

RURAL MUNICIPALITY OF ST. CLEMENTS

BY-LAW NO. 4-2021

BEING A BY-LAW of the Rural Municipality of St. Clements to provide for implementation of the Provincial Offences Act.

WHEREAS the Provincial Offences Act replaced the Summary Convictions Act and provides for the enforcement of contraventions of Provincial Acts, Regulations and contraventions of municipal by-laws;

AND WHEREAS the Municipal Act gives the council of a municipality the power to pass by-laws for municipal purposes and to enforce these by-laws, the Municipal Act and any other act the Municipality is authorized to enforce; and

AND WHEREAS THE COUNCIL of the Rural Municipality of St. Clements deems it advisable in the public interest to provide for the implementation of the Provincial Offences Act as an additional means of encouraging compliance with its municipal by-laws, the terms or conditions of permits, approvals and orders, and acts it is authorized to enforce;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Rural Municipality of St. Clements enacts as follows:

PURPOSE AND INTERPRETATION

1. The purpose of this by-law is to implement and provide for the enforcement, under the Provincial Offences Act, of
 - a. The Municipality's by-laws, the Municipal Act, the Planning Act and any other act the Municipality is authorized to enforce, and
 - b. Permits, approvals, and orders made or issued under the Municipality's by-laws, the Municipal Act, the Planning Act or any other act the Municipality is authorized to enforce.

2. Words defined in the Provincial Offences Act, the Municipal Act or the Planning Act have the same meaning in this by-law, unless provided otherwise in this by-law.

3. This by-law includes the following Schedules:

Schedule A: Bylaws Implemented under the POA the Municipality's by-laws enforced under the Provincial Offences Act.

Schedule B: Calculation of Preset Fines for municipal offences under the Municipality's by-laws.

Schedule C: Overweight Preset Fines: for Section 10 of Traffic Regulations By-law **NO.X-2021**.

Schedule D: Wide-base Single Tire Weight Chart for Section 10 of Traffic Regulations By-Law **NO 6-2021**

PRESET FINES FOR THE MUNICIPALITY'S BY-LAWS

4. The preset fines for municipal offences are set out in **Schedule B**.

ENFORCEMENT OFFICER'S AUTHORITY

5. The designated officers appointed under all of the Municipality's bylaws and positions named in those by-laws that appoint a person to enforce a by-law are authorized to enforce offences, including municipal offences, under the Provincial Offences Act.

CHIEF ADMINISTRATIVE OFFICER'S AUTHORITY

6. The Chief Administrative Officer is authorized to do the following under the Provincial Offences Act"
 - a. under section 87(3), collect fine payments and remit the amount due to the government on accounts of costs;
 - b. under section 90, issue a certificate in respect of an unpaid fine, and file the certificate in the Court of Queen's Bench;
 - c. under section 91, file a restitution order in the Court of Queen's Bench if a debtor has failed to comply with the payment provisions of a restitution order;
 - d. under section 92, register a financing statement in the Personal Property Registry to give effect to the municipality's lien against the personal property of a debtor for an unpaid fine; and
 - e. under section 93(4), register documents in the Personal Property Registry to postpone the Municipality's interest under a financing statement, or to amend renew or discharge a financing statement.

ADMINISTRATION FEE

7. The administration fee under section 92(3) of the Provincial Offences Act for a lien for unpaid fines is set at \$60.00 .

TRANSITIONAL

8. This by-law applies to existing offences and prosecutions. Proceedings commenced under the former Summary Convictions Act that are not finally disposed of before this by-law comes into force are to be taken up and continued under and in conformity with the provisions of this by-law.

RURAL MUNICIPALITY OF ST. CLEMENTS

Debbie Fiebelkorn, Mayor

Deepak Joshi, Chief Administrative Officer

Read a first time this	X	day of	X, 2021
Read a second time	X	day of	X, 2021
Read a third time	X	day of	X, 2021

**The Rural Municipality of St. Clements
By-Law 4-2021**

“SCHEDULE A”

By-Laws Implemented Under the Provincial Offences Act

Traffic Regulations By-Law 6-2021

SECTION	OFFENCE	FINE AMOUNT	FINE AMOUNT (CORPORATION)
4(b)	As a driver, fail or remain stopped when signaled or requested by an Enforcement Officer.	\$621.00	
5(e)	No person shall occupy a roadway for the purpose of soliciting a ride from the driver of a vehicle.	\$108.00	
5(a)	As a pedestrian fail to obey the instruction of a traffic control device.	\$108.00	
5(b)	As a driver fail to yield to right of way for pedestrian in a crosswalk.	\$268.00	
5(c)	As a pedestrian, walk on roadway where sidewalk is provided.	\$108.00	
5(d)	As a pedestrian, fail to provide his or her name and address to an Enforcement Officer when required.	\$108.00	
5(f)	No person shall obstruct a sidewalk and/or roadway by standing in groups or sitting or lounging.	\$108.00	
5(g)	As a driver, splash water or mud on a pedestrian.	\$134.00	
6(a)	No person shall take part in or hold a parade where no authorization granted by the municipality.	\$160.00	
6(e)	Any person not taking part of a parade shall remain on adjoining sidewalk.	\$108.00	
6(f)	As a driver, drive through a parade when unauthorized.	\$268.00	
7(b)	As a person undertaking authorized work within a street, fail to place and maintain approved temporary traffic control devices as required.	\$268.00	
7(b)	As a driver, drive a vehicle on any street or portion thereof that is barricaded and/or closed to vehicular traffic.	\$268.00	
8	As a driver, pedestrian, cyclist, disobey traffic control device namely _____.	\$221.00	

	<i>Use 10RL(Red Light) Use 10SS(Stop Sign) Use 10OT(Other)</i>		
9(a)	As a driver, fail to stop and remain stopped when signaled by an Enforcement Officer	\$621.00	
9(b)	As a driver, fail to give name, date of birth or address to an Enforcement Officer when required.	\$108.00	
10(a)	Overweight Penalties	See Schedule "C" or Traffic By-Law 2021-X	
10(f)(i)	As a driver, fail to stop and remain stopped, a vehicle for weighing when signed by an Enforcement Officer.	\$621.00	
10(f)(ii)	As a driver, fail to proceed to weigh scales to weigh vehicle load.	\$430.00	
10(g)	As a driver, fail to cooperate with an Enforcement Officer or inspector in the inspection and/or weighing of a vehicle.	\$430.00	
18	As a driver, fail to yield right of way to a funeral procession.	\$186.00	
19	As a driver, operate engine retarder brakes where prohibited.	\$186.00	
20(a)	As a driver, fail to secure load on vehicle and/or trailer with	\$286.00	
20(b)	As a driver, operate a vehicle with tailgate unfastened.	\$186.00	
20(c)	No person shall, deposit, dump, throw, place any matter, substance, waste or anything whatsoever on a highway.	\$221.00	
21(a)	As a driver, sound or permit the sounding of any bell, horn or other signalling device to make an unnecessary noise.	\$268.00	
21(b)	As a driver, permit unnecessary smoke to escape from the motor vehicle.	\$268.00	
21(c) & (d)	As a driver, make unnecessary noise by cutting out the muffler or otherwise.	\$268.00	
21(d)	No person shall, start, turn, drive, stop a motor vehicle or accelerate the motor of a motor vehicle while it is stationary in such a manner to cause any loud and unnecessary noise from the engine, exhaust system, braking system or the contact of tires with the roadway.	\$268.00	
22(a)	As a rider or passenger, ride in or on a vehicle on a highway without being seated on a part of the vehicle that is designed and equipped for passenger seating.	\$268.00	
22(b)	As a rider or passenger, ride in or on a trailer being towed on a highway.	\$268.00	

22(c)	As a driver, drive a vehicle on a highway when a person is in or on a part of the vehicle that is not designed and equipped for passenger seating.	\$268.00	
22(d)	As a driver, tow a trailer on a highway when a person is riding in or on the trailer.	\$268.00	
23	No person shall drive carelessly	\$621.00	
24	No person shall drive imprudently	\$430.00	
25	Pass a stopped school bus	\$621.00	
26	As a driver, fail to illuminate lamps on a motor vehicle as required.	\$134.00	

BEHAVIOURAL BYLAW 15-2016

SECTION	OFFENCE	FINE AMOUNT INDIVIDUAL
2.01	No person shall be allowed to loiter in front any business establishment of residence or in a street or any public place so as to cause any obstruction to the free use of said premises whereby a member or members of the public are liable to be subjected to disturbance or annoyance provided that nothing contained in this Section shall be construed to extend to any person taking part in any lawful procession or gathering	\$160.00
2.02	No person shall bark, break, peel, cut, deface, injure or destroy the whole or any part of any tree, sapling, or shrub now growing or which may hereafter be planted by any person or by the Municipality in any street or public place of the Municipality, nor may any such tree be removed or cut down unless by permission of the Municipality	\$160.00
2.03	No person shall cast, project or throw any stones or balls of snow or ice or other missiles dangerous to the public in any streets or public places of the Municipality	\$221.00
2.04	No person shall post or put up any indecent poster, writing or picture or write any indecent or immoral words or make any indecent pictures or drawings, any of which may be morally offensive, or make any graffiti on any public or private building, wall, fence, sign, monument, post, sidewalk or pavement, any of the streets or public place of the Municipality	\$268.00
2.05(a)	No person shall consume or be in possession of any open liquor in any public place or event in the Municipality unless such place or event is licensed by permit of the Municipality	\$268.00
2.05(b)	Any person found intoxicated or disorderly or intoxicated and disorderly in any public place, shall be liable to penalties under this law	\$268.00
2.06	No person shall participate in a fight in any public place	\$268.00
2.07	No person shall behave in an indecent or sexual manner in or on a public place or in public on any private property	\$268.00

2.08	No person shall defecate or urinate in or on a public place or in public on any private property	\$134.00
2.09	No person shall spit on any street, sidewalk, pathway, trail, or in or on any public place or in public on any private property	\$134.00

PREVENTION AND CONTROL OF FIRES BY-LAW 5-2012

SECTION	OFFENCE	FINE AMOUNT INDIVIDUAL
2(a)	Failure to enclose outdoor fire pit or outdoor solid fuel appliance.	\$160.00
2(b)	Failure to cover outdoor fire pit or solid fuel appliance with noncombustible grate or mesh/	\$160.00
2(c)	Failure to locate fire pit or outdoor fuel appliance on a flat, level and noncombustible base, clear or overhangs.	\$160.00
2(d)	Failure to reach a minimum clearance of 10 feet or 3 meters measured from the nearest fire put edge from any structures or any combustibles and or property lines.	\$160.00
2(e)	Failure to reach a minimum of 10 feet or 3 meters from an outdoor solid fuel appliance to any structure or combustible.	\$160.00
2(f)	When in use, fail to attend and monitor fire.	\$268.00
2(h)	Failure to burn clean, dry wood or briquettes.	\$268.00
2(i)	Failure to ensure fires are extinguished prior to leaving site and or to have proper extinguishing measures on site during the burn.	\$268.00
2(j)	Cause smoke from outdoor fire pits or outdoor fuel appliances to release offensive, annoying, unpleasant odors.	\$160.00
2(k)	Failure to limit the size of fire so the available firefighting resources at hand may easily control them.	\$430.00
7	To have and or participate in an outdoor fire of any kind during a municipal fire ban.	\$621.00

**The Rural Municipality of St. Clements
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“SCHEDULE B”

CALCULATION OF PRESET FINES

FINE CATEGORY	FINE PAYABLE
A	\$ 108.00
B	\$ 134.00
C	\$ 160.00
D	\$ 186.00
E	\$ 221.00
F	\$ 268.00
G	\$ 430.00
H	\$ 621.00
I	\$ 1,181.00
J	\$ 2,260.00

Fine Category	Preset Fine	Court Costs (45%) Rounded to nearest dollar	Justice Services Surcharge	TOTAL FINE
A	\$40	\$18	\$50	\$108
B	\$58	\$26	\$50	\$134
C	\$76	\$34	\$50	\$160
D	\$94	\$42	\$50	\$186
E	\$118	\$53	\$50	\$221
F	\$150	\$68	\$50	\$268
G	\$262	\$118	\$50	\$430
H	\$394	\$177	\$50	\$621
I	\$780	\$351	\$50	\$1,181
J	\$1,524	\$686	\$50	\$2,260

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**Schedule "C"
Overweight Penalties**

VEHICLE OVERWEIGHT PENALTIES CALCULATION AS FOLLOWS:

KG'S Over	Penalty Amount	KG'S Over	Penalty Amount	KG'S Over	Penalty Amount
50	\$69.00	1950	\$796.00	3850	\$1,524.00
100	\$88.00	2000	\$816.00	3900	\$1,543.00
150	\$107.00	2050	\$835.00	3950	\$1,562.00
200	\$127.00	2100	\$854.00	4000	\$1,581.00
250	\$146.00	2150	\$873.00	4050	\$1,600.00
300	\$165.00	2200	\$892.00	4100	\$1,619.00
350	\$184.00	2250	\$911.00	4150	\$1,639.00
400	\$203.00	2300	\$930.00	4200	\$1,658.00
450	\$222.00	2350	\$950.00	4250	\$1,677.00
500	\$241.00	2400	\$969.00	4300	\$1,696.00
550	\$261.00	2450	\$988.00	4350	\$1,715.00
600	\$280.00	2500	\$1,007.00	4400	\$1,734.00
650	\$299.00	2550	\$1,026.00	4450	\$1,753.00
700	\$318.00	2600	\$1,045.00	4500	\$1,773.00
750	\$337.00	2650	\$1,064.00	4550	\$1,792.00
800	\$356.00	2700	\$1,084.00	4600	\$1,811.00
850	\$375.00	2750	\$1,103.00	4650	\$1,830.00
900	\$395.00	2800	\$1,122.00	4700	\$1,849.00
950	\$414.00	2850	\$1,141.00	4750	\$1,868.00
1000	\$433.00	2900	\$1,160.00	4800	\$1,887.00
1050	\$452.00	2950	\$1,179.00	4850	\$1,907.00
1100	\$471.00	3000	\$1,198.00	4900	\$1,926.00
1150	\$490.00	3050	\$1,218.00	4950	\$1,945.00
1200	\$509.00	3100	\$1,237.00	5000	\$1,964.00
1250	\$529.00	3150	\$1,256.00	5050	\$1,983.00
1300	\$548.00	3200	\$1,275.00	5100	\$2,002.00
1350	\$567.00	3250	\$1,294.00	5150	\$2,021.00
1400	\$586.00	3300	\$1,313.00	5200	\$2,041.00
1450	\$605.00	3350	\$1,332.00	5250	\$2,060.00
1500	\$624.00	3400	\$1,352.00	5300	\$2,079.00
1550	\$643.00	3450	\$1,371.00	5350	\$2,098.00
1600	\$662.00	3500	\$1,390.00	5400	\$2,117.00

1650	\$681.00	3550	\$1,409.00	5450	\$2,136.00
1700	\$701.00	3600	\$1,428.00	5500	\$2,155.00
1750	\$720.00	3650	\$1,447.00	5550	\$2,175.00
1800	\$739.00	3700	\$1,466.00	5600	\$2,194.00
1850	\$758.00	3750	\$1,486.00	5650	\$2,212.00

VEHICLE OVERWEIGHT PENALTIES CALCULATION AS FOLLOWS:

Preset Fine - \$13.20 for each 50 kg or fraction exceeding the maximum permissible weight
PLUS

Court Costs: add 45% of preset fine

Surcharges: add \$50.00

Total fine is rounded down to the nearest dollar.

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**Schedule “D”
Weight Chart**

Wide-base Single Tire Chart

	Weight for axle groups <i>other than steer axles</i>		
Maximum Wide Base Single Tire Weight	RTAC	Class A1	Class B1
Maximum per tire	N/A	3,850 kg	3,850 kg
Single Axle Maximum	9,100 kg	7,700 kg	7,700 kg
Tandem Axle Unit			
Tandem Axle Maximum	17,000 kg	15,200 kg	13,800 kg
Tridem Semi-trailer Axle Unit			
Axle spread 2.4 m to less than 3.0	21,000 kg	20,000 kg	19,000 kg
Axle spread 3.0 m to less than 3.6	23,000 kg ¹	22,000 kg	19,000 kg
Axle spread 3.6 m to 3.7 m	24,000 kg	22,000 kg	19,000 kg
Tridem Drive Axle Unit			
Axle spread 2.4 m to less than 2.8	21,000 kg	20,000 kg	19,000 kg
Tridem Drive Axle Unit (on a vehicle with a tandem steer axle group)			
Axle spread 2.7 m to less than 3.0	22,000 kg	20,000 kg	19,000 kg

¹A trailer tridem axle group with an axle spread of 3.0 m or more but less than 3.6 m is allowed 24000 kg on routes with a designated maximum GVW of 63500 kg.