



RURAL MUNICIPALITY OF DUFFERIN
By-Law 1995

Being a By-Law of the Rural Municipality of Dufferin for the purpose of assigning duties to a development officer(s) and designated officer(s), and defining duties, responsibilities,
and powers of said positions and for the purpose to authorize the enforcement of the By-laws of the Rural Municipality of Dufferin.

WHEREAS subsection 85(1) of The Municipal Act, R.S.M. 1996, c.M225, provides that: '85(1) A council may by by-law delegate any of its powers, duties or functions under a by-law or this or any other Act to the head of council, a council committee, the chief administrative officer or a designated officer, unless the by-law or Act otherwise provides.'

AND WHEREAS section 130 of The Municipal Act, R.S.M. 1996, c.M225, provides that: '130 A council may by by-law establish one or more positions to carry out the powers, duties and functions of a designated officer under a by-law or this or any other Act, and may give each such position any title the council considers appropriate.'

AND WHEREAS subsection 1(1) of The Municipal Act, R.S.M. 1996, c.M225, provides that: "designated officer" means a person appointed to a position established under section 130;

AND WHEREAS it is deemed necessary and expedient to pass a by-law for the purpose of designating the Chief Administrative Officer as the Development Officer, Designated Officer and By-law enforcement officer.

ALSO, WHEREAS The Municipal Act, S.M. 1996, c.58, provides in part as follows:

- A. Section 130 of The M Act and Section 184 of The P Act authorizes the establishment of a position or positions to carry out the powers, duties and functions of a designated officer under By-law, The M Act, The P Act or any legislation, whether federal or provincial, in force within the Rural Municipality of Dufferin (hereinafter referred to as the "other Act");
- B. Subsections 232(1)(o) and 236(1) of The Municipal Act (herein referred to as the "M Act") and Section 184 of The Planning Act (hereinafter referred to as The "P Act") authorize a council to pass by-laws for municipal purposes respecting the enforcement of by-laws, which by-laws may include provisions for inspections and the remedying of by-law contraventions;
- C. Section 239 of The M Act and Section 175 of The P Act authorizes a designated officer to enter onto land, or into buildings or other structures if The M Act, The P Act or any other Act or a By-law authorizes or requires anything to be inspected, remedied, enforced or done by a municipality; and
- D. Section 242 and 245 of The M Act and Section 178 of The P Act provide for the making of orders to remedy, and the remedying of, to prevent the re-occurrence of, a contravention of a by-law, The M Act or any other Act a municipality is authorized to enforce;
- E. The Council of the Rural Municipality of Dufferin deems it advisable and in the public interest to establish certain designated officer positions for the purpose of:
 - a. enforcing By-laws;
 - b. making orders for the remedying of:

- i. contravention of By-laws, The M Act, The P Act or any other Act the Municipality is authorized to enforce,
 - ii. contravention of permits, approvals, orders, and agreements made or issued under the By-laws, the Municipal Act, the Planning Act, or any other Act the Municipality is authorized to enforce, and
 - iii. dangers to public safety or property that is unsightly condition; and
- c. taking remedial action where required.

NOW THEREFORE, Council of the Rural Municipality of Dufferin enacts as a by-law the following:

1. The purpose of this by-law is to establish a designated officer position(s) pursuant to The M Act and The P Act to enforce the Municipality's by-laws, including, without limiting the generality of the foregoing, it's Development Plan By-law, it's Zoning By-law and The M Act, The P Act and any other Act the Municipality is authorized to enforce and any permits, approvals, orders and agreements made or issued under The M Act, The P Act or By-laws of the Municipality.
2. The position(s) of By-law Enforcement Officer(s) (hereinafter referred to herein as the "Officer(s)") is established. The enacting Officer(s) shall be listed on Schedule "A" attached. In the absence of an Officer, the CAO will enact. The Officer(s) shall be person(s) appointed by Council by resolution from time to time.
3. The Officer(s) shall have all powers, duties, discretion, and functions set out in The M Act, The P Act and is authorized to:
 - a. enforce the By-laws of the Municipality, the provisions of The M Act, The P Act and any other Act the Municipality is authorized to enforce;
 - b. enforce permits, approvals, orders, and agreements made or issued under the By-laws, The Municipal Act, The Planning Act, or any other Act the Municipality is authorized to enforce; and
 - c. Act as a designated officer for the purposes of this by-law.
4. The Officer(s) shall also have the powers, duties, discretion, and functions of a designated officer set out in:
 - a. Section 242 of The M Act, and Section 178 of The P Act for the purpose of making orders requiring persons responsible for the contravention of a By-law, The M Act, The P Act or any other Act the Municipality is authorized to enforce, to remedy the contravention; and
 - b. Section 243 of The M Act, for the purpose of making orders with respect to dangers to public safety or property that is in an unsightly condition.
5. The Officer(s) may carry out inspections to determine whether By-laws, The M Act, The P Act, or any other Act the Municipality is authorized to enforce are being complied with, or to determine what actions or measures a person needs to take in connection with any of the purposes set out in paragraph 4(a) or (b) hereof, after giving reasonable notice to the owner or occupier of the land, buildings, or other structure to be entered in carrying out the inspection, enforcement or action. The Officer(s) may make requests (ie. keys, documents, etc.) of the owners and/or occupiers of the land, buildings, or other structures to assist in the inspection, remedy, enforcement or action and make copies of anything related to said inspection, remedy, enforcement or action.
6. An order of the Officer(s) shall be given in writing, and may provide that if the person does not comply with the order within the specified time noted therein, the Municipality will take actions or measures at the expense of the person(s).

7. The Officer(s) may conduct an inspection after the expiry of the specified time as set out in an order, which inspection is necessary to determine whether the actions or measures set out in the order have been taken to remedy the contravention or situation, or to prevent a re-occurrence of the contravention.
8. A person served with an order may request Council to review the order, by written notice to Council within 14 days after the date of receipt of the order.
9. Upon receiving a request for review, the Chief Administrative Officer shall set a date and time for the review of the order and shall notify the person of the date of the review.
10. At the time and place set out in the notice, Council shall consider the request for review, and the person may appear in person or by counsel. After reviewing the order, Council may confirm, vary, substitute, or cancel the order.
11. The time specified in an order made as outlined paragraph 6 is suspended from the date of receipt of a request for review to the date upon which council makes its decision.
12. If the order of the Officer(s) so provides, the actions or measures will be taken at the expense of the person(s) who is in contravention of a By-law, The M Act, The P Act or any other Act a Municipality is authorized to enforce.
13. All costs of any actions or measures taken as authorized in any by-law, The M Act, The P Act or any other Act the Municipality is authorized to enforce, including, without limiting the generality of the foregoing, legal fees on a solicitor-client basis and any fines or penalties, will be an amount owing by the person to the Municipality, and may be collected in any manner in which a tax may be collected or enforced under The M Act.
14. The Municipality may store and sell all or part of any structures, materials or items removed as a result of any actions or measures taken. The proceeds of any such sale will be used to pay expenses and costs incurred in connection with the making of the order and taking of the actions or measures by the Officer(s). Any excess proceeds will be paid to the person entitled to them.
15. An applicant for appointment as a By-Law Enforcement Officer may be an employee of any department of the Municipality, or may hold any position with the Municipality or in exceptional circumstances, such as the enforcement of parking restrictions pursuant to a traffic by-law, the applicant may be the employee or agent of an institution located within the Municipality such as a hospital.
16. This by-law does not authorize By-law Enforcement Officers to act outside the municipality.
17. Pursuant to Section 236(1)(b)(iii) of The M Act, any fines imposed by the By-Law Enforcement Officer may be collected through addition to the property tax bill of the offender. Pursuant to Section 245(3), Section 246(3) and Section 247(5), the costs of actions taken by the Municipality to remedy a violation, eliminate dangers to public safety or resolve an emergency may be considered an amount owing to the municipality.
18. That by-law No. 1830 and By-law No. 1880 for the Rural Municipality of Dufferin, are hereby rescinded.
19. This by-law shall come into full force and take effect upon the passage hereof.

DONE AND PASSED as a by-law of the Rural Municipality of Dufferin, in the Province of Manitoba, this 18th day of August, 2020.

Read a first time this 21st day of July, 2020.

Read a second time this 18th day of August, 2020.

Read a third time this 18th day of August, 2020.


George Gray, Reeve


Sharla Murray, Chief Administrative Officer



Schedule "A"
Rural Municipality of Dufferin
By-Law 1995

By-law Enforcement Officers (BEO) of Commissionaires as listed;

BEO Michael Lawrence,
BEO Peter Dick,
BEO Robert Mathews,
BEO Norbert Pelland, and
BEO Keith Griffith.