APPENDIX D

THE CITY OF WINNIPEG

BY-LAW NO. /2017

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.

Subsection 34(4) amended

2 Subsection 34(4) is amended by replacing "*large amounts or water*" with "*large amounts of water*".

Subsection 89(2) repealed

3 Subsection 89(2) is repealed.

Section 108.1 repealed

4 Section 108.1 is repealed.

Sections 109, 109.1 and 109.2 replaced

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

Failing to comply with orders

109(1) A person who fails to comply with an Order issued by a designated employee requiring the person to comply with a provision of this By-law contravenes this By-law.

109(2) A person who fails to comply with an order issued by a justice as part of a sentence for a contravention of this By-law contravenes this By-law.

Mechanisms for enforcement, minimum and set penalties, discounted amounts

109.1(1) Subject to the Municipal By-law Enforcement Act (MBEA) Enabling By-law, a *person who contravenes a provision of this By-law that is referred to in Schedule A of the* Municipal By-law Enforcement Act (MBEA) Enabling By-law *must pay the administrative penalty for that contravention set out in that Schedule. If an Early Payment Discount amount is set out for a provision in that schedule, a person who is issued a penalty notice for a contravention of that provision may, within 14 days after the penalty notice has been issued, voluntarily pay to The City of Winnipeg the applicable Early Payment Discount amount and will thereafter not be prosecuted for the contravention.*

109.1(2) Schedule B to this By-law sets out provisions of this By-law that are enforceable by way of a preset fine under The Provincial Offences Act. *If Schedule B sets out a preset fine for a provision, a person who contravenes that provision must pay*

DRAFT

that preset fine, plus applicable court costs and surcharges under The Provincial Offences Act.

109.1(3) Despite subsection (2), if a provision set out in Schedule B identifies different fines for individuals and corporations, then a person who contravenes that provision must pay the applicable fine depending on whether the person is an individual or a corporation.

109.1(4) Despite subsections (2) and (3), if an Early Payment Discount amount is set out for a provision referred to in Schedule B to this By-law, a person who is issued a ticket for a contravention of that provision may, within 14 days after the ticket has been signed, voluntarily pay to The City of Winnipeg the applicable Early Payment Discount amount and will thereafter not be prosecuted for the contravention.

Monetary penalties imposed

109.2(1) A monetary penalty pursuant to sub-clause 175(d)(i) of The City of Winnipeg Charter *is hereby imposed for a contravention of section 6 and 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 provisions.*

109.2(2) A monetary penalty pursuant to sub-clause 175(d)(i) of The City of Winnipeg Charter in the amount of $100.00 is hereby imposed for a contravention of an order to remedy a contravention of section 8 of this By-law. The monetary penalty is in addition to a fine or imprisonment imposed for a contravention of section 8 and is in addition to the costs of the actions or measures taken by the City of Winnipeg pursuant to subsection 185(1) of The City of Winnipeg Charter that may be added to the real property taxes on the property pursuant to section 187 of the Charter.

Schedule "B" replaced with Appendix 1

6 Schedule "B" of the Neighbourhood Liveability By-law is replaced with Appendix 1 to this By-law.

Effective date

7 This By-law comes into force on the day that *The Provincial Offences Act* S.M. 2013, c.47, Sch. A) comes into force.

Approved as to form:

_____
Mayor

_____
For Director of Legal Services/

_____
City Clerk

Approved as to form:

_____
For Director of Legal Services/City Solicitor

DRAFT

APPENDIX 1 to By-law No. _____/2017

SCHEDULE "B" TO THE NEIGHBOURHOOD LIVEABILITY BY-LAW

Preset Fine Provisions
***Enforceable through* The Provincial Offences Act**

Provision	Contravention Summary	Preset Fine ($)	Early Payment Discount
s. 6(1.1)	Garbage on property – **Individual**	2000	1000
	Garbage on property – **Corporation**	4000	2000
s. 43(1)	Heating system in dwelling not compliant with By-law – **Individual**	1000	
	Heating system in dwelling not compliant with By-law – **Corporation**	5000	
s. 53(4)	Large scale dumping of garbage - **Individual**	2000	1000
	Large scale dumping of garbage - **Corporation**	4000	2000
s. 53(5)	Own or operate a vehicle used in large scale dumping to garbage – **Individual**	2000	1000
	Own or operate a vehicle used in large scale dumping to garbage – **Corporation**	4000	2000

DRAFT