THE CITY OF WINNIPEG

BY-LAW NO. 54/2017

A By-law of THE CITY OF WINNIPEG to amend the Doing Business in Winnipeg By-law

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

Doing Business in Winnipeg By-law amended

1 The Doing Business in Winnipeg By-law No. 91/2008 is amended by this By-law.

Section 91 amended

2 Section 91 is amended by striking out "*, upon summary conviction,*" wherever it appears.

Section 93 replaced

3 Section 93, including the heading, is replaced with the following:

Penalties for contraventions of Part 9

93(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.*

93(2) Schedule C 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 C sets out a preset fine for a provision, a person who contravenes that provision must pay that preset fine, plus applicable court costs and surcharges under* The Provincial Offences Act. *If Schedule C sets out a minimum fine for a provision, a person who contravenes that provision must pay a fine imposed by a justice under* The Provincial Offences Act *that is not less than the minimum fine set out, plus applicable court costs and surcharges under The Provincial Offences Act.*

93(3) If a provision set out in Schedule C 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.

93(4) Despite subsections (2) and (3), if an Early Payment Discount amount is set out for a provision referred to in Schedule C 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.

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Schedule C added

4 Appendix 1 to this By-law is added as Schedule C to the By-law.

Coming into force

5 This By-law comes into force on the day that Schedule A of *The Provincial Offences Act* and *Municipal By-law Enforcement Act,* S.M. 2013, c.47 comes into force.

DONE AND PASSED, this day of , 2017.

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Mayor

_____
City Clerk

Approved as to content:

_____
Chief Administrative Officer

Legally Reviewed and Certified as to form:

_____
for Director of Legal Services/City Solicitor

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APPENDIX 1 to By-law No. _____/2017

SCHEDULE "C" TO THE DOING BUSINESS IN WINNIPEG BY-LAW

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

Provision	Contravention Summary	Preset Fine ($)	Early Payment Discount
70	Person carrying on Division 9 business – failing to make and maintain record of transaction - **Individual**	1000	
	Person carrying on Division 9 business – failing to make and maintain record of transaction - **Individual**	5000	
80(1)	Used good dealer/bicycle dealer/precious metal dealer - disposing of goods identified in record of transaction less than 15 days since record of acquisition was provided to Chief of Police – **Individual**	500	
	Used good dealer/bicycle dealer/precious metal dealer - disposing of goods identified in record of transaction less than 15 days since record of acquisition was provided to Chief of Police – **Corporation**	1000	
81(a)	Person carrying on Division 9 business - failing to ensure goods are acquired from a adult - **Individual**	500	
	Person carrying on Division 9 business - failing to ensure goods are acquired from a adult - **Corporation**	1000	
81(b)	Person carrying on Division 9 business - failing to ensure goods are not acquired from person under the influence of alcohol or drugs – **Individual**	500	
	Person carrying on Division 9 business - failing to ensure goods are not acquired from person under the influence of alcohol or drugs - **Corporation**	1000	

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81(e)	Person carrying on Division 9 business – acquire goods that bear or customarily bear a serial number or distinguishing mark where that serial number has been altered/defaced/obliterated - **Individual**	500	
	Person carrying on Division 9 business – acquire goods that bear or customarily bear a serial number or distinguishing mark where that serial number has been altered/defaced/obliterated – **Partnership/Corporation**	1000	
81(f)	Person carrying on Division 9 business – alters, defaces, obliterates, obscures or removes any serial number or distinctive mark upon any goods purchased or received by the person in the course of his business - **Individual**	1000	
	Person carrying on Division 9 business – alters, defaces, obliterates, obscures or removes any serial number or distinctive mark upon any goods purchased or received by the person in the course of his business - **Partnership/Corporation**	5000	

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