



## CITY OF DAUPHIN

### BYLAW o6/2025

#### BEING A BYLAW OF THE CITY OF DAUPHIN TO PROVIDE FOR AN ADMINISTRATIVE PENALTY SCHEME FOR PARKING AND GENERAL BYLAW ENFORCEMENT

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WHEREAS section 3(1) of the *Municipal Bylaw Enforcement Act* provides that a municipality may require that administrative penalties be paid in respect of the contravention of its bylaws;

AND WHEREAS the Act provides that municipal bylaws respecting parking may only be enforced by issuing Penalty Notices under the *Municipal Bylaw Enforcement Act*;

AND WHEREAS Council for the City of Dauphin deems it advisable in the public interest to provide for an administrative penalty scheme to enforce its Traffic and Parking Bylaw and as a means of encouraging compliance with other select, non-property-related, bylaws;

BE IT RESOLVED that Council of the City of Dauphin, duly assembled, enacts as follows:

#### SECTION 1 – INTRODUCTION

##### Short Title

1.1 This bylaw may be cited as the **Administrative Penalties Bylaw**.

##### Purpose

1.2 The purpose of this bylaw is to establish an administrative penalty scheme for the enforcement of certain bylaw contraventions and a disputes and adjudication scheme to resolve matters relating to administrative penalties.

##### Definitions

1.3 The following definitions apply to this bylaw:

**Act** means *The Municipal Bylaw Enforcement Act*.

**Adjudicator** means an individual appointed by the Deputy Attorney General, as per Section 15 of the Act, to review the information contained in the Penalty Notice and hear the recipient's appeal.

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**Administrative Penalty** means the administrative penalty that may be required to be paid for the contravention of designated bylaws.

**Bylaw Enforcement Officer** means a person appointed or designated under *The Municipal Act* to enforce the bylaws of the City of Dauphin.

**City Manager** means the City Manager of the City of Dauphin.

**City** means the City of Dauphin.

**City Hall** means the municipal office of the City of Dauphin.

**Compliance Agreement** means an agreement authorized under this bylaw to give a person who has contravened a designated bylaw an opportunity to bring themselves into compliance with the bylaw.

**Council** means the Council of the City of Dauphin.

**Designated Bylaw Contravention** means a contravention of a bylaw designated under the Administrative Penalties Bylaw.

**Designated Officer** means a City of Dauphin employee named as a designated officer through a bylaw of the City.

**Final Notice** means a final Penalty Notice issued under *The Municipal Bylaw Enforcement Act* to address a contravention of a designated bylaw before the notice is sent to the province or an agency for further action.

**Penalty Notice** means a penalty notice issued under *The Municipal Bylaw Enforcement Act* to address a contravention of a designated bylaw.

**Recipient** means a person or corporation that receives the Penalty Notice.

**Registrar of Motor Vehicles** means the Registrar of Motor Vehicles appointed under *The Drivers and Vehicles Act*.

**Screening Officer** means an individual appointed under Section 4 of this bylaw to hear a Recipient's submission regarding a Penalty Notice.

**Vehicle Owner** means the individual or entity registered as the owner of a vehicle under *The Highway Traffic Act* or any other applicable legislation and includes any person authorized to act on behalf of the registered owner.

## SECTION 2 – BYLAW CONTRAVENTIONS AND PENALTIES

- 2.1 The bylaw contraventions described in Schedules A and B are hereby designated as bylaw contraventions that may be subject to a Penalty Notice.
- 2.2 The maximum Administrative Penalty that may be imposed for designated bylaw contraventions is the amount as set out in the Municipal Bylaw Enforcement Regulation.
- 2.3 The Administrative Penalties (including discounted amounts) for each Schedule A contravention are outlined in the Fees, Fines, and Charges Bylaw.
- 2.4 The discounted amount for Schedule A contraventions as shown in the Fees, Fines, and Charges Bylaw 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.
- 2.5 The Administrative Penalties (which do not provide discounted amounts) for Schedule B contraventions are outlined in the Fees, Fines, and Charges Bylaw.

## SECTION 3 – PENALTY NOTICES

- 3.1 A Penalty Notice may be in any form permitted by the Act and approved by the City Manager.
- 3.2 A Penalty Notice must be issued to a named person unless it is issued for a bylaw contravention respecting the parking of a vehicle, in which case the notice must set out the vehicle's licence plate number if it has one, or, if not, the vehicle identification number.
- 3.3 A Penalty Notice informs the Recipient of:
- a) the alleged bylaw contravention;
  - b) the penalty for the contravention; and
  - c) how to pay the penalty or dispute the allegation.
- 3.4 A Penalty Notice may not be issued if more than a period of one year has elapsed after the alleged Designated Bylaw Contravention.
- 3.5 A Penalty Notice or other document may be delivered in the following ways:
- a) in the case of a parking violation, by leaving the Penalty Notice on a vehicle, in which case it is deemed to have been delivered on the day it is left;
  - b) by personal delivery, in which case it is deemed to have been given on the day it is delivered;
  - c) by email, in which case it is deemed to have been given two days after the day it was sent;
  - d) by mail, in which case it is deemed to have been delivered seven days after it was mailed to
    - i) the vehicle owner indicated in the records of the Registrar of Motor Vehicles for a contravention involving a vehicle;
    - ii) the last known address of the person named on the Penalty Notice, which may be an address indicated in the records of the Registrar of Motor Vehicles; or
    - iii) the corporation's registered office if the person named on the Penalty Notice is a corporation.

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3.6 When a Penalty Notice respecting the parking of a vehicle is delivered in accordance with sub-section 3.5, the owner of the vehicle indicated in the records of the Registrar of Motor Vehicles is liable to pay the Administrative Penalty set out in the notice.

3.7 A Penalty Notice is not invalid by reason only that it is not signed by the Bylaw Enforcement Officer who issues it.

### SECTION 4 – SCREENING OFFICER

4.1 Council shall by resolution appoint one or more Screening Officers.

4.2 A member of council or of a council committee is not eligible to be appointed as a Screening Officer.

### SECTION 5 – REVIEW BY SCREENING OFFICER

5.1 Within 30 days from when the Penalty Notice is deemed to be received, the Recipient must either pay the amount of the penalty indicated on the Penalty Notice or request a review by the Screening Officer.

5.2 If, at the end of the period for responding to a Penalty Notice under sub-section 5.1 of this bylaw, a person to whom a Penalty Notice was delivered has not responded, the City must deliver a Final Notice to the person indicating that within 30 days after delivery, the Recipient must either pay the Administrative Penalty or request a review by a Screening Officer.

5.3 A request for review by a Screening Officer must be made in the manner set out in the Penalty Notice and must include a phone number and/or email address, with an indication of the preferred means of communication with the Screening Officer to make arrangements for the review.

5.4 In the case of contraventions described in Schedule B, a request for review may include an indication that the person is prepared to enter into a Compliance Agreement.

5.5 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 (including email), on the phone, or in person, at the preference of the person who has made the request.

5.6 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,

then 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, then the Screening Officer must review the Penalty Notice based on the information provided by the person in the request.

5.7 If after having agreed to a date and time and/or means of review the person fails to participate in it, then the Screening Officer must review the Penalty Notice based on the information provided by the person in the request.

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5.8 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 B, enter into a Compliance Agreement with the person on behalf of the City; 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 bylaw despite exercising due diligence in attempting to comply.

5.9 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.

5.10 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 sub-section 3.5 of this bylaw) of the decision of the Screening Officer, unless the person requests adjudication under Section 7 of this bylaw.

## SECTION 6 – COMPLIANCE AGREEMENT

6.1 All bylaw contraventions described in Schedule B are hereby designated as bylaw contraventions that may be dealt with by a Compliance Agreement.

6.2 A Compliance Agreement must:

- a) describe the action to be taken to bring the person into compliance with the bylaw;
- b) state a date no later than 60 days after the date of the agreement by which the action must be completed; and
- c) provide for inspection for the purpose of determining compliance with the agreement.

6.3 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.

6.4 When a Screening Officer ends a Compliance Agreement, the person who entered into it may, within 14 days after receiving the notice under sub-section 6.3 of this bylaw:

- a) pay the Administrative Penalty set out in the Penalty Notice; or
- b) request that the Screening Officer submit for adjudication the issue of whether the person complied with the terms of the agreement.

## SECTION 7 – ADJUDICATION SCHEME

- 7.1 An adjudication scheme described in sections 14 to 21 of the Act is hereby established to allow a Recipient of a Penalty Notice to:
- a) request a review of a Screening Officer's decision to confirm or reduce the Administrative Penalty set out in the Penalty Notice; or
  - b) request a determination of a dispute as to whether the terms of a Compliance Agreement were met.
- 7.2 Within 14 days after receipt (or deemed receipt under sub-section 3.5 of this bylaw) of the Screening Officer's decision, the Recipient 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 City Hall accompanied by a \$25 adjudication fee.
- 7.3 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.
- 7.4 The selected Adjudicator must attempt to contact the person who has requested a review to arrange a mutually convenient date, time, and means of reviewing the request. The person may be heard
- a) by phone or in writing, including by fax or email; or
  - b) through the use of a video or audio link or other available electronic means.
- 7.5 If
- a) the Adjudicator is unable to contact the person who has requested a review;
  - b) the person without reasonable cause does not agree to a date and time or means of hearing; or
  - c) the person fails to appear or otherwise participate in the hearing,
- then 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 City of Dauphin.
- 7.6 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 sub-section 5.8 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 City of Dauphin.

## SECTION 8 – CITY MANAGER'S AUTHORITY

- 8.1 The City Manager is authorized to do the following:
- a) act as a Screening Officer should circumstances require them to act as a Screening Officer in the absence of an appointed Screening Officer;
  - b) pay invoices
    - i) for the costs and administration of the adjudication scheme under section 21(1) of the Act;
    - ii) for the remuneration and expenses of Adjudicators;

- c) refund an adjudication fee ordered to be refunded by an Adjudicator; and
- d) issue a certificate in respect of an unpaid penalty under section 23(1) of the Act and file the certificate in the Court of King's Bench.

## SECTION 9 – DISCLOSURE OF INFORMATION

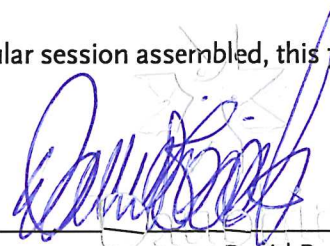
- 9.1 Upon receipt of an Adjudicator's decision, the City Manager must make the decision available to the public.

## SECTION 10 – TRANSITIONAL

- 10.1 This bylaw shall come into effect on the day after it receives third and final reading.

- 10.2 10.2 Bylaw 04/2022 is hereby repealed.

DONE AND PASSED by the Council of the City of Dauphin in regular session assembled, this 7<sup>th</sup> day of April 2025.



David Bosiak, Mayor



Sharla Griffiths, City Manager

READ A FIRST TIME this 24<sup>th</sup> day of March 2025.  
READ A SECOND TIME this 7<sup>th</sup> day of April 2025.  
READ A THIRD TIME this day 7<sup>th</sup> of April 2025.

## SCHEDULE A: PARKING OFFENCES

The following are the parking contraventions that may be addressed by the issuance of a Penalty Notice under *The Municipal Bylaw Enforcement Act*. The administrative penalties for each contravention, and the discounted amount for each contravention referred to in sub-section 2.6, are outlined in the Fees, Fines, and Charges Bylaw.

Offence	Bylaw Reference
Parking in a Prohibited Zone	Traffic and Parking Bylaw
Parking within 3 metres of a Fire Hydrant	Traffic and Parking Bylaw
Parking Blocking a Driveway or Lane	Traffic and Parking Bylaw
Parking in a No Stopping Zone	Traffic and Parking Bylaw
Parking in Lane	Traffic and Parking Bylaw
Parking in Wrong Direction	Traffic and Parking Bylaw
Parking on Boulevard	Traffic and Parking Bylaw
Parking within 1 metre of Driveway	Traffic and Parking Bylaw
Parking within 6 metres of Back Lane	Traffic and Parking Bylaw
Parking within 6 metres of Intersection	Traffic and Parking Bylaw
Parking within 9 metres of Stop Device (Mechanical or Sign)	Traffic and Parking Bylaw
Parking Overtime	Traffic and Parking Bylaw
Parking in Loading Zone	Traffic and Parking Bylaw
Parking in Handicapped Parking Zone	Traffic and Parking Bylaw
Parking over 48 Hours	Traffic and Parking Bylaw
Parking Interfering with Snow Clearing	Traffic and Parking Bylaw
Unattached Trailer Parked on Street	Traffic and Parking Bylaw
Untarped Load	Traffic and Parking Bylaw
Load Resulting in Littering	Traffic and Parking Bylaw



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### SCHEDULE B: OTHER NON-PROPERTY-RELATED OFFENCES

The following are the other non-property-related contraventions that may be addressed by the issuance of a Penalty Notice under *The Municipal Bylaw Enforcement Act*. The administrative penalties for each contravention are outlined in the Fees, Fines, and Charges Bylaw. For these offences, there is no provision for discounted penalty amounts if paid within a certain time period.

Offence	Bylaw Reference
Animal Services Class A	Animal Services Bylaw
Abandoning an Animal	Animal Services Bylaw
Animal Cruelty	Animal Services Bylaw
Failure to Provide Basic Animal Care	Animal Services Bylaw
Failure to Provide Appropriate Outdoor Shelter	Animal Services Bylaw
Tethering of Confinement in Contravention of the Bylaw	Animal Services Bylaw
Lack of Temperature Control for Unattended Animal in Vehicle	Animal Services Bylaw
Animal Bite or Attack	Animal Services Bylaw
Failure to Comply with Muzzle and Control Order	Animal Services Bylaw
Failure to Obtain a Breeding Permit	Animal Services Bylaw
Animal Services Class B	Animal Services Bylaw
Excess Number of Animals on One Property	Animal Services Bylaw
Keeping a Prohibited Animal	Animal Services Bylaw
Unlicensed Dog or Cat	Animal Services Bylaw
Animal at Large	Animal Services Bylaw
Animal Unvaccinated for Rabies	Animal Services Bylaw
Animal Trespassing on Private Property	Animal Services Bylaw
Unleashed Dog in a Public Place	Animal Services Bylaw
Off-Leash Dog Park Violation	Animal Services Bylaw
Failure to Confine a Dog in Heat	Animal Services Bylaw
Failure to Remove Animal Excrement	Animal Services Bylaw
Allowing Accumulation of Animal Excrement on Private Property	Animal Services Bylaw
Noisy Dog	Animal Services Bylaw
Damage to Public Property	Animal Services Bylaw
Feeding Wildlife	Animal Services Bylaw
Interfering with Trap, Neuter, Return Program	Animal Services Bylaw
Commercial Recycling Deposited at Residential Recycling Depot	Waste Management Bylaw
Non-Recyclable Material Deposited at Residential or Commercial Recycling Depot	Waste Management Bylaw
Material Placed outside of Bins at Residential Recycling Depot	Waste Management Bylaw
Dumping Unauthorized Material on City Property	Waste Management Bylaw
Yard Sale Signs on Public Property	Zoning Bylaw
Other Non-Property-Related Contravention of Zoning Bylaw	Zoning Bylaw
Excessive Noise	Noise Bylaw
Unlawful Operation of an Off-Road Vehicle	Off-Road Vehicles Bylaw
Failure to Provide Proper Accommodation Tax Remittance	Accommodation Tax Bylaw

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Failure to Provide Access to Supporting Accommodation Tax Documentation	Accommodation Tax Bylaw
Failure to Provide Proper Accommodation Tax Reports	Accommodation Tax Bylaw
Loitering Contravention	Curfew Bylaw