

TOWN OF LAC DU BONNET

By-Law 03/19

BEING a By-Law of the Town of Lac du Bonnet to provide for the 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 Town of Lac du Bonnet 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 that it is authorized to enforce;

NOW THEREFORE Council of the Town of Lac du Bonnet in Council duly assembled, enacts as follows:

1. SHORT TITLE

This By-law is to be referred to as "Provincial Offences By-Law".

2. PURPOSE AND INTERPRETATION

- a.) The purpose of this By-Law is to implement and provide for the enforcement, under the Provincial Offences Act, of
 - i.) the Town's By-Laws, the Municipal Act, the Planning Act and any other act the Town is authorized to enforce, and
 - ii.) permits, approvals, and orders made or issued under the Town's By-Laws, the Municipal Act, the Planning Act or any other act the Town is authorized to enforce.
- b.) 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. PRESET FINES

The preset fines for municipal offences are amended by resolution of Council as required.

4. ENFORCEMENT OFFICER'S AUTHORITY

The persons appointed under the current Designated Officer Appointment By-law, being a By-Law of the Town of Lac du Bonnet authorizing the establishment of designated officer positions are hereby authorized to enforce offences, including municipal offences, under the Provincial Offences Act.

5. 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 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.

6. ADMINISTRATIVE FEE

The administrative fee under section 92(3) of the Provincial Offences Act for a lien for unpaid fines is as set out in the attached Schedule “A”.

7. 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.

DONE AND PASSED AND ENACTED as a By-Law of the Town of Lac du Bonnet in the Province of Manitoba this 9th day of May, A.D., 2019

Mayor Gordon Peters

Darcey Wittig, CAO

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

Read a second time this 9th day of May, A.D. 2019

Read a third time this 9th day of May, A.D. 2019

SCHEDULE “A” TO BY-LAW 03/19

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