



MEMBER ADVISORY

The Municipal By-law Enforcement Act: template by-laws

December 20, 2016 - The Municipal By-law Enforcement Act (MBEA) is now in force.

The MBEA provides for an administrative penalty scheme to be established by municipalities (and planning districts) to enforce by-laws in a non-court setting. Instead of charging a person with an offence and prosecuting through the Provincial Court, the MBEA provides for a person to be issued a penalty notice, and gives them the option of asking for an administrative review of the notice. There are two levels of review available under the MBEA. The first level is administered by municipalities. The second level is administered by the Province. The penalty notice will not ever appear in the Provincial Court.

For those municipalities that have parking by-laws, enforcement must be done under the MBEA. These municipalities must have the administrative penalty scheme in place by no later than February 6, 2017, otherwise they will not be able to enforce the parking by-laws after this date until one is in place.

For all other by-law enforcement, participation in the MBEA is voluntary, municipalities have the option to choose to participate and use the MBEA as an enforcement tool.

Authority for a municipality's administrative penalty scheme comes from the MBEA, and is established by a municipality passing a by-law under the MBEA.

As this is a new system to Manitoba, the AMM has been working on developing a template of the by-law needed to establish an administrative penalty scheme for parking and general by-law enforcement.

The template by-laws are now available on the AMM website, by following these links:

[Template by-law – parking](#)

[Template by-law – without parking](#)

The template by-laws are intended to assist municipalities with the steps necessary to implement the administrative penalty scheme. The template provides the framework needed to meet the MBEA requirements, it is seen as a starting point. The by-law should be adjusted as necessary to take into account your municipality's circumstances. For example, some municipalities may establish and administer their own system, while other municipalities may join with other municipalities and planning districts.

The by-law is prepared like a mini code, providing a step-by-step walk through of the various levels. In considering the template by-laws note the following:

- Schedule A: each municipality will decide which by-law violations it wants to use the MBEA to enforce and to list the by-laws and violations as well as setting the amount of the penalties, including any discounted amounts.
- Schedule D: each municipality will decide how they will pay their screening officers.
- Schedule E: each municipality will decide which by-law violations may be dealt with by a compliance agreement.
- Sections 4-10: set out the procedure to be followed by the by-law enforcement officer in issuing the penalty notice, serving the person and the time the person has to reply.
- Sections 11-13: deal with appointment of screening officers.
- Sections 14-21: set out the process for a person to have a review held by a screening officer and for the screening officer's available options to decide the review.
- Sections 22-25: set out the procedure to be followed where the screening officer is of the opinion a compliance agreement may be entered into to remedy the violation.
- Sections 26-31: set out the procedure for a person to have a review held by an adjudicator and for the adjudicator's available options to decide the review.
- Section 32: sets out the chief administrative officer's authority under the by-law.
- Section 33: provides for the disclosure of the adjudicator's decision.
- Sections 34-36: set out how notices and other documents referred to in the MBEA and by-law are given and the calculation of the time lines.

The AMM continues to work on the template by-law in looking at the form of notices required under the by-law (Schedules B and C) as well as on the disclosure of information. The template by-laws will continue to evolve and be updated throughout this process.

Manitoba Indigenous and Municipal Relations will also be issuing an update to the Municipal Act Procedures Manual dealing with by-law enforcement and providing further guidance on enforcement under the MBEA.

If you have any questions, please contact a Municipal Services Officer, Manitoba Indigenous and Municipal Relations at (204) 945-2572.

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