

**RESORT VILLAGE OF KANNATA VALLEY
PENALTY BYLAW
Bylaw 65.2**

The Council of the Resort Village of Kannata Valley in the Province of Saskatchewan enacts the following articles and provisions:

PURPOSE

1. The purpose of this bylaw is to establish a policy to deal with a person or business that contravenes provisions of municipal bylaws.

DEFINITION OF TERMS

2. The following definitions and the definitions contained in the Act apply to this Bylaw

Act	the Municipalities Act
Administrator	the person appointed by council to perform defined administrative functions.
Municipality	the Resort Village of Kannata Valley
Council	the administrative body of the Municipality comprised of a mayor and councillors.
Councillor	an elected member of council other than the mayor
Owner	the person(s) or corporation listed as owner of private property in the municipality
Occupant	the person(s) using property in the municipality as owner or leaseholder
Ratepayer	the owner(s) of property in the municipality
Business	a commercial, merchandising, trade or occupation activity providing goods and services
Property	land or improvements or both
Designated Officer (DO)	a person to whom power and authority is designated by council
Person	any member of the public or business owner affected by a matter under consideration
Visitor	a person or persons who are the guests of an owner or occupant
Emergency	where there is imminent danger to public safety or of serious harm to property

GENERAL PROVISIONS

3. Where a person contravenes a provision of any bylaw of the municipality, a designated officer may serve on that person or business a *Notice of Violation* and/or an *Order to Remedy* indicating the particulars of the bylaw(s) breached, the action(s) required to remedy the contravention and the penalty assessed.
4. Where the person referred to in *Article 3* is the owner or occupant, the *Notice of Violation* and/or an *Order to Remedy* may be served on the owner.
5. Where the person referred to in *Article 3* is a visitor of an owner or occupant, the *Notice of Violation* and/or an *Order to Remedy* may be served on the owner.
6. Where the person referred to in *Article 3* is in the municipality with the consent, invitation or contract of an owner or occupant, the *Notice of Violation* and/or an *Order to Remedy* may be served on the owner.
7. In an emergency, the municipality may take whatever action or measures necessary to eliminate the emergency prior to serving any *Notice or Order* and to recover all costs and expenses of such action from the referenced owner.
8. The designated officer may not enter any place that is a private dwelling without the consent of the owner or occupant of the private dwelling or a warrant authorizes the entry.
9. Where a person referred to in *Article 3* fails to remedy a contravention in response to a *Notice or Order*, the municipality may take whatever action or measures necessary to remedy the contravention(s) and to recover all cost and expenses of such action from the referenced owner.
10. **Penalties** referred to in *Article 3* shall be based on the following schedule:
 - a. Up to \$ 1000.00 penalty for the first offence
 - b. Up to \$ 5000.00 penalty for any subsequent offences

- 11. In addition to the penalty assessed as scheduled in *Article 10*, a penalty of up to \$10.00 per day may be assessed for each day the offence continues until that person or business complies with the provisions of a *Notice or Order*.
- 12. A person may appeal a *Notice or Order* within 15 days of the date of the *Notice or Order* to the council of the municipality in compliance with Section 365 of the Act.
- 13. Where the person referred to in *Article 3, 4, 5 or 6* above does not pay the prescribed penalty as set forth under this bylaw, the penalty, the costs incurred by the municipality in remedying a contravention of a bylaw and the fees and expenses to register an interest against the title of the land referred to in *Article 3, 4, 5 or 6* may be applied to and form part of the municipal property taxes of the referenced owner.
- 14. The municipality may give notice of the existence of an interest *registered* against the title of the land to the owner referred to in *Article 13*.

SEVERABILITY

- 15. A decision of a court that one or more provisions of this bylaw are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this bylaw

REFERENCE BYLAWS

- 16. Bylaws # 3, 39, 65 & 65.1 are hereby repealed.

FORMS

- 17. The following forms included in Appendix A of this bylaw may be used in the administration of this bylaw:
 - Form 2 – Notice of Violation

EFFECTIVE DATE

- 18. This bylaw comes into force and takes effect immediately after having received third reading.

Resolution R140/14, first reading of Bylaw 64.2, "CARRIED" at the Jan.5, 2015 regular council meeting
 Resolution R1/15, second reading of Bylaw 64.2 "CARRIED" at the Feb.16, 2015 regular council meeting.
 Resolution R3/15, third reading of Bylaw 64.2 "CARRIED" at the Feb.16, 2015 regular council meeting.

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 Mayor: Ken MacDonald

Seal
 Administrator: Jack McHardy