

THE CITY OF MELFORT
BYLAW NO. 2020-01

The General Penalty & Enforcement Bylaw

The Council of the City of Melfort enacts:

Title

1. This Bylaw may be cited as The General Penalty & Enforcement Bylaw.

Purpose

2. The purpose of this Bylaw is to establish penalties and enforcement procedures for contravention of bylaws in The City of Melfort.

Application

3. The penalties and enforcement procedures in this Bylaw shall apply with respect to contravention of any bylaw of The City of Melfort, unless a different penalty or procedure is otherwise specified in another bylaw.

General Penalty

4. Every person who contravenes any provision of a bylaw of The City of Melfort 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 \$10,000 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 \$25,000 for each day during which the offence continues.

Notices of Violation and Bylaw Adjudication

5. If a person is determined to have violated a Bylaw of the City of Melfort, a Bylaw Officer may issue a Violation Notice, specific to the Bylaw and Section that was violated.
6. The Violation Notice will indicate the penalty amount owed and any reduced amount for early payment as specified in the referenced Bylaw.
7. A Bylaw Adjudication Committee shall be established to hear grievances concerning Notices of Violation. This Committee shall consist of the Deputy Mayor or alternate Councillor, the City Manager or designate and the Director of Protective Services or designate.

8. The Violation Notice will also indicate the date / time of the next sitting of the Bylaw Adjudication Committee after the expiration of the time period indicated on the Violation Notice.
9. The recipient of a Violation Notice, that wishes to contest the issuance of such notice is required to pre-register at City Hall no later than 48 hours prior to the date indicated, then attend the hearing of the Bylaw Adjudication Committee.
10. After hearing the evidence presented, the Bylaw Adjudication Committee will issue a decision in writing to both the City and the Complainant. The decision is final and binding.
11. Penalty amounts that remain outstanding after the expiration of the time indicated on the Violation Notice, or after the date specified on the Bylaw Adjudication Committee decision correspondence will be forwarded to a Collections Agency for recovery.

Order for Compliance

12. (1) If a person is found guilty of an offence against any bylaw of the City of Melfort, the court may, in addition to any other penalty imposed, order the person to comply with the bylaw or a license, permit or other authorization issued under the bylaw, or a term or condition of any of them.
- (2) A person to whom an order is made pursuant to subsection (1) who fails to comply with that order within the time specified by the court 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 non-compliance 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 non-compliance continues.

Inspections

13. (1) The inspection of property by a bylaw officer to determine if a bylaw is being complied with is hereby authorized for all bylaws of the City of Melfort.
- (2) Every inspection shall be carried out in accordance with the provisions of *The Cities Act*.

Voluntary Payments

14. (1) The due date for voluntary payment of bylaw violations shall be the date as indicated on the Bylaw Violation Notice.

Obstruction, Tampering Prohibited

- 15. (1) No person shall obstruct a bylaw officer who is authorized to conduct an inspection pursuant to section 13 or a person who is assisting a bylaw officer.
- (2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to the penalties prescribed in this Bylaw.

- 16. The General Penalty Bylaw, No. 2006-17 is repealed.

coming Into Force

- 17. This Bylaw shall come into force on the day of its final passing.

Read a first time this 9th day of March, 2020.

Read a second time this 9th day of March, 2020.

Read a third time and passed this 9th day of March, 2020.

Mayor

City Clerk

SEAL

CERTIFIED a true copy of Bylaw No.
adopted by resolution of Council on the 9th
day of March, 2020

City Clerk