

## BYLAW NO. 1090/19

A BYLAW OF THE TOWN OF NIPAWIN, IN THE PROVINCE OF SASKATCHEWAN, TO PROVIDE FOR THE PENALTIES AND ENFORCEMENT PROCEDURES ON PERSONS GUILTY OF A CONTRAVENTION OF ANY OF THE PROVISIONS OF ANY OF THE BYLAWS OF THE TOWN OF NIPAWIN.

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The Council of the Town of Nipawin in the Province of Saskatchewan enacts:

### **Short Title**

1. This Bylaw may be cited as The General Penalty and Enforcement Bylaw, 2019.

### **Governing Legislation**

2. *The Municipalities Act* ("The Act") shall prevail in all circumstances where there might arise a conflict between The Act and the General Penalty Bylaw, 2019.

### **Purpose**

3. The purpose of this Bylaw is to establish penalties and enforcement procedures for the contravention of bylaws in the Town of Nipawin.

### **Application**

4. The penalties and enforcement procedures in this Bylaw shall apply with respect to contraventions of any bylaw of the Town of Nipawin, unless a different penalty or procedure is otherwise specified in another bylaw.

### **Definitions**

5. "**Municipality**" shall mean the Town of Nipawin.
6. "**Designated Officer**" shall mean an employee or agent of the Municipality appointed by Council to act as a municipal inspector and/or Bylaw Enforcement Officer for the purposes of this Bylaw, or any person duly authorized by Council to enforce all bylaws of the Municipality.
7. "**The Act**" shall mean *The Municipalities Act* of Saskatchewan.

## **General Penalty**

8. No person shall:
  - (a) contravene or fail to comply with a provision of The Act or the regulations for which no other penalty is specifically provided or an order made pursuant to Section 19, 364, 367 or 387 of The Act;
  - (b) obstruct or interfere with an employee or agent of the Municipality engaged in exercising on behalf of the Municipality any of the powers conferred by The Act, or by a bylaw of the Municipality passed pursuant to The Act; or
  - (c) destroy, pull down, alter or interfere with any work carried out or thing done by or for the Municipality pursuant to The Act or any bylaw of the Municipality passed pursuant to The Act.
  
9. Every person who contravenes Section 8 is guilty of an offence and is liable on summary conviction to:
  - (a) in the case of an individual, a fine of not more than \$10,000 or imprisonment for not more than one year, or both;
  - (b) in the case of a corporation, a fine of not more than \$25,000; and
  - (c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 for each day or part of a day during which the offence continues.
  
10. Every person who contravenes any provision of any bylaw of the Municipality is guilty of an offence and liable on summary conviction:
  - (a) to the penalty specified in the bylaw or in another bylaw providing for a penalty with respect to the contravention of that bylaw; or
  - (b) if no penalty is provided for in the bylaw:
    - (i) in the case of an individual, a fine of not more than \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for each day during which the offence continues; and
    - (ii) in the case of a corporation, a fine of not more than \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$25,000 for each day during which the offence continues.

## **Penalties in addition to Fines**

11. If a person violates any bylaw of the Municipality, the Municipality may, in addition to the fine, impose an additional penalty so long as the penalty relates to the fee, cost, rate, toll, or charge that is associated with the conduct that gives rise to the violation

### **Officer and Director Liability**

12. If a corporation contravenes any provision of any bylaw of the Municipality, any officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties herein in the case of individuals, whether or not the corruption has been prosecuted or conviction.

### **Designated Officer**

13. Any police officer, peace officer, employee of the Municipality, agent of the Municipality, or any person duly authorized by Council specifically is hereby designated authority to enforce all bylaws of the Municipality.

### **Enforcement Procedure**

14. Unless otherwise stated in the bylaw, any person who contravenes any bylaw of the Municipality shall be served a Notice of Violation as set out in Schedule A, as amended from time to time which shall include the appropriate fine.
15. Such person served with a Notice of Violation, shall pay same to the Municipality within a period of fifteen (15) calendar days from the service of the said Notice of Violation. If payment is made within such time and accepted, then that person shall not be liable to prosecution for the offense.
16. Where payment of any Notice of Violation remains outstanding beyond a fifteen (15) calendar day period from the time of issuance of the Notice of Violation, the Town shall proceed with serving the accused with a Notice of Pending Collection as per Schedule B as amended from time to time.
17. If payment is still not made after thirty (30) calendar days from the date of issuance of the Notice of Violation, the Town shall proceed with engaging a collection agency for the purpose of collecting the outstanding Notice of Violation fine.

### **Service of Notice of Violation**

18. Service of a Notice of Violation must be made by:
  - (a) attaching the Notice of Violation to the vehicle, structure, or place in respect of which a breach of contravention has been committed;
  - (b) by mailing such Notice of Violation addressed to the registered owner of said vehicle, structure, or place; or
  - (c) by any other means of service required or allowed under The Act.

### **Service of Notice of Pending Collection**

19. Service of a Notice of Pending Collection must be made by:
- (a) attaching the Notice of Pending Collection to the vehicle, structure, or place in respect of which a breach of contravention has been committed;
  - (b) by mailing such Notice of Pending Collection addressed to the registered owner of said vehicle, structure, or place; or
  - (c) by any other means of service required or allowed under The Act.

### **Recovery of Unpaid Expenses and Costs**

20. Any unpaid expenses and costs incurred by the Municipality in remedying a contravention of this Bylaw may be recovered either:
- (a) by civil action for debt in a court of competent jurisdiction in accordance with Section 368 of *The Municipalities Act*;
  - (b) through submission to a Collection Agency; or
  - (c) by adding the amount to the taxes on the property on which the work is done in accordance with Section 369 of *The Municipalities Act*.

### **Severability**

21. In the event that any portion of this Bylaw is declared to be ultra vires by a Court of competent jurisdiction, then such portion shall be deemed to be severed from the Bylaw to that extent and the remainder of the Bylaw shall continue in force and effect.

### **Compliance With Other Statutes and Bylaws**

22. This Bylaw is not intended to relieve any person from complying with any other statute, regulation or Bylaw relating to building construction and repair, fire safety or public health.

### **Repeal of Former Bylaws**

23. Bylaw No. 626/91 is hereby repealed.

### **Coming Into Force**

24. This Bylaw shall come into force on final passing thereof.



*Lenis Harper*  
\_\_\_\_\_  
Mayor

*E*

\_\_\_\_\_  
Chief Administrative Officer

Read a third time and  
finally adopted this  
28 day of October, 2019.

Certified a True Copy of  
Bylaw 1090/19 Adopted by  
Resolution of Council this  
28 day of October, 2019.

\_\_\_\_\_  
Chief Administrative Officer

**SCHEDULE A – NOTICE OF VIOLATION**

*[Faint handwritten signature]*





TOWN OF NIPAWIN MUNICIPAL ENFORCEMENT

**NOTICE OF VIOLATION**  
**AVOID PROSECUTION BY PAYING PROMPTLY**

TICKET NO. \_\_\_\_\_

DD	MM	YY
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NAME: \_\_\_\_\_  
(Last) (First) (Other)

ADDRESS: \_\_\_\_\_  
(Street) (Box) (City) (Province) (Postal Code)

On or about the \_\_\_ day of \_\_\_\_\_, 20\_\_\_ at Nipawin, Saskatchewan at \_\_\_\_\_ AM / PM  
(Time)

Did unlawfully commit the following offence under:

Bylaw No. \_\_\_\_\_ Section No: \_\_\_\_\_ at or near \_\_\_\_\_  
(Location)

Description of Offence: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- Violation** \*To Avoid Prosecution, payment must be made.       **Warning Only** \*No further payment or action required.

If the TOWN OF NIPAWIN receives your payment **within 15 calendar days** from the date above, the amount to be paid is: \$ \_\_\_\_\_

**PENALTY: After 15 calendar days the Penalty Sum that must be paid for the above infraction is: \$ \_\_\_\_\_**

Payment must be made within 30 calendar days from the issue date to avoid collections.

Make	Model	Color	Year	Vehicle Plate or VIN No.	Prov.	Exp.	VEHICLE
OWNER'S NAME <small>(if different from above)</small>							
<small>(Last)</small>		<small>(First)</small>		<small>(Other)</small>			
OWNER'S ADDRESS <small>(if different from above)</small>							
<small>(Address)</small>		<small>(City/Town)</small>		<small>(Province)</small>		<small>(Postal Code)</small>	

I, \_\_\_\_\_, a Designated Officer authorized to issue this ticket for this jurisdiction,  
(print)

CERTIFY that I did: on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, issue this ticket.

\_\_\_\_\_  
*Signature of Designated Officer*

**PAYMENT OPTIONS:**

Payment can be made in person or by mail at the following address:

Payment In Person:  
 Town Office, 210 2<sup>nd</sup> Avenue East,  
 Nipawin, Saskatchewan

Payment by Mail to:  
 Town of Nipawin co/ Bylaw Enforcement  
 PO Box 2134  
 Nipawin, SK S0E 1E0  
 Attention: FINE PAYMENTS

- \* If paying by mail, please reference your Ticket number.
- \* Cheques must be made payable to the Town of Nipawin.
- \* The Town of Nipawin assumes no responsibility for cash sent through the mail.

**If you have any questions relating to this ticket, please call the Town of Nipawin at 306-862-9866**

**SCHEDULE B – NOTICE OF PENDING COLLECTIONS**

[DATE]

[Name]

[Mailing Address]

Town of Nipawin, [Postal Code]



**Re: NOTICE OF PENDING COLLECTIONS FOR NOTICE OF VIOLATION TICKET NO. \_\_\_\_\_**

Dear Sir or Madam,

WHEREAS it is alleged that you, on or about the \_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, in the Town of Nipawin in the Province of Saskatchewan, did

[INSERT DESCRIPTION OF OFFENCE: Example: UNLAWFULLY FAIL TO PREVENT UNTIDY AND UNSIGHTLY PROPERTY PURSUANT TO BYLAW 'X'.]

TO AVOID COLLECTIONS, PAYMENT OF [FULL AMOUNT OF PENALTY] MUST BE MADE BEFORE [30 DAYS AFTER DATE OF THIS LETTER]

Ticket Number: [001234]  
Penalty Sum: \$ \_\_\_\_\_  
Service Fee: \$ \_\_\_\_\_  
Balance Due: \$ \_\_\_\_\_

If left unpaid and the fine is in default, a late payment charge may be added to the fine amount.

**PAYMENT OPTIONS:**

Payment can be made in person or by mail at the following address:

Payment In Person:  
Town Office  
210 2<sup>nd</sup> Avenue East  
Nipawin, SK S0E 1E0

Payment by Mail to:  
Town of Nipawin, co/ Bylaw Enforcement  
PO Box 2134  
Nipawin, SK S0E 1E0  
Attention: FINE PAYMENTS

- \* If paying by mail, please reference your Ticket number.
- \* Cheques must be made payable to the Town of Nipawin.
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**If you have any questions relating to this ticket, please call the Town of Nipawin at 306-862-9866**

