THE CITY OF WINNIPEG

BY-LAW NO. 111/2013

A By-law of THE CITY OF WINNIPEG to amend the Neighbourhood Liveability By-law

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Neighbourhood Liveability By-law amended

1 The Neighbourhood Liveability By-law No. 1/2008 is amended by this By-law.

Sections 109 to 109.2 replaced

2 Sections 109, 109.1 and 109.2 are replaced with the following:

Minimum and set penalties, reduced early consent payment

109(1) Subject to subsection (2), a person who contravenes a provision of this By-law referred to in Schedule "B" to this By-law is guilty of an offence and is liable, upon summary conviction, to a minimum or set fine, as the case may be, set out in the applicable column of Schedule "B".

109(2) Notwithstanding subsection (1), a person who contravenes a provision of this By-law referred to in Schedule "B" may pay a reduced consent payment in the amount set out in the applicable column of Schedule "B" within 15 days after the date the offence notice alleging the contravention was issued, and thereafter will not be prosecuted for the contravention.

109(3) In addition to paying a fine or consent payment set out in Schedule "B", the person must pay any applicable court costs, surcharges and fees imposed pursuant to The Summary Convictions Act*.*

Monetary penalty imposed

109.1 A monetary penalty is hereby imposed penalty pursuant to sub-clause 175(d)(i) of The City of Winnipeg Charter *for a contravention of section 6 or Part 3 of this By-law. The monetary penalty is in the amount of the costs of any collection, clean-up and disposal of litter or garbage that is associated with the conduct that is in contravention of the provision.*

Schedule B added

3 The table attached as Attachment A to this amending By-law is hereby attached as Schedule “B” to the Neighbourhood Liveability By-law and forms part of that By-law.

DONE AND PASSED, this day of , 2013.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Community Services

Approved as to form:

_____
For Director of Legal Services/City Solicitor

ATTACHMENT A

SCHEDULE "B"

DIVISION 4 - PENALTIES[1]

Offence	*Penalty categories*	*Minimum or set fine*[2]	*Reduced early consent payment*
s. 6(1) - Allow garbage to accumulate on property	*- Individual* *- Corporation*	*$600* *$1200*	*$300* *$600*
s. 6(1.1) – Allow large scale accumulation of garbage on property	*- Individual* *- Corporation*	*$2000* *$4000*	*--* *--*
s. 43(1) - Failure to provide heating system	*- Individual* *- Corporation*	*$1000** *$5000**	*--* *--*
s. 43(2) or (3) - Lack of adequate heat	*- Individual* *- first offence* *- second offence* *- third and subsequent offences* *- Corporation* *- first offence* *- second offence* *- third and subsequent offences*	 *$500** *$750** *$1000** *$1000** *$1500** *$2000**	 *$250* *$375* *$500* *$500* *$750* *$1000*
s. 53(2) – Littering		*$100*	*$50*
s. 53(3) - Dumping garbage	*- Individual* *- Corporation*	*$600* *$1200*	*$300* *$600*
s. 53(4) – Large scale dumping of garbage	*- Individual* *- Corporation*	*$2000* *$4000*	*--*
s. 53(5) - own or operate a vehicle used in large scale dumping of garbage	*- Individual* *- Corporation*	*$2000* *$4000*	*--*
s. 54 - spitting		*$100*	*$50*
s. 55 - (garbage escaping vehicle)	*- Individual* *- Corporation*	*$600* *$1200*	*$300* *$600*
s. 56 – duty of property owners and occupants	*- Individual* *- Corporation*	*$600* *$1200*	*$300* *$600*
s. 57 – duty of business owners	*- Individual* *- Corporation*	*$600* *$1200*	*$300* *$600*
Part 5 – Noise Control	*- Individual* *- first offence* *- second offence* *- third and subsequent offences* *- Corporation* *- first offence* *- second offence* *- third and subsequent offences*	 *$50* *$100* *$150* *$100* *$200* *$300*	 *--* *--* *--* *--* *--* *--*

1 NOTE: In addition to fines and consent payments set out on this table, court costs, surcharges and fees payable under The Summary Convictions Act may also be applicable.

*2 NOTE: Set fines are designated with an asterisk**