

RURAL MUNICIPALITY OF EAST ST PAUL

BY-LAW NO. 2022-15

Being a By-law of the Rural Municipality of East St. Paul 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 Act, 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 THE COUNCIL of the Rural Municipality of East St. Paul 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 BE IT RESOLVED THAT the Council of the Rural Municipality of East St Paul 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 Schedules:

Schedule A:	By-laws authorized to be enforced under the Provincial Offences Act.
Schedule B:	Calculation of Preset Fines for municipal offences under the Municipality's by-laws.
Schedule C:	Overweight Fines for Section 12 of Traffic Regulations by-law 2020-04
Schedule D:	Preset fine amount for Speed Limit by-law 2020-02.
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PRESET FINES FOR THE MUNICIPALITY'S BY-LAWS

4. The preset fines for municipal offences are set out in Schedule B.

ENFORCEMENT OFFICER'S AUTHORITY

5. The designated officers appointed under all of the Municipality's bylaws and positions named in those by-laws that appoint a person to enforce a by-law are authorized to enforce offences, including municipal offences, under the Provincial Offences Act.

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 accounts 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 financial 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.

ADMINISTRATION FEE

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

BREAKDOWN OF COSTS

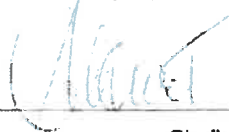
8. The various court costs will be disbursed as per Schedule "B" as attached
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TRANSITIONAL

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.

REPEAL

10. On the passing of this By-Law, By-law 2020-07 is hereby repealed.



Shelley Hart, Mayor



Suzanne Ward
A/Chief Administrative Officer

DONE AND PASSED by Council of the R.M. of East St. Paul in Manitoba, in open meeting, duly assembled, on this 18th day of October, 2022.

Read a first time this	27	day of	September, 2022
Read a second time this	18	day of	October, 2022
Read a third time this	18	day of	October, 2022

Rural Municipality of East St. Paul
POA By-Law No. 2022-15

Schedule "A"

By-laws authorized to be enforced under the Provincial Offences Act (POA)

DOG CONTROL BY-LAW 2022-11

SECTION	OFFENCE	FINE AMOUNT
3.1(a)	No person shall permit a dog to run at large	\$221.00
3.1(b)	No person shall fail to keep a securely fastened collar with license plate or tag around the dogs neck	\$160.00
3.1(c)	No person shall permit their dog to bark, howl, or make a noise that unduly disturbs the peace and enjoyment of any person in the surrounding area,	\$186.00
3.1(d)	No person shall permit a dog to defecate on property other than the owner without immediately removing the excrement and disposing of it in a sanitary manner	\$268.00
3.1(e)	No person shall permit dog to damage property belonging to a person other than the owner	\$268.00
3.1(f)	No person shall permit a dog to pursue, bite, menace, threaten, chase, attack, wound, or show propensity for violence, to any person or animal	\$430.00
3.1(g)	No person shall permit a dog while not on the owner's property, act in a manner that is aggressive, dangerous, or places the safety, health, protection, and well-being of people at risk	\$268.00
3.1(h)	No person shall permit a dog to be on public property (including parkland areas) unless on a leash (no more than six feet long) and in custody and under the control of the person	\$160.00
3.1(i)	No person shall permit a dog to chase or bark at pedestrians, cyclists, or vehicles on a public thoroughfare	\$186.00
3.1(j)	No person shall permit a dog to not have been vaccinated for rabies within the last three years	\$268.00
3.1(k)	No person shall permit, if the dog is a female dog in heat, to leave the owner's property during the entire period she is in heat	\$160.00
3.1(l)	No person shall permit a dog to be left unattended in a vehicle when the outside temperature is 22 degrees Celsius or warmer, or minus 10 degrees Celsius or colder	\$268.00
3.1(m)	No person shall permit a dog to be tethered to a bicycle or similar device, including but not limited to skateboards, in-line skates, or scooters when the temperature is 22 degrees Celsius or warmer	\$268.00
3.2	No person shall have more than 3 dogs on a property for which a kennel license has not been granted	\$268.00
3.3	No person or dog owner shall permit a dog to upset a waste receptacle and scatter its contents in or about a street, lane, public place, or property that does not belong to the owner.	\$268.00
8.1	No person shall interfere, attempt to interfere or obstruct an animal control officer in the lawful execution of their duties	\$621.00

FIREARMS BYLAW 1995-89

SECTION	OFFENCE	FINE AMOUNT
2(a)	Fire or discharge any firearm within the Municipality	\$621.00
2(b)	Carry or use in any way a device capable of projecting objects within the Municipality	\$268.00

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PARK ACTIVITIES BYLAW 2000-17

SECTION	OFFENCE	FINE AMOUNT
3(a)	Drive an off-road vehicle or vehicle in a park	\$186.00
3(b)	Enter a park while not permitted between the hours of 10:00p.m. and 7:00a.m	\$186.00
3(c)	Permit dog to be off leash while in a park	\$186.00

SMOKING BYLAW 2017-12

SECTION	OFFENCE	FINE AMOUNT
2	Smoke in any part of any municipal building or municipal passenger vehicle	\$221.00

NOISE BYLAW 2016-04

SECTION	OFFENCE	FINE AMOUNT
3(a)	Make, cause or allow to be made, or keep an animal that makes an unreasonable loud excessive sound	\$186.00
3(b)	A sound which unreasonably disturbs, injures, or endangers the comfort, health, peace or safety of an individual	\$430.00
3(c)	A sound which is so harsh, prolonged, unnatural, or unusual in time and place so as to cause an unreasonable discomfort to an individual	\$268.00
6(a)	Operate, apply or otherwise use an engine retarder brake where prohibited	\$186.00

SNOWMOBILE BYLAW 2019-09

SECTION	OFFENCE	FINE AMOUNT
2	Operate a snowmobile where not permitted	\$221.00
3(a)	Operate snowmobile in a careless manner or without due care and attention	\$621.00
3(b)	Operate a snowmobile without reasonable consideration in a manner likely to cause damage or injury to other persons and property	\$430.00
6	Operate a snowmobile within the Rural Municipality of East St. Paul at a speed greater than 25km/h with 200metres of a residential development	\$268.00
7(a)	Fail to drive the snowmobile as close to the right hand edge of the roadway	\$108.00
7(b)	Fail to drive in single line with other snowmobiles	\$108.00

TRAFFIC REGULATIONS BYLAW 2022-03

SECTION	OFFENCE	FINE AMOUNT (INDIVIDUAL)	FINE AMOUNT (CORPORATION)
4	No person shall ride a skateboard/sleigh/skis/toy vehicles or similar device on a roadway.	\$108.00	
5(b)	As a driver, fail to stop and remain stopped when signaled or requested by an enforcement officer.	\$621.00	

6(a)	As a pedestrian fail to obey the instruction of an applicable traffic control device.	\$108.00	
6(b)	As a driver fail to yield to right of way for pedestrian in crosswalk.	\$268.00	
6(c)	As a pedestrian, walk on roadway where sidewalk provided.	\$108.00	
6(d)	As a pedestrian, fail to give name, date of birth or address to an enforcement officer when required.	\$108.00	
6(e)	No person shall occupy a roadway to solicit a ride from a driver.	\$108.00	
6(f)	No person shall obstruct a sidewalk and/or roadway by standing in groups or sitting or lounging	\$108.00	
6(g)	As a driver, splash water or mud on a pedestrian	\$134.00	
7(a)	As a cyclist, operate on sidewalk with a rear wheel diameter greater than 410mm.	\$108.00	
7(b)	As a cyclist fail to keep at least one hand on the handlebars at all times.	\$108.00	
7(c)	As a cyclist, shall not ride other than upon or astride a regular seat of the bicycle.	\$108.00	
7(d)	As a cyclist, carry more than 1 persons on a bicycle for which it was designed by the manufacturer.	\$108.00	
7(e)	As a cyclist, ride a bicycle on a highway where signs prohibit its use.	\$108.00	
7(f)	As a cyclist, fail to use hand signals as required.	\$108.00	
7(g)	As a cyclist, ride on roadway where bike path provided.	\$108.00	
8(a)	No person shall take part in or hold a parade where no authorization granted by the municipality.	\$160.00	
8(e)	Any person not taking part of a parade shall remain on adjoining sidewalk.	\$108.00	
8(f)	As a driver, drive through a parade when not authorized.	\$268.00	
9(b)	As a person undertaking authorized work within a street, fail to place and maintain approved temporary traffic control devices as required.	\$268.00	
9(c)	As a driver, drive a vehicle on any street or portion thereof that is barricaded and/or closed to vehicular traffic.	\$268.00	
10	As a driver, pedestrian, cyclist, disobey traffic control device namely _____. <i>Use 10RL(Red Light) Use 10SS(Stop Sign) Use 10OT(Other)</i>	\$221.00	
11(a)	As a driver, fail to stop and remain stopped when signaled by an enforcement officer.	\$621.00	
11(b)	As a driver, fail to give name, date of birth or address to an enforcement officer when required.	\$108.00	
12(a)	Overweight Penalties	See Schedule B of Traffic By-Law 2020-04	
12(f)(i)	As a driver, fail to stop and remain stopped, a vehicle for weighing when signaled by an enforcement officer.	\$621.00	
12(f)(ii)	As a driver, fail to proceed to weigh scales to weigh vehicle load.	\$430.00	
12(g)	As a driver, fail to cooperate with an enforcement officer or inspector in the inspection and/or weighing of a vehicle.	\$430.00	

23	As a driver, fail to yield right of way to a funeral procession.	\$186.00	
24	As a driver, fail to obey direction of Entrance and/or Exit Only signs.	\$134.00	
25(a)	As a driver or company, operate a truck, truck tractor or combination thereof on a no truck route.	\$268.00	\$621.00
26(b)	As a driver or company, operate a vehicle transporting dangerous goods on a unauthorized dangerous goods route.	\$430.00	\$621.00
27	As a driver, operate engine retarder brakes where prohibited.	\$186.00	
28(a)	As a driver, fail to secure load on vehicle and/or trailer with	\$268.00	
28(b)	As a driver, operate a vehicle with tailgate unfastened.	\$186.00	
28(c)	No person shall deposit, dump, throw, place any matter, substance, waste or anything whatsoever on a highway.	\$221.00	
29(b)	As a driver, make unnecessary smoke.	\$221.00	
29(c)	As a driver, make unnecessary noise by cutting out the muffler or otherwise	\$221.00	
29(d)	As a driver, start, drive, turn or stop a motor vehicle or accelerate a motor vehicle while the vehicle is stationary creating unnecessary noise from the engine, exhaust, brakes or contact of tires on the roadway.	\$221.00	
30(a)	As a rider or passenger, ride in or on a vehicle on a highway without being seated on a part of the vehicle that is designed and equipped for passenger seating.	\$268.00	
30(b)	As a rider or passenger, ride in or on a trailer being towed on a highway.	\$268.00	
30(c)	As a driver, drive a vehicle on a highway when a person is in or on a part of the vehicle that is not designed and equipped for passenger seating.	\$268.00	
30(d)	As a driver, tow a trailer on a highway when a person is riding in or on the trailer.	\$268.00	
31	No person shall drive carelessly.	\$621.00	
32	No person under 16 years of age shall ride a horse or drive a horse drawn vehicle upon any street or portion thereof.	\$134.00	

ALL TERRAIN/OFF ROAD VEHICLES 2020-05

SECTION	OFFENCE	FINE AMOUNT
2(a)	Operate an off road vehicle where not permitted	\$268.00
2(b)	Drive imprudently	\$621.00
2(c)	Operate an off road vehicle within 30 metres of a dwelling between the hours of 11:00pm-7:00am	\$160.00
2(d)	Drive carelessly	\$621.00
2(e)	Operate off road vehicle under 14 years of age	\$160.00
2(f)	As the owner, allow a person under 14 years of age to operate an off road vehicle	\$268.00

2(g)	Carry more passengers than the number for which it was designed	\$134.00
2(h)	Fail to wear helmet	\$108.00
2(i)	Fail to wear seatbelt	\$108.00
2(j)	Operate off road vehicle during municipal and or provincial fire ban	\$621.00
3(a)	Fail to stop and remain stopped when signaled by Peace Officer	\$621.00
3(b)	Fail to provide identification when requested by a Peace Officer	\$134.00

BOULEVARD MAINTENANCE BYLAW 2003-18

SECTION	OFFENCE	FINE AMOUNT
5	No person shall throw or deposit waste, refuse, or substance of any kind, upon any boulevard	\$160.00
9	No person shall deface, destroy or mutilate a notice posted by order of the Municipality within a boulevard	\$621.00
10	No person shall display or distribute advertising matter of any kind on any boulevard without permission from the Municipality	\$134.00
11	No person shall use a boulevard for business purposes	\$134.00
13	As a driver, drive a motor vehicle on, across, or along any boulevard other than an authorized crossing.	\$108.00
20	As a driver, move a building along the right of way in such a way as to damage any tree, shrub, sapling, plant or turf on any boulevard	\$160.00
22	As a driver, drive across a boulevard in order to deliver or remove any furniture, household goods or other like chattels	\$108.00
24	No person shall obstruct a Superintendent or Designated Officer in the performance of his duties	\$621.00

Rural Municipality of East St. Paul
POA By-Law No. 2022-15

Schedule "B"
Pre-set Fines for the RM of East St. Paul By-Laws

FINES BYLAW

FINE CATEGORY	FINE PAYABLE
A	\$ 108.00
B	\$ 134.00
C	\$ 160.00
D	\$ 186.00
E	\$ 221.00
F	\$ 268.00
G	\$ 430.00
H	\$ 621.00
I	\$ 1,181.00
J	\$ 2,260.00

Fine Category	Preset Fine	Court Costs (45%) Rounded to nearest dollar	Justice Services Surcharge	TOTAL FINE
A	\$40	\$18	\$50	\$108
B	\$58	\$26	\$50	\$134
C	\$76	\$34	\$50	\$160
D	\$94	\$42	\$50	\$186
E	\$118	\$53	\$50	\$221
F	\$150	\$68	\$50	\$268
G	\$262	\$118	\$50	\$430
H	\$394	\$177	\$50	\$621
I	\$780	\$351	\$50	\$1,181
J	\$1,524	\$686	\$50	\$2,260

**"Schedule C" Overweight Fines
Traffic Regulations Bylaw 2022-15
(Section 12)**

KG'S Over	Total Fine	KG'S Over	Total Fine	KG'S Over	Total Fine
50	\$69.00	1950	\$796.00	3850	\$1,524.00
100	\$88.00	2000	\$816.00	3900	\$1,543.00
150	\$107.00	2050	\$835.00	3950	\$1,562.00
200	\$127.00	2100	\$854.00	4000	\$1,581.00
250	\$146.00	2150	\$873.00	4050	\$1,600.00
300	\$165.00	2200	\$892.00	4100	\$1,619.00
350	\$184.00	2250	\$911.00	4150	\$1,639.00
400	\$203.00	2300	\$930.00	4200	\$1,658.00
450	\$222.00	2350	\$950.00	4250	\$1,677.00
500	\$241.00	2400	\$969.00	4300	\$1,696.00
550	\$261.00	2450	\$988.00	4350	\$1,715.00
600	\$280.00	2500	\$1,007.00	4400	\$1,734.00
650	\$299.00	2550	\$1,026.00	4450	\$1,753.00
700	\$318.00	2600	\$1,045.00	4500	\$1,773.00
750	\$337.00	2650	\$1,064.00	4550	\$1,792.00
800	\$356.00	2700	\$1,084.00	4600	\$1,811.00
850	\$375.00	2750	\$1,103.00	4650	\$1,830.00
900	\$395.00	2800	\$1,122.00	4700	\$1,849.00
950	\$414.00	2850	\$1,141.00	4750	\$1,868.00
1000	\$433.00	2900	\$1,160.00	4800	\$1,887.00
1050	\$452.00	2950	\$1,179.00	4850	\$1,907.00
1100	\$471.00	3000	\$1,198.00	4900	\$1,926.00
1150	\$490.00	3050	\$1,218.00	4950	\$1,945.00
1200	\$509.00	3100	\$1,237.00	5000	\$1,964.00
1250	\$529.00	3150	\$1,256.00	5050	\$1,983.00
1300	\$548.00	3200	\$1,275.00	5100	\$2,002.00
1350	\$567.00	3250	\$1,294.00	5150	\$2,021.00
1400	\$586.00	3300	\$1,313.00	5200	\$2,041.00
1450	\$605.00	3350	\$1,332.00	5250	\$2,060.00
1500	\$624.00	3400	\$1,352.00	5300	\$2,079.00
1550	\$643.00	3450	\$1,371.00	5350	\$2,098.00
1600	\$662.00	3500	\$1,390.00	5400	\$2,117.00
1650	\$681.00	3550	\$1,409.00	5450	\$2,136.00
1700	\$701.00	3600	\$1,428.00	5500	\$2,155.00
1750	\$720.00	3650	\$1,447.00	5550	\$2,175.00
1800	\$739.00	3700	\$1,466.00	5600	\$2,194.00
1850	\$758.00	3750	\$1,486.00	5650	\$2,212.00
1900	\$777.00	3800	\$1,505.00	5700	\$2,232.00

VEHICLE OVERWEIGHT FINES CALCULATION AS FOLLOWS:

Preset Fine - \$13.20 for each 50 kg or fraction exceeding the maximum permissible weight

PLUS

Court Costs: add 45% of preset fine

Surcharges: add \$50.00

Total fine is rounded down to the nearest dollar.

The Rural Municipality of East St. Paul
POA By-law 2022-15
Schedule "D"
Speed Limit By-Law 2020-02 Preset Fines

PRESET FINE: \$8.50 per 1 km/h over the speed limit
+ Add 45% (Court Costs Rounded to Nearest Dollar)
+ Add \$50 (Justice Services Surcharge)
= TOTAL FINE: Rounded to Nearest Dollar

KM/H OVER	TOTAL FINE	KM/H OVER	TOTAL FINE	KM/H OVER	TOTAL FINE
10 km/h	\$173.00	47 km/h	\$629.00	84 km/h	\$1,085.00
11 km/h	\$189.00	48 km/h	\$642.00	85 km/h	\$1,098.00
12 km/h	\$198.00	49 km/h	\$654.00	86 km/h	\$1,110.00
13 km/h	\$210.00	50 km/h	\$666.00	87 km/h	\$1,122.00
14 km/h	\$223.00	51 km/h	\$679.00	88 km/h	\$1,135.00
15 km/h	\$235.00	52 km/h	\$691.00	89 km/h	\$1,147.00
16 km/h	\$247.00	53 km/h	\$703.00	90 km/h	\$1,159.00
17 km/h	\$260.00	54 km/h	\$716.00	91 km/h	\$1,172.00
18 km/h	\$272.00	55 km/h	\$728.00	92 km/h	\$1,184.00
19 km/h	\$284.00	56 km/h	\$740.00	93 km/h	\$1,196.00
20 km/h	\$297.00	57 km/h	\$753.00	94 km/h	\$1,209.00
21 km/h	\$309.00	58 km/h	\$765.00	95 km/h	\$1,221.00
22 km/h	\$321.00	59 km/h	\$777.00	96 km/h	\$1,233.00
23 km/h	\$333.00	60 km/h	\$790.00	97 km/h	\$1,246.00
24 km/h	\$346.00	61 km/h	\$802.00	98 km/h	\$1,258.00
25 km/h	\$358.00	62 km/h	\$814.00	99 km/h	\$1,270.00
26 km/h	\$370.00	63 km/h	\$826.00	100 km/h	\$1,283.00
27 km/h	\$383.00	64 km/h	\$839.00	101 km/h	\$1,295.00
28 km/h	\$395.00	65 km/h	\$851.00	102 km/h	\$1,307.00
29 km/h	\$407.00	66 km/h	\$863.00	103 km/h	\$1,319.00
30 km/h	\$420.00	67 km/h	\$876.00	104 km/h	\$1,332.00
31 km/h	\$432.00	68 km/h	\$888.00	105 km/h	\$1,344.00
32 km/h	\$444.00	69 km/h	\$900.00	106 km/h	\$1,356.00
33 km/h	\$457.00	70 km/h	\$913.00	107 km/h	\$1,369.00
34 km/h	\$469.00	71 km/h	\$925.00	108 km/h	\$1,381.00
35 km/h	\$481.00	72 km/h	\$937.00	109 km/h	\$1,393.00
36 km/h	\$494.00	73 km/h	\$950.00	110 km/h	\$1,406.00
37 km/h	\$506.00	74 km/h	\$962.00	111 km/h	\$1,418.00
38 km/h	\$518.00	75 km/h	\$974.00	112 km/h	\$1,430.00
39 km/h	\$531.00	76 km/h	\$987.00	113 km/h	\$1,443.00
40 km/h	\$543.00	77 km/h	\$999.00	114 km/h	\$1,455.00
41 km/h	\$555.00	78 km/h	\$1,011.00	115 km/h	\$1,467.00
42 km/h	\$568.00	79 km/h	\$1,024.00	116 km/h	\$1,480.00
43 km/h	\$580.00	80 km/h	\$1,036.00	117 km/h	\$1,492.00
44 km/h	\$592.00	81 km/h	\$1,048.00	118 km/h	\$1,504.00
45 km/h	\$605.00	82 km/h	\$1,061.00	119 km/h	\$1,517.00
46 km/h	\$617.00	83 km/h	\$1,073.00	120 km/h	\$1,529.00