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.

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

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**