

Town of Swan River
BY-LAW 13/2022
BY-LAW ENFORCEMENT

Being a by-law to provide for an administrative penalty scheme for
parking and general by-law enforcement.

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 provides that municipal by-laws respecting parking may only be enforced by issuing penalty notices under that Act and may not be enforced by a proceeding under the Summary Convictions Act;

AND WHEREAS Council for the R.M. of Manitoba ("Municipality") 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;

AND WHEREAS By-Law #4/2021 be repealed;

NOW THEREFORE Council of the Town of Swan River enacts as follows:

PART I
PURPOSE AND INTERPRETATION

1. The purpose of this by-law is to establish an administrative penalty scheme for the enforcement of parking and other by-law contraventions and an adjudication scheme to review screening officer decisions.
2. *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 6 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. **"Compliance Agreement"** means an agreement entered into pursuant to Part 5 of this By-Law.
 - f. **"Early Payment Discount"** means the reduced financial penalty attributed to the designated by-law contravention as set out in Schedule "A" of this By-Law.

- g. **“Final Notice”** means the notice issued pursuant to Part 3, Section 9 and set out in Schedule “C” of this By-Law.
 - h. **“Penalty Notice”** means the notice issued by a Designated Officer pursuant to Part 3, Section 7 and set out in Schedule “B” of this By-Law.
 - i. **“Screening Officer”** means a person appointed by a resolution of council to be a Screening Officer within the meaning of the Act.
3. This by-law contains the following Schedules:
- Schedule A: By-law contraventions that may be dealt with by a penalty notice under the Act.
 - Schedule B: Forms of penalty notices for parking contraventions and other by-law contraventions.
 - Schedule C: Form of final notice.
 - Schedule D: Screening officer remuneration and expenses.
 - Schedule E: Screening Officer Forms
 - Schedule F: Compliance Agreement
 - Schedule G: Adjudicator forms

PART II

BY-LAW CONTRAVENTIONS AND PENALTIES

- 4. The by-law contraventions described in Schedule A are hereby designated as by-law contraventions that may be dealt with by a penalty notice.
- 5. The administrative penalties (including discounted amounts) described in Schedule A for each contravention are hereby set.
- 6. 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.
- 7. A penalty notice shall be in the form set out in Schedule B.
- 8. 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.
- 9. If, at the end of the period for responding to a penalty notice under section 8 of this by-law, 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.

- g. **“Final Notice”** means the notice issued pursuant to Part 3, Section 9 and set out in Schedule “C” of this By-Law.
 - h. **“Penalty Notice”** means the notice issued by a Designated Officer pursuant to Part 3, Section 7 and set out in Schedule “B” of this By-Law.
 - i. **“Screening Officer”** means a person appointed by a resolution of council to be a Screening Officer within the meaning of the Act.
3. This by-law contains the following Schedules:
- Schedule A: By-law contraventions that may be dealt with by a penalty notice under the Act.
 - Schedule B: Forms of penalty notices for parking contraventions and other by-law contraventions.
 - Schedule C: Form of final notice.
 - Schedule D: Screening officer remuneration and expenses.
 - Schedule E: Screening Officer Forms
 - Schedule F: Compliance Agreement
 - Schedule G: Adjudicator forms

PART II

BY-LAW CONTRAVENTIONS AND PENALTIES

- 4. The by-law contraventions described in Schedule A are hereby designated as by-law contraventions that may be dealt with by a penalty notice.
- 5. The administrative penalties (including discounted amounts) described in Schedule A for each contravention are hereby set.
- 6. 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.
- 7. A penalty notice shall be in the form set out in Schedule B.
- 8. 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.
- 9. If, at the end of the period for responding to a penalty notice under section 8 of this by-law, 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.

10. 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 giving of other notices or documents by the Municipality, a screening officer or an adjudicator is governed by sections 34 to 36 of this by-law. Periods within which affected persons must make payments or request a review or adjudication are determined under section 36 of this by-law.

PART III

SCREENING OFFICER

11. Council shall by resolution appoint one or more screening officers.
12. A member of council or of a council committee is not eligible to be appointed as a screening officer.
13. A screening officer who is not an employee of the Municipality must be paid remuneration and expenses as set out in Schedule D.

PART IV

REVIEW BY SCREENING OFFICER

14. 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.
15. In the case of contraventions described in Schedule E, a request for review may include an indication that the person is prepared to enter into a compliance agreement.
16. 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.
17. 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.

18. 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.

19. 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;
- c. in the case of a contravention described in Schedule F, enter into a compliance agreement with the person on behalf of the Municipality; or
- d. cancel the penalty notice if, in the screening officer's opinion,
 - i. the contravention did not occur as alleged,
 - ii. the penalty notice does not comply with section 6(2) of the Act, or
 - iii. in the case of a parking contravention the vehicle owner can show
 1. the vehicle was stolen or otherwise being used without the owner's permission at the time of the contravention,
 2. the contravention was the result of a medical emergency or was necessary in order to address immediate health or safety concerns, or
 3. both that the contravention was a result of a mechanical problem and that the problem reasonably prevented the person in control of the vehicle at the time of the contravention from complying with the by-law despite exercising due diligence in attempting to comply.

20. 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.

21. 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 35 of this by-law) of the decision of the screening officer, unless the person requests adjudication under section 27 of this by-law.

PART V

COMPLIANCE AGREEMENT

22. The by-law contraventions described in Schedule F are hereby designated as by-law contraventions that may be dealt with by a compliance agreement.

23. A compliance agreement must
- e. describe the action to be taken to bring the person into compliance with the by-law,
 - f. state a date no later than 60 days after the date of the agreement by which the action must be completed, and
 - g. provide for inspection for the purpose of determining compliance with the agreement.
24. If the screening officer believes that a person 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 person notice of that fact by regular mail. The notice is deemed to be received within seven days after the day it was mailed.
25. When a screening officer ends a compliance agreement, the person who entered into it may, within 14 days after receiving the notice under section 24 of this by-law
- h. pay the administrative penalty set out in the penalty notice; or
 - i. request that the screening officer submit for adjudication the issue of whether the person complied with the terms of the agreement.

PART VI

ADJUDICATION SCHEME

26. 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:
- j. request a review of a screening officer's decision to confirm or reduce the administrative penalty set out in the penalty notice;
 - k. request a determination of a dispute as whether the terms of a compliance agreement were complied with.
27. Within 14 days after receipt (or deemed receipt under section 35 of this by-law) 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.
28. 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.
29. 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
- l. by telephone or in writing, including by fax or e-mail; or
 - m. through the use of a video or audio link or other available electronic means.
30. If
- n. the adjudicator is unable to contact a person who has requested a review,

- o. the person without reasonable cause does not agree to a date and time or means of hearing, or
- p. 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 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 Municipality.

31. In addition to the powers of the adjudicator in making a decision set out in section 19(2) of the Act, the adjudicator may cancel the penalty notice on the grounds set out in section 19d.iii of this bylaw and may reduce the amount of the administrative penalty if satisfied that exceptional circumstances exist, in which case the reduced penalty is immediately due and payable to the Municipality.

PART VII

CHIEF ADMINISTRATIVE OFFICER'S AUTHORITY

32. The Chief Administrative Officer is authorized to do the following:

- q. pay invoices
 - i. of the screening officer for remuneration and expenses under Schedule D;
 - 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;
- r. refund an adjudication fee ordered to be refunded by an adjudicator.
- s. 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.

PART VIII

DISCLOSURE OF INFORMATION

33. Upon receipt of an adjudicator's decision, the Chief Administrative Officer must make the decision available to the public.

PART IX

NOTICES AND TIME PERIODS

34. Where a notice or other document (other than a penalty or final notice) referred to in this bylaw is required to be given to a person (other than to the Municipality), the notice or other document may be given
- t. by delivering it personally to the person;

- u. by mailing a copy by regular mail or delivering a copy
 - i. if the notice or document relates to a parking contravention, to the address of the vehicle owner indicated in the records of the Registrar of Motor Vehicles;
 - ii. to the last known address of the person named in the penalty notice; or
 - v. 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;
 - iii. by delivering it personally to someone who appears to be in charge at a place where the corporation carries on business; or
 - w. 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.
35. A notice or other document given under section 34 that is
- x. delivered personally is deemed to have been given or delivered on the day it was delivered;
 - y. mailed is deemed to have been given or delivered to the person seven days after the day it was mailed;
 - z. sent by email is deemed to have been given or delivered two days after the day it was sent.
36. In determining the time within which a person must make a payment or request review or adjudication,
- aa. the time does not include the first day of the period;
 - bb. a period that would otherwise expire on a holiday is extended to include the next day that is not a holiday;
 - cc. 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.

PART X

AMENDMENTS TO OTHER MUNICIPAL BY-LAWS

That By-Law 1/2018 Parking and Traffic Control section 23 be amended to conform with this By-Law.

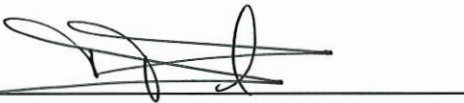
PART XI
TRANSITIONAL

37. This by-law shall come into force on upon the passing of third reading.
38. 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 by Council of the Town of Swan River, duly assembled, this 5th day of April, 2022.



Mayor



CAO

Read a first time this 15th day of March, 2022.
Read a second time this 5th day of April, 2022.
Read a third time this 5th day of April, 2022.

Schedule "A" By-Law Penalties

Contravention	Administrative Penalty	Discounted Amount
Parking		
Parking on a sidewalk or boulevard	\$100.00	\$50.00
Parking in front of a driveway	\$100.00	\$50.00
Parking within an intersection or 3 metres thereof	\$100.00	\$50.00
Parking with 3 metres of a fire hydrant	\$100.00	\$50.00
Parking on a cross walk	\$100.00	\$50.00
Parking within 3 metres of the approach side of a crosswalk	\$100.00	\$50.00
Parking within 6 metres of the driveway or entrance to a fire station	\$100.00	\$50.00
Double parked	\$100.00	\$50.00
No stopping/parking anytime	\$100.00	\$50.00
Parking within 9 metres of a traffic control device	\$100.00	\$50.00
Parked in a lane	\$100.00	\$50.00
Parked in a loading zone too long	\$100.00	\$50.00
Overtime parking	\$100.00	\$50.00
Parked in handicap parking only	\$200.00	\$100.00

Schedule "A" Continued

Parked in a fire lane	\$100.00	\$50.00
Parked facing the wrong direction	\$100.00	\$50.00
In such a manner that: i) constitutes a hazard on the highway or ii) it is parking in contravention of any provision of the Highway Traffic Act or this bylaw	\$100.00	\$50.00
Fire Prevention and Emergency Services		
Blocked or defective exits	1 st Violation \$100.00, 2 nd Violation with the year \$200.00, 3 rd and subsequent violation \$500.00	\$0.00
Defective emergency or exit lights	1 st Violation \$100.00, 2 nd Violation with the year \$200.00, 3 rd and subsequent violation \$500.00	\$0.00
Neglect to maintain fire alarm equipment	1 st Violation \$100.00, 2 nd Violation with the year \$200.00, 3 rd and subsequent violation \$500.00	\$0.00
Improper storage of waste materials	1 st Violation \$100.00, 2 nd Violation with the year \$200.00, 3 rd and subsequent violation \$500.00	\$0.00
Improper storage flammable/combustible/compressed liquids	1 st Violation \$100.00, 2 nd Violation with the year \$200.00, 3 rd and subsequent violation \$500.00	\$0.00

Schedule "A" Continued

Blocked fire separation doors	1 st Violation \$100.00, 2 nd Violation with the year \$200.00, 3 rd and subsequent violation \$500.00	\$0.00
Wedged fire separation doors	1 st Violation \$100.00, 2 nd Violation with the year \$200.00, 3 rd and subsequent violation \$500.00	\$0.00
Lumber/wood piled within 3 metres of any dwelling	1 st Violation \$100.00, 2 nd Violation with the year \$200.00, 3 rd and subsequent violation \$500.00	\$0.00
Neglect to provide/maintain fire extinguishers	1 st Violation \$100.00, 2 nd Violation with the year \$200.00, 3 rd and subsequent violation \$500.00	\$0.00
Improper storage of containers	1 st Violation \$100.00, 2 nd Violation with the year \$200.00, 3 rd and subsequent violation \$500.00	\$0.00

Schedule "A" Continued

Fire or life safety hazard	1 st Violation \$100.00, 2 nd Violation with the year \$200.00, 3 rd and subsequent violation \$500.00	\$0.00
Storage of excess flammable/combustible/compressed liquids or hazardous materials without a permit	1 st Violation \$100.00, 2 nd Violation with the year \$200.00, 3 rd and subsequent violation \$500.00	\$0.00
Failing to attend a fire safety inspection	\$1 st Violation \$100.00, 2 nd Violation with the year \$200.00, 3 rd and subsequent violation \$500.00	\$0.00
Burning contrary to the Fire Prevention and Emergency Services By-Law	Cost of firefighting services as per By-Law	\$0.00
Animal		
Dog Barking	\$100.00	\$0.00
Dog/cat running at large/off leash	\$100.00	\$0.00
Dog bite/threatening to attack	\$200.00	\$0.00
Permitting dog on school grounds	\$50.00	\$0.00
Permitting dog on playground	\$50.00	\$0.00
Permitting dog on cemetery grounds	\$50.00	\$0.00
Failure to pick up dog/cat excrement	\$150.00	\$0.00
Accumulation of dog/cat excrement	\$50.00	\$0.00
Dog without a license	\$100.00	\$0.00

Schedule "A" Continued

Other		
Unsightly property	\$200.00	\$0.00
Contravention of Graffiti By-Law	As per Graffiti By-Law 13/2006	\$0.00
Contravention of Garbage By-Law	As per Garbage By-Law 5/2013	\$0.00
Excessive Noise	1 st offence \$100.00, 2 nd Offence \$200.00	\$0.00
Failure to obtain a business license	\$200.00	\$0.00
Municipal Resources in an Election	1 st Violation: \$200.00 Subsequent Violation:\$500.00	\$0.00

Schedule "B" Penalty Notices Form- Parking

PENALTY NOTICE

The undersigned being a Bylaw Enforcement Officer or Community Safety Officer has reasonable and probable grounds to believe and does believe that at Swan River Manitoba on the :

Payment of Fine
 Make your cheque or money order payable to the: Town of Swan River and mail to Box 879 Swan River Manitoba R0L 1Z0 or in person at 439 Main Street Swan River between the hours of 8:30 am and 4:30 pm.

DAY:	MONTH:	YEAR:	TIME:
Owner's Name:			

The Registered owner of:

VEH LIC:	PROV:	MAKE:	COLOR:
Location:			

did unlawfully commit a violation to wit: Parking

1	On a sidewalk or boulevard	10	Within 9 metres of a traffic control device
2	In front of a driveway	11	In a lane
3	Within an intersection or within 3 metres thereof	12	In a loading zone too long
		13	Overtime parking
4	Within 3 metres of a fire hydrant	14	Handicapped parking only
		15	In a fire lane
5	On a cross walk	16	Facing wrong direction
6	Within 3 metres of the approach side of a cross walk	17	In such a manner that: i) it constitutes a hazard on the highway, or ii) it is parking in contravention of any provision of the Highway Traffic Act or this by-law
7	Within 6 metres of the driveway entrance to a fire station		
8	Double Parked		
9	No stopping/parking anytime		

A request for review by a Screening Officer must be made by obtaining Schedule E1- REQUEST TO MEET WITH THE SCREENING OFFICER- at the Town Office and filling it out. 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 by-law enforcement officer provide. After the review, the Screening Officer may confirm or reduce the penalty amount, cancel the penalty notice, or enter into Compliance agreement with you providing for you to bring yourself into compliance with the by-law.

If you fail to pay the penalty or request a review by the deadline, the municipality will issue a final notice. The Municipality will then take collection proceedings against you if you fail to pay the full amount or fail to request a review as directed by the final notice

Penalty amount: Offences 1-13, 15-17 \$100.00 with discount to \$50.00 if paid with 14 days. Offence 14 Handicap parking \$200.00 with discount to \$100.00 if paid within 14 days.

Include this notice with your payment

Payment Defaulted
Fine Paid:

Other: _____

Informant:

Schedule" B" Penalty Form – Non-Parking

Date

To

Address

Re: PENALTY NOTICE

Violation of Town of Swan River By-law No. _____, By-law Name_____

CONTRAVENTION: This Penalty Notice is to inform you that I believe you are in violation of the Town of Swan River By-law No. _____ as follows:

_____.

As a result of this violation you are subject to the following penalty: \$_____

You have until _____, to EITHER:

1. Pay the penalty of \$_____; **OR**
2. Request a review by a screening officer.

PAYMENT: Payment is to be made by cash or debit.

REQUEST FOR REVIEW: A request for review by a Screening Officer must be made by obtaining Schedule E1- REQUEST TO MEET WITH THE SCREENING OFFICER- at the Town Office and filling it out. 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 by-law enforcement officer provide. After the review, the Screening Officer may confirm or reduce the penalty amount, cancel the penalty notice, or enter into Compliance agreement with you providing for you to bring yourself into compliance with the by-law.

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

By-Law Enforcement Officer

Schedule "C"

Final Notice

Date:

To

Address

Re: FINAL NOTICE

Violation of the Town of Swan River By-law No. _____, By-law name _____

CONTRAVENTION: This Final Notice is issued to you that as a result of your failure to comply with the Penalty Notice issued to you for violation of the Town of Swan River By-law No. _____ as follows _____

As a result, you have until _____ to EITHER:

1. Pay the penalty of \$____; OR
2. Request a review by a screening officer

PAYMENT: Payment must be made by cash or debit.

REQUEST FOR REVIEW: A request for review by a Screening Officer must be made by obtaining Schedule E1- REQUEST TO MEET WITH THE SCREENING OFFICER- at the Town Office and filling it out. 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 by-law enforcement officer provide. After the review, the Screening Officer may confirm or reduce the penalty amount, cancel the penalty notice, or enter into Compliance agreement with you providing for you to bring yourself into compliance with the by-law.

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

By-law Enforcement Officer

Schedule "D"

Screening Officers

CAO of the Town of Swan River

Schedule "E1"

Penalty Notice Screening Request Form

By-law Ticket information

Contravention Number:

Issue Date:

Personal Information

First Name:	Last Name:
Address:	City:
Province:	Postal Code:
Phone Number:	Email:

Please provide details surrounding the issuance of the Penalty Notice (attachments may be provided)

By signing below, I affirm the information submitted to be true and correct and I acknowledge my understanding of the following:

- I must submit a separate request for each penalty notice I choose to contest;
- The Screening Officer considers the full penalty when making their decision; where no discount of the Penalty Notice is applicable;
- The decision of the Screening officer will be sent to the email address provided as part of my Request for Screening;
- Where the Screening Officer reduces or upholds the penalty, that amount is due and payable within 7 calendar days of the decision being provided to me;
- Once the decision of the Screening Officer has been provided to me, no further communication with the Screening Office r will occur as their decision is final;
- If I disagree with the Screening Officer, I may request a hearing by a Provincially appointed Adjudicator;
- Any request for adjudication must be submitted within 7 calendar days of the decision of the Screening Officer being given to me; and
- There is a \$25.00 fee for requesting adjudication.

Applicant Signature

Date

Schedule "E2"

NOTICE OF MEETNG WITH THE SCREENING OFFICER

Date: _____

To: _____

Penalty Notice Number _____ Officer: _____

Date of Issue: _____ Time of Issue: _____

Location: _____ Fine Amount: _____

Violation: _____

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

Date: _____

Time: _____

Location: _____

Means of review meeting (if not in person): _____

This will confirm that you requested to meet with the Screening Officer with regards to the above referenced Penalty Notice. This meeting will take place at the time and date and location indicated above. You are required to attend at that time. If you do not attend, the Screening Officer will review the Penalty Notice based on information provided by the applicant in the request.

Schedule "E3"

SCREENING OFFICER DECISION

Penalty Notice Information

Penalty Notice Number:

Date of Issue:

Location:

Violation:

SCREENING OFFICERS DECISION

- The administrative penalty in the amount of \$ _____ is confirmed and is due _____ 20__.
- The administrative penalty is reduced to \$ _____ and is due _____, 20__.
- The penalty Notice is cancelled.
- Enter into a compliance agreement.

Screening Officer Signature

RIGHT TO ADJUDICATION

You have the right to have this decision reviewed by an independent Adjudicator. If you wish to request adjudication you must do so by completing a Request for Adjudication form and filing it at the Town Office at 439 Main Street, within 14 days after receipt of the Screening Officer's decision. A fee of \$25.00 is required to file a Request for Adjudication.

Schedule "F1"

COMPLIANCE AGREEMENT
Agreement Respecting a Penalty Notice

On _____, Penalty Notice# _____ was issued to
_____ (the recipient) in respect to a violation of
_____ (By-Law).

The Penalty Noticed required the recipient to pay \$ _____ (the Administrative Penalty).

The recipient requested a review of the Penalty Notice by a Screening Officer and the Penalty Notice was reviewed by a Screening Officer on _____ in the presence of the recipient.

The By-Law authorises the use of a Compliance Agreement.

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

The recipient has agreed to enter into a Compliance Agreement on the following terms:

1. For the purpose of becoming compliant with the by-law, the recipient will:

2. The recipient will cause all work referred to in paragraph 1 to be completed in accordance with the

following timelines:

3. The recipient will allow the Town of Swan River designated officer reasonable access to the premises

between the hours of 8:30 am and 4:30 pm, Monday to Friday, for the purpose of inspecting progress

in relation to the timeline contemplated in paragraph 2

4. The designated officer shall prepare a report at the completion of the compliance period indicating whether the officer is of the opinion that the anticipated state of compliance has been achieved.

5. 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 noticed 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, with 14 days of receipt of the notice, must either:

- A. Pay the full Administrative Penalty as required by the Penalty Notice; or
- B. Request that the determination be reviewed by an Adjudicator by completing and returning as Adjudication Request Form and Paying \$25.00 Adjudication fee.

6. 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 Signature

Recipient Printed Name

Screening Officer Signature

Screening Officer Printed Name

Schedule "F2"

By-law contraventions that may be dealt with by a compliance agreement.

Schedule "G1"

ADJUDICATION REQUEST

Enquiries may be directed to the Town of Swan River administrative office, 439 Mani Street, PO Box 879 Swan River, Manitoba R0L 1Z0 between the hours of 8:30 am and 4:30 pm, Monday to Friday, (204)734-4586.

If you wish to dispute the decision of the Screening Officer complete the following request form and return it by _____ to the address above.

Please Print

Name: _____

Penalty Notice Number: _____

Date of Issue: _____

Address: _____

Daytime Phone Number: _____

Email: _____

Signature

NOTE: A \$25.00 adjudication fee must be paid. This fee is refunded if the adjudicator determines you were successful on the adjudication.

Schedule "G2"

Notice of Adjudication Decision

To:

Re: Penalty Notice _____-Notice of Adjudication Decision

The adjudicator has notified the Town of Swan River that at the adjudication on _____ the above notice was upheld. A copy of the adjudicator's decision is enclosed along with this notice.

The administrative fine of \$ _____ is now outstanding.

Payment of the fine can be made in person or by mail to:

Administrative Office
The Town of Swan River
439 Main Street PO Box 879
Swan River Manitoba
R0L 1Z0

If you do not pay the amount of the fine as set out above, the Town of Swan River may take any and all steps necessary to collect the amount of fine from you, as authorized by the Municipal By-Law Enforcement Act.

By-Law Enforcement Officer