

**R.M. OF FRENCHMAN BUTTE NO. 501  
BYLAW NO 2018-18**

**GENERAL PENALTY BYLAW**

A BYLAW OF THE RURAL MUNICIPALITY OF FRENCHMAN BUTTE NO. 501 TO PROVIDE FOR THE ENFORCEMENT OF THE BYLAWS OF THE MUNICIPALITY.

The Council of the Rural Municipality of Frenchman Butte No. 501 in the Province of Saskatchewan, enacts as follows:

Introduction

1. This Bylaw shall be known and may be cited as The General Penalty Bylaw.
2. The purpose of this Bylaw is to establish penalties and enforcement procedures for contraventions of bylaws within the Rural Municipality of Frenchman Butte No. 501.
3. The penalties and enforcement procedures in this bylaw shall apply with respect to contraventions of any bylaw in the Rural Municipality of Frenchman Butte No. 501, unless a different penalty or procedure is otherwise specified in another bylaw.

General Penalties

4. Every person who contravenes any provision of a bylaw of the Rural Municipality of Frenchman Butte No. 501 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.
5. The court may, in default of payment of a fine imposed under this or any other bylaw of the Rural Municipality of Frenchman Butte No. 501, order imprisonment of an individual for a term not exceeding one year.

Penalties in Addition to Fines

6. If a person is found guilty of an offence against any bylaw of the Rural Municipality of Frenchman Butte No. 501, 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

7.
  - (a) If a person is found guilty of an offence against any bylaw of the Rural Municipality of Frenchman Butte No. 501, 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.
  - (b) A person to whom an order is made pursuant to subsection a) 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.

## Inspections

8. (a) The inspection of property by a bylaw inspector or designated officer to determine if a bylaw is being complied with is hereby authorized for all bylaws of the Rural Municipality of Frenchman Butte No. 501.
- (b) Every inspection shall be carried out in accordance with the provisions of *The Municipalities Act*.

## Obstruction, Tampering Prohibited:

9. (a) No person shall obstruct a bylaw inspector or a designated officer who is authorized to conduct an inspection pursuant to Section 8 or a person who is assisting a bylaw inspector or designated officer.
- (b) Every person who contravenes subsection a) is guilty of an offence and liable on summary conviction to the penalties prescribed in this bylaw.

## Service of Documents and Voluntary Payment

10. (a) Any notice, order or other document required by this Bylaw to be given or served may be served:
  - (i) personally;
  - (ii) by registered mail to the last known address of the person being served;
  - (iii) by hand delivering a copy of the notice, order or document to the last known address of the person being served; or
  - (iv) by posting a copy of the notice, order or document at the land, building or structure or on a vehicle to which the notice, order or document relates.
- (b) A notice, order or document is deemed to have been served:
  - (i) on the tenth business day after the date of mailing if the notice is mailed, or the delivery date shown on the signed post office receipt card if it is a date earlier than the tenth business day after the date of its mailing; or
  - (ii) on the day after the date of delivery or posting if the notice is served in accordance with subsection 10(a)(iii) or (iv).
- (c) A Bylaw Violation Notice shall be in the form determined by the Rural Municipality of Frenchman Butte No. 501 and shall state the section of the specific bylaw which was contravened and the fine which will be accepted by the Municipality in lieu of prosecution.
- (d) Upon production of a Bylaw Violation Notice issued pursuant to this section within thirty (30) days of the issue thereof, together with the payment of the fee as provided in the Bylaw Violation Notice at the office of the Rural Municipality of Frenchman Butte No. 501, the person who violated the bylaw shall not be liable for prosecution for the contravention in respect of which the ticket was issued.
- (e) Where any person fails to exercise the voluntary payment option provided for in this bylaw, in addition to any fine sought by the Rural Municipality of Frenchman Butte No. 501 upon conviction for the offence, a further administrative fee of \$60.00 will be payable by that person to the Rural Municipality of Frenchman Butte No. 501 for the issuing of a summons or other process.
- (f) Where any person contravenes the same provision of a Rural Municipality of Frenchman Butte No. 501 bylaw two or more times within one twelve month period, the specified penalty payable in respect of the second or subsequent provision shall be doubled.

*Bmn*

- (g) Notwithstanding the provisions of this section, a person to whom a ticket has been issued pursuant to this bylaw may exercise his or her right to defend any charge of committing a contravention of any of the provisions of a Rural Municipality of Frenchman Butte No. 501 bylaw.

Severability

11. If any section, subsection, sentence, clause, phrase or other portion of this bylaw is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portions of the bylaw.

Repeal

12. This Bylaw repeals Bylaw 2012-01 and Bylaw 48.

Read a third time and adopted  
This 12<sup>th</sup> day of September, 2018.



  
Reeve

  
Chief Administrative Officer



