Own cat without sufficient identification.	\$195
6.4	18-18 (Animal Control)	Failure to dispose of excrement.	\$340
6.5	18-18 (Animal Control)	Failure to spay or neuter cat	\$485
6.6	18-18 (Animal Control)	Allowing cat to run at large.	\$340
6.7	18-18 (Animal Control)	Own, harbor or keep more than 2 cats.	\$340

LIVESTOCK			
7.1	18-18 (Animal Control)	Own, harbor or keep unpermitted livestock.	\$775
7.2	18-18 (Animal Control)	Allowing livestock to run at large.	\$340

SCHEDULE "C"

Preset Fines for Road Restrictions By-Law No. 11-09, as amended from time to time.

Section	By-law	Description	Fine Amount
1	11-09 (Temporary Control and Regulation of Vehicle Traffic)	No truck will exceed 65% normal axle loads excluding front axle.	1 st - \$775 2 nd - \$999
2	11-09 (Temporary Control and Regulation of Vehicle Traffic)	No water and sewer truck will exceed 90% normal axle loading.	1 st - \$775 2 nd - \$999

**RURAL MUNICIPALITY OF LAC DU BONNET
By-Law 04-2024**

**“SCHEDULE D”
CALCULATION OF PRESET FINES**

FINE CATEGORY	FINE PAYABLE
A	\$ 195.00
B	\$ 340.00
C	\$ 485.00
D	\$ 630.00
E	\$ 775.00
F	\$ 999.00

Fine Category	Preset Fine	Court Costs (45%) Rounded to nearest dollar	Justice Services Surcharge	TOTAL FINE
A	\$100	\$45	\$50	\$195
B	\$200	\$90	\$50	\$340
C	\$300	\$135	\$50	\$485
D	\$400	\$180	\$50	\$630
E	\$500	\$225	\$50	\$775
F	\$655	\$294	\$50	\$999