

**TOWN OF STONEWALL
BY-LAW NO. 09-23**

A By-Law of the Town of Stonewall to provide for an Administrative Penalty Scheme and allow for the enforcement By-laws, under the Municipal By-Law Enforcement Act.

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 empowers the Town of Stonewall to enforce its by-laws, including parking by-laws in accordance with the Act;

AND WHEREAS Council for the Town of Stonewall 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 Town of Stonewall enacts as follows:

1. PURPOSE

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

This by-law shall be enforceable on all Town of Stonewall by-laws with administrative penalties.

2. DEFINITIONS AND INTERPRETATION

Unless otherwise expressly provided in this bylaw, 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 Act. The following definitions apply to this By-law;

- a) “**Act**” means The Municipal By-Law Enforcement Act;
- b) “**Adjudication**” means the hearing and determination of a request under Part 8 of this By-Law;
- c) “**Adjudicator**” means a person appointed pursuant to the Act who is eligible to preside over an Adjudication;
- d) “**Administrative Penalty**” means the financial penalty attributed to a Designated By-law Contravention as set out in Schedule “A”;
- e) “**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;
- f) “**Adjudication Fee**” means the maximum fee the Town can charge pursuant to the Act for an Adjudication, as set out in Part 8 of this By-Law;
- g) “**By-Law Enforcement Officer**” means any person appointed or designated to enforce by-laws pursuant to the *Municipal Act*, C.C.S.M., c. M245 and includes, without limitation, the Chief Administrative Officer, or designated officers;
- h) “**Chief Administrative Officer**” means the Chief Administrative Officer of the Town of Stonewall;
- i) “**Compliance Agreement**” means an agreement entered into pursuant to Part 7 of this By-Law;
- j) “**Designated By-Law Contravention**” means the by-law contraventions set by Part 4 of this By-law and appearing in Schedule “A” of this by-law;
- k) “**Designated Employee**” means the Chief Administrative Officer and, where the Chief Administrative Officer has delegated a function, duty or authority under this by-law, means the employees or agents of the Town acting pursuant to that delegation;
- l) “**Final Notice**” means the notice issued pursuant to Section 5 and set out in Schedule “B” of this By-Law;
- m) “**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;

- n) **“Penalty Notice”** means the notice issued by a Designated Officer pursuant Section 5 and set out in Schedule “B” of this By-Law;
- o) **“Penalty Notice Recipient”** means the person who is delivered, or who is deemed to have been delivered, a Penalty Notice under this By-Law;
- p) **“Screening Officer”** means the person thereby appointed by Council as the Screening Officer under Part 6 of the By-law.
- q) **“Termination Notice”** means a notice issued to a Final Notice Recipient or Penalty Notice Recipient pursuant Section 12(5) of the Act in termination of the Compliance Agreement;
- r) **“Termination Notice Recipient”** means a Final Notice Recipient or Penalty Notice Recipient receiving a Termination Notice;
- s) **“Town”** means the Town of Stonewall;
- t) **“Vehicle Owner”** means the owner of the vehicle in question as indicated in the records of the Register of Motor Vehicles appointed under The Drivers and Vehicles Act. C.C.S.M., c. D104.

3. BY-LAW STRUCTURE

This By-Law contains the following Schedules:

Schedule A: Designated Contravention By-law Fees

Schedule B: Penalty Notice & Final Notice

Schedule C: Screening Officer Forms:

- Request for Review By the Screening Officer
- Notice of Meeting with the Screening Officer
- Screening Officer Decision
- Request for Adjudication

Schedule D: Compliance Agreement

4. BY-LAW CONTRAVENTIONS AND PENALTIES

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

The administrative penalties described in Schedule "A" for each contravention are hereby set.

The period within which a person must pay the administrative penalty or request a review by a screening officer is hereby set at thirty (30) days after delivery of the Penalty Notice.

The by-law contraventions as set out in Schedule “A” are hereby designated as by-law contraventions that may be dealt with by a Compliance Agreement if deemed appropriate after a penalty notice review conducted by a Screening Officer.

5. PENALTY NOTICES

Penalty Notice shall be in the form as set out in Schedule “B”.

By-law Enforcement Officers may enforce this By-Law by issuing Penalty Notices. A By-law Enforcement Officer may issue a Penalty Notice to a person against whom a Designated By-law Contravention has occurred.

The Town must deliver Penalty Notices and Final Notices in the manner provided for in Section 9 and 22 of the Act and the date of delivery shall be determined in accordance with those sections.

If, at the end of the period for responding to a Penalty Notice, a person to whom a Penalty Notice was delivered has not responded, the Town must deliver a Final Notice to the person in the form as set out in Schedule “B”.

A person to whom a Final Notice is delivered must within thirty (30) days after delivery, pay the Administrative Penalty or request a review by a screening officer.

If the Final Notice Recipient does not exercise his or her right under Section 22(3) of the Act within thirty (30) days, the Administrative Penalty set out in the Final Notice is immediately due and payable to the Town.

For the purpose of enforcing payment of amounts due and payable to a municipality in relation to designated by-law contraventions, the Town has the powers and duties of an authority under

sections 92 to 94 of *The Provincial Offences Act*.

6. SCREENING OFFICER

The Chief Administrative Officer may appoint one or more Screening Officers for a duration he or she believes is necessary to meet the Town's administrative needs relating to this By-law.

A member of Council or of a Council Committee is not eligible to be appointed as a Screening Officer.

A Request for Review by a Screening Officer as set out in Schedule "C" must be made in the manner as set out in the Penalty Notice or Final Notice.

In the case of contraventions as set out in the by-law, a Request for Review by the Screening Officer may include an indication that the person is prepared to enter into a Compliance Agreement.

Within fourteen (14) days after receiving the request, the Screening Officer must attempt to contact the applicant who has requested the review to arrange a mutually convenient date, time and means of reviewing the request. Once the date and time have been agreed upon, the Screening Officer will provide the applicant with a written Notice of Meeting by mail or e-mail as set out in Schedule "C".

The means of the review by a Screening Officer may be accomplished in one of the following manners and at the option of the applicant:

- i) Written submission
- ii) Telephone
- iii) Virtual meeting through the use of a video or audio link or other available electronic means

If the Screening Officer is unable to contact the applicant who has requested a review, or if the applicant who has requested a review 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 by virtual meeting or by telephone. If applicant fails to participate or appear the Screening Officer must review the Penalty Notice based on the information provided by the applicant in the request. If having agreed to date, time and means of review and the applicant fails to participate in the review, the Screening Officer must review the Penalty Notice based on the information provided by the applicant in the request.

On review of a Penalty Notice or Final Notice, the Screening Officer may:

- a) confirm the Administrative Penalty;
- b) reduce the amount of the Administrative Penalty set out in the Penalty Notice under review to an amount he or she deems appropriate if his or her review indicates that:
 - (i) exceptional circumstances exist;
 - (ii) the Designated By-Law Contravention was the result of a medical emergency or was necessary in order to address immediate health or safety concerns; or
 - (iii) the Designated By-Law Contravention was a result of a mechanical problem that reasonably contributed to the Penalty Notice Recipient committing the Designated By-Law Contravention despite the fact that he or she exercised due diligence in attempting to comply with this by-law;
- c) extend the time the Penalty Notice Recipient or Final Notice Recipient has for payment of the confirmed or reduced Administrative Penalty to a time he or she believes is appropriate in the circumstances;
- d) cancel the Penalty Notice if his or her review indicates that:
 - (i) the Designated By-Law Contravention did not occur as alleged in the Penalty Notice under review;
 - (ii) the Penalty Notice does not comply with Section 6(2) of the Act or was not delivered in accordance with the Act;
 - (iii) a ground for cancellation authorized under the applicable by-law exists.
- e) enter into a Compliance Agreement with the Penalty Notice Recipient or Final Notice Recipient which contain terms and conditions the Screening Officer deems appropriate in accordance with provisions set out in the Act;
- f) monitor and end Compliance Agreements in accordance with Section 12 of the Act.

The Screening Officer must make a decision within fourteen (14) days after the review. After making the decision, the Screening Officer must provide the applicant with a written decision as set out in Schedule "C".

If the Screening Officer confirms or reduces the amount of the Administrative Penalty, the amount is due and payable within fourteen (14) days after receipt of the decision of the Screening Officer, unless the person requests Adjudication under Section 8 of this By-Law.

7. COMPLIANCE AGREEMENT

A Compliance Agreement must be in the form required by the Act and must include:

- a) the date the Designated By-law Contravention took place;
- b) the Penalty Notice number at issue;
- c) the amount of the Administrative Penalty resulting from the Penalty Notice;
- d) the date the Screening Officer reviewed the Penalty Notice;
- e) a description of the actions to be taken to bring the Penalty Notice Recipient or Final Notice Recipient into compliance with the by-law;
- f) a list of the terms and conditions the Screening Officer and Penalty Notice Recipient or Final Notice Recipient agreed to as well as the date(s) the agreed upon terms and conditions must be met or satisfied by;
- g) the final date for the Penalty Notice Recipient or Final Notice Recipient to complete the actions and satisfy the terms and conditions of the Compliance Agreement shall be not later than sixty (60) days after the date of the Compliance Agreement;
- h) the Penalty Notice Recipient's or Final Notice Recipient's agreement to cooperate and participate with a By-Law Enforcement Officer for the purpose of inspecting progress in relation to the timeline contemplated in the Compliance Agreement;
- i) the Penalty Notice Recipient's or Final Notice Recipient's agreement to provide the By-Law Enforcement Officer with all information and documents the By-Law Officer requires to inspect progress in relation to the timeline contemplated in the Compliance Agreement;
- j) the Penalty Notice Recipient's or Final Notice Recipient's agreement to provide the By-Law Enforcement Officer with reasonable access to the Penalty Notice Recipient's or Final Notice Recipient's property or chattels for the purpose of inspecting progress in relation to the timeline contemplated in the Compliance Agreement;
- k) the consequences of complying or failing to comply with the Compliance Agreement.

Penalty Notice Recipients and Final Notice Recipients who enter into Compliance Agreements are not required to pay the Administrative Penalty set out in the Penalty Notice under review if said recipient complies with the Compliance Agreement resulting from the review of said Penalty Notice.

If the Screening Officer believes that a Penalty Notice Recipient or Final Notice Recipient 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 Penalty Notice Recipient or Final Notice Recipient written notice of that fact by regular mail. The Termination Notice is deemed to be received within seven (7) days after the day it was mailed.

When a Screening Officer ends a Compliance Agreement, the Penalty Notice Recipient or Final Notice Recipient who entered into it may, within fourteen (14) days after receiving or being deemed to have received the Termination Notice under Section 12(5) of the Act:

- a) pay the Administrative Penalty set out in the Penalty Notice that resulted in the Compliance Agreement that was terminated; or
- b) request the Screening Officer to submit for Adjudication of the issue of whether the person complied with the terms of the Compliance Agreement.

If the Penalty Notice Recipient or Final Notice Recipient does not request adjudication within fourteen (14) days after receiving the Termination Notice, the Administrative Penalty set out in the Penalty Notice resulting in the Compliance Agreement is immediately due and payable to the Town.

8. ADJUDICATION SCHEME

An Adjudication scheme as set out in sections 14 to 21 of the Act is hereby established to allow a Penalty Notice Recipient 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 to whether the terms of a Compliance Agreement were complied with.

Within seven (7) days after receipt of the Screening Officer's decision, the person may request a review of the Screening Officer's decision by an Adjudicator. A completed Request for Adjudication Form as set out in Schedule "C" must be submitted to the Screening Officer by mail or delivered to the Town Office accompanied by a \$25.00 Adjudication fee.

A Request for Adjudication is not complete, and shall not be processed, until an adjudication fee of \$25.00 has been paid to the Town.

Upon receipt of a Request for Adjudication and Adjudication fee by the Town, the Screening Officer must submit the request to the Chief Adjudicator appointed under the Act.

Within seven (7) days of receiving a complete Request for Adjudication, a Designated Employee shall schedule an Adjudication and provide the Appellant with a written notice of a mutually convenient date, time and location of the scheduled adjudication. Once the date and time have been agreed upon, the Adjudicator will provide the Appellant with confirmation of the meeting. The means of the review may be accomplished in the following manner:

- i) by telephone;
- ii) by written submission, including by fax or e-mail;
- iii) through the use of a video or audio link or other available electronic means

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 Town if:

- i) the Adjudicator is unable to contact the Appellant who has requested the review, or
- ii) the Appellant without reasonable cause does not agree to a date and time or means of the hearing,
- iii) or the Appellant fails to appear or otherwise participate in the hearing,

In accordance with the powers of the Adjudicator in making a decision as set out in Section 19(2) of the Act, the Adjudicator may:

- a) Confirm the Administrative Penalty;
- b) Reduce the amount of the Administrative Penalty;
- c) Extend the time the person has for payment of the confirmed or reduced Administrative Penalty, to a time he or she believes is appropriate in the circumstances;
- d) Cancel the Penalty Notice if, in the Adjudicator's opinion:
 - (i) the Designated By-Law Contravention did not occur as alleged;
 - (ii) the Penalty Notice does not comply with Section 6(2) of the Act;
 - (iii) a ground for cancellation authorized under the by-law exists

Once the Adjudicator makes a decision, the Adjudicator must provide the Appellant and the Town with a written notice of the decision.

Once the Adjudicator confirms or reduces the amount of the Administrative Penalty, the amount is due and payable within seven (7) days after receipt of the decision of the Adjudicator.

9. ADJUDICATION FEES AND COSTS

The Chief Administrative Officer or designate is hereby authorized to:

- a) pay invoices upon the Town being invoiced under section 21 of the Act for the costs of administering the adjudication scheme or for the remuneration and expenses of the Adjudicator;
- b) refund an Adjudication fee upon being ordered to do so by and Adjudicator.

10. COLLECTION OF PENALTIES

The Chief Administrative Officer or designate is hereby authorized to issue a certificate in respect of an unpaid penalty under Section 23(1) of the Act and file the certificate in the Court of Queen's Bench.

11. DISCLOSURE OF INFORMATION

Upon receipt of an Adjudicator's decision, the Screening Officer must make a decision available to the public.

12. NOTICES AND TIME PERIODS

Where a notice or other document (other than a Penalty or Final Notice) referred to in By-Law is required to be given to a person (other than to the Town), the notice or other document may be given in the following manner;

- 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; 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 to 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.

A notice or other document 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 (7) days after the day it was mailed;
- c) Sent by e-mail is deemed to have been given or delivered two (2) days after the day it was sent.

In determining the time within which a person must make a payment, or request a review, or request an 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 Town Office is not open is extended to include the next day the Town Office is open.

13. PREVIOUS BY-LAW CONTRAVENTIONS

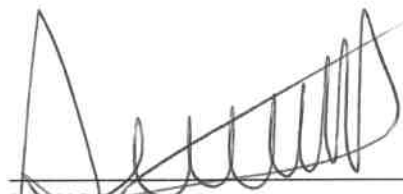
Prosecutions of Designated By-law Contraventions that were started before this by-law comes into effect shall continue under the procedures of the former by-laws and the Summary Convictions Act.

14. BY-LAW REPEAL

By-Law No. 08-22, and all amendments are hereby repealed.

DONE AND PASSED as a By-Law of the Town of Stonewall by the Council, duly assembled in the Town Hall this 18th day of October, A.D., 2023.




MAYOR


CHIEF ADMINISTRATIVE OFFICER

Read a first time this 4th day of October, A.D., 2023

Read a second time this 18th day of October, A.D., 2023

Read a third time this 18th day of October, A.D., 2023

DESIGNATED CONTRAVENTION BY-LAW FEES

Schedule "A" to By-law No. 09-23

By-Law No.	By-Law Name	Contravention	Occurrence <small>(date the offence occurred)</small>	Penalty Amount
BL 11-19	Animal Control Section 16(1) & Section 17(1)	(a) Allowing or failing to prevent a dog, cat or domestic pet from running at large;	1st Offence	\$ 50.00
		(b) Keeping or harbouring dogs or cats in excess of the maximum number permitted by this By-Law without a properly issued Excess Animal Permit contrary to Section 6 of this By-Law;	2nd Offence within 12 months of the date of 1st Offence	\$ 100.00
		(c) Failure by a permit holder to comply with the conditions imposed upon a validly issued Excess Animal Permit;		
		(d) Failing to comply with an order of the Animal Control Officer to dispose of any dogs or cats in excess of the prescribed limit made under Section 6 of this By-Law;		
		(e) Failure by the owner of a dog or cat to comply with any one or more of the provisions of Section 7, Subsection 9(2) or 9(3) or Subsection 9(4) or 9(5) of this By-Law;		
		(f) Failing to report a bite incident or failing to voluntarily surrender the dog or cat believed to have bitten a person or animal to the Animal Control Officer or Poundkeeper;		
		(g) Failing to voluntarily surrender a dog or cat to the Animal Control Officer upon a request therefor;		
		(h) Failure by an owner to discharge the duties of an owner as set out in Subsection 2(1) of The Animal Care Act (Manitoba);		
		(i) Keeping or harbouring any wild animal or other restricted animal within the Town without a proper permit contrary to Section 15 of this By-Law;		
		(j) Violating any of the conditions or restrictions imposed upon a permit to keep or harbour any wild animal or other restricted animal within the Town;		
		(k) Failing to comply with the requirements of Subsection 9(1) of this By-Law in relation to any domestic pet;		
		(l) Defacing or removing a sign required to be posted under Subsection 10(9)(b) or Subsection 12(2)(f) of this By-Law;		
		(m) Failing to comply with the requirements of Subsection 7(3) of this By-Law in respect of the location and construction of a dog run.		
(n) Use of a cat trap by a person without an agreement other than the Animal Control Officer to apprehend a cat running at large.				
BL 11-19	Animal Control Section 17(2)	Any animal that is impounded three (3) or more times within any 12 month period is guilty of an offense and is liable to a fine plus all applicable costs to remedy the contravention.		\$ 250.00
BL 11-19	Animal Control Section 17(4)	Any person who contravenes a provision of the Animal Control By-Law relating to livestock is guilty of an offense.	1st Offence	\$ 250.00
			2nd Offence (and any subsequent additional offences) within 12 months	\$ 500.00
BL 11-19	Animal Control Section 17(5)	Any person who contravenes a provision of the Animal Control By-Law relating to a restricted animal or to an animal which has been declared a dangerous animal is guilty of an offense.	1st Offence	\$ 250.00
			2nd Offence (and any subsequent additional offences) within 12 months	\$ 500.00
BL 11-19	Animal Control Section 17(6)	Any person who interferes with or obstructs the duties of an Animal Control Officer, a Poundkeeper or any other person authorized to enforce any provisions of the Animal Control By Law, or who unlawfully enters any pound or unlawfully removes any animal impounded is guilty of an offense and is liable to a fine plus all applicable costs of apprehension, impoundment and damages to public or private property which resulted from the offence.	1st Offence	\$ 500.00
			2nd Offence (and any subsequent additional offences) within 12 months	\$ 1,000.00
BL 11-19	Animal Control Section 17(7)	Any person who contravenes Subsection 4(1) (Rabies Vaccination) is guilty of an offense and is liable to a fine plus all applicable costs of apprehension, impoundment and damages to public or private property which resulted from the offence.	1st Offence	\$ 500.00
			2nd Offence (and any subsequent additional offences)	\$ 1,000.00
BL 06-18	Burning By-Law	It is an offense to contravene any provisions of this By-law. Any conviction of an offence is subject to a penalty.		\$ 500.00

DESIGNATED CONTRAVENTION BY-LAW FEES

Schedule "A" to By-law No. 09-23

By-Law No.	By-Law Name	Contravention	Occurrence <small>(date the offence occurred)</small>	Penalty Amount
BL 03-20	Driveway Permit	Any person who contravenes or disobeys, or refuses or neglects to obey any provision of this By-Law will be charged double the driveway permit fee.		\$ 600.00
BL 11/00	Derelict Vehicles	Any person who contravenes, or neglects, omits, fails, or refuses to comply with any provision of the Derelict Vehicle By-Law is guilty of an offence and subject to a penalty.		\$ 50.00
BL 19/06	Nuisance Noise	It is an offense to contravene any provisions of this By-law. Any conviction of an offence is subject to a penalty.	1st Offence	\$ 200.00
			2nd Offence (and any subsequent additional offences) within 12 months	\$ 500.00
BL 8/04 as amended with BL 21/06 and BL 10-18	Traffic Control	Breach of provisions under Part II - Traffic Signs and Traffic Routes		\$ 100.00
BL 8/04 as amended with BL 21/06 and BL 10-18	Traffic Control	Breach of provisions under Part III - Moving Violations		\$ 50.00
BL 8/04 as amended with BL 21/06 and BL 10-18	Traffic Control	Breach of provisions under Part IV - Parking and Stopping		\$ 50.00
BL 8/04 as amended with BL 21/06 and BL 10-18	Traffic Control	Breach of provisions under Part V - Restricted Use of Highways		\$ 100.00
BL 8/04 as amended with BL 21/06 and BL 10-18	Traffic Control	Breach of provisions under Part VI - Restricted Vehicles		\$ 100.00
BL 8/04 as amended with BL 21/06 and BL 10-18	Traffic Control	Breach of provisions under Part VII - Bicyclists		\$ 20.00
BL 15/05	Unsightly Property	Any person who contravenes or disobeys, or refuses or neglects to obey or comply with any Order made under the Unsightly Property By-Law is guilty of an offence and is subject to a penalty.		\$ 1,000.00
BL 07/23	Firearms	It is an offense to contravene any provisions of this By-Law. Any conviction of an offence is subject to a penalty.		\$ 500.00



PENALTY NOTICE

Schedule "B" to By-law No. 09-23

**PENALTY
NOTICE NO.**

Recipient Name:	
Civic Address:	
Email Address:	
Date & Time Delivered:	
Payment Deadline:	
By-Law Contravention Name:	

Phone No.	
Mailing Address: (include postal code)	
Date Deemed Received:	
Screening Officer Review Deadline:	
By-Law Contravention #:	

By-Law Contravention Description / Reason for Notice:

Other Pertinent Details:

Administrative Penalty Due:	\$
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Issued By:	
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Payment Instructions:	Penalty Notice to be paid in person at the Town Office
Location:	293 Main St, Stonewall, MB R0C 2Z0
Phone / Email:	204-467-7979 info@stonewall.ca
Hours:	Monday – Friday, 8:30 AM – 4:30 PM
Payment Methods:	Cash or Debit accepted



FINAL NOTICE

Schedule "B" to By-law No. 09-23

**FINAL
NOTICE NO.**

Recipient Name:	
Civic Address:	
Email Address:	
Original Penalty Notice No.	
By-Law Contravention Name:	

Phone No.	
Mailing Address: (include postal code)	
Final Notice Date:	
By-Law Contravention #:	

Date & Time Delivered:	
Payment Deadline:	

Date Deemed Received:	
Screening Officer Review Deadline:	

Administrative Penalty Due:	\$
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Final Notice Response Deadline:	
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SHOULD THIS FINAL NOTICE NOT BE RESPONDED TO BY THE DEADLINE ABOVE, THE ADMINISTRATIVE PENALTY SET OUT IN THE FINAL NOTICE IS IMMEDIATELY DUE AND PAYABLE TO THE TOWN OF STONEWALL.

Response Option 1:	Pay penalty by Payment Deadline	Response Option 2:	Submit the Request for Review by a Screening Officer Form as set out in Schedule "C" of By-Law 09-23 by the deadline.
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Instructions:	Final Notice to be paid in person at the Town Office OR Request for Review by a Screening Officer Form to be submitted in person at the Town Office
Location:	293 Main St, Stonewall, MB R0C 2Z0
Phone / Email:	204-467-7979 info@stonewall.ca
Hours:	Monday – Friday, 8:30 AM – 4:30 PM
Payment Methods:	Cash or Debit accepted



REQUEST FOR REVIEW BY A SCREENING OFFICER

Schedule "C" to By-law No. 09-23

Instructions:	If you wish to dispute a Penalty Notice or Final Notice complete the information below and submit the completed form to the Town of Stonewall Office.
Form Submission Deadline:	

PENALTY OR FINAL NOTICE INFORMATION

Notice Number:		Issuing Officer:	
Date Issued:		Time Issued:	
Location:		Penalty Amount:	\$
By-Law Contravention Name:		By-Law Contravention #:	

Reason for disputing Penalty Notice:

APPLICANT INFORMATION

Name:		Phone No.	
Email Address:		Mailing Address: (include postal code)	
Signature:			

Within fourteen (14) days after receiving the request, the Screening Officer will contact the applicant to arrange a mutually convenient date, time and means of reviewing the request. Once the date and time have been agreed upon, the Screening Officer will provide the applicant with a written Notice of Meeting by mail or e-mail as set out in Schedule "C" of By-Law 09-23.

Town Office:	293 Main St, Stonewall, MB R0C 2Z0
Phone / Email:	204-467-7979 info@stonewall.ca
Hours:	Monday – Friday, 8:30 AM – 4:30 PM



NOTICE OF MEETING WITH SCREENING OFFICER

Schedule "C" to By-law No. 09-23

Date:		Screening Officer:	
Recipient Name:		Phone No.	
Civic Address:		Mailing Address: (include postal code)	
Email Address:			
Original Penalty Notice No.		Date & Time Penalty Issued:	
By-Law Contravention Name:		By-Law Contravention #:	
Penalty Amount:	\$	Description of Violation:	

TAKE NOTE OF THE FOLLOWING INFORMATION REGARDING YOUR MEETING WITH THE SCREENING OFFICER:

Date:		Time:	
Location:		Means of review if not in person:	

Should the Recipient fail to participate or appear for the meeting for any reason the Screening Officer must review the Penalty Notice based on the information provided by the Recipient in the written Request for Review by a Screening Officer.

Town Office:	293 Main St, Stonewall, MB R0C 2Z0
Phone / Email:	204-467-7979 info@stonewall.ca
Hours:	Monday – Friday, 8:30 AM – 4:30 PM



NOTICE OF SCREENING OFFICER DECISION

Schedule "C" to By-law No. 09-23

Date:	
Recipient Name:	
Civic Address:	
Email Address:	
Original Penalty Notice No.	
By-Law Contravention Name:	
Screening Officer:	
Phone No.	
Mailing Address: (include postal code)	
Date & Time Penalty Issued:	
By-Law Contravention #:	

SCREENING OFFICER DECISION:

<input type="checkbox"/>	The Administrative Penalty in the amount of \$ _____ is confirmed and is due on _____.
<input type="checkbox"/>	The Administrative Penalty is reduced to \$ _____ and is due on _____. Reason for reduction: <input type="checkbox"/> Exceptional circumstances exist: _____. <input type="checkbox"/> The Designated By-Law Contravention was the result of a medical emergency or was necessary in order to address immediate health or safety concerns <input type="checkbox"/> The Designated By-Law Contravention was a result of a mechanical problem that reasonably contributed to the Penalty Notice Recipient committing the Designated By-Law Contravention despite the fact that he or she exercised due diligence in attempting to comply with this by-law
<input type="checkbox"/>	The Penalty Notice is CANCELLED Reason for cancellation: <input type="checkbox"/> The Designated By-Law Contravention did not occur as alleged in the Penalty Notice under review <input type="checkbox"/> The Penalty Notice does not comply with Section 6(2) of the Act or was not delivered in accordance with the Act <input type="checkbox"/> A ground for cancellation authorized under the applicable by-law exists
<input type="checkbox"/>	Enter into Compliance Agreement
Screening Officer Signature:	

RIGHT TO ADJUDICATION:
 Within seven (7) days after receipt of the Screening Officer's decision, the recipient may request a review of the Screening Officer's decision by an Independent Adjudicator. A completed Request for Adjudication Form must be submitted to the Screening Officer by mail or delivered to the Town Office accompanied by a \$25.00 Adjudication fee.



REQUEST FOR ADJUDICATION

Schedule "C" to By-law No. 09-23

Applicant Name:		Date Submitted:	
Email Address:		Phone No.	
Civic Address:		Mailing Address: (include postal code)	
Compliance Agreement No. <small>(if applicable)</small>		Date & Time Penalty Issued:	
Original Penalty Notice No.		By-Law Contravention Details:	
By-Law Contravention Name & #:			

INSTRUCTIONS:

A Request for Adjudication is not considered to be complete unless the following are attached and/or submitted:

- Copy of Original Penalty Notice
- Copy of Notice of Screening Officer Decision
- Copy of Compliance Agreement (if applicable)
- Adjudication fee of \$25.00

A completed Request for Adjudication Form with all supporting documents must be submitted to the Screening Officer by mail or delivered to the Town Office accompanied by a \$25.00 Adjudication fee.

Applicant Signature:	
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Within seven (7) days of receiving a complete Request for Adjudication, a Designated Employee shall schedule an Adjudication and provide the Appellant with a written notice of a mutually convenient date, time and location of the scheduled adjudication. Once the date and time have been agreed upon, the Adjudicator will provide the Appellant with confirmation of the meeting by mail or e-mail as set out in Section 8 of By-Law 09-23.

Town Office:	293 Main St, Stonewall, MB R0C 2Z0
Phone / Email:	204-467-7979 info@stonewall.ca
Hours:	Monday – Friday, 8:30 AM – 4:30 PM

Once the Adjudicator makes a decision, the Adjudicator will provide both the Appellant and the Town with a written notice of the decision.



COMPLIANCE AGREEMENT

Schedule "D" to By-law No. 09-23

COMPLIANCE
AGREEMENT NO.

The purpose of a Compliance Agreement is to give the recipient an opportunity to come into compliance with the by-law without having to pay the Administrative Penalty as set out on the Penalty Notice.

Recipient Name:		Phone No.	
Civic Address:		Mailing Address: (include postal code)	
Email Address:			
Original Penalty Notice No.		Date & Time Contravention took place:	
By-Law Contravention Name & #:		Description of Violation:	
Original Penalty Amount:	\$	Date of Meeting with Screening Officer:	

THE RECIPIENT HAS AGREED TO ENTER INTO A COMPLIANCE AGREEMENT ON THE FOLLOWING TERMS:

- For the purpose of becoming compliant with the by-law, the recipient will:
(enter a detailed description of the Activities to be performed by the recipient, which may include applying for the necessary permits, undoing any Activity that brought or caused them to be non-compliant, and any applicable terms, etc)
- The recipient will cause all the works referred to in paragraph 1 to be completed in accordance with the following timeline:
(insert timeline for completion, in particular a final date by which a compliance must be achieved)
- Final date for the Penalty Notice Recipient or Final Notice Recipient to complete the actions and satisfy the terms and conditions of the Compliance Agreement:
(not later than sixty (60) days after the date of the Compliance Agreement)
- The recipient agrees to cooperate and participate with a By-Law Enforcement Officer for the purpose of inspecting progress in relation to the timeline outlined in paragraph 2.



COMPLIANCE AGREEMENT - Schedule "D" to By-law No. 09-23

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| 5. The recipient will allow the By-Law Enforcement Officer or Designated Officer reasonable access to their premises or property between the hours of 8:30 AM - 4:30 PM., Monday to Friday, for the purpose of inspecting progress in relation to the timeline contemplated in paragraph 2 |
| 6. The recipient agrees to provide the By-Law Enforcement Officer or Designated Officer with all information and documents the By-Law Officer requires to inspect progress in relation to the timeline contemplated in the Compliance Agreement. |
| 7. The By-Law Enforcement Officer or Designated Officer shall prepare a report at the completion of the compliance period indicating whether the By-Law Enforcement Officer or Designated Officer is of the opinion that the anticipated state of compliance has been achieved. |
| 8. Upon completion of the timeline outlined above, the Screening Officer shall review the report, make a determination as to whether the recipient has complied with the terms of this agreement.

If the notice prepared by the Screening Officer indicates that the recipient has not complied with the terms of this agreement, the notice must include that the recipient, within 14 days of the receipt of the notice, must either:
a) Pay the full Administrative Penalty as required by the Penalty Notice; or
b) Request that the determination of the Screening Officer be reviewed by the Adjudicator by completing and returning an Adjudication Request Form and paying the \$25.00 Adjudication fee. |
| 9. The recipient agrees that, pursuant to The Municipal By-Law Enforcement Act, an Adjudicator has the authority to determine whether the recipient has complied with the terms of the agreement but not to vary, delete or otherwise modify the terms of this agreement. |

RECIPIENT PRINTED NAME

SCREENING OFFICER PRINTED NAME

RECIPIENT SIGNATURE

SCREENING OFFICER SIGNATURE

DATE SIGNED

DATE SIGNED