

THE RURAL MUNICIPALITY OF WEST ST. PAUL

THE GENERAL ENFORCEMENT BY-LAW

BY-LAW NO. 3/2001

THE RURAL MUNICIPALITY OF WEST ST. PAUL BY-LAW NO. 3/2001 BEING A GENERAL ENFORCEMENT BY-LAW OF THE RURAL MUNICIPALITY OF WEST ST, PAUL AND TO REPEAL BY-LAW NO. 20/97.

WHEREAS Section 232(l)(o) of The Municipal Act being Chapter 58 of the Statutes of Manitoba, 1996 provides as follows:

232(I) A council may pass by-laws for municipal purposes respecting the following matters:

- (o) the enforcement of by-laws.

AND WHEREAS Section 236(l) of being Chapter 58 of the Statutes of Manitoba, 1996 provides for the content of by-laws enacted pursuant to clause 232(l)(o):

AND WHEREAS the Council of The Rural Municipality of West St. Paul deems it expedient and in the public interest to enact a by-law for the general enforcement of by-laws.

NOW THEREFORE the Council of The Rural Municipality of West St. Paul, in council duly assembled, enacts as follows:

1.0 **SHORT TITLE:**

- 1.1 **THAT** this by-law may be referred to as the "General Enforcement By-law".

2.0 **DEFINITIONS:**

- 2.1 **THAT** in this by-law "By-law Enforcement Officer" means the By-law Enforcement Officer appointed, designated or authorized by the Council of The Rural Municipality of West St. Paul to enforce by-laws of the Rural Municipality of West St. Paul.
- 2.2 **THAT** in this by-law "Municipality" means The Rural Municipality of West St. Paul.
- 2.3 **THAT** in this by-law "Emergency" means a sudden unexpected or unforeseen action, occurrence or condition that is a threat to life and/or safety that calls for immediate action by the By-law Enforcement Officer in accordance with clause 239(3) of the Municipal Act L.M. 1996, c. 58 - Chap. M225.

3.0 **INSPECTIONS:**

- 3.1 **THAT** if a by-law of the Municipality requires anything to be inspected, remedied, enforced or done, the By-law Enforcement Officer may after giving seven (7) days written notice (such notice to be delivered by registered mail) to

the owner or occupier of land or the building or other structure to be entered to carry out the inspection, remedy, enforcement or action;

- (a) enter the land, building or structure at any reasonable time, and carry out the inspection, enforcement or action required by the by-law;

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- (b) request that anything be produced to assist in the inspection, remedy, enforcement or action; and
- (e) make copies of anything related to the inspection, remedy, enforcement or action.

- 3.2 **THAT** the By-law Enforcement Officer must display or produce on request identification showing that he or she is authorized to make the entry.
- 3.3 **THAT** in an Emergency the By-law Enforcement Officer need not give seven (7) days notice or enter at a reasonable hour and may do these things referred to in sections 3.1 and 3.2 without the consent of the owner or occupant of the land, building or structure

4.0. **ENFORCEMENT BY WRITTEN ORDER:**

- 4.1 **THAT** if the By-law Enforcement officer determines that a person is contravening a by-law of the Municipality or any other Act the Municipality is authorized to enforce, such contravention shall be considered an offence. The By-law Enforcement Officer may by written order (the "Order") require the person responsible for the contravention to remedy it if, in the opinion of the By-law Enforcement Officer, the circumstances so require. Such remedy may include the removal or demolition of a structure that has been erected or placed in contravention of a by-law.
- 4.2 **THAT** the Order made pursuant to section 4.1:
 - (a) must state a time in which a person must comply with the Order;
 - (b) direct that the person stop doing something, or change the way in which the person is doing it; and;
 - (c) that if the person does not comply with Order within a specified time, the Municipality will take the action or measure at the expense of the person.
- 4.3 **THAT** every person who receives an Order pursuant to section 4.1 shall:
 - (a) be liable to a fine of \$250.00 for the first offence, \$500.00 for a second offence and \$1,000.00 for a third or subsequent offence.
 - (b) in addition pay, as a penalty, all associated costs related to enforcing the Order.
- 4.4 **THAT** an amount owing under section 4.3 may be collected in any manner in which a tax may be collected or enforced.
- 4.5 **THAT** the person who receives the Order shall have fourteen (14) days from the date that the Order is received to either:
 - (a) comply with the Order; or;
 - (b) by written notice request the Council to review the Order.
- 4.6 **THAT** should the person who received the Order request the Council to review the Order, the Council shall review the same and either confirm, vary, substitute or cancel the Order.

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- 4.7 **THAT** should the person who receives the Order fail to comply with the Order after the fourteen (14) day review period has expired, or fourteen (14) days after Council has confirmed, waived or substituted the Order, Council may take whatever action or measure is necessary to remedy the contravention of the by-law or any other Act that Council is authorized to enforce, such action may include seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to the contravention.
- 4.8 **THAT** the person who fails to comply with the Order shall be liable for the costs incurred under section 4.3 in respect of actions taken by Council or the By-law Enforcement Officer to remedy a contravention of a by-law or any other Act that the Municipality is authorized to enforce. Such costs are an amount owing to the Municipality by the person who contravened the by-law or Act.

5.0. **ENFORCEMENT BY COMMON OFFENCE NOTICE:**

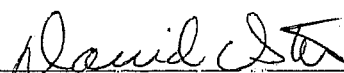
- 5.1 **THAT** where the By-law Enforcement officer determines that a person is contravening a by-law of the Municipality passed pursuant to Part 7 of the Municipal Act L.M. 1996, c. 58 - Chap. M225 this contravention shall be considered an offence. The By-law Enforcement Officer may enforce the municipal by-law under which the offence occurs by the issuance of a Common Offence Notice, whether or not the municipal by-law which is being contravened specifically provides for this method of enforcement.
- 5.2 **THAT** every person who receives a Common Offence Notice under section 5.1 and is found guilty of the offence alleged therein, shall
- (a) be liable for a fine as provided for in the municipal by-law which was contravened; or
- (b) where the municipal by-law which was contravened does not provide for a fine, be liable for a fine of \$250.00 for a first offence, \$500.00 for a second offence and \$1,000.00 for a third or subsequent offence.
- 5.3 **THAT** the By-law Enforcement Officer may take action simultaneously under sections 4 and 5 herein to enforce a municipal by-law.
- 5.4 **THAT** the fourteen (14) day review period in section 4.5 does not apply to the provisions under section 5.

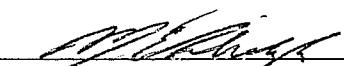
6.0 **REPEAL:**

- 6.1 **THAT** by-law number 20/97 of The Rural Municipality of West St. Paul is hereby repealed.

DONE AND PASSED, in Council assembled this day 12th day of April A.D., 2001.

THE RURAL MUNICIPALITY OF WEST ST. PAUL


Reeve


Chief Administrative Officer

Read a first time this 8th day of March A.D., 2001
Read a second time this 12th day of April A.D., 2001
Read a third time this 12th day of April A.D., 2001