

**RURAL MUNICIPALITY OF STANLEY**  
**BY-LAW NO. 14-24**

**A BY-LAW TO PROVIDE FOR AN ADMINISTRATIVE PENALTY SCHEME FOR GENERAL BY-LAW  
ENFORCEMENT**

WHEREAS section 3(1) of the Municipal By-law Enforcement Act (“Act”) provides that a municipality may require that administrative penalties be paid in respect of the contravention of its by-laws;

AND WHEREAS Council for the R.M. of Stanley (“Municipality”) 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 Council of the R.M. of Stanley enacts as follows:

**PART 1: PURPOSE AND INTERPRETATION**

1. The purpose of this by-law is to establish an administrative penalty scheme for the enforcement of certain by-law contraventions and an adjudication scheme to review screening officer decisions.
2. The following definitions apply to this by-law:
  - a. “Act” means *The Municipal By-Law Enforcement Act*;
  - b. “Adjudication” means the hearing and determination of a request under Part 7 of this By-Law;
  - c. “Adjudicator” means a person appointed pursuant to the Act who is eligible to preside over an Adjudication;
  - d. “Administrative Penalty” means the financial penalty attributed to a designated by-law contravention as set out in Schedule “A”;
  - e. “By-law Enforcement Officer” means any person appointed or designated to enforce the RM of Stanley’s by-laws pursuant to *The Municipal Act*, C.C.S.M., c. M225 and includes, without limitation, the Chief Administrative Officer and other designated officers;
  - f. “Compliance Agreement” means an agreement entered into pursuant to Part 6 and set out in this By-law;
  - g. “Final Notice” means the final notice issued by a By-law Enforcement Officer in respect of a designated by-law contravention.
  - h. “Penalty Notice” means the penalty notice issued by a By-law Enforcement Officer in respect of a designated by-law contravention.
  - i. “Screening Officer” means the person thereby appointed by Council as the Screening Officer and responsible for hearing appeals to penalty notices.
3. This by-law contains the following Schedules, which may be amended from time to time by resolution:

Schedule A: By-law contraventions that may be dealt with by a penalty notice under the Act and the associated administrative penalties.

Schedule B: Form of penalty notice for by-law contraventions.

Schedule C: Form of final notice.

Schedule D: Payment of Screening Officer.

Schedule E: By-law contraventions that may be dealt with by a compliance agreement - None

## **PART 2: BY-LAW CONTRAVENTIONS AND PENALTIES**

4. The by-law contraventions described in Schedule “A” are hereby designated as by-law contraventions that may be dealt with by a penalty notice.
5. The administrative penalties described in Schedule “A” for each contravention are hereby set.
6. By-law Enforcement Officers may enforce this By-law by issuing Penalty Notices. The Penalty Notice may be issued to a person against whom the By-law Enforcement Officer believes a contravention has occurred.
7. The period within which a person must pay the administrative penalty or request a review by a screening officer is hereby set at 30 days after delivery of the penalty notice.
8. If, at the end of the period for responding to a penalty notice under section 7 of this by-law, a person to whom a penalty notice was delivered has not responded, the Municipality must deliver a final notice to the person as set out in the form in Schedule C. A person to whom a final notice is delivered must, within 30 days after delivery, pay the administrative penalty or request a review by a screening officer.
9. The Municipality must deliver penalty notices and final notices in the manner provided for in sections 35 & 36 of this by-law, and the date of delivery shall be determined in accordance with those sections. The giving of other notices or documents by the Municipality, a screening officer or an adjudicator is governed by sections 35 to 37 of this by-law. Periods within which affected persons must make payments or request a review or adjudication are determined under section 37 of this by-law.

## **PART 3: PENALTY NOTICE**

10. A penalty notice shall be in the form set out in Schedule B.
11. A penalty notice must set out the following:
  - a. The alleged by-law contravention in sufficient detail that the person who receives the notice would be able to identify the by-law and to respond to the alleged contravention;
  - b. The amount of the penalty and the consequences of failing to respond to the penalty notice;
  - c. How to pay the penalty or request a review by a screening officer and the applicable time limits;
  - d. Any other information required by the Regulations.

## **PART 4: SCREENING OFFICER**

12. Council shall by resolution appoint one or more screening officers.
13. A member of council or of a council committee is not eligible to be appointed as a screening officer.
14. A screening officer who is not an employee of the Municipality must be paid remuneration and expenses as set out in Schedule D.

## **PART 5: REVIEW BY SCREENING OFFICER**

15. A request for review by a screening officer must be made in the manner set out in the penalty notice.  
When in writing the request must include a telephone number and/or email address, with an indication of the preferred means of communication with the screening officer to make arrangements for the review.
16. In the case of contraventions described in Schedule E, a request for review may include an indication that the person is prepared to enter into a compliance agreement.
17. Within 14 days after receiving the request, the screening officer must attempt to contact a person who has requested a review to arrange a mutually convenient date, time and means of reviewing the request. The means of the review may be written submission, on the telephone or in person, at the option of the person who has made the request.
18. If
  - a. the screening officer is unable to contact a person who has requested a review, or
  - b. the person without reasonable cause does not agree to a date and time or means of review,the screening officer must set a date and time for the review in person or by telephone. If the person fails to participate or appear the screening officer must review the penalty notice based on the information provided by the person in the request.
19. If having agreed to a date and time or means of review the person fails to participate in it, the screening officer must review the penalty notice based on the information provided by the person in the request.
20. On a review of a penalty notice, the screening officer may:
  - a. confirm the administrative penalty;
  - b. reduce the amount of the administrative penalty if satisfied that exceptional circumstances exist;
  - c. in the case of a contravention described in Schedule E, enter into a compliance agreement with the person on behalf of the Municipality; or
  - d. cancel the penalty notice if, in the screening officer's opinion,
    - i. the contravention did not occur as alleged, or
    - ii. the penalty notice does not comply with section 6(2) of the Act, or
    - iii. The contravention was the result of a medical emergency or was necessary in order to address immediate health or safety concerns.
21. The screening officer must make a decision within 14 days after the review. After making the decision, the screening officer must give the affected person notice of the decision.
22. If the screening officer confirms or reduces the amount of the administrative penalty, the amount is due and payable within 14 days after receipt (or deemed receipt under section 34 of this by-law) of the decision of the screening officer, unless the person requests adjudication under section 26 of this by-law.

## **PART 6: COMPLIANCE AGREEMENT**

23. The by-law contraventions described in Schedule E are hereby designated as by-law contraventions that may be dealt with by a compliance agreement.
24. A compliance agreement must
  - a. State the date the designated by-law contravention took place;

- b. The amount of the penalty resulting;
  - c. State the date the Screening Officer reviewed the penalty notice;
  - d. Describe the action to be taken to bring the person into compliance with the by-law;
  - e. State a date no later than 60 days after the date of the agreement by which the action must be completed; and
  - f. Provide for inspection for the purpose of determining compliance with the agreement.
25. If the screening officer believes that a person who has entered into a compliance agreement has failed to comply with its terms, the screening officer may end the compliance agreement and give the person notice of that fact by regular mail. The notice is deemed to be received within seven days after the day it was mailed.
26. When a screening officer ends a compliance agreement, the person who entered into it may, within 14 days after receiving the notice under section 25 of this by-law
- a. pay the administrative penalty set out in the penalty notice; or
  - b. request that the screening officer submit for adjudication the issue of whether the person complied with the terms of the agreement.

## **PART 7: ADJUDICATION SCHEME**

27. An adjudication scheme described in sections 14 to 21 of the Act is hereby established to allow a person to whom a penalty notice has been issued to:
- 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 whether the terms of a compliance agreement were complied with.
28. Within 14 days after receipt (or deemed receipt under section 36 of this by-law) of the screening officer's decision, the person may request a review of the screening officer's decision by an adjudicator by notice in writing to the screening officer mailed or delivered to the municipal office accompanied by a \$25 adjudication fee.
29. Upon receipt of a request for adjudication and the payment of the adjudication fee, the screening officer must submit the request to the chief adjudicator appointed under the Act.
30. The selected adjudicator must attempt to contact a person who has requested a review to arrange a mutually convenient date, time and means of reviewing the request. The person may be heard
- a. by telephone or in writing, including by fax or e-mail; or
  - b. through the use of a video or audio link or other available electronic means; or
  - c. In person.
31. If
- a. the adjudicator is unable to contact a person who has requested a review,
  - b. the person without reasonable cause does not agree to a date and time or means of hearing, or
  - c. the person fails to appear or otherwise participate in the hearing,

the adjudicator must order that the amount of the administrative penalty set by the screening officer or in the case of the ending of a compliance agreement, the administrative penalty set out in the penalty notice, is immediately due and payable to the Municipality.

32. In addition to the powers of the adjudicator in making a decision set out in section 19(2) of the Act, the adjudicator will, by written notice,
- a. confirm the amount or;
  - b. reduce the amount of the administrative penalty if satisfied that exceptional circumstances exist, in which case the reduced penalty is due within fourteen (14) days and payable to the Municipality; or
  - c. Extend the time the person has for payment to a time he or she believes is appropriate in the circumstances or;
  - d. Cancel the Penalty Notice if, in the Adjudicator's opinion
    - i. The contravention did not occur as alleged;
    - ii. The Penalty Notice does not comply with Section 6 (2) of the Act;
    - iii. The contravention was the result of a medical emergency or was necessary in order to address immediate health or safety concerns.

## **PART 8: CHIEF ADMINISTRATIVE OFFICER'S AUTHORITY**

33. The Chief Administrative Officer is authorized to do the following:
- a. pay invoices
    - i. of the screening officer for remuneration and expenses;
    - ii. for the costs and administration of the adjudication scheme under section 21(1) of the Act;
    - iii. for the remuneration and expenses of adjudicators;
  - b. refund an adjudication fee ordered to be refunded by an adjudicator.
  - c. issue a certificate in respect of an unpaid penalty under section 23(1) of the Act and file the certificate in the Court of Queen's Bench.
  - d. register a lien in the Personal Property Registry pursuant to section 24 of the Act.

## **PART 9: DISCLOSURE OF INFORMATION**

34. Upon receipt of an adjudicator's decision, the Chief Administrative Officer must make the decision available to the public.

## **PART 10: NOTICES AND TIME PERIODS**

35. Where a notice or other document (other than a penalty or final notice) referred to in this by-law is required to be given to a person (other than to the Municipality), the notice or other document may be given
- a. by delivering it personally to the person;
  - b. by mailing a copy by regular mail or delivering a copy to the last known address of the person named in the penalty notice; or
  - c. if the person is a corporation,
    - i. by mailing a copy by regular mail to the corporation's registered office;

- ii. by mailing a copy by regular mail or delivering a copy to an officer or director of the corporation;
- iii. by delivering it personally to someone who appears to be in charge at a place where the corporation carries on business; or
- d. if the person has used e-mail in communication, by sending it to the e-mail address provided by or shown in the communication from the person.

36. A notice or other document given or delivered under section 35 is deemed to be effected as follows:

- a. delivered personally is deemed to have been given or delivered on the day it was delivered;
- b. mailed is deemed to have been given or delivered to the person seven days after the day it was mailed;
- c. sent by email is deemed to have been given or delivered two days after the day it was sent.

37. In determining the time within which a person must make a payment or request review or adjudication,

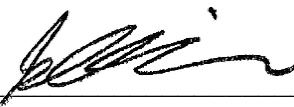
- a. the time does not include the first day of the period;
- b. a period that would otherwise expire on a holiday is extended to include the next day that is not a holiday;
- c. a period that would otherwise expire on a day when the municipal office is not open is extended to include the next day the municipal office is open.

#### **PART 11: TRANSITIONAL**

38. This by-law shall come into force and effect on the day of passing thereof.

DONE AND PASSED by Council of the R.M. of Manitoba, in open meeting, duly assembled, this 31st day of October, 2024.

#### **RURAL MUNICIPALITY OF STANLEY**

per:   
Reeve

per:   
Chief Administrative Officer

Read a first time this 17<sup>th</sup> day of October, A.D. 2024.

Read a Second time this 31<sup>st</sup> day of October, A.D. 2024.

Read a third time this 31<sup>st</sup> day of October, A.D. 2024.

**CERTIFIED to be a true copy of 3rd Reading  
of By-Law 14-24 PASSED by the Council of the  
R.M. of Stanley at their Meeting held on  
October 31, 2024.**

  
\_\_\_\_\_  
**Terry Penner**  
Chief Administrative Officer

## SCHEDULE "A" to By-Law 14-24

The following are the By-law contraventions which may be dealt with by a penalty notice under *The Municipal By-law Enforcement Act*.

Administrative Penalties are provided in the applicable By-laws and as summarized below.

Compliance Violation	Policy or Bylaw No.	Section/Schedule	Fee
Adjudication Fee			\$25.00
Outdoor Fire By-law	By-law 7-15	Section 4	Costs incurred by RM in fire protection and suppression operations
Dog By-law – Control Fee	By-law 6-19	Schedule "A"	Actual dog control fees incurred (minimum flat fee of \$100)
Dog By-law – Dog Impoundment Fee	By-law 6-19	Schedule "A"	\$50.00
Daily Boarding Fee	By-law 6-19	Schedule "A"	\$15.00
Euthanasia Fee	By-law 6-19	Schedule "A"	\$100.00
Dangerous Dog License Fee	By-law 6-19	Schedule "A"	\$250.00
Nuisance	By-law 8-19	Section 5	Up to \$500
Derelict Vehicle	By-law 9-19	Section 17	Up to \$1000.00
Aggregate By-law	By-law 13-24	Section 11	\$1000.00

## Schedule "B" to By-Law 14-24

### Form of Penalty Notice

Date:

To:

Address:

**Re: PENALTY NOTICE**

Violation of RM of Stanley By-law No. \_\_\_\_\_, By-law Name \_\_\_\_\_

**CONTRAVENTION:** This Penalty Notice is to inform you that I believe you are in violation of the RM of Stanley By-law No. \_\_\_\_\_ as follows: [insert a brief description of the violation and of the section(s) of the By-law violated].

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As a result of this violation you are subject to the following penalty: \$\_\_\_\_\_

You have until [month, day, year] ("Deadline"), to **EITHER**:

1. Pay the penalty of \$\_\_\_\_; **OR**
2. Request a review by a screening officer.

**PAYMENT:** Payment is to be made by guaranteed funds.

**REQUEST FOR REVIEW:** A request for review by a screening officer must be made in writing, and include a telephone number and/or email address, with an indication of the preferred means of communication to make arrangements for the review. If you request a review, the screening officer will review the circumstances that resulted in this Penalty Notice, as well as the information you and the by-law enforcement officer provide. After the review, the screening officer may confirm or reduce the penalty amount, cancel the Penalty Notice, or enter into a compliance agreement with you providing for you to bring yourself into compliance with the By-law.

**FAILURE TO RESPOND:** If you have not paid the penalty or requested a review by the Deadline, the RM of Stanley will, after final notice to you, take proceedings against you to collect the penalty amount.

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By-law Enforcement Officer



## Schedule "C" to By-Law 14-24

### Form of Final Notice

Date:

To:

Address:

**Re: FINAL NOTICE**

Violation of RM of Stanley By-law No. \_\_\_\_\_, [name of by-law]

**CONTRAVENTION:** This Final Notice is issued to you that as a result of your failure to comply with the Penalty Notice issued to you for violation of the RM of Stanley By-law No. \_\_\_\_\_ [insert a brief description of the violation and of the section(s) of the By-law violated].

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As a result, you have until [month, day, year] ("Deadline") to **EITHER:**

1. Pay the penalty of \$\_\_\_\_; **OR**
2. Request a review by a screening officer.

**PAYMENT:** Payment must be made by guaranteed funds.

**REQUEST FOR REVIEW:** A request for review by a screening officer must be made in writing, and include a telephone number and/or email address, with an indication of the preferred means of communication to make arrangements for the review. If you request a review, the screening officer will review the circumstances that resulted in this Penalty Notice, as well as the information you and the by-law enforcement officer provide. After the review, the screening officer may confirm or reduce the penalty amount, cancel the Penalty Notice, or enter into a compliance agreement with you providing for you to bring yourself into compliance with the By-law.

**FAILURE TO RESPOND:** If you have not paid the penalty or requested a review by the Deadline, the penalty amount will be due and payable immediately. Failure to pay will result in the RM of Stanley taking collection proceedings against you to collect the penalty amount.

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By-law Enforcement Officer

## **Schedule “D” to By-Law 14-24**

### **Payment of Screening Officers**

<b>Name of Appointed Screening Officer</b>	<b>\$Rate/hr</b>	<b>Minimum of 1 hour</b>
RM of Stanley CAO	\$0	

## **Schedule “E” to By-Law 14-24**

By-Law Contraventions that may be dealt with by a compliance agreement:

- None