



THE RURAL MUNICIPALITY OF MACDONALD

BY-LAW NO. 2/25

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MACDONALD
to provide for an administrative penalty scheme for parking and
general by-law enforcement within the Municipality.

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 the Act provides that municipal by-laws respecting parking may only be enforced by issuing Penalty Notices under that Act and may not be enforced by a proceeding under The Provincial Offences Act;

AND WHEREAS Council for the Rural Municipality of Macdonald (“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, the Council of the Rural Municipality of Macdonald in meeting duly assembled, enacts as follows:

Title

1. This By-Law may be referred to as “The Municipal By-Law Enforcement Act By-Law”.

Purpose

2. The purpose of this by-law is to establish an administrative penalty scheme for the enforcement of parking and other by-law contraventions and an adjudication scheme to review Screening Officer decisions.

This By-Law contains the following Schedules:

Schedule A: By-Law contraventions that may be dealt with by a Penalty Notice under the Act.

Schedule B: Administration Penalties and Fees

Schedule C: By-Law contraventions that may be dealt with by a Compliance Agreement.

Definitions

3. Unless otherwise expressly provided in this By-Law or unless the context otherwise requires, words and expressions in this By-Law have the same meaning as the same words and expressions in *The Municipal Act* and *The Municipal By-Law Enforcement Act*.
 - a. In this by-law,

“Adjudication” means the hearing and determination of an Appellant’s request under Section 27 of this By-Law.

“Adjudicator” means a person appointed pursuant to the Act who is eligible to preside over an Adjudication.

“Administrative Penalty” means the financial penalty attributed to a Designated By-Law Contravention as set out in Schedule “B”.

“Appellant” means a Final Notice Recipient, Penalty Notice Recipient or Termination Notice Recipient who disagrees with a Screening Officer’s decision to either confirm or reduce the Administrative Penalty set out in a Penalty Notice he or she received to end a Compliance Agreement to which he or she is a party.

“Application Fee” means the maximum fee the Municipality can charge pursuant to the Act for an Adjudication, as set out in the Municipality’s Fees and Charges By-Law.

“By-Law Enforcement Officer” means any person appointed or designated to enforce the Municipality’s by-laws pursuant to The Municipal Act and includes, without limitation, the Chief Administrative Officer, the Municipality’s Manager of Public Works and other designated officers;

“Compliance Agreement” means an agreement entered into pursuant to Section 23 of this By-Law.

“Designated By-Law Contravention” means the by-law contraventions set by Section 4 of this By-Law appearing in Schedule “A” of this By-Law.

“Designated Employee” means the Chief Administrative Officer and, where the CAO has delegated a function, duty or authority under this By-Law, means the employees or agents of the Municipality acting pursuant to that delegation.

“Early Payment Discount” means the reduced financial penalty attributed to the Designated By-Law Contravention as set by Section 5 of this By-Law appearing in Schedule “B” of this By-Law.

“Final Notice” means the notice issued pursuant to Section 9 of this By-Law.

“Final Notice Recipient” means the person to whom is delivered, or to whom is deemed to have been delivered, a Final Notice under this By-Law.

“Penalty Notice” means the notice issued by a By-Law Enforcement Officer pursuant to Section 7 of this By-Law.

“Penalty Notice Recipient” means the person who is delivered, or who is deemed to have been delivered, a Penalty Notice under this By-Law.

“Screening Officer” means an individual appointed under Section 11 of this By-Law.

“Termination Notice” means a notice issued pursuant to Section 24 of this By-Law Termination of Compliance Agreement.

“Termination Notice Recipient” means a Final Notice Recipient or Penalty Notice Recipient receiving a Termination Notice.

“Vehicle Owner” means the owner of the vehicle in question as indicated in the records of the Registrar of Motor Vehicles appointed under The Drivers and Vehicles Act.

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 (including early payment discounted amounts) described in Schedule B for each contravention are hereby set.
6. The early payment discounted amount as shown in Schedule B for the by-law contravention to which it relates may be paid as an administrative penalty if:
 - a. payment is made within 14 days after delivery of the Penalty Notice, and
 - b. no request is made for review by a Screening Officer.

Penalty Notice

7. A Penalty Notice may be in any form provided it complies with the requirements of the Act.
8. 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.
9. If, at the end of the period for responding to a Penalty Notice under Section 8 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 Penalty Notice Recipient setting out the Administrative Penalty owing, the deadline for paying the Administrative Penalty and the manner in which the Administrative Penalty may be paid or request a review by a Screening Officer.
10. The Municipality must deliver Penalty Notices and Final Notices in the manner provided for in Sections 9 and 24 of the Act and Section 3 of the Municipal By-Law Enforcement Regulation, 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 34 to 36 of this By-Law. Periods within which affected persons must make payments or request a review or adjudication are determined under Section 36 of this By-Law.

Screening Officer

11. The Chief Administrative Officer may appoint one or more Screening Officers for a duration he or she believes is necessary to meet the Municipality's administrative needs relating to this By-Law.
12. A member of Council or of a Council Committee is not eligible to be appointed as a Screening Officer.
13. A Screening Officer shall, upon request from a Penalty Notice Recipient or Final Notice Recipient, review the circumstances resulting in the Penalty Notice under review.

Review By Screening Officer

14. 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.

15. In the case of contraventions described in Schedule C, a request for review may include an indication that the person is prepared to enter into a Compliance Agreement.
16. 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, in person, or virtually at the option of the person who has made the request.
17. 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.
18. 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.
19. On a review of a Penalty Notice, the Screening Officer may:
 - a. confirm the Administrative Penalty set out in the Penalty Notice;
 - b. reduce the amount of the Administrative Penalty set out in the Penalty Notice, if satisfied that exceptional circumstances exist;
 - c. in the case of a contravention described in Schedule C, enter into a Compliance Agreement with the person on behalf of the Municipality; or
 - d. cancel the penalty if, in the Screening Officer's opinion,
 - i. the contravention did not occur as alleged;
 - ii. the Penalty Notice does not comply with Section 6(2) of the Act, or
 - iii. in the case of a parking contravention the vehicle owner can show
 1. the vehicle was stolen or otherwise being used without the owner's permission at the time of the contravention;
 2. the contravention was the result of a medical emergency or was necessary in order to address immediate health or safety concerns; or
 3. both that the contravention was a result of a mechanical problem, and that the problem reasonably prevented the person in control of the vehicle at the time of the contravention from complying with the by-law despite exercising due diligence in attempting to comply.
20. The Screening Officer must make a decision in writing within 14 days after the review. After making the decision, the Screening Officer must give the affected person notice of the decision.
21. 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 35 of this By-Law) of the decision of the Screening Officer, unless the person requests adjudication under Section 27 of this By-Law.

Compliance Agreement

22. The by-law contraventions described in Schedule C are hereby designated as a by-law contravention that may be dealt with by a Compliance Agreement.
23. A Compliance Agreement must
 - a. describe the action to be taken to bring the person into compliance with the by-law,
 - b. state a date no later than 60 days after the date of the agreement by which the action must be completed, and
 - c. provide for inspection for the purpose of determining compliance with the agreement.
24. 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 a Termination Notice of that fact by regular mail. The notice is deemed to be received within seven days after the day it was mailed.
25. When a Screening Officer ends a Compliance Agreement, the person who entered into it may, within 14 days after receiving the notice under Section 24 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.

Adjudication Scheme

26. 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.
27. Within 14 days after receipt (or deemed receipt under Section 35 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 \$25.00 adjudication fee.
28. 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.
29. 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.
30. 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.

- 31. In addition to the powers of the Adjudicator in making a decision set out in Section 19(2) of the Act, the Adjudicator may cancel the Penalty Notice on the grounds set out in Section 19 d. of this By-Law and may reduce the amount of the Administrative Penalty if satisfied that exceptional circumstances exist, in which case the reduced penalty is immediately due and payable to the Municipality.

Chief Administrative Officer's Authority

- 32. The Chief Administrative Officer is authorized to do the following:
 - a. pay invoices
 - i. for the costs and administration of the adjudication scheme under Section 21(1) of the Act;
 - ii. 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 King's Bench.

Disclosure of Information

- 33. Upon receipt of an Adjudicator's decision, the Chief Administrative Officer must make the decision available to the public.

Notices and Time Periods

- 34. 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
 - i. if the notice or document relates to a parking contravention, to the address of the vehicle owner indicated in the records of the Registrar of Motor Vehicles;
 - ii. 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.
 - e. A notice or other document given under Section 34 that is

- f. delivered personally is deemed to have been given or delivered on the day it was delivered;
 - g. mailed is deemed to have been given or delivered to the person seven days after the day it was mailed;
 - h. sent by email is deemed to have been given or delivered two days after the day it was sent.
35. 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.

Amendment to Other Municipal By-Laws

36. The enforcement and administrative penalty provisions in all other Municipal By-Laws are hereby superseded to the extent necessary to give effect to the provisions of this By-Law.

Certificate for Unpaid Penalty

37. The fee for the preparation and filing of an unpaid penalty certificate in the Court of King's Bench is set at \$350.00. The fee shall be added to the total amount of the certificate issued under this By-Law.

Transitional

38. This By-Law shall come into force and take effect on the passing thereof.
39. Prosecutions of Designated By-Law Contraventions that were started before this By-Law comes into force shall continue under the procedures of the former by-laws and the Municipal By-Law Enforcement Act.
40. By-Law No. 13/23 is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of Macdonald, in Council duly assembled, at Sanford, Manitoba this 11th day of March A.D., 2025.

THE RURAL MUNICIPALITY OF MACDONALD

Original Signed by

"B. Erb"

Brad Erb
Reeve

"D. Hrehirchuk"

Daryl Hrehirchuk, CMMA
Chief Administrative Officer

Read a First time this 25th day of February A.D., 2025

Read a Second time this 11th day of March A.D., 2025

Read a Third time this 11th day of March A.D., 2025

SCHEDULE A
By-Law No. 2/25
Municipal By-Law Enforcement
Designated By-Law Contraventions

By-Law #	Name of By-Law
5/23	No Truck Route By-Law
3/23	Noise By-Law
1/23	Parking By-Law
13/22	Use of Municipal Resources in an Election By-Law
9/22	Restriction of Outdoor Water Use By-Law
12/21	No Trucks and Trailers Parking By-Law
12/20	Derelict Vehicle By-Law
8/20	Burning By-Law
6/20	Unsightly Property By-Law
1/20	Dog Control By-Law
5/18	Zoning By-Law

SCHEDULE B
By-Law No. 2/25
Municipal By-Law Enforcement
Administrative Penalties and Fees

Section of By-Law	Name & Number of By-Law	Contravention	Administrative Penalty	Early Payment Discount
3. (c)	No Truck Route By-Law No. 5/23	No person shall drive, use, park or stand a truck or truck tractor at any time on a No Truck Route during the period set out in sections 3. (a) or (b).	\$500.00	\$375.00
3. (d)	No Truck Route By-Law No. 5/23	No person shall drive, use, park or stand a truck or truck tractor at any time on a No Truck Route identified in red on Schedule “B”.	\$500.00	\$375.00
4. (a)	Noise By-Law 3/23	Nuisance caused by loud singing, shouting, or speaking	\$500.00	\$375.00
4. (b)	Noise By-Law 3/23	Nuisance caused by musical instrument; loudspeaker heard a distance of more than 30 metres	\$500.00	\$375.00
4. (c)	Noise By-Law 3/23	Nuisance from the use of a motorized toy, drone, recreational vehicle or vehicle	\$500.00	\$375.00
4. (d)	Noise By-Law 3/23	Use of engine retarder brakes in a restricted area	\$500.00	\$375.00
5	Noise By-Law 3/23	Use of prohibited activities between 11 p.m. and 7 a.m.	\$500.00	\$375.00
6.	Parking By-Law 1/23	Parking of a continuous period of more than one hour on PR 330 (Rue Principale) as shown on Schedule “A”	\$20.00	\$15.00
7.	Parking By-Law 1/23	Parked or stopped for a continuous period of more than fifteen minutes (15) between the hours of 8:00 a.m. and 5:00 p.m. Monday-Saturday, east side of PR 330	\$100.00	\$75.00
8.	Parking By-Law 1/23	Parked or stopped on a municipal road listed in Schedule “B”	\$50.00	\$37.50
9.	Parking By-Law 1/23	Obstruction of lane, driveway or approach to a private property	\$50.00	\$37.50
10	Parking By-Law 1/23	Parked within 3 metres of an intersection	\$100.00	\$75.00
11.	Parking By-Law 1/23	Parked within 3 metres of a fire hydrant	\$50.00	\$37.50
12.	Parking By-Law 1/23	Parked on or within 3 metres of a crosswalk	\$50.00	\$37.50
13.	Parking By-Law 1/23	Parked on or within 9 metres of a Stop sign	\$50.00	\$37.50
14.	Parking By-Law 1/23	Parked obstructing a sidewalk or pathway	\$100.00	\$75.00
15.	Parking By-Law 1/23	Failure to display accessible parking permit	\$100.00	\$75.00
17.	Parking By-Law 1/23	Complete blocking of municipal road during loading/unloading of a vehicle	\$100.00	\$75.00
20.	Parking By-Law 1/23	Parking of a municipal road when snow removal parking prohibition declared	\$100.00	\$75.00

Section of By-Law	Name & Number of By-Law	Contravention	Administrative Penalty	Early Payment Discount
3	The Use of Municipal Resources in an Election By-Law No. 13/22	Use of Municipal resources during an election.	\$500.00	\$375.00
4 (a)	The Use of Municipal Resources in an Election By-Law 13/22	During the restricted period use of municipal resources in communication information	\$500.00	N/A
4 (b)	The Use of Municipal Resources in an Election By-Law 13/22	During the restricted period use of name, voice or image of a member of council in municipal communications	\$500.00	N/A
5.	The Restriction of Outdoor Water Use By-Law No. 9/22	Use of Municipal water in contravention to Schedule “A”	\$100.00	\$75.00
5.	The Restriction of Outdoor Water Use By-Law No. 9/22	Second offence within the same calendar year	double the first offence	N/A
5.	The Restriction of Outdoor Water Use By-Law No. 9/22	Third and subsequent offences within the same calendar year	triple the first offence	N/A
3. (a)	No Trucks & Trailers Parking By-Law 12/21	Park, stop a truck over 4,490 kg in weight, school bus, semi-trailers, trailer or motor home on a municipal road in RG, RG-1 or RS zones longer than 2 hours	\$300.00	\$225.00
3. (b)	No Trucks & Trailers Parking By-Law 12/21	Park a truck or trailer for use by a tradesperson overnight on a municipal road in RG, RG-1 or RS zone	\$300.00	\$225.00
3.	Derelict Vehicle By-Law 12/20	Leave, store an unregistered motor vehicle in an RG, RG-1, RS, CMU or CH zone	\$300.00	\$225.00
4.	Derelict Vehicle By-Law 12/20	Leave, store more than one unregistered motor vehicle in a GD zone	\$300.00	\$225.00
5.	Burning By-Law 8/20	Set an open-air fire within the communities of La Salle, Oak Bluff, Sanford or Starbuck unless it is within an approved receptacle	\$100.00	\$75.00
3.	Unightly Property By-Law 6/20	Unsafe condition on the property	\$300.00	\$225.00
3. a.	Dog Control By-Law 1/20	Permit a dog to run at large	\$150.00	\$112.50
3. b.	Dog Control By-Law 1/20	Failure to securely fasten license tag on collar of dog	\$150.00	\$112.50
3. c.	Dog Control By-Law 1/20	Permit a dog to create a noise disturbance	\$150.00	\$112.50
3. d.	Dog Control By-Law 1/20	Permit a dog to damage public or private property	\$200.00	\$150.00
3. e.	Dog Control By-Law 1/20	Permit a dog to bite, injure or attack a person or animal	\$500.00	\$375.00
3. f.	Dog Control By-Law 1/20	Permit a dog to defecate on public or private property not owned by the owner of the dog	\$200.00	\$150.00
3. g.	Dog Control By-Law 1/20	Permit a dog not on the dog owner's property to act aggressive, dangerous	\$200.00	\$150.00
3. h.	Dog Control By-Law 1/20	Permit more than 2 dogs on a property	\$150.00	\$112.50
3. .i.	Dog Control By-Law 1/20	Keep or harbour a pit bull defined in the by-law	\$500.00	\$375.00
6.	Dog Control By-Law 1/20	Failure to license a dog	\$50.00	\$37.50

Section of By-Law	Name & Number of By-Law	Contravention	Administrative Penalty	Early Payment Discount
11.	Dog Control By-Law 1/20	Failure to vaccinate against rabies	\$150.00	\$112.50
18.	Dog Control By-Law 1/20	Failure to comply with conditions imposed by the Animal Control Officer	\$500.00	\$375.00
26.	Dog Control By-Law 1/20	Interfere or obstruct Animal Control Officer	\$500.00	\$375.00
117. (1)	Zoning By-Law 5/18	Wall-mounted lights not fully shielded luminaries to direct all light down	\$500.00	\$375.00
117. (2)	Zoning By-Law 5/18	Install or maintain a light source that is directed outward toward property boundaries or adjacent street right-of-way	\$500.00	\$375.00
117. (3)	Zoning By-Law 5/18	Lights directed upward and visible from municipal road	\$500.00	\$375.00
117. (4)	Zoning By-Law 5/18	Lights are not shielded and cause a glare or spillover from property	\$500.00	\$375.00

SCHEDULE C to By-Law No. 2/25

**By-Law Contraventions that may be
dealt with by a Compliance Agreement**

By-Law #	Name of By-Law
5/18	Zoning By-Law