

CITY OF MORDEN

By-Law No. 2-2017

BEING a By-law of the City of Morden to impose administration penalties.

WHEREAS subsections 3(1) of *The Municipal By-law Enforcement Act* provides in relevant Part as follows:

Authority to impose administrative penalties

3(1) A municipality may, in accordance with the Act, require administrative penalties to be paid in respect of the contravention of its by-laws.

AND WHEREAS Subsection 3(2)

3(2) A municipality may only require administrative penalties to be paid if it first passes a by-law that does the following:

- (a) designates the by-law contraventions that may be dealt with by a penalty notice;
- (b) sets the amount of the administrative penalty for each contravention, which must not exceed the amount prescribed by regulation;
- (c) sets the period within which a person may pay the administrative penalty or request a review by a screening officer, subject to subsection 10(2);
- (d) provides for the appointment of one or more screening officers and specifies their powers and duties, which may include
 - (i) the power to reduce the amount of an administrative penalty set out in a penalty notice, and
 - (ii) the power to enter into a compliance agreement, on behalf of the municipality, with a person to whom a penalty notice has been issued;
- (e) sets the period within which a person must deal with a screening officer's decision under subsection 11(2);
- (f) establishes an adjudication scheme described in section 14 to resolve matters relating to administrative penalties and compliance agreements.

AND WHEREAS Subsection 3(3)

Additional by-law powers

3(3) A municipality that passes a by-law under subsection (2) may also, by by-law,

- (a) provide for an early payment discount of administrative penalties;
- (b) if the powers of a screening officer specified under clause (2)(d) include the power to reduce the amount of an administrative penalty, set out the grounds on which that may be done;
- (c) if the powers of a screening officer specified under clause (2)(d) include the power to enter into compliance agreements on behalf of the municipality,
 - (i) specify the by-law contraventions in relation to which a screening officer may enter into a compliance agreement,
 - (ii) set the terms that may be included in a compliance agreement to encourage compliance with the by-law,
 - (iii) set the maximum duration of a compliance agreement, and
 - (iv) extend the time for requesting an adjudication about a compliance agreement under subsection 13(1);
- (d) set out any additional grounds on which a screening officer or adjudicator is authorized to cancel a penalty notice under subclause 11(1)(d)(iii) or 19(2)(c)(iii);

- (e) establish a fee payable to file a request for adjudication, which must not exceed \$25;
- (f) do any other thing authorized by the regulations.

AND WHEREAS Subsection 6(1)

Penalty notice

6(1) A by-law enforcement officer may complete and issue a penalty notice to a person against whom a designated by-law contravention is alleged.

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

NOW THEREFORE the Council of the City of Morden in open session of Council duly assembled enacts as follows:

1. The Enforcement By-law, attached hereto and marked as Schedule "A", is hereby adopted
2. The by-law shall be known as the City of Morden Enforcement By-law.
3. The City of Morden Enforcement By-law shall take force and effect on the day after third reading of this By-law.
4. The Schedule to the by-law can be amended by Council of the City of Morden by resolution.

DONE AND PASSED as a by-law of the City of Morden, in the Province of Manitoba this 26th day of June 2017.

CITY OF MORDEN

Ken Wiebe

Mayor

John Scarce

City Manager

Read a first time this	23 rd day of January	2017
Read a second time as amended this	26 th day of June	2017
Read a third time this	26 th day of June	2017

City of Morden
By-law Enforcement By-law
Being Schedule "A"
Attached to By-law No. 2-2017

Purpose

The purpose of this by-law is to establish an administrative penalty scheme for the enforcement of parking and other by-law contraventions and an adjudication scheme to review screening officer decisions.

Definitions

The following definitions apply in this By-law.

"**adjudicator**" means a person appointed under section 15.

"**by-law enforcement officer**" means a person appointed or designated under *The Municipal Act* or *The City of Winnipeg Charter* to enforce the by-laws of a municipality, and includes a designated employee or officer under *The Planning Act*.

"**compliance agreement**" means a compliance agreement under section 12 that is authorized by a by-law under clause 3(2)(d).

"**designated by-law contravention**" means a contravention of a by-law designated under clause 3(2)(a).

"**licence plate**" of a vehicle means a number plate as defined in *The Drivers and Vehicles Act*.

"**municipality**" includes a local government district and a planning district under *The Planning Act*.

"**owner**", in relation to a vehicle, has the same meaning as in *The Drivers and Vehicles Act*.

"**parking**", in relation to a vehicle, includes the standing or stopping of a vehicle.

"**penalty notice**" means a notice under section 6 issued in respect of a designated by-law contravention.

"**Registrar of Motor Vehicles**" means the Registrar of Motor Vehicles appointed under *The Drivers and Vehicles Act*.

"**screening officer**" means a person appointed as a screening officer by a municipality

"**vehicle**" means a motor vehicle or vehicle as defined in *The Highway Traffic Act*.

Authority to Impose Administrative Penalties

1. **THAT** pursuant to clauses 3(2)(a) and 3(2)(b) in accordance with Appendix A to this by-law, Council has determined the complete list of By-law contraventions that may be dealt with by a penalty notice.

AND FURTHERMORE from time to time Council will by resolution update and amend Appendix A.

2. **THAT** pursuant to clause 3(2)(c) from the date of the Penalty Notice unless otherwise specified on the Notice, a person must pay the Penalty Notice within 28 days.

Or alternately, the person must request a review by a Screening Officer under clause 10(1)(b) within 21 days of the Penalty Notice date or date otherwise specified on the Notice.

Screening Officer

3. **THAT** pursuant to clause 3(2)(d) the City Manager will decide how the Screening Officer duties will be delivered.
4. **THAT** pursuant to subclauses 3(2)(d)(i)(ii) the Screening Officer duties are not limited to, but include
 - a. authority to reduce the administrative penalty by 50%;
 - b. authority to enter in to a Compliance Agreement, on behalf of the municipality, with a person to whom a penalty notice has been issued.

Screening Officer Decision

5. **THAT** pursuant to clause 3(2)(e) a person has within 7 days of the screening officer's decision to comply with that decision.

Or a person has 5 days from the date of the Screening Officer's decision to elect to request an adjudicator to review the screening officer's decision by notice in writing to the City Manager accompanied by a \$25 adjudication fee.

Adjudication Scheme

6. **THAT** pursuant to clause 3 (2)(f) the Adjudication Scheme allows for 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;
 - b. request a determination of a dispute as to whether the terms of a compliance agreement were complied with.

Early Discount

7. **THAT** pursuant to clause 3(3)(a) all administration penalty that fall within 21 days of the date of issue are subject to an automatic 50% reduction.

Compliance Agreement

8. **THAT** pursuant to clause 3(3)(c) the Screening Officer may enter into a Compliance Agreement for all contradictions to which a penalty notice has been issued; except: Snow Removal, Parking Ban and Dangerous Dogs; and allow for the following:
 - a. Can be set to meet compliance periods of a maximum term of 6 months,
 - b. 6-month compliance agreements can provide for a discount on early payment of 25% for the months of 4, 5 and 6 if paid in full at the time month 4 is due,
 - c. a clause to waive any financial penalty if non-financial measure in the compliance agreement are met within 50% of the agreement terms.

Appendix A - Penalties

To Schedule A of City of Morden By-law 2-2017

By-law contraventions that may be dealt with under the Act.

*Applicable as first, second and subsequent offence

Offence No.	By-Law Section	Contradiction	Penalty
17BL09 Animal Control			
101	5 (1)	Failure to meet and maintain identified animal conditions *	\$150 \$300 \$450
102	6 (1)	Unlicensed Dog	\$250
103	6 (3)	Dog tag not secured on collar	\$150
104	6 (5)	Failure to report change of ownership of a dog	\$150
105	6 (9)	Failure to provide when asked proof of rabies vaccination	\$500
106	15 (1)(a)	Keeping excess animals on property	\$500
107	12 (1)(a)	Animal wandering at large	\$150
108	12 (1)(a)	Animal disturbing quiet of any person	\$150
109	12 (1)(c)	Failure to clean up animal excrement from private or public property	\$150
110	12 (1)(d)	Damage by animal of public or private property not the owners	\$150
111	12 (1)(g)	Own, keep, harbour a dog determined to be a dangerous animal	\$500
112	12 (1)(h)	Allow to bite attack or worry a person	\$850
113	12 (1)(i)	Permit a dog on school or play grounds	\$150
114	12 (1)(j)	Not under effective control	\$150
115	12 (1)(j)	Leash longer than 6 feet	\$150
116	14 (3)	Allowing a cat or dog in heat to be in a public place	\$150
117	14 (5)	Cat outside of premise uncontrolled	\$150
118	14 (6)(b)	Not complying with the conditions of cat trap use	\$150
119	20 (1)	Keeping of livestock in excess of prescribed numbers in city	\$150
120	20 (2)	Livestock wandering at large	\$150
121	21 (1)	Keeping of restricted animals without a permit	\$250
122	22 (1)	Ill-treatment of animals	\$1000
123	23 (1)	Teasing, enticing, baiting or throwing objects at an animal	\$800
124	24 (3)(a)	Break into a pound	\$250
125	24 (3)(6)	Remove or attempt to remove impounded animal	\$300
17BL10 Traffic			
201	4 (1)(a)	Parade not under direction or control of marshall or organizer	\$150

Offence No.	By-Law Section	Contradiction	Penalty
202	4 (1)(b)	Parade not permitted by Chief of Police	\$150
203	4 (4)	Drive through a parade	\$150
204	4 (5)	Walk through or into a parade	\$150
205	6 (2)	Drive vehicle on street barricaded or closed to traffic	\$150
206	7 (1)	Operate truck or truck tractor along street contrary to truck route	\$150
207	8 (2)	Use engine retardant brakes where prohibited	\$150
208	9 (1)	Park vehicle on street contrary to By-law namely: <ul style="list-style-type: none"> • Unparallel to curb • Facing oncoming traffic • More than 450mm from curb • Less than 1 metre ahead or behind vehicle • Contrary to signage 	\$150
209	9 (2)	Park truck, truck tractor and/or trailer, motorhome or bus for more than one hour	\$150
210	9 (3)	Park construction equipment or place dumpster without approved permit	\$150
211	9 (4)	Park trailer with refrigeration unit within 100 meters of a residence	\$150
212	9 (5)	Drive, park or stop vehicle or trailer on or along a boulevard	\$150
213	9 (6)	Park or leave vehicle on private property where sign prohibits	\$150
214	9 (7)	Park vehicle on street between 12 midnight and 8:00 am when prohibited	\$150
215	10 (2)	Park vehicle or place container on street without permit	\$150
216	11 (2)	Remove, alter, obliterate or deface mark placed on vehicle	\$150
217	12 (2)	Stop, stand or park vehicle in parking space designated for disabled persons	\$150
218	13 (2)(a)	Stop or park vehicle contrary to traffic control device namely: <ul style="list-style-type: none"> • Anytime • During (insert time ie: 8:00 am – 5:00 pm) 	\$150
219	13 (2)(b)	Stop or park vehicle contrary to traffic control device namely: <ul style="list-style-type: none"> • More than (insert time ie. 3 hours or 5 hours) 	\$150
220	14 (1)(a)	Stop or park vehicle in alley	\$150
221	14 (1)(b)	Stop or park vehicle in a loading zone	\$150
222	14 (1)(c)	Stop or park vehicle as to obstruct flow of traffic	\$150
223	15 (2)	Fail to ride bicycle closest to right hand curb	\$150
224	15 (3)	Ride bicycle upon a sidewalk or boulevard	\$150
225	16 (1)	Make U turn other than at intersection	\$150
226	16 (2)	Exceed speed limit in park or parkway in excess of 25km/hr. name: _____ km/hr	\$150

Offence No.	By-Law Section	Contradiction	Penalty		
17BL11 Noise					
301	3 (a)	Animal in your care creating a noise nuisance	*\$150	\$300	\$450
302	3 (b) (c)	Operating or testing power or manual equipment, machinery or motor vehicle outside allowable hours	*\$150	\$300	\$450
303	3 (f)	Creating a noise nuisance by shouting or amplified sound	*\$150	\$300	\$450
17BL12 Municipal Parks					
401	2 (a)	Congregate in a park between 11pm and 6am	*\$150	\$300	\$450
402	2 (b)	Overnight camping	*\$150	\$300	\$450
17BL13 Powered Model Vehicles					
501	4 (1)	Operating gas-powered model vehicle within 300 meters of residence	*\$50	\$150	\$300
502	5 (1)	Operating a model aircraft within City limits	*\$50	\$150	\$300
17BL14 Garage Sale					
601	4	Failure to remove sign			\$150
602	4	Boulevard Restoration			\$150
603	5	Sign Placement			\$150
17BL15 Derelict Vehicles					
701	4	Derelict Vehicle per vehicle			\$300
702	4	Not stored properly			\$150
703	5	To many derelict vehicles being stored per vehicle			\$300
704	5	Permit expired			\$150
17BL16 Obstruction on Municipal Road					
801	1	No one shall place, plant, grow, deposit, or move onto any municipal road, park or reserve, within the City of Morden any snow, ice, trees, shrubs, weeds, grass, leaves, garbage, or obstructions of any kind or nature, or damage any municipal road, park, or reserve, or damage or remove anything from any municipal road, park, or reserve, unless the City of Morden by resolution from time to time, designates otherwise.	*\$150	\$300	\$450
		\$1000			
17BL17 Boulevard Maintenance					
901	4	No person shall break, dig up, or remove or in any way injure or deface the trees, shrubs, plants or turf located on a boulevard.			\$150

Offence No.	By-Law Section	Contradiction	Penalty
902	5	No person shall throw or deposit any waste, refuse, or substance of any kind, upon any boulevard.	\$150
903	6	No person shall install, place or deposit anything on a boulevard which would obstruct or hinder traffic on any street or cause damage to the boulevard or prove offensive or detrimental to the proper management of boulevards except as provided in section 7.	\$150
904	7.	Soil and well-rotted lawn dressing may be deposited on a boulevard for removal to private property, but it shall not be allowed to remain longer than seven (7) days	\$150
905	8.	No person shall store, place or deposit on any boulevard any building materials whatever without first obtaining permission from the CM.	\$150
906	9.	No person shall deface, destroy or mutilate any notices posted by order of the Municipality within a boulevard.	\$150
907	10.	No person shall display or distribute advertising matter of any kind on any boulevard without permission of the Municipality.	\$150
908	11.	No person shall use any boulevard for business purposes without approval	\$150
909	12	No person shall cause a vehicle to be parked in such a manner as to encroach upon or damage a tree, shrub, plant or the turf on any boulevard.	\$150
909	13	No person shall drive a motor vehicle on, across, or along any boulevard at any place other than an authorized crossing unless written permission has been obtained from the CM	\$150
910	14	No person shall ride a horse on, across or along any boulevard.	\$150
911	15	No person shall plant any tree, sapling, shrub or plant of any kind on any boulevard, without first obtaining the written permission of the CM	\$150
912	16	No person shall remove, destroy, cut, deface, trim any tree, shrub, sapling, or plant or sod on any boulevard except as expressly authorized by the CM	\$150
913	17	No tree, shrub, or sapling growing on a boulevard shall be destroyed or removed, except as ordered by the CM for reasons of disease, hazard or emergency.	\$150
914	18	No person, whether licensed or otherwise, shall move any building along the right of way in such a way as to damage any tree, shrub, sapling, plant or turf on any boulevard. In case of any possibility of damage a permit shall be obtained and funds deposited with the CM to cover estimated damages.	\$150
915	19	Where any person, or persons propose to cross any newly constructed boulevard for the purpose of delivery or removal of furniture, household goods, or other like chattels; they shall first place planks of sufficient width, length and strength over the boulevard so that no injury to the boulevard shall result and all packing materials used in such delivery or removal shall be removed from the boulevard.	\$150
916	20	No vehicle shall drive across a boulevard in order to deliver or remove any furniture, household goods or other like chattels unless first obtaining the written permission of the CM.	\$150
917	21	No person shall make an excavation into the surface of any boulevard without first obtaining the necessary permit from the CM.	\$150
918	22	No person shall interfere with the CM or Designated Officer in the performance of his duties imposed by this By-law.	\$300

Appendix B- Penalty Notice Format
 To Schedule A of City of Morden By-law 2-2017



CITY OF MORDEN
 PENALTY NOTICE

No. _____

An offence has been committed contrary to By-law _____ of the City of Morden.

Time:	Date:
Location:	
Name:	
Mailing Address:	
Vehicle Make if Applicable:	Vehicle License if Applicable:

Offence No. _____

Offence Description:

Penalty Amount \$ _____ *

* Pursuant to By-law 2-2017, all administration penalties that fall within 21 days of the date of issue are subject to an automatic 50% reduction.

Issued at the City of Morden in the Province of Manitoba this ____ day of _____ 20__.

 Authorized Person Signature

Payment Options:

Make your cheque or money order payable to:

City of Morden
 100-195 Stephen Street
 Morden MB R6M 1V3

Do not send cash in the mail

Or pay at:

Morden Civic Centre
 100-195 Stephen St
 Morden MB

Between 9:00am – 4:30pm Monday to Friday
 (excepting holidays)

Pursuant to By-law 2-2017, a person must pay within 28 days of date on Penalty Notice, or request in writing, a review by a screening officer with 21 days of the date on the Penalty Notice. The signed written request must be received by the Administration Office at 100-195 Stephen Street within the 21 days of issue and must include Penalty Notice No., Contact information, i.e. Name, address, phone number and reason for why penalty should be reviewed.