

# RURAL MUNICIPALITY OF GIMLI

## BY-LAW # 07-0046

### THE GENERAL ENFORCEMENT BY-LAW

#### **BEING A BY-LAW OF THE RURAL MUNICIPALITY OF GIMLI TO PROVIDE GENERAL ENFORCEMENT**

**WHEREAS** Section 232(1)(0) of *The Act* BEING Chapter 58 of the Statutes of Manitoba 1996 as follows:

**232(1)** Council may pass by-laws for municipal purposes respecting the following matters:

**(0)** the enforcement of by-laws

**AND WHEREAS** Section 236(1) of *The Act* BEING Chapter 58 of the Statutes of Manitoba 1996 and provides for the content of by-laws enacted pursuant to clause 232(1)(0).

**AND WHEREAS** the Council of The Rural Municipality of Gimli 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 Gimli, in council, duly assembled, enacts as follows:

#### **1.0 SHORT TITLE:**

1.1. **THAT** this By-Law be referred to as the "General Enforcement By-Law".

#### **2.0 GENERAL ENFORCEMENT BY-LAW SCHEDULES:**

2.1 **THAT** Council may from time to time, by resolution, amend each and every schedule attached to this by-law and set out as attached hereto:

Schedule "A"	Warning Notice
Schedule "B"	Notice of Breach
Schedule "C"	Notice of Appeal
Schedule "D"	Infraction Notice
Schedule "E"	Warning Notice of Infraction

### 3.0 DEFINITIONS:

- 3.1 **THAT** in this By-Law “By-Law Enforcement Officer”, “Peace Officer” or “Designated Officer” means the “By-Law Enforcement Officer” appointed or authorized by the Council of The Rural Municipality of Gimli to enforce by-laws of the Municipality.
- 3.2 **THAT** in this By-Law “Municipality” means The Rural Municipality of Gimli.
- 3.3 **THAT** in this By-Law “Emergency” means a sudden or 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.
- 3.4 **THAT** in this By-Law “Property” means any land as defined in *the Municipal Act* within the Municipality whether or not there is situated thereon a dwelling house or any other building.
- 3.5 **THAT** in this By-Law “Site” means an area of land which has frontage on a street and of at least sufficient size to provide the minimum requirements for use, area, yards and other open spaces as are herein required.

Or,

An area of land without frontage on a street as of December 31, 1983, and having lawful means of access to a street and of at least sufficient size to provide the minimum requirements for use, area, yards and other open spaces as are herein required.

- 3.6 **THAT** in this By-Law “Building” means a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, goods or chattels. Where a dwelling is separated by a division wall without openings each portion of such dwelling shall be deemed a separate building.

### 4.0 INSPECTIONS:

- 4.1 **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, as per attached **SCHEDULE “A”**, (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 inspections, enforcement or action required by the By-Law.
- (b) request that anything be produced to assist in the inspection, remedy, enforcement or action; and

- (c) make copies of anything related to the inspection, remedy, enforcement or action.
- (d) if written notice is refused, the By-Law Enforcement Officer shall obtain a warrant to enter.

## **5.0 ENFORCEMENT BY WRITTEN ORDER:**

- 5.1 **THAT** if the By-Law Enforcement Officer determined that a person is Contravening a By-Law of The Rural Municipality of Gimli 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") (such order to be delivered by Registered Mail), as per attached **SCHEDULE "B"**, 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.
- 5.2 **THAT** the order made pursuant to section 5.1:
  - (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 the Order within a specific time, the Municipality will take the action or measure at the expense of the person.
- 5.3 **THAT** every person who receives and Order pursuant to section 5.1 shall:
  - (a) be liable to a fine of \$250.00 for the first offence; \$500.00 for a second offence and \$1000.00 for a third or subsequent offence;
  - (b) in addition pay, as a penalty, all associated costs related to enforcing the Order.
- 5.4 **THAT** an amount owing under Section 5.3 may be collected in any manner in which a tax may be collected or enforced as defined by the Municipal Act L.M. 1996 C58.
- 5.5 **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 of appeal, as per **SCHEDULE "C"** attached, and to be received by Council within fourteen (14) days from receipt of Order, requesting Council to review the Order.
- 5.6 **THAT** 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.
- 5.7 **THAT** should the person who receives the Order fail to comply with the Order after the fourteenth (14<sup>th</sup>) day review period had expired, or fourteen (14) days after Council has confirmed, varied, waived or substitutes 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.
- 5.8 **THAT** the person who fails to comply with the Order shall be liable for the costs incurred under Section 5.3 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** and may be collected as outlined in Section 5.4.
- 5.9 **THAT** the "General Enforcement By-Law" shall supercede the time lines and forms pertaining to notices, orders and appeals as set out in current and existing By-Laws prior to the date of the passing of this "General Enforcement By-Law".

**6.0 BY-LAW INFRACTION NOTICE:**

- 6.1 **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, C58 – Chapter 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 "By-Law Infraction Notice", as per attached **SCHEDULE "D"** whether or not The Municipal By-Law which is being contravened specifically provides for this method of enforcement.
- 6.2 **THAT** every person who receives a "By-Law Infraction Notice" under Section 6.1 and is found guilty of the offence alleged thereon, shall:

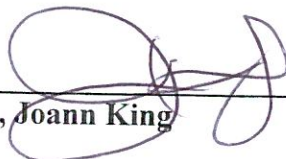
- (a) be liable for a fine as provided for in The Municipal By-Law which was contravened, or
- (b) where The Municipal By-Law which was contravened does not provide for a fine, be liable for a fine of \$250.00 for the first offence, \$500.00 for a second offence and \$1000.00 for a third or subsequent offence.

- 6.3 **THAT** where the By-Law Enforcement Officer determines that a person is Contravening a By-Law of the Municipality and deems it plausible to only inform the person of the contravention; the By-Law Enforcement Officer may at his/her discretion issue a "Warning Notice of Infraction" as per **SCHEDULE "E"**. This "Warning Notice of Infraction" should be done in duplicate so that a copy is maintained for official records and can be reviewed should future action be required.
- 6.4 **THAT** the By-Law Enforcement Officer may take action simultaneously under Sections 4 and 5 herein to enforce The Municipal By-Law.
- 6.5 **THAT** the fourteen (14) day review period in Section 5.5 does not apply to the provisions under Section 6.
- 6.6 **THAT** the "General Enforcement By-Law" shall supercede the lines and forms pertaining to notices, orders and appeals as set out in current and existing By-Laws prior to the date of the passing of this "General Enforcement By-Law".

**DONE AND PASSED** in Council duly assembled in the Rural Municipality of Gimli, in the Province of Manitoba this 23<sup>rd</sup> day of April, A.D., 2008.

**RURAL MUNICIPALITY OF GIMLI**

  
\_\_\_\_\_  
**MAYOR, Tammy Axelsson**

  
\_\_\_\_\_  
**C.A.O., Joann King**

Read a first time this 26th day of September, A.D., 2007.

Read a second time this 23rd day of April, A.D., 2008.

Read a third time this 23rd day of April, A.D., 2008.

SCHEDULE "A"

Warning Notice – By-Law No. 07-0046

OF THE RURAL MUNICIPALITY OF GIMLI

Date: \_\_\_\_\_

File: \_\_\_\_\_

Name and Address

\_\_\_\_\_

\_\_\_\_\_

Dear Sir/Madam:

Re: Rural Municipality Of Gimli Nuisances, derelict, abandoned and unsightly Property By-Law.

Acting upon a written complaint, the designated officer had cause to inspect your property at \_\_\_\_\_ in the Rural Municipality of Gimli.  
(Civic and legal address)

Upon inspection of the property, it is apparent that a violation exists in accordance with Rural Municipality of Gimli By-Law No. 04-0023 due to:

\_\_\_\_\_.

Therefore, the Rural Municipality of Gimli requests that you rectify the situation by (describe violations/describe remedy) on or before \_\_\_\_\_.  
(Date)

In accordance with Section 239(1) of the Municipal Act, I will enter onto the property on \_\_\_\_ (date) \_\_\_\_\_ to conduct a second inspection. If there has been no compliance with this notice, and Order may be issued authorizing the municipality to take action or measures necessary to bring the property into compliance with By-Law 04-0023 and the costs of such actions or measures are an amount owing to the Rural Municipality of Gimli by the owner of the property. In addition to all other rights of collection, which the Municipality may have at law, such amounts may be collected by the Rural Municipality in the same manner as a tax may be collected or enforced under the *The Municipal Act*.

Your cooperation and assistance in this matter is appreciated.

If you have any questions, please contact the writer at \_\_\_\_\_.

Sincerely,  
J. Doe,  
Designated Officer



**"SCHEDULE B"**

**NOTICE OF BREACH**

**of By-Law No. \_\_\_\_\_**

**OF THE RURAL MUNICIPALITY OF GIMLI**

Date: \_\_\_\_\_

Mr. & Mrs. Name  
Mail Address  
City, Manitoba  
Postal Code

Dear Sir/Madam:

RE: Rural Municipality of Gimli By-Law No. \_\_\_\_\_

You were sent notification on \_\_\_\_\_ of a complaint causing the By-Law Officer or Designated Officer to inspect your property at \_\_\_\_\_, in the Rural Municipality of Gimli.

Upon further investigation, it was apparent that a violation continues to exist in accordance with Rural Municipality of Gimli By-Law No. \_\_\_\_\_ due to \_\_\_\_\_ as defined in the By-Law.

You were requested to rectify the situation on or before \_\_\_\_\_.

As no attempt has been made to rectify the situation, disposition of this charge may be made by attending the Municipal Office of the Rural Municipality of Gimli by \_\_\_\_\_, during office hours from 9:00 AM to 5:00 PM, to explain any unusual or extenuating circumstance that may have existed making it difficult or impossible to comply within the given time frame.

**IF THE RURAL MUNICIPALITY OF GIMLI DOES NOT HEAR FROM YOU:**

A Hearing will be held on the \_\_\_\_ day of \_\_\_\_\_ at the hour of 6:30 pm at which time Council of the Rural Municipality of Gimli will dispose of this charge.

Should you wish to make representations at this hearing, your attendance in person is required. At that time it will be the duty of Council to levy a fine not exceeding \$\_\_\_\_\_ on each of the charges. If the fine(s) is not paid in a timely manner, the amount will be added to your tax statement and collected as such.



In addition, the Municipality will take the necessary steps to \_\_\_\_\_  
in order for the complaint to be rectified, the costs of which will be added to your tax  
statement and collected as such.

Please advise the Municipal office at (204) 642-6650 as to whether you will appear  
before Council on the date and time so noted above.

DATED at the Rural Municipality of Gimli, in the Province of Manitoba, this \_\_\_\_\_, day  
of \_\_\_\_\_, 200\_\_.

Name  
By-Law Enforcement Officer / Designated Officer  
Rural Municipality of Gimli

Form of Notice is authorized by Clause 5.1 of By-Law No. 07-0046 of the Rural  
Municipality of Gimli.



**"SCHEDULE C"**

**NOTICE OF APPEAL**

**of By-Law No. \_\_\_\_\_**

**OF THE RURAL MUNICIPALITY OF GIMLI**

Date: \_\_\_\_\_

File: \_\_\_\_\_

To: The Rural Municipality of Gimli

From: \_\_\_\_\_  
(Name and address of appellant)

RE: Rural Municipality of Gimli By-law No. \_\_\_\_\_

I am appealing the decision of the By-Law Enforcement Officer / Designated Officer with regard to By-Law No. \_\_\_\_\_ on the following grounds:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed:

\_\_\_\_\_  
(Registered property owner)

Form of Notice authorized by Clause 5.4(b) of By-Law No. 07-0046 of the Rural Municipality of Gimli

NOTE: "registered owner" in the case of property means the registered owner of the property in accordance to the current assessment records of the Municipality.

**"SCHEDULE D"**

**NOTICE OF INFRACTION**

**EAST INTERLAKE BY-LAW ENFORCEMENT REGION**

*Serving the Communities of Gimli and Winnipeg Beach*

☐ Town of Winnipeg Beach

☐ Rural Municipality of Gimli

Date, 2007

Mr./Mrs. John/Jane Doe  
123 Any Street  
Winnipeg Beach/R.M. of Gimli, Manitoba  
R0C 3G0/R0C 1B0

Dear Mr./Mrs. John/Jane Doe:

It has been brought to our attention that you are in violation of By-Law \_\_\_\_\_.

which  
states \_\_\_\_\_

\_\_\_\_\_

We understand that it is possible you are not aware of the By-Law and wish to give you every opportunity to take the necessary steps to comply with it. Enclosed please find a copy of the By-Law, which we hope provides you with an understanding of the requirements. Should you have any questions regarding this By-Law or other issues, please do not hesitate to contact us. We would appreciate if you would remedy the situation within the next two weeks as a follow up inspection will take place at that time.

We thank you in advance for your co-operation in this matter and for helping us to maintain our reputation as a warm, friendly and beautiful place to live.

Sincerely Yours,

Town of Winnipeg Beach  
Rural Municipality of Gimli

Enclosure



## NOTICE OF BY-LAW INFRACTION

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### HOW TO PAY THIS TICKET

#### WHAT IS THE EASIEST WAY TO PAY?

You may pay by mail, by sending your certified cheque or money order, in Canadian funds (payable to either: The Rural Municipality of Gimli or the Town of Winnipeg Beach – whichever is applicable) to either address below:

Rural Municipality of Gimli  
P.O. Box 1246  
62 2<sup>nd</sup> Avenue  
Gimli, Manitoba  
R0C 1B0

Town of Winnipeg Beach  
P.O. Box 160  
29 Robinson Avenue  
Winnipeg Beach, Manitoba  
R0C 3G0

Your payment must be received by the Municipal or Town Office on or before the due date and accompanied by a copy of the other side of this notice, or a note giving sufficient information to identify this notice, including;

- The NOTICE NUMBER (from the bottom right corner on the face of this ticket);
- Your FULL NAME and MAILING ADDRESS;
- The DATE OF OFFENCE and the BY-LAW NAME or NUMBER and SECTION of the offence.

**NOTE:** If you do not provide sufficient details, your payment might not be credited to you, and legal proceedings may be commenced against you.

If you pay the voluntary penalty indicated on the other side of this notice within 14 days of the date of issue of this notice for Option A payment or 28 days of the date of issue of this notice for Option B payment, legal proceedings will not be commenced against you.

#### CAN I PAY FOR THIS NOTICE IN PERSON?

Yes. You may make payment at the address above during regular business hours. Present this copy of the notice, along with your payment by either cash, certified cheque or money order.

#### WHAT HAPPENS IF I DO NOT PAY?

If you do not pay or dispute this ticket **ON OR BEFORE THE MAXIMUM DUE DATE (28 DAYS FROM DATE OF ISSUANCE)**, this ticket will be treated as not disputed and a conviction may be entered in your absence. A **\$50.00 Default Penalty** will be added to any other penalty that is assessed. Non payment of a fine will result in legal action being taken against you.

#### CAN I PLEAD NOT GUILTY TO THIS TICKET?

**YES,** If you wish to dispute the alleged offence, **ON OR BEFORE THE MAXIMUM DUE DATE (28 DAYS FROM DATE OF ISSUANCE)**, you or your agent may attend in person to the offices of either: The Rural Municipality of Gimli or the Town of Winnipeg Beach – addresses as above; or in writing by **REGISTERED MAIL** - to the applicable address above and received **ON OR BEFORE THE MAXIMUM DUE DATE (28 DAYS FROM DATE OF ISSUANCE)**.



**EAST INTERLAKE BY-LAW ENFORCEMENT REGION**

**WARNING NOTICE OF INFRACTION**  
**SCHEDULE "E"**

\_\_\_\_\_Town Of Winnipeg Beach

\_\_\_\_\_R.M of Gimli

Name\_\_\_\_\_

Addresss\_\_\_\_\_

**VEHICLE PLATE #:**\_\_\_\_\_

**PROVINCE:**\_\_\_\_\_

Dear Sir or Madam:

It has been brought to our attention that you are in violation of By-Law\_\_\_\_\_

Which states\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

We understand that it is possible you are not aware of the by-law and wish to give you every opportunity to take the necessary steps to comply with the by-laws. Also, should you have any questions regarding the by-law or other issues, please do not hesitate to contact us for an explanation. There are NO FINES involved as this is only a WARNING.

We would appreciate if you could remedy the situation within the next two weeks as we will be doing a follow up at that time or if this is a parking violation please ensure future compliance.

We thank you in advance for your co-operation in this matter and for helping us to maintain our reputation as a warm, friendly and beautiful place to live.

Sincerely Yours,  
Keith Joss,

By-Law Enforcement Officer,  
East Interlake By-Law  
Enforcement Region  
Town of Wpg. Beach  
R.M. of Gimli  
Ph: 642-2986

