

CITY OF YORKTON BYLAW NO. 22/2018

**A BYLAW OF THE CITY OF YORKTON IN THE
PROVINCE OF SASKATCHEWAN TO PROVIDE
FOR PENALTIES FOR CONTRAVENTION OF
BYLAWS AND COURT SUMMONS PROCESS**

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available for the Office of the City Clerk and must be consulted for purposed of interpretation and application of the law.

**CITY OF YORKTON
SASKATCHEWAN**

BYLAW NO. 22/2018

**A BYLAW OF THE CITY OF YORKTON TO PROVIDE FOR PENALITIES FOR
CONTRAVENTION OF BYLAWS AND COURT SUMMONS PROCESS**

The Council of the City of Yorkton in the Province of Saskatchewan enacts as follows:

1. Citation

This bylaw may be cited as the General Penalties Bylaw.

2. Governing Legislation

The Cities Act (The Act) shall prevail in all circumstances where there might arise a conflict between The Act and the General Penalties Bylaw.

3. Purpose

The purpose of this bylaw is to establish processes for:

- a) issuing Notices of Violation and penalties to people who contravene bylaws established by the City of Yorkton (The City);
- b) receiving voluntary payments for Notices of Violation issued to people; and
- c) servicing Certificate of Offence and Summons to people who choose not to voluntarily pay for a Notice of Violation.

4. Authorities

Any police officer, peace officer, Community Safety Officer, Bylaw Officer or person duly authorized by Council specifically, is hereby designated the authority to enforce all bylaws of The City.

5. Contraventions

- i. No person shall:
 - a) contravene or fail to comply with a provision of any bylaw of The City;
 - b) obstruct or interfere with a police officer, peace officer, Community Safety Officer, Bylaw Officer or person duly authorized by Council engaged in exercising on behalf of The City any of the powers conferred by a bylaw of The City; or
 - c) destroy, pull down, alter or interfere with any work carried out by a bylaw of The City.
- ii. Any person who contravenes any bylaw of The City shall be served a “Notice of Violation” with either valid option available as set out in Schedule “A”.

- iii. Every person who contravenes a bylaw of The City is guilty of an offence and is liable on summary conviction, with respect to the contravention of that bylaw, to the penalty specified in the bylaw
- iv. Every person who contravenes a bylaw of The City where a bylaw does not specify a penalty, is guilty of an offence and is liable on summary conviction, with respect to the contravention of that bylaw as follows:
 - a) in the case of an individual, a fine not more than \$10,000.00;
 - b) in the case of a corporation, a fine not more than \$25,000.00;
 - c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500.00 for each day or part of a day during which the offence continues.
- v. If a corporation commits an offence described in this section, 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 mentioned in this section in the case of individuals, whether or not the corporation has been prosecuted or convicted.

6. Service of Notice of Violation

Where any person has committed or is alleged to have committed a breach or contravention of any of the provisions of any bylaw of The City, a Notice of Violation or Summons may be served on such person by a police officer, peace officer, Community Safety Officer, Bylaw Officer or person duly authorized by Council. Service of such Notice of Violation or Summons may be made by:

- i. attaching the Notice of Violation or Summons to the vehicle, structure, or place in respect of which a breach or contravention has been committed;
- ii. mailing such Notice of Violation or Summons addressed to the registered owner of said vehicle, structure or place; or
- iii. any other means of service required or allowed by law.

7. Payment

- i. Such person served with a Notice of Violation or Summons, shall pay same to The City within ten (10) days from the service date of the said Notice of Violation or Summons. If payment is made within such timeframe and accepted, then that person shall not be liable to prosecution for the offence.
- ii. Where payment of any Parking Violation is left outstanding beyond a twenty (20) day period, from the time of issuance of the Notice of Violation, The City shall proceed and serve the accused with a Parking Summons as per Schedule "B" as amended from time to time.

- iii. Where payment of any violation, other than a Parking Violation, is left outstanding beyond a twenty (20) day period from the time of issuance of the Notice of Violation, The City shall proceed and serve the accused with a Certificate of Offence and Summons as per Schedule “C” as amended from time to time.
- iv. Any penalty sum (fine and victims surcharge) imposed as a result of a violation that is prosecuted and subsequently convicted, by a court of competent jurisdiction, shall be paid within fifteen (15) days of the conviction, unless such other deadline is imposed by a judge of the court. If any person fails to pay a Penalty Sum within fifteen (15) days after conviction is rendered, an additional fifty dollars shall be added to the total outstanding amount.

8. Severability

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.

9. Repealing Bylaw

Bylaw No. 9/2003 passed on the 13th day of January, 2003 and all amendments thereto are hereby repealed.

10. Effective Date of Bylaw

This bylaw shall come into force and take effect on the day of final passing thereof.

MAYOR

CITY CLERK

Introduced and read a first time this ____ day of _____, A.D., 2018.

Read a second time this ____ day of _____, A.D., 2018.

Read a third time and adopted this ____ day of _____, A.D., 2018.

Schedule A

Option 1

Option 2

CITY OF YORKTON

NOTICE OF VIOLATION

AVOID PROSECUTION BY PAYING PROMPTLY

73800	DAY	MO.	YR.	:	A.M.
TICKET NO.	DATE			:	P.M.

LOCATION

LICENCE NO.	VEHICLE DESCRIPTION	MAKE	MODEL	COLOUR
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BYLAW NO.	<input type="checkbox"/> OVER PARKING	METER NO.
	<input type="checkbox"/> PARKING ON YELLOW LINE	
	<input type="checkbox"/> PARKED IN HANDICAPPED STALL	
	<input type="checkbox"/> IMPROPER PARKING	

OTHER - SECTION

OFFICER

REMARKS:

PENALTY	✓	PAY PENALTY AMOUNT INDICATED OR:
\$25.00		IF PAYMENT IS MADE WITHIN TEN CALENDAR DAYS OF ISSUE DATE PAY → \$10.00
\$30.00		IF PAYMENT IS MADE WITHIN TEN CALENDAR DAYS OF ISSUE DATE PAY → \$15.00
\$40.00		IF PAYMENT IS MADE WITHIN TEN CALENDAR DAYS OF ISSUE DATE PAY → \$25.00
\$45.00		IF PAYMENT IS MADE WITHIN TEN CALENDAR DAYS OF ISSUE DATE PAY → \$30.00
\$		IF PAYMENT IS MADE WITHIN TEN CALENDAR DAYS OF ISSUE DATE PAY → \$

PENALTY MAY BE PAID IN PERSON AT CASHIER'S WICKET, CITY HALL, OR BY MAIL. MAKE CHEQUE OR MONEY ORDER PAYABLE TO: CITY OF YORKTON. DO NOT REMIT CASH THROUGH MAIL. AFTER HOURS - DEPOSITING SERVICE AVAILABLE AT CITY HALL. THIS TICKET MUST ACCOMPANY PAYMENT.



CITY OF YORKTON Bylaw Violation Notice

TICKET
No 1004

NAME (PRINT) (LAST) (FIRST) (OTHER)

ADDRESS (PRINT) (STREET) DATE OF BIRTH DAY MO YEAR

(CITY) (PROVINCE) (POSTAL CODE)

On, or about the _____ day of _____, 20____ at YORKTON, at _____ (YEAR) (SASKATCHEWAN) (TIME) M

DID UNLAWFULLY COMMIT THE FOLLOWING OFFENCE UNDER SECTION NO. _____ OF THE

- | | |
|---|--|
| <input type="checkbox"/> Animal Control - Bylaw # _____ | <input type="checkbox"/> Noise Abatement - Bylaw # _____ |
| <input type="checkbox"/> Business License - Bylaw # _____ | <input type="checkbox"/> Snowmobile Trail - Bylaw # _____ |
| <input type="checkbox"/> Cat Control - Bylaw # _____ | <input type="checkbox"/> Traffic - Bylaw # _____ |
| <input type="checkbox"/> Junk Vehicle - Bylaw # _____ | <input type="checkbox"/> Unightly Premises - Bylaw # _____ |
| <input type="checkbox"/> Other _____ | |

Description of Offence _____

Vehicle Description (If Related To Violation)

Make _____ Model _____ Colour _____ Licence _____ Prov. _____

PENALTY

PAY PENALTY AMOUNT INDICATED, WITHIN TWENTY DAYS, OR A SUMMONS WILL BE ISSUED AND A COURT APPEARANCE WILL BE REQUIRED

\$ _____ (Amount)

PAY AMOUNT INDICATED OR:	
	IF PAYMENT IS MADE WITHIN _____ DAYS OF ISSUE DATE PAY →

DISTRIBUTION
White - Treasurers
Canary - Violator
Pink - File Copy

(Dept. No.)

Peace Officer / Bylaw Control Officer

(Signature)

Schedule B – Parking Summons



Summons No: <Sum No>
Ticket No: <Ticket
Payment Due: <Ticket

PARKING SUMMONS
SUMMONS TO A PERSON
CHARGED WITH AN OFFENCE

Pursuant to Part V of *The Summary Offences Procedure Act, 1990*

SUMMONS

ON BEHALF OF HER MAJESTY THE QUEEN IN THE PROVINCE OF SASKATCHEWAN, <BYLAW ENFORCEMENT OFFICER>, YORKTON PEACE OFFICER, DECLARES THAT HE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT:

<Name>
<Address Line 1>
<Address Line 2, City, Province, Postal Code> Date of Birth: <Birth date>

WHEREAS, you have, this day, been charged before me that you, on or about, <ticket date> at Yorkton in the Province of Saskatchewan did:
<Bylaw Description>

TO WIT: Saskatchewan License No. <License Plate No>, at <Violation Location>, on <ticket date>

YOU ARE REQUIRED TO TAKE ONE OF THE FOLLOWING ACTIONS:

- A) To pay the voluntary specified Penalty Sum listed below at least three working days prior to the court appearance date set out in B); OR
- B) To appear before the presiding Judge of the Provincial Court of Saskatchewan at 120 Smith Street East, on <Court Date>, <Court time> to answer to the above charge and be further dealt with according to law, AND

YOU ARE WARNED that if you fail to respond to this notice by the court appearance date shown above, you will be deemed not to wish to dispute the charge and:

- A) A Justice will enter a conviction in your absence resulting in a fine to be paid within 15 days of the Conviction.
- B) If the fine is not paid, the City may take a variety of actions in order to enforce payment, including but not limited to immobilizing your vehicle, placing a lien on your vehicle, seizing and selling your vehicle or requesting a Warrant of committal be issued.

Dated <Date of issue>
At Yorkton in the Province of Saskatchewan _____
Peace Officer

VOLUNTARY PAYMENT STUB

Please return this portion with Payment

Ticket Number	Court Appearance Date	Amount Due
<Ticket Number>	<Court Date> <Court Time>	<Ticket Amt>

If you pay the full specified amount set out above at least three working days prior to the court appearance date, you are not required to appear in court on your court appearance date. By making this voluntary payment you are pleading guilty to the charge against you as specified above.

Payment Options

MAIL City of Yorkton Box 400 Yorkton, SK S3N 2W3	IN PERSON City Hall 37 Third Ave N. 8:00 AM – 4:00 PM	24 HOUR DEPOSIT BOX At front entrance to City Hall
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Schedule C – Non Parking Summons



CERTIFICATE OF OFFENCE

ON BEHALF OF HER MAJESTY THE QUEEN IN THE PROVINCE OF SASKATCHEWAN, THE OFFICER AUTHORIZED TO ISSUE THE TICKET DECLARES THAT HE/SHE HAS REASONABLE GROUNDS TO BELIEVE AND DOES BELIEVE THAT:

Name: _____ Date of Birth: _____ (Last) (First) Year/Month/Day

Address: _____ (Street) (Box) (City) (Province) (Postal Code)

On or about the ____ day of _____, 20__ at _____, Saskatchewan (City)

Did lawfully commit the following offence under:

Bylaw No. _____ at or near _____ (Location)

Short title:

Animals Property Standards Traffic Noise Other _____

Description of Offence:

SUMMONS: Pursuant to THE SUMMARY OFFENCES PROCEDURES ACT and THE CITIES ACT. If you choose not to pay the amount shown on this ticket before your court date, or you intend to plead not guilty, you are summoned and commanded to appear in: Provincial Court, known as Yorkton Provincial Court, at 12 Smith Street E, Yorkton SK, on the ____ day of _____, 20__, at 9:30 AM, to answer to the above violation and be further dealt with according to the law. Drivers Licence No.: _____ Class: _____ Province: _____ Make: _____ Model: _____ Color: _____ Year: _____ Vehicle Plate or Vin No. _____ Province: _____ Expiry: _____ Owners Name and Address (If different from above): _____

Dated this ____ day of 20__, at the City of Yorkton, in the Province of Saskatchewan

Signature of Officer

CERTIFICATION OF PERSONAL SERVICE

I, _____, an employee of the City of Yorkton, certify that on the ____ day of _____, 20__, I did cause the part of this certificate constituting the summons to be served on the within named pursuant to Section 8 of The Summary Offences Procedures Act, 1990. I, _____, also certify that the Summons requires the within named to appear before the Presiding Justice of the Peace of the Provincial Court of Saskatchewan, at the Yorkton Provincial Court, 12 Smith Street, Yorkton SK, S3N OX6 on the ____ day of _____, 20__ at 9:30AM to answer to the charge.

Name

CERTIFICATION OF MAILED SERVICE

I, _____, an employee of the City of Yorkton, certify that after reasonable efforts to effect personal service of the within summon, that I did on the ____ day of _____, 20__, cause a summons setting out the particulars of this offence to be mailed to the within named at the above noted address by registered mail pursuant to Section 8 of The Summary Offences Procedures Act, 1990. I, _____, also certify that the summons requires the within named to appear before the Presiding Justice of the Peace of the Provincial Court of Saskatchewan at the Yorkton Provincial Court, 12 Smith Street, Yorkton SK, S3N OX6 on the ____ day of _____, 20__ at 9:30AM to answer to the charge.

Dated at the City of Yorkton, in the Province of Saskatchewan the ____ day of _____, 20__.

Name