

PART 10: CONTRAVENTION, VIOLATIONS AND PENALTIES

10.1 General

1. The enforcement powers granted to the Development Officer under this Bylaw are in addition to any enforcement powers the City or any of its officers may have under the Municipal Government Act or any other applicable legislation. The Development Officer may exercise all such powers concurrently.
2. The Council of the City shall from time to time, taking into account social and economic factors including the resources available to it and the various demands made upon those resources by the residents of the City, allocate resources to the Development Manager of the Development Services Department, who shall then determine the extent of enforcement made under this Bylaw so as to optimize use of those resources.

10.2 Violation Notices

1. If a Development Officer or Enforcement Official finds a violation of this Bylaw, the City shall notify either the owner of the land, the building or the structure, the person in possession of the land, building or structure, the person responsible for the violation or any or all of them, of the contravention of this bylaw, by:
 - a. issuing them an order under Subsection 10.4; and/or
 - b. delivering a violation notice delivered either in person or by ordinary mail:
 - i. to the owner of the land, building or structure at the address listed on the tax roll for the land in question; or
 - ii. to the owner of the sign, at a location where the owner carries on business; or
 - iii. in the case of non-fixed signs, verbal notification to the sign owner; or
 - iv. by delivering a violation notice in person to the sign owner or by ordinary mail or by facsimile to an address where the sign owner carries on business.
 - c. such notice shall state the following:

- i. nature of the violation of this bylaw;
- ii. corrective measures required to comply with this bylaw; and
- iii. time within which such corrective measures must be performed.

10.3 Offences

1. Any owner, lessee, tenant or occupant of land, a building, a structure or a sign thereon, who, with respect to such land, building, structure:
 - a. contravenes this bylaw; or,
 - b. causes, allows or permits a contravention of any provision of this bylaw;commits an offence.
2. It is an offence for any person;
 - a. to construct a building or structure;
 - b. to make an addition or alteration thereto; or
 - c. to place a sign;
 - d. to place a Fence; or
 - e. to commence excavation on a site;

for which a development permit is required but has not been issued or is not valid under this bylaw.
3. If the corrective measures described in a violation notice issued pursuant to Subsection 10.2 are not completed within the time specified by the violation notice, the person to whom the violation notice was issued is guilty of an offence and will be issued a violation ticket and shall pay the penalty amount specified in Schedule 10A to the City.
4. It is an offence to display a non-fixed sign or fixed sign without a valid development permit.
5. It is an offence to have a sign in an abandoned state on a site.

6. It is an offence to use any property or building without a valid development permit where the use is listed as a permitted or discretionary use in the zoning classification regulations.
7. It is an offence to use any property or building without a valid development permit where the use is not listed as a permitted or discretionary use in the zoning classification regulations, unless the use is deemed to be legal non-conforming;
8. It is an offence to continue with a use or a development after a development permit has been revoked.
9. It is an offence to continue with a use or a development after a development permit has expired.
10. It is an offence to have a non-fixed sign that does not conform to sign regulations.
11. If a person does not comply with an order issued pursuant to this bylaw, or obstructs or hinders any person in exercise of the person's powers granted to them under this bylaw, such person is guilty of an offence and subject to penalties as prescribed by the Court.

10.4 Orders

1. If a Development Officer finds that a development, or land use or use of a building is not in accordance with:
 - a. the Act or regulations under the Act;
 - b. a development permit or a condition thereof;
 - c. a subdivision approval or condition thereof;
 - d. an agreement pursuant to a development permit or a subdivision approval;
 - e. this Land Use Bylaw, or
 - f. a violation ticket issued under this Part
2. the Development Authority may, by written notice, order the owner, the person in possession of the land or building or the person responsible for the contravention of all or any of them to:

- a. stop the development or use of the land or building in whole or in part as directed by the notice,
- b. demolish, remove or replace the development, or
- c. carry out other actions required by the notice so that the development or use of the land or building complies with the Act, regulations under Part 17 of the Act, this Land Use Bylaw, a development permit or subdivision approval within the time specified by the notice.

10.5 Enforcement of Orders

1. If a person fails or refuses to comply with:
 - a. an order directed to the person under Section 645 of the Act,
 - b. an order of the Subdivision and Development Appeal Board under Section 687 of the Act,

the City may, in accordance with Section 542 of the Act, enter onto the land or building and take any necessary action to carry out an order.
2. The City may register a caveat under the Land Titles Act with respect to the order, where a person fails or refuses to comply with the order, against the certificate of title for the land that is subject of the order.
3. Where the Council or a person acting under the authority of this bylaw carries out an order under Section 646 of the Act, the expense and costs occurred in carrying out the order will be added to the tax roll of the parcel of land and deemed to be a tax from the date it was added to the tax roll and form a special lien against the parcel of land in favour of the City.
4. If a person does not comply with an order issued pursuant to this bylaw, or obstructs or hinders any person in exercise of the person's powers granted to them under this bylaw, such person is guilty of an offence and subject to penalties as prescribed by the Court.

10.6 Penalties

1. A person who is found guilty of non-compliance with an order is liable to a fine of not more than \$10,000, or to imprisonment for not more than one year, or to both fine and imprisonment.
2. Penalties imposed on a conviction of non-compliance with an order under this Bylaw are an amount owing to the City.

10.7 Court Order to Comply

1. If a person is found guilty of a non-compliance with an order, the court may, in addition to any other penalty imposed, order the person to comply with:
 - a. this Land Use Bylaw;
 - b. an order issued pursuant to this Bylaw;
 - c. a development permit or a condition of a development permit;
 - d. a subdivision approval or a condition of subdivision approval;
 - e. an agreement pursuant to a development permit or a subdivision approval;
 - f. a decision of the Subdivision and Development Appeal Board; or
 - g. a decision of the Municipal Government Board respecting a subdivision.

10.8 Cancellation of Permit

1. The Development Officer may revoke a development permit where any person undertakes or causes or permits any development on a site contrary to the development permit.
2. The Development Officer shall notify the development permit holder and the owner of the land, building, structure or sign (if not the same) of the cancellation of the development permit. The revocation is effective upon receipt of the notice by the development permit holder.
3. Any person who undertakes, causes or allows any development after a development permit has been revoked, shall discontinue such development forthwith and shall not resume such development unless a new development permit has been issued.
4. All developments continuing after the development permit has been revoked shall be deemed to be developments occurring without a development permit under this Section.
5. The Development Officer may cancel a development permit where required fees have not been received.

Schedule 10A – Fines for Offences

1. The following table indicates the fines for offences outlined in Subsection 10.3

Failure to Comply with Violation Notice	10.3(3)	
First Offence		\$500.00
Second Offence		\$1000.00
Third and Subsequent Offences		\$2000.00
Failing to obtain a Development Permit prior to development	10.3(2)	
First Offence		\$250.00
Second Offence		\$500.00
Third and Subsequent Offences		\$1000.00
Failing to obtain a Development Permit prior to commencing with a permitted or discretionary use of a property or building	10.3(6)	
First Offence		\$250.00
Second Offence		\$500.00
Third and Subsequent Offences		\$1000.00
Failing to obtain a Development Permit prior to commencing excavation	10.3(3)e	
First Offence		\$500.00
Second Offence		\$1000.00
Third and Subsequent Offences		\$2000.00
Using a building or a property for a use that is not a permitted or discretionary use	10.3(7)	
First Offence		\$500.00
Second Offence		\$1000.00
Third and Subsequent Offences		\$2000.00
Placement of a Sign without a valid development permit	10.3(2)c	
First Offence		\$250.00
Second Offence		\$500.00
Third and Subsequent Offences		\$1000.00
Displaying a Sign without a valid development permit	10.3(4)	
First Offence		\$100.00
Second Offence		\$200.00
Third and Subsequent Offences		\$400.00
Having an abandoned sign on a property	10.3(5)	
First Offence		\$100.00
Second Offence		\$200.00
Third and Subsequent Offences		\$400.00
Commencing with construction of a building, or structure without a valid Development Permit	10.3.(2)a	
First Offence		\$250.00
Second Offence		\$500.00
Third and Subsequent Offences		\$1000.00
Continuing with a Use or Development with an expired Development Permit	10.3(9)	

First Offence		\$250.00
Second Offence		\$500.00
Third and Subsequent Offences		\$1000.00
Continuing with a Use or Development After Revocation of the Development Permit	10.3(8)	
First Offence		\$500.00
Second Offence		\$1000.00
Third and Subsequent Offences		\$2000.00
Non compliance of a non-fixed sign with any prescribed regulations	10.3(10)	
First Offence		\$100.00
Second Offence		\$200.00