

TOWN OF WADENA

BYLAW NO. 6-11

A BYLAW TO ESTABLISH PENALTIES FOR CONTRAVENTION OF BYLAWS (Section 381 of *The Municipalities Act*)

MaryKay J Zaporosky
A Commissioner for Oaths in and for Saskatchewan
My appointment expires Aug. 31, 2012

The Council of the Town of Wadena, in the Province of Saskatchewan, enacts as follows:

Short Title:

1. This bylaw may be referred to as the "General Penalty Bylaw".

Definitions:

2. "Municipality" means the Town of Wadena.

Application:

3. Section 4 shall apply only with respect to an infraction of a bylaw of the municipality for which no other penalty is provided.

Penalty:

4. Every person who contravenes any provision of any bylaw of the municipality is guilty of an offence and liable on summary conviction:
 - a. in the case of an individual, to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues;
 - b. in the case of a corporation, to a fine not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues;
 - c. in the case of an individual or corporation, to a minimum fine of two hundred (\$200.00) Dollars and costs for every offence and;
 - d. in default of payment, to imprisonment for a period not exceeding ninety (90) days unless the said penalty and costs, including costs of committal, are sooner paid.

Penalties in addition to Fines

5. If a person is found guilty of an offence against any bylaw of the Town of Wadena, the court may, in addition to a fine, impose an additional penalty so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence.

Order for Compliance:

6.
 - (a) Any Bylaw of the Town of Wadena may be enforced, and the contravention of any provision of the Bylaw restrained, by any court on action brought by the Town of Wadena, whether or not any penalty is imposed for the contravention.
 - (b) Conviction of a person for a contravention of any provision of a Bylaw of the Town of Wadena does not relieve such person from compliance with the Bylaw, and the convicting Judge or Justice of the Peace shall, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of the Bylaw or to remedy the contravention of the Bylaw.
 - (c) A person to whom an order is made pursuant to subsection (b) who fails to comply with that order within the time specified by the court is guilty of an offence and liable on summary conviction:
 - (i) in the case of an individual, to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the non-compliance continues;
 - (ii) in the case of a corporation, to a fine not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the non-compliance continues; and
 - (iii) in either case, to imprisonment for a term of not more than 90 days or to both such fine and imprisonment.

Inspections

- 7. (a) The inspection of property by a bylaw inspector, bylaw officer or peace officer to determine if a bylaw is being complied with is hereby authorized for all bylaws of the Town of Wadena.
- (b) Every inspection shall be carried out in accordance with the provisions of *The Municipalities Act*.

Voluntary Payments

- 8. (a) The due date for voluntary payment of bylaw violations shall be the date as indicated on the Bylaw Violation Notice. Account balances outstanding after the due date will be considered overdue and will be subject to a penalty of 1.5% per month, compounded monthly until the account, including all penalties, is paid in full.

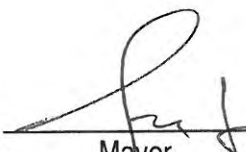
Obstruction, Tampering Prohibited

- 9. (a) No person shall obstruct a bylaw inspector who is authorized to conduct an inspection pursuant to section 7 or a person who is assisting a bylaw inspector.
- (b) Every person who contravenes subsection (a) is guilty of an offence and liable on summary conviction to the penalties prescribed in this Bylaw.

Repeal:

- 10. Bylaw No. 15/92 is hereby repealed





Mayor



Administrator