

CITY OF MORDEN

By-Law No. 2-2017

BEING a By-law of the City of Morden to impose administration penalties.

WHEREAS subsections 3(1) of *The Municipal By-law Enforcement Act* provides in relevant Part as follows:

Authority to impose administrative penalties

3(1) A municipality may, in accordance with the Act, require administrative penalties to be paid in respect of the contravention of its by-laws.

AND WHEREAS Subsection 3(2)

3(2) A municipality may only require administrative penalties to be paid if it first passes a by-law that does the following:

- (a) designates the by-law contraventions that may be dealt with by a penalty notice;
- (b) sets the amount of the administrative penalty for each contravention, which must not exceed the amount prescribed by regulation;
- (c) sets the period within which a person may pay the administrative penalty or request a review by a screening officer, subject to subsection 10(2);
- (d) provides for the appointment of one or more screening officers and specifies their powers and duties, which may include
 - (i) the power to reduce the amount of an administrative penalty set out in a penalty notice, and
 - (ii) the power to enter into a compliance agreement, on behalf of the municipality, with a person to whom a penalty notice has been issued;
- (e) sets the period within which a person must deal with a screening officer's decision under subsection 11(2);
- (f) establishes an adjudication scheme described in section 14 to resolve matters relating to administrative penalties and compliance agreements.

AND WHEREAS Subsection 3(3)

Additional by-law powers

3(3) A municipality that passes a by-law under subsection (2) may also, by by-law,

- (a) provide for an early payment discount of administrative penalties;
- (b) if the powers of a screening officer specified under clause (2)(d) include the power to reduce the amount of an administrative penalty, set out the grounds on which that may be done;
- (c) if the powers of a screening officer specified under clause (2)(d) include the power to enter into compliance agreements on behalf of the municipality,
 - (i) specify the by-law contraventions in relation to which a screening officer may enter into a compliance agreement,
 - (ii) set the terms that may be included in a compliance agreement to encourage compliance with the by-law,
 - (iii) set the maximum duration of a compliance agreement, and
 - (iv) extend the time for requesting an adjudication about a compliance agreement under subsection 13(1);
- (d) set out any additional grounds on which a screening officer or adjudicator is authorized to cancel a penalty notice under subclause 11(1)(d)(iii) or 19(2)(c)(iii);

- (e) establish a fee payable to file a request for adjudication, which must not exceed \$25;
- (f) do any other thing authorized by the regulations.

AND WHEREAS Subsection 6(1)

Penalty notice

6(1) A by-law enforcement officer may complete and issue a penalty notice to a person against whom a designated by-law contravention is alleged.

AND WHEREAS Council of the City of Morden 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 City of Morden in open session of Council duly assembled enacts as follows:

1. The Enforcement By-law, attached hereto and marked as Schedule "A", is hereby adopted
2. The by-law shall be known as the City of Morden Enforcement By-law.
3. The City of Morden Enforcement By-law shall take force and effect on the day after third reading of this By-law.
4. The Schedule to the by-law can be amended by Council of the City of Morden by resolution.

DONE AND PASSED as a by-law of the City of Morden, in the Province of Manitoba this 26th day of June 2017.

CITY OF MORDEN

Ken Wiebe

Mayor

John Scarce

City Manager

Read a first time this	23 rd day of January	2017
Read a second time as amended this	26 th day of June	2017
Read a third time this	26 th day of June	2017

City of Morden
By-law Enforcement By-law
Being Schedule "A"
Attached to By-law No. 2-2017

Purpose

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.

Definitions

The following definitions apply in this By-law.

"adjudicator" means a person appointed under section 15.

"by-law enforcement officer" means a person appointed or designated under *The Municipal Act* or *The City of Winnipeg Charter* to enforce the by-laws of a municipality, and includes a designated employee or officer under *The Planning Act*.

"compliance agreement" means a compliance agreement under section 12 that is authorized by a by-law under clause 3(2)(d).

"designated by-law contravention" means a contravention of a by-law designated under clause 3(2)(a).

"licence plate" of a vehicle means a number plate as defined in *The Drivers and Vehicles Act*.

"municipality" includes a local government district and a planning district under *The Planning Act*.

"owner", in relation to a vehicle, has the same meaning as in *The Drivers and Vehicles Act*.

"parking", in relation to a vehicle, includes the standing or stopping of a vehicle.

"penalty notice" means a notice under section 6 issued in respect of a designated by-law contravention.

"Registrar of Motor Vehicles" means the Registrar of Motor Vehicles appointed under *The Drivers and Vehicles Act*.

"screening officer" means a person appointed as a screening officer by a municipality

"vehicle" means a motor vehicle or vehicle as defined in *The Highway Traffic Act*.

Authority to Impose Administrative Penalties

1. **THAT** pursuant to clauses 3(2)(a) and 3(2)(b) in accordance with Appendix A to this by-law, Council has determined the complete list of By-law contraventions that may be dealt with by a penalty notice.

AND FURTHERMORE from time to time Council will by resolution update and amend Appendix A.

2. **THAT** pursuant to clause 3(2)(c) from the date of the Penalty Notice unless otherwise specified on the Notice, a person must pay the Penalty Notice within 28 days.

Or alternately, the person must request a review by a Screening Officer under clause 10(1)(b) within 21 days of the Penalty Notice date or date otherwise specified on the Notice.

Appendix A - Penalties

To Schedule A of City of Morden By-law 2-2017 *Amended December 23, 2024

By-law contraventions that may be dealt with under the Act.

*Applicable as first, second and subsequent offence

Offence No.	By-Law Section	Contradiction Penalty	First Offence	Second Offence	Third Offence
25BL04 Animal Control					
101	5 (1)	Failure to meet and maintain identified animal conditions	\$150	\$300	\$450
102	6 (1)	Unlicensed Dog	\$100	\$150	\$200
103	6 (3)	Dog tag not secured on collar	\$50		
104	6 (5)	Failure to report change of ownership of a dog	\$100		
105	6 (9)	Failure to provide when asked proof of rabies vaccination	\$250		
106	15 (1)(a)	Keeping excess animals on property	\$150	\$250	\$350
107	12 (1)(a)	Animal wandering at large	\$100		
108	12 (1)(a)	Animal disturbing quiet of any person	\$100		
109	12 (1)(c)	Failure to clean up animal excrement from private or public property	\$100		
110	12 (1)(d)	Damage by animal of public or private property not the owners	\$100		
111	12 (1)(g)	Own, keep, harbour a dog determined to be a dangerous animal	\$500		
112	12 (1)(h)	Allow to bite attack or worry a person	\$300	\$400	\$500
113	12 (1)(i)	Permit a dog on school or play grounds	\$100		
114	12 (1)(j)	Not under effective control	\$50		
115	12 (1)(j)	Leash longer than 6 feet	\$50		
116	14 (3)	Allowing a cat or dog in heat to be in a public place	\$100		
117	14 (5)	Cat outside of premise uncontrolled	\$100		
118	14 (6)(b)	Not complying with the conditions of cat trap use	\$100		
119	20 (1)	Keeping of livestock in excess of prescribed numbers in city	\$150		
120	20 (2)	Livestock wandering at large	\$150		
121	21 (1)	Keeping of restricted animals without a permit	\$200	\$300	
122	22 (1)	Ill-treatment of animals	\$200	\$400	\$800
123	23 (1)	Teasing, enticing, baiting or throwing objects at an animal	\$150	\$250	\$450
124	24 (3)(a)	Break into a pound	\$300		
125	24 (3)(6)	Remove or attempt to remove impounded animal	\$300		

24BL07 Traffic					
201	4 (1)(a) Parade	not under direction or control of marshall or organizer	\$100		
202	4 (1)(b)	Parade not permitted by Chief of Police	\$100		
203	4 (4)	Drive through a parade	\$150		
204	4 (5)	Walk through or into a parade	\$50		
205	6 (2)	Drive vehicle on street barricaded or closed to traffic	\$100		
206	7 (1)	Operate truck or truck tractor along street contrary to truck route	\$100		
207	8 (2)	Use engine retardant brakes where prohibited	\$100		
208	9 (1)	Park vehicle on street contrary to By-law namely: · Unparallel to curb · Facing oncoming traffic · More than 450mm from curb · Less than 1 metre ahead or behind vehicle · Contrary to signage	\$100		
209	9 (2)	Park truck, truck tractor and/or trailer, motorhome or bus for more than one hour	\$100		
210	9 (3)	Park construction equipment or place dumpster without approved permit	\$150		
211	9 (4)	Park trailer with refrigeration unit within 100 meters of a residence	\$100		
212	9 (5)	Drive, park or stop vehicle or trailer on or along a boulevard	\$100		
213	9 (6)	Park or leave vehicle on private property where sign prohibits	\$100		
214	9 (7)	No person shall park or leave unattended an unregistered vehicle or trailer of any type on a City street	\$100		
215	9 (7)	Park vehicle on street between 12 midnight and 8:00 am when prohibited	\$100		
216	10 (2)	Park vehicle or place container on street without permit	\$100		
217	11 (2)	Remove, alter, obliterate or deface mark placed on vehicle	\$100		

218	12 (2)	Stop, stand or park vehicle in parking space designated for disabled persons	\$100		
219	13 (2)(a)	Stop or park vehicle contrary to traffic control device namely: · Anytime · During (insert time ie: 8:00 am – 5:00 pm)	\$100		
220	13 (2)(b)	Stop or park vehicle contrary to traffic control device namely: · More than (insert time ie. 3 hours or 5 hours)	\$100		
221	14 (1)(a)	Stop or park vehicle in alley	\$100		
222	14 (1)(b)	Stop or park vehicle in a loading zone	\$100		
223	14 (1)(c)	Stop or park vehicle as to obstruct flow of traffic	\$100		
		· Block or encroach an approach or driveway	\$100		
224	15 (2)	Fail to ride bicycle closest to right hand curb	\$50		
225	15 (3)	Ride bicycle upon a sidewalk or boulevard	\$50		
226	16 (1)	Make U turn other than at intersection	\$100		
227	16 (2)	Exceed speed limit in park or parkway in excess of 25km/hr. name: _____ km/hr	\$150		
25BL05 Noise					
301	3(a)	Animal in your care creating a noise nuisance	\$100	\$150	\$250
302	3 (b) (c)	Operating or testing power or manual equipment, machinery or motor vehicle outside allowable hours	\$100	\$150	\$250
303	3 (f)	Creating a noise nuisance by shouting or amplified sound	\$100	\$150	\$250
17BL12 Municipal Parks					
401	2 (a)	Congregate in a park between 11pm and 6am	\$100	\$150	\$250
402	2 (b)	Overnight camping	\$100	\$150	\$250
25BL07 Powered Model Vehicles					
501	4 (1)	Operating gas-powered model vehicle within 300 meters of residence	\$50	\$100	\$150
502	5(1)	Operating a model aircraft within City limits	\$50	\$100	\$150

25BL08 Garage Sale					
601	4	Failure to remove sign	\$100		
602	4	Boulevard Restoration	\$100		
603	5	Sign Placement	\$100		
25BL09 Derelict Vehicles					
701	4	Derelict Vehicle per vehicle	\$300		
702	4	Not stored properly	\$150		
703	5	To many derelict vehicles being stored per vehicle	\$300		
704	5	Permit expired	\$150		
25BL10 Obstruction on Municipal Road					
801	1	No one shall place, plant, grow, deposit, or move onto any municipal road, park or reserve, within the City of Morden any snow, ice, trees, shrubs, weeds, grass, leaves, garbage, or obstructions of any kind or nature, or damage any municipal road, park, or reserve, or damage or remove anything from any municipal road, park, or reserve, unless the City of Morden by resolution from time to time, designates otherwise.	\$100	\$400	\$600
25BL11 Boulevard Maintenance By-Law					
901	4	No person shall break, dig up, or remove or in any way injure or deface the trees, shrubs, plants or turf located on a boulevard.	\$100		
902	5	No person shall throw or deposit any waste, refuse, or substance of any kind, upon any boulevard.	\$100		
903	6	No person shall install, place or deposit anything on a boulevard which would obstruct or hinder traffic on any street or cause damage to the boulevard or prove offensive or detrimental to the proper management of boulevards except as provided in section 7.	\$100		
904	7	Soil and well-rotted lawn dressing may be deposited on a boulevard for removal to private property, but it shall not be allowed to remain longer than seven (7) days.	\$100		

905	8	No person shall store, place or deposit on any boulevard any building materials whatever without first obtaining permission from the CM.	\$100		
906	9	No person shall deface, destroy or mutilate any notices posted by order of the Municipality within a boulevard.	\$100		
907	10	No person shall display or distribute advertising matter of any kind on any boulevard without permission of the Municipality.	\$100		
908	11	No person shall use any boulevard for business purposes without approval.	\$100		
909	12	No person shall cause a vehicle to be parked in such a manner as to encroach upon or damage a tree, shrub, plant or the turf on any boulevard.	\$100		
909	13	No person shall drive a motor vehicle on, across, or along any boulevard at any place other than an authorized crossing unless written permission has been obtained from the CM.	\$100		
910	14	No person shall ride a horse on, across or along any boulevard.	\$100		
911	15	No person shall plant any tree, sapling, shrub or plant of any kind on any boulevard, without first obtaining written permission of the CM.	\$100		
912	16	No person shall remove, destroy, cut, deface, trim any tree, shrub, sapling, or plant or sod on any boulevard except as expressly authorized by the CM	\$100		
913	17	No tree, shrub, or sapling growing on a boulevard shall be destroyed or removed, except as ordered by the CM for reasons of disease, hazard or emergency.	\$100		
914	18	No person, whether licensed or otherwise, shall move any building along the right of way in such a way as to damage any tree, shrub, sapling, plant or turf on any boulevard. In case of any possibility of damage a permit shall be obtained and funds deposited with the CM to cover estimated damages.	\$100		

915	19	Where any person, or persons propose to cross any newly constructed boulevard for the purpose of delivery or removal of furniture, household goods, or other like chattels; they shall first place planks of sufficient width, length and strength over the boulevard so that no injury to the boulevard shall result and all packing materials used in such delivery or removal shall be removed from the boulevard.	\$100		
916	20	No vehicle shall drive across a boulevard in order to deliver or remove any furniture, household goods or other like chattels unless first obtaining the written permission of the CM.	\$100		
917	21	No person shall make an excavation into the surface of any boulevard without first obtaining the necessary permit from the CM.	\$100		
918	22	No person shall interfere with the CM or Designated Officer in the performance of his duties imposed by this By-law.	\$150	\$300	\$450
24BL18					
Waste					
1001	7	Not placing material in a container with a functioning lid.	\$150		
1002	5	Placing material into a container not marked for that material.	\$150		
1003	4	Placement of Household Hazardous Waste material in any container not marked for that purpose.	\$450		
1004	8	Dumping non compostable material at the City of Morden compost site	\$500		
1005	8	Dumping material at the City of Morden compost site when prohibited	\$500		

Appendix B- Penalty Notice Format
To Schedule A of City of Morden By-law 2-2017



CITY OF MORDEN
PENALTY NOTICE

No. _____

An offence has been committed contrary to By-law _____ of the City of Morden.

Time:	Date:
Location:	
Name:	
Mailing Address:	
Vehicle Make if Applicable:	Vehicle License if Applicable:

Offence No. _____

Offence Description:

Penalty Amount \$ _____ *

* Pursuant to By-law 2-2017, all administration penalties that fall within 21 days of the date of issue are subject to an automatic 50% reduction.

Issued at the City of Morden in the Province of Manitoba this ____ day of _____ 20__.

Authorized Person Signature

Payment Options:

Make your cheque or money order payable to:

City of Morden
100-195 Stephen Street
Morden MB R6M 1V3

Do not send cash in the mail

Or pay at:

Morden Civic Centre
100-195 Stephen St
Morden MB

Between 9:00am – 4:30pm Monday to Friday
(excepting holidays)

Pursuant to By-law 2-2017, a person must pay within 28 days of date on Penalty Notice, or request in writing, a review by a screening officer with 21 days of the date on the Penalty Notice. The signed written request must be received by the Administration Office at 100-195 Stephen Street within the 21 days of issue and must include Penalty Notice No., Contact information, i.e. Name, address, phone number and reason for why penalty should be reviewed.