



CITY OF DAUPHIN

BYLAW 08/2026

ADMINISTRATIVE PENALTIES BYLAW

BEING A BYLAW of the City of Dauphin to provide for an administrative penalty scheme for parking and general bylaw enforcement

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 establish an administrative penalty scheme for the enforcement of parking regulations and other designated conduct-based municipal bylaw contraventions.

NOW THEREFORE the Council of the City of Dauphin enacts as follows:

PART 1 – PURPOSE, APPLICATION, AND INTERPRETATION

1.1 Purpose

The purpose of this Bylaw is to:

- a) establish an administrative penalty scheme for designated bylaw contraventions;
- b) establish a screening and adjudication process for the review of Penalty Notices
- c) provide an efficient and proportionate alternative to prosecution for designated bylaw contraventions; and
- d) encourage compliance with designated municipal bylaws.

1.2 Application

This Bylaw applies to all designated bylaw contraventions identified in the Schedules to this Bylaw. Nothing in this Bylaw limits the City's authority to enforce any bylaw through any other lawful means, including the issuance of Notices of Contravention, Orders, Enforcement Charges, cost recovery measures, remedial action, prosecution, or any other remedy authorized by legislation or municipal bylaw.

1.3 Interpretation

References to legislation include amendments to and successor legislation replacing such legislation.

Words and phrases defined in *The Municipal Bylaw Enforcement Act* have the same meaning in this Bylaw unless the context otherwise requires.

Words in the singular include the plural and vice versa where the context requires.

Headings are for convenience only and do not form part of this Bylaw.

Nothing in this Bylaw limits or restricts the authority of the City to enforce any bylaw through any other lawful means authorized by legislation or municipal bylaw.

If any provision of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remainder of the Bylaw shall continue in force.

PART 2 – DEFINITIONS

In this Bylaw:

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

“Adjudicator” means an individual appointed by the Deputy Attorney General pursuant to the Act to review a Screening Officer decision and determine matters submitted for adjudication under this Bylaw.

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

“City” means the City of Dauphin.

“City Manager” means the City Manager of the City of Dauphin.

“Council” means the Council of the City of Dauphin.

“Designated Bylaw Contravention” means a contravention identified in Schedule A or Schedule B for which a Penalty Notice may be issued under this Bylaw.

“Final Notice” means a notice issued following a Penalty Notice advising that an Administrative Penalty remains unpaid and that further collection or enforcement action may occur.

“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 5.1 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.

Words defined in this Part shall have the same meaning throughout this Bylaw and shall be capitalized.

PART 3 – BYLAW CONTRAVENTIONS AND PENALTIES

3.1 Designated Bylaw Contraventions

The contraventions described in Schedules A and B are hereby designated as Designated Bylaw Contraventions for which a Penalty Notice may be issued.

3.2 Maximum Administrative Penalty

The maximum Administrative Penalty that may be imposed for a Designated Bylaw Contravention is the maximum amount prescribed by *The Municipal Bylaw Enforcement Act* and the regulations made thereunder.

3.3 Schedule A Administrative Penalties

The Administrative Penalties applicable to Schedule A contraventions, including any discounted payment amounts, are established in the Fees, Fines, and Charges Bylaw.

3.4 Discounted Schedule A Administrative Penalties

A person may pay the discounted Administrative Penalty established for a Schedule A contravention if:

- a) payment is made within fourteen (14) days after delivery of the Penalty Notice; and
- b) no request for review has been made under this Bylaw.

3.5 Schedule B Administrative Penalties

The Administrative Penalties applicable to Schedule B contraventions are established in the Fees, Fines, and Charges Bylaw.

PART 4 – PENALTY NOTICES

4.1 Form of Penalty Notice

A Penalty Notice may be in any form permitted by the Act and approved by the City Manager.

4.2 Identification of Recipient

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.

4.3 Contents of Penalty Notice

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.

4.4 Limitation Period

A Penalty Notice may not be issued if more than a period of one year has elapsed after the alleged Designated Bylaw Contravention.

4.5 Delivery of Penalty Notices and Other Documents

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.

4.6 Vehicle Owner Liability

When a Penalty Notice respecting the parking of a vehicle is delivered in accordance with subsection 4.5, the Vehicle Owner indicated in the records of the Registrar of Motor Vehicles is liable to pay the Administrative Penalty set out in the notice.

4.7 Validity of Penalty Notice

A Penalty Notice is not invalid by reason only that it is not signed by the person who issued it.

PART 5 – SCREENING OFFICER

5.1 Appointment of Screening Officers

Council shall by resolution appoint one or more Screening Officers.

5.2 Eligibility

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

PART 6 – REVIEW BY SCREENING OFFICER

6.1 Response to Penalty Notice

Within thirty (30) days after a Penalty Notice is deemed to have been received, the Recipient must either pay the amount of the Administrative Penalty indicated on the Penalty Notice or request a review by a Screening Officer.

6.2 Final Notice

If, at the end of the period for responding to a Penalty Notice under Section 6.1 of this bylaw, a person to whom a Penalty Notice was delivered has not responded, the City must deliver a Final Notice indicating that, within thirty (30) days after delivery, the Recipient must either pay the Administrative Penalty or request a review by a Screening Officer.

6.3 Request for Review

A request for review by a Screening Officer must be made in the manner set out in the Penalty Notice and must include a telephone number and/or email address together with an indication of the preferred means of communication for arranging a review.

6.4 Scheduling a Review

Within fourteen (14) days after receiving a request, the Screening Officer must attempt to contact the person requesting the review to arrange a mutually convenient date, time, and means of conducting the review.

The review may be conducted by written submission, including email, by phone, or in person, at the preference of the person requesting the review.

6.5 Failure to Participate in Scheduling

If

- a) the Screening Officer is unable to contact the person requesting the review; or
 - b) the person, without reasonable cause, does not agree to a date, time, or means of review,
- the Screening Officer must establish a date, time, and means for the review.

If the person fails to participate or appear, the Screening Officer must determine the matter based on the information provided in the request for review.

6.6 Failure to Participate in Review

If a person who has agreed to a date, time, and means of review subsequently fails to participate, the Screening Officer must determine the matter based on the information provided in the request for review.

6.7 Powers of the Screening Officer

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:
 - i. mitigating circumstances exist;
 - ii. the Recipient has taken reasonable steps to remedy the contravention; or
 - iii. reduction of the Administrative Penalty is otherwise fair and proportionate in the circumstances; or
- c) cancel the Penalty Notice if, in the Screening Officer's opinion:
 - i. the contravention did not occur as alleged;
 - ii. the Penalty Notice contains a substantial defect that has prejudiced the Recipient's ability to understand or respond to the allegation; or
 - iii. in the case of a parking contravention, the Vehicle Owner can establish:
 - 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. the contravention resulted from a mechanical problem that reasonably prevented compliance despite the exercise of due diligence.

6.8 Decision of Screening Officer

The Screening Officer must make a decision in writing within fourteen (14) days after the review and must provide notice of the decision to the affected person.

6.9 Payment Following Review

If the Screening Officer confirms or reduces the amount of the Administrative Penalty, the amount is due and payable within fourteen (14) days after receipt, or deemed receipt under Section 4.5, of the Screening Officer's decision unless the person requests adjudication under Part 7.

PART 7 – ADJUDICATION

7.1 Establishment of Adjudication Scheme

An adjudication scheme described in sections 14 to 21 of the Act is hereby established to allow a Recipient of a Penalty Notice to request adjudication of a Screening Officer's decision respecting an Administrative Penalty.

7.2 Request for Adjudication

Within fourteen (14) days after receipt, or deemed receipt under Section 4.5, of the Screening Officer's decision, the Recipient may request adjudication by an Adjudicator by providing written

notice to the Screening Officer delivered or mailed to the municipal office of the City together with the adjudication fee prescribed in the Fees, Fines, and Charges Bylaw.

7.3 Referral to Adjudicator

Upon receipt of a request for adjudication and payment of the adjudication fee, the Screening Officer must submit the matter to the Chief Adjudicator appointed under the Act.

7.4 Scheduling of Adjudication

The Adjudicator must attempt to contact the person requesting adjudication to arrange a mutually convenient date, time, and means of conducting the adjudication.

The person may be heard:

- a) by telephone or in writing, including by email; or
- b) through the use of video conferencing, audio conferencing, or other available electronic means.

7.5 Failure to Participate

If:

- a) the Adjudicator is unable to contact the person requesting adjudication;
- b) the person, without reasonable cause, does not agree to a date, time, or means of adjudication; or
- c) the person fails to appear or otherwise participate in the adjudication;

the Adjudicator must order that the Administrative Penalty established by the Screening Officer is immediately due and payable to the City.

7.6 Powers of the Adjudicator

In addition to the powers set out in section 19(2) of the Act, the Adjudicator may:

- a) confirm the Administrative Penalty;
- b) reduce the amount of the Administrative Penalty if satisfied that:
 - i. mitigating circumstances exist;
 - ii. the Recipient has taken reasonable steps to remedy the contravention; or
 - iii. reduction of the Administrative Penalty is otherwise fair and proportionate in the circumstances; or
- c) cancel the Penalty Notice if, in the Adjudicator's opinion:
 - i. the contravention did not occur as alleged;
 - ii. the Penalty Notice contains a substantial defect that has prejudiced the Recipient's ability to understand or respond to the allegation; or
 - iii. in the case of a parking contravention, the Vehicle Owner can establish:
 - 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. the contravention resulted from a mechanical problem that reasonably prevented compliance despite the exercise of due diligence.

Any Administrative Penalty confirmed or reduced by the Adjudicator is immediately due and payable to the City.

PART 8 – ADMINISTRATION

8.1 Acting Screening Officer

The City Manager may act as a Screening Officer where an appointed Screening Officer is unavailable or where circumstances otherwise require.

8.2 Administration of Adjudication Scheme

The City Manager is authorized to:

- a) pay invoices relating to the costs and administration of the adjudication scheme under section 21(1) of the Act;
- b) pay the remuneration and expenses of Adjudicators; and
- c) refund an adjudication fee where directed by an Adjudicator.

8.3 Filing of Certificates

The City Manager is authorized to issue a certificate in respect of an unpaid Administrative Penalty pursuant to section 23(1) of the Act and to file the certificate in the Court of King's Bench.

PART 9 – DISCLOSURE OF INFORMATION

9.1 Publication of Adjudicator Decisions

Upon receipt of an Adjudicator's decision, the City Manager may make the decision available to the public, subject to the removal of personal information and compliance with applicable privacy legislation.

PART 10 – COMING INTO FORCE AND REPEAL

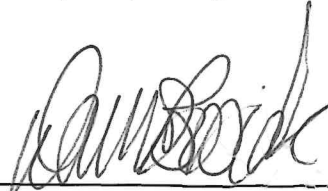
10.1 Effective Date

This Bylaw comes into force on the day it receives third reading.

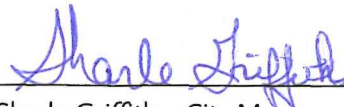
10.2 Repeal

Bylaw 06/2025 is hereby repealed.

DONE AND PASSED by the Council of the City of Dauphin this 31st day of August 2026.

A handwritten signature in black ink, appearing to read "David Bosiak", written over a horizontal line.

David Bosiak, Mayor

A handwritten signature in blue ink, appearing to read "Sharla Griffiths", written over a horizontal line.

Sharla Griffiths, City Manager

READ A FIRST TIME this 10th day of August 2026.

READ A SECOND TIME this 31st day of August 2026.

READ A THIRD TIME this 31st day of August 2026.

SCHEDULE A: PARKING CONTRAVENTIONS

The following contraventions of the Traffic and Parking Bylaw are designated parking contraventions for which a Penalty Notice may be issued under *The Municipal Bylaw Enforcement Act*.

The administrative penalties applicable to each contravention, including any discounted payment amounts authorized under this Bylaw, are established in the Fees, Fines, and Charges Bylaw.

Restricted Parking Locations

- Parking in a Prohibited Zone
- Parking in a No Stopping Zone
- Parking in a Loading Zone
- Parking in an Accessible Parking Space
- Parking on a Boulevard
- Parking in a Lane

Safety-Related Parking Offences

- Parking within 3 metres of a Fire Hydrant
- Parking within 6 metres of an Intersection
- Parking within 9 metres of a Stop Sign or Traffic Control Device
- Parking Blocking a Driveway or Lane
- Parking within 1 metre of a Driveway
- Parking within 6 metres of a Back Lane

Time and Duration Restrictions

- Overtime Parking
- Parking Over 48 Hours
- Parking Interfering with Snow Clearing

Vehicle Positioning and Storage

- Parking in the Wrong Direction
- Unattached Trailer Parked on a Street

SCHEDULE B: GENERAL ADMINISTRATIVE PENALTY CONTRAVENTIONS

The following contraventions are Designated Bylaw Contraventions for which a Penalty Notice may be issued under *The Municipal Bylaw Enforcement Act*. The applicable administrative penalty amounts are established in the Fees, Fines, and Charges Bylaw.

Accommodation Tax Bylaw

- Failure to Remit Accommodation Tax as Required
- Failure to Submit Required Accommodation Tax Report
- Failure to Provide Access to Records or Supporting Documentation Required Under the Bylaw

Animal Services Bylaw

Class A Administrative Penalties

- Abandoning an Animal
- Failure to Provide Basic Animal Care
- Failure to Provide Appropriate Outdoor Shelter
- Tethering or Confinement in Contravention of the Bylaw
- Lack of Temperature Control for Unattended Animal in Vehicle
- Failure to Prevent Aggressive Behaviour
- Failure to Comply with Muzzle and Control Order
- Failure to Obtain a Breeding Permit

Class B Administrative Penalties

- Excess Number of Animals on One Property
- Keeping a Prohibited Animal
- Unlicensed Dog or Cat
- Animal at Large
- Animal Unvaccinated for Rabies
- Animal Trespassing on Private Property
- Unleashed Dog in a Public Place
- Off-Leash Dog Park Violation
- Failure to Confine a Dog in Heat
- Failure to Remove Animal Excrement
- Allowing Accumulation of Animal Excrement on Private Property
- Noisy Dog
- Damage to Public Property
- Feeding Wildlife
- Interfering with Trap, Neuter, Return Program
- Obstructing or Hindering an Animal Services Officer

Business License Bylaw

- Operating a Business Without a Required Business Licence
- Operating a Seasonal Food Unit Without a Required Business Licence

General Enforcement Bylaw

- Obstruct or interfere with a Designated Officer
- Threaten or abuse a Designated Officer
- Provide false or misleading information to a Designated Officer
- Remove, alter, deface, cover, conceal, damage, or interfere with a City Notice of Contravention, Order, placard, barricade, or enforcement notice
- Prevent or obstruct an inspection, remedial action, or emergency action
- Refuse to provide information or documents lawfully requested by a Designated Officer

Noise Bylaw

- Excessive Noise

Off-Road Vehicle Bylaw

- Unlawful Operation of an Off-Road Vehicle

Property Standards Bylaw

- Untidy Property
- Depositing Snow, Ice, Leaves, Grass Clippings, Yard Waste, Soil, or Refuse on Public Property
- Failure to Remove Snow and Ice from Sidewalk
- Failure to Maintain Boulevard
- Obstructing Roadway, Sidewalk, or Lane with Vegetation
- Failure to Display Civic Address Number
- Derelict Vehicle on Property
- Excess Unused Vehicles on Property
- Improper Storage of Unused Vehicle
- Shopping Cart Contravention
- Improper Drainage or Discharge of Surface or Subsurface Water

Use of Municipal Resources in an Election Bylaw

- Contravention of the Use of Municipal Resources in an Election Bylaw

Vacant and Boarded Buildings Bylaw

- Failure to register a Vacant Building
- Maintaining a Boarded Building contrary to section 4.2
- Failure to comply with a Vacant Building Management Plan

Waste Management Bylaw

Class A Administrative Penalties

- Dumping Unauthorized Material on City Property

Class B Administrative Penalties

- Commercial Recycling Deposited at Residential Recycling Depot
- Non-Recyclable Material Deposited at Residential or Commercial Recycling Depot

- Improper Use of Compost Site
- Unacceptable Material Placed in Container for Disposal or Removal
- Material Placed Outside of Recycling Bins at Residential Recycling Depot
- Failure to Store Waste, Recycling, or Yard Waste Container in the Required Location Between Collection Days

Zoning Bylaw

Class A Administrative Penalties

- Development Contrary to a Development Permit
- Unauthorized Use of Land or Building
- Failure to Comply with a Conditional Use Order
- Failure to Comply with a Variance Order
- Establishing a Conditional Use Without Approval
- Displaying a Sign Exceeding Maximum Permitted Area or Dimensions
- Displaying a Sign in a Prohibited Location
- Failure to Comply with Conditions Applicable to an Approved Sign
- Shipping Container or Semi-Trailer Used Contrary to Bylaw Requirements
- Unauthorized Commercial Outdoor Storage
- Failure to Comply with Conditions of Temporary Use Approval
- Development in Flood Hazard Area Contrary to Bylaw Requirements

Class B Administrative Penalties

- Development Without a Required Development Permit
- Failure to Obtain Approval for a Temporary Use or Structure
- Failure to Remove Temporary Construction Trailer or Building
- Obstruction of Development Officer
- Failure to Provide Required Documentation
- Displaying More Signs Than Permitted
- Placing a Sign on Public Property Contrary to the Bylaw
- Failure to Remove a Temporary Sign When Required