THE RURAL MUNICIPALITY OF PINEY

BY-LAW NO. 166/2026

A BY-LAW TO PROVIDE FOR AN ADMINISTRATIVE PENALTY SCHEME FOR BY-LAWS TO BE ENFORCED WITHIN THE MUNICIPAL BY-LAW ENFORCEMENT ACT

WHEREAS section 3(1) of *The Municipal By-Law Enforcement Act* ("the Act") provides that a municipality may require that administrative penalties be paid in respect of the contravention of its by-laws;

AND WHEREAS Council for the Rural Municipality of Piney 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;

THEREFORE, BE IT RESOLVED the Council of the Rural Municipality of Piney enacts as follows:

PURPOSE AND INTERPRETATION

1. The purpose of this by-law is to establish an administrative penalty scheme for the enforcement of certain by-law contraventions and an adjudication scheme to resolve matters relating to administrative penalties.

SCHEDULES

1. This by-law contains the following Schedules:

   Schedule A: By-law contraventions that may be dealt with by a penalty notice under the Act and the amounts of administrative penalties.

   Schedule B: Form of penalty notice.

   Schedule C: Form of final notice.

   Schedule D: Form of screening officer decision and notice.

BY-LAW CONTRAVENTIONS AND PENALTIES

1. The by-law contraventions described in Schedule A are hereby designated as by-law contraventions that may be dealt with by a penalty notice.

2. The administrative penalties (including discounted amounts) described in Schedule A for each contravention are hereby set.

3. The discounted amount as shown in Schedule A 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.

4. A penalty notice shall be in the form set out in Schedule B.

5. 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.

6. If, at the end of the period for responding to a penalty notice under section 7, a person to whom a penalty notice was delivered has not responded, the Municipality must deliver a final notice to the person in the form of Schedule C. A person to whom a final notice is delivered must, within 30 days after delivery, pay the administrative penalty or request a review by a screening officer.

7. The Municipality must deliver penalty notices and final notices in the manner provided for in sections 9 and 22 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 delivery of other notices or documents by the Municipality, a screening officer or an adjudicator is governed by sections 26 to 28 of this by-law. Periods within which affected persons must make payments or request a review or adjudication are determined under section 28.

SCREENING OFFICER

1. Council shall by resolution appoint one or more screening officers.

2. A member of council or of a council committee is not eligible to be appointed as a screening officer.

REVIEW BY SCREENING OFFICER

1. 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.

2. 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 or in person, at the option of the person who has made the request.

3. 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.

    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.

4. On a review of a penalty notice, the screening officer may:

    a. confirm the administrative penalty;

    b. reduce the amount of the administrative penalty if satisfied that exceptional circumstances exist; or

    c. cancel the penalty notice if, in the screening officer's opinion,

        i. the contravention did not occur as alleged, or

        ii. the penalty notice does not comply with section 6(2) of the Act.

5. 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 in the form of Schedule D.

6. 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 27) of the decision of the screening officer, unless the person requests adjudication under section 20.

ADJUDICATION SCHEME

1. 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 request a review of a screening officer’s decision to confirm or reduce the administrative penalty set out in the penalty notice.

2. Within 14 days after receipt (or deemed receipt under section 27) 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 adjudication fee.

3. 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.

4. 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.

5. 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 is immediately due and payable to the Municipality.

CHIEF ADMINISTRATIVE OFFICER'S AUTHORITY

1. The Chief Administrative Officer is authorized to do the following:
    a. pay invoices:
        i. of the screening officer for remuneration and expenses;
        ii. for the costs and administration of the adjudication scheme under section 21(1) of the Act;
        iii. 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

1. Upon receipt of an adjudicator's decision, the CAO must make the decision available to the public.

NOTICES AND TIME PERIODS

1. 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 to the last known address of the person named in the penalty notice;
    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; or
        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.

2. A notice or other document given under section 26 that is:
    a. delivered personally is deemed to have been given or delivered on the day it was delivered;
    b. mailed is deemed to have been given or delivered to the person seven days after the day it was mailed;
    c. sent by email is deemed to have been given or delivered two days after the day it was sent.

3. 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.

COST OF DISCHARGE

1. Where a person is required to pay an administrative penalty pays the Municipality the amount of the certificate of judgement and requests that a discharge be filed in the Land Titles Office or that a note of satisfaction be filed in the Court of King's Bench, the person is responsible at the person's expense for having the discharge and the notice prepared for the Municipality's signature and for registering the discharge and notice.

OTHER MUNICIPAL BY-LAWS

1. The administrative penalties set out in Schedule A supersede fines and other financial penalties contained in the corresponding by-laws.

EFFECTIVE

1. This by-law will take effect on September 23rd, 2026. 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 Summary Convictions Act*.

DONE AND PASSED as a By-Law of the Rural Municipality of Piney in the Province of Manitoba this 22nd day of September, 2026.

Originally Signed

Wayne Anderson
Reeve

Originally Signed

Martin Van Osch
Chief Administrative Officer

Read a first time this 18th day of August, 2026.

Read a second time this 8th day of September, 2026.

Read a third time this 22nd day of September, 2026.

SCHEDULE A
BY-LAW CONTRAVENTIONS

The following are the by-law contraventions which may be dealt with by a penalty notice under *The Municipal By-law Enforcement Act* and the administrative penalties for each contravention.

CONTRAVENTIONS	**ADMINISTRATIVE PENALTY**	**DISCOUNTED AMOUNT**
All contraventions under: Zoning By-Law By-Law #145/2022	$500.00	$350.00
All contraventions under: Building and Development Permit System By-Law #113/2016	$350.00	$200.00
All contraventions under: Animal Control By-Law By-Law #167/2026	$350.00	$200.00
All contraventions under: Drainage Works By-Law By-Law #95/2013	$500.00	$350.00
All contraventions under: Prevention & Control of Wildland Fires By-Law By-Law #108/2015	$500.00	$350.00

SCHEDULE B
FORM OF PENALTY NOTICE

PENALTY NOTICE

CONTRAVENTION

[Date]
To:
[Address]

You have committed an offence contrary to Section _____ of _____ _____ By-Law _____.

[insert a brief description of the violation].

As a result of this violation you are subject to a penalty of $_____.

You have until [month, day, year] ("the Deadline"), to EITHER:

Pay the penalty of $_____; OR
Request a review by a screening officer.

EARLY PAYMENT DISCOUNT: The penalty amount will be reduced to $_____ if paid in full on or before [month, day, year]. Otherwise, you must pay the full penalty amount.

PAYMENT: Payment is to be made by cheque or money order payable to The Rural Municipality of Piney, 6092 Boundary Street, Box 48, Vassar MB R0A 2J0. Do not send cash in the mail.

REQUEST FOR REVIEW: A request for review by a screening officer must be made in writing to the Chief Administrative Officer of the Municipality at the above address or by email to office@rmofpiney.mb.ca . Your 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. The means of the review may be written submission, on the telephone or by a virtual meeting, at your option.

If you request a review, the screening officer will review the circumstances that resulted in this Penalty Notice, as well as the information you and the enforcement officer provide. After the review, the screening officer may confirm or reduce the penalty amount or cancel the Penalty Notice.

FAILURE TO RESPOND: If you have not paid the penalty or requested a review by the Deadline, the Municipality will, after final notice to you, take proceedings against you to collect the penalty amount.

Be advised that under The Municipal By-Law Enforcement Act the municipality may file a certificate showing the amount of administrative penalties due and payable by the person in the Court of King's Bench. Once filed, the certificate becomes a judgment of the Court and may be enforced as a judgment.

_____
[enforcement officer]

SCHEDULE C
FORM OF FINAL NOTICE

FINAL NOTICE

CONTRAVENTION

[Date]
To:
[Address]

Violation of Section _____ of _____ By-Law _____.

You have failed to respond to the Penalty Notice dated _____.

You now have until [month, day, year] ("the Deadline"), to EITHER:

Pay the penalty of $_____; OR
Request a review by a screening officer.

PAYMENT: Payment is to be made by cheque or money order payable to The Rural Municipality of Piney, 6092 Boundary Street, Box 48, Vassar MB R0A 2J0. Do not send cash in the mail.

REQUEST FOR REVIEW: A request for review by a screening officer must be made in writing to the Chief Administrative Officer of the Municipality at the above address or by email to office@rmofpiney.mb.ca . Your 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. The means of the review may be written submission, on the telephone or by a virtual meeting, at your option.

If you request a review, the screening officer will review the circumstances that resulted in this Penalty Notice, as well as the information you and the enforcement officer provide. After the review, the screening officer may confirm or reduce the penalty amount or cancel the Penalty Notice.

FAILURE TO RESPOND: If you have not paid the penalty or requested a review by the Deadline, the Municipality will, after final notice to you, take proceedings against you to collect the penalty amount.

Be advised that under The Municipal By-Law Enforcement Act the municipality may file a certificate showing the amount of administrative penalties due and payable by the person in the Court of King's Bench. Once filed, the certificate becomes a judgment of the Court and may be enforced as a judgment.

_____
[enforcement officer]

SCHEDULE D

FORM OF SCREENING OFFICER DECISION AND NOTICE

Violation: _____
per attached Penalty Notice

SCREENING OFFICER'S DECISION:

[date]

(Screening Officer to check one box)

- ☐ The administrative penalty in the amount of $_____ is confirmed and is due _____.
- ☐ The administrative penalty is reduced to $_____ and is due _____.
- ☐ The penalty notice is cancelled.

_____
[Screening Officer's Signature]
[print name]

RIGHT TO ADJUDICATION

You have a right to have this decision reviewed by an independent adjudicator. If you wish to request adjudication you must do so by notice writing to the Chief Administrative Officer of the Municipality at 6092 Boundary Street, Box 48,Vassar MB R0A 2J0 or by email to office@rmofpiney.mb.ca no later than 14 days after the date of receipt of this notice, accompanied by a fee of $25.