

TOWN OF THE PAS

BY-LAW NO. 4572

BEING A BY-LAW OF THE TOWN OF THE PAS 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

AND WHEREAS Council for the Town of The Pas 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 THE COUNCIL OF THE TOWN OF THE PAS IN COUNCIL DULY ASSEMBLED 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 the Town of The Pas 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 positions appointed under By-Law 4571 are authorized to enforce offences, including municipal offences, under the Provincial Offences Act.

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CHIEF ADMINISTRATIVE OFFICER'S AUTHORITY

6. 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 is set at \$60.00.

TRANSITIONAL

9. 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 IN COUNCIL ASSEMBLED THIS 23 DAY OF April A.D. 2018



Mayor



Assistant C.A.O.

CERTIFIED THAT BY-LAW NO. 4572 WAS:

READ A FIRST TIME THIS 9th DAY OF April A.D. 2018.
READ A SECOND TIME THIS 23rd DAY OF April A.D. 2018.
READ A THIRD TIME THIS 23rd DAY OF April A.D. 2018.



Assistant C.A.O.

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Schedule "A" Pre-set Fines for the Town of The Pas By-Laws

Section #	Name of By-Law & By-Law #	Description of Offence	Pre-set Fine Amount
Part II Section 3.1	Animal Control #4573	Harbouring more than 2 dogs or cats	\$100.00
Part II Section 4.2	Animal Control #4573	Not wearing license or identification	\$50.00
Part II Section 5.1	Animal Control #4573	keeping animals without a licence for a breeder / kennel	\$100.00
Part II Section 4.1 & Part III Section 6(7)	Animal Control #4573	unlicensed animal	\$50.00
Part III Section 6(1 & 2)	Animal Control #4573	animal in a prohibited area	\$50.00
Part III Section 6(3)	Animal Control #4573	running at large	\$100.00
Part III Section 6(3)	Animal Control #4573	vicious animal running at large	\$150.00
Part III Section 6(4)	Animal Control #4573	disturbing the peace	\$100.00
Part III Section 6(5)	Animal Control #4573	owner failing to remove feces	\$50.00
Part III Section 6(6)	Animal Control #4573	causing damage to property	\$100.00
Part III Section 6(8)	Animal Control #4573	Harbour or keep a vicious dog or cat without being kept in secure enclosure & warning posted	\$150.00
Part III Section 6(9)	Animal Control #4573	bark or chase other animals, people, bicycles or vehicles	\$100.00
Part III Section 6(10)	Animal Control #4573	Injure, attack or bite animal or person	\$200.00
Part III Section 6(11)	Animal Control #4573	Fail to post signs indicating a guard dog is on the property	\$50.00
Part III Section 6(12)	Animal Control #4573	not under control	\$50.00
Part III Section 6(15)	Animal Control #4573	scattering garbage	\$100.00
Part III Section 8	Animal Control #4573	entice or caused restrained animal to run at large	\$100.00
Part VI Section 15	Animal Control #4573	obstruct or interfere with an officer or Town employee	\$100.00
Part XI Section 26	Animal Control #4573	Harbouring a pit bull or pit bull type of dog	\$150.00
Section 3(a)	Storage of Unregistered Derelict Vehicles # 4574	not stored at the rear of the dwelling or principal building on the property	\$100.00
Section 3(b)	Storage of Unregistered Derelict Vehicles # 4574	not stored in a manner that is safe	\$100.00
Section 3(c)	Storage of Unregistered Derelict Vehicles # 4574	not entirely screened from public view, in a tidy and well maintained manner	\$100.00
Section 3(d)	Storage of Unregistered Derelict Vehicles # 4574	not free from tall grass & weeds	\$100.00
Section 3(e)	Storage of Unregistered Derelict Vehicles # 4574	not stored in an environmentally safe manner	\$100.00
Section 3(f)	Storage of Unregistered Derelict Vehicles # 4574	not stored in accordance with any permit issued by the Town of The Pas	\$100.00

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Section #	Name of By-Law & By-Law #	Description of Offence	Pre-set Fine Amount
Section 3(a)	Unsightly Property #4575	rubbish	\$100.00
Section 3(b)	Unsightly Property #4575	unsafe structure	\$500.00
Section 3(c)	Unsightly Property #4575	unsightly property including but not limited to graffiti	\$100.00
Section 3(d)	Unsightly Property #4575	the storage of motor vehicles capable of registration which are not registered unless the said property / or structures are lawfully used and licensed as commercial automobile dealership	\$100.00
Section 3(e)	Unsightly Property #4575	the storage of household appliances	\$100.00
Section 3(f)	Unsightly Property #4575	the growth of weeds	\$100.00
Section 3(g)	Unsightly Property #4575	the growth of grass	\$100.00
Section 3(h)	Unsightly Property #4575	regular outdoor burning	\$250.00
Part 3(3)	Regulation / Cleaning of Streets & Sidewalks #4576	no person hauling earth, stone or other substance in a street shall cause the contents to fall, spill or be deposited on a street	\$250.00
Part 3(4)	Regulation / Cleaning of Streets & Sidewalks #4576	no vehicle shall bring mud, clay, lime, fertilizer or manure, which is likely to cause dangerous condition or nuisance in any street or to cause injury other surface of the street	\$250.00
Part 4(6)	Regulation / Cleaning of Streets & Sidewalks #4576	each owner of property shall maintain the boulevards on the street or streets adjoining his property	\$250.00
Par 5(9)	Regulation / Cleaning of Streets & Sidewalks #4576	no person shall plant trees in the boulevard without first obtaining a permit from the town	\$100.00
Part 5(11)	Regulation / Cleaning of Streets & Sidewalks #4576	no person, other than town employees shall drive a vehicle on any boulevard or grass plot on a street, park or public place	\$100.00
Part 6(12)	Regulation / Cleaning of Streets & Sidewalks #4576	no person, other than an employee of the town shall drive, back a vehicle on, across, or along a sidewalk or curb	\$100.00
Part 6(13)	Regulation / Cleaning of Streets & Sidewalks #4576	the owner of a business which has sidewalks adjoining his premises shall remove the snow and ice from the sidewalks	\$250.00
Part 6(14)	Regulation / Cleaning of Streets & Sidewalks #4576	the owner of a business which has sidewalks adjoining his premises shall sweep all dust and accumulated rubbish from the sidewalk adjoining his premises	\$100.00
Part 7(17)	Regulation / Cleaning of Streets & Sidewalks #4576	no person shall move snow, ice, grass or leaves onto town property, sidewalks, streets, back lanes, highways or boulevard surfaces at no time shall a person move snow, ice, grass or leaves onto neighboring properties	\$250.00
Part 7(18)	Regulation / Cleaning of Streets & Sidewalks #4576	no person shall wash concrete mixers, or flush concrete transit mixers on to town property	\$500.00
Part 7(19)	Regulation / Cleaning of Streets & Sidewalks #4576	no person shall do any work or constructing or repairing to a vehicle on a street	\$500.00

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Section #	Name of By-Law & By-Law #	Description of Offence	Pre-set Fine Amount
Part 6(a)	Waste By-Law #4559	household wastes consisting of meat or vegetable waste shall be securely wrapped or contained before it is placed in a waste container	\$250.00
Part 6(b)	Waste By-Law #4559	no person shall deposit any waste material on a property or in a waste container that is not under his direct control	\$250.00
Part 6(c)	Waste By-Law #4559	no person, other than the owners or occupants or those appointed by the owners or by the council to collect wastes, shall interfere with or disturb the contents of any waste placed for collection	\$250.00
Part 6(f)	Waste By-Law #4559	every person shall dispose of construction and demolition waste at their own expense at the waste disposal grounds	\$250.00
Part 11 & Appendix A	Waste By-Law #4559	unsecured load	\$250.00
Part 13(b)	Waste By-Law #4559	no person shall remove any waste or recyclable material from the waste disposal grounds without prior authorization from the town	\$250.00
Appendix A	Waste By-Law #4559	non sorted load	\$250.00
Appendix A	Waste By-Law #4559	littering	\$250.00
Part V Section 10	Fire By-Law #4578	turn on or interfere with any fire hydrant	\$500.00
Part V Section 11	Fire By-Law #4578	tamper with, damage or discharge any fire prevention, fire suppression or rescue apparatus or move any such apparatus from its allocated location	\$500.00
Part VI Section 15	Fire By-Law #4578	failure to provide access to inspect	\$500.00
Part VI Section 17(a)	Fire By-Law #4578	burning without a permit	\$500.00
Part VI Section 17(b)	Fire By-Law #4578	failure to comply with burning permit	\$500.00
Part VI Section 18	Fire By-Law #4578	improper storage of containers, packing materials or other materials used or kept in any building or lot	\$500.00
Part VI Section 19(a)	Fire By-Law #4578	portable fire extinguishers not installed	\$500.00
Part VI Section 19(b)	Fire By-Law #4578	portable fire extinguishers not maintained	\$500.00
Part VI Section 21	Fire By-Law #4578	failure to adequately maintain buildings and properties in order to prevent fire or the risk of fire	\$500.00
Part VI Section 22	Fire By-Law #4578	lockbox not installed	\$500.00
Part VI Section 22	Fire By-Law #4578	lockbox keys not provided	\$500.00
Part VI Section 25(a)	Fire By-Law #4578	failure to maintain fire alarm system	\$500.00
Part VI Section 26	Fire By-Law #4578	failure to obtain written permission from Fire Chief for the storage of flammable / combustible liquids or hazardous materials in excess of the amounts specified in the code	\$500.00

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Section #	Name of By-Law & By-Law #	Description of Offence	Pre-set Fine Amount
Part VI Section 26	Fire By-Law #4578	improper storage of hazardous materials	\$500.00
Part VII Section 27 & 32	Fire By-Law #4578	Selling fireworks without a permit	\$500.00
Part VII Section 28	Fire By-Law #4578	failure to store and dispose of fireworks in accordance with The Explosive Act	\$500.00
Part VII Section 29	Fire By-Law #4578	discharge of fireworks without receiving written approval by the Fire Chief - Form B	\$500.00
Part VII Section 30(a)	Fire By-Law #4578	exploding or lighting fireworks on private / public property without owner's consent	\$500.00
Part VIII Section 34(2)	Fire By-Law #4578	failure to carry out requirements of remedial orders	\$500.00 per day
Schedule B	Fire By-Law #4578	occupant load exceeded	\$500.00
Schedule B	Fire By-Law #4578	fire safety system altered / removed / discontinued without authorization	\$500.00
Schedule B	Fire By-Law #4578	exit lighting / exit signs / emergency lighting not maintained	\$500.00
Schedule B	Fire By-Law #4578	exit not provided	\$500.00
Schedule B	Fire By-Law #4578	failure to maintain exists	\$500.00
Schedule B	Fire By-Law #4578	fire department connections obstructed	\$500.00
Schedule B	Fire By-Law #4578	address not posted	\$500.00
Schedule B	Fire By-Law #4578	address not visible	\$500.00
Schedule B	Fire By-Law #4578	failure to maintain fire watch	\$500.00
Schedule B	Fire By-Law #4578	failure to maintain fire department access	\$100.00
Section 4	Noise By-Law #4577	no industrial machines between 10pm & 7am	\$100.00
Section 5	Noise By-Law #4577	no loud speaker or device for the amplification of sound 10pm & 7am	\$100.00
Section 6(a)	Noise By-Law #4577	Squealing of tires or throwing of gravel	\$100.00
Section 6(b)	Noise By-Law #4577	Use of engine retarder breaks	\$100.00
Section 7	Noise By-Law #4577	Wrongful noise	\$100.00
Section 7	Building Code By-Law #4551	Contravention of any part of the Manitoba Building Code & Town of The Pas Building By-Law	\$500.00