

# **CITY OF YORKTON BYLAW NO. 9/2003**

## **Disclaimer:**

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

**CITY OF YORKTON  
SASKATCHEWAN**

**BYLAW NO. 9/2003**

**A BYLAW OF THE CITY OF YORKTON PROVIDING FOR THE IMPOSING  
OF PENALTIES FOR A BREACH OF ANY BYLAW OF THE CITY**

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The Council of the City of Yorkton enacts:

Title

1. This bylaw may be cited as The General Penalty and Enforcement Bylaw, 2003.

Purpose

2. The purpose of this bylaw is to establish penalties and enforcement procedures for contravention of bylaws in the City of Yorkton.

Application

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

General Offences and Penalties

4. (1) A person is guilty of an offence if the person contravenes or does not comply with:
  - (a) any provision of *The Cities Act* for which no other penalty is specifically provided; or
  - (b) an order pursuant to Section 328, 331 or 344 of *The Cities Act*.
- (2) Every person who contravenes any provision of a bylaw of the City of Yorkton is guilty of an offence and subject to Section 3, liable on summary conviction:
  - (a) in the case of an individual, to a fine of not less than \$100.00 and 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 of not less than \$100.00 and 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.

### Penalties in Addition to Fines

5. If a person is found guilty of an offence against any bylaw of the City of Yorkton, 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

6. (1) If a person is found guilty of an offence against any bylaw of the City of Yorkton, 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 6 (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 of not less than \$100.00 and 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 less than \$100.00 and 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

7. (1) 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 City of Yorkton.
  - (2) Every inspection shall be carried out in accordance with the provisions of *The Cities Act*.

### Obstruction, Tampering Prohibited

8. (1) No person shall obstruct a bylaw inspector or designated officer who is authorized to conduct an inspection pursuant to Section 7 or a person who is assisting a bylaw inspector or designated officer.

- (2) Every person who contravenes Subsection 8 (1) is guilty of an offence and liable on summary conviction to the penalties prescribed in this bylaw.

### Service of Documents and Voluntary Payment

9. (1) Any notice, order or other document required by this Bylaw to be given or served may be served:
  - (a) personally;
  - (b) by registered mail to the last known address of the person being served;
  - (c) by hand delivering a copy of the notice, order or document to the last known address of the person being served; or
  - (d) 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.
- (2) A notice, order or document served in accordance with Subsection 9 (1)(b) is deemed to have been served on the fifth day after the date of its mailing.
- (3) A notice, order or document served in accordance with Subsection 9 (1)(c) or (d) is deemed to have been served on the day after the date of its delivery or posting.
- (4) If service cannot be effected in accordance with Subsection 9 (1):
  - (a) the notice, order or other document may be served by publishing it in two issues of a newspaper circulating in the city; and
  - (b) for the purpose of Subsection (4)(a), the second publication must appear at least three days before any action is taken with respect to the matter to which the notice, order or document relates.
- (5) A Violation Notice Ticket shall be in such form as determined in Schedule "A" and shall state the section of the specific bylaw or provision of *The Cities Act* which was contravened and the fine which will be accepted by the City in lieu of prosecution.
- (6) Upon production of a Violation Notice Ticket issued pursuant to this section within twenty (20) days from the issue thereof, together with the payment of the fee as provided in this bylaw to the Director of Finance at City Hall, the person to whom the ticket was issued shall not be liable for prosecution for the contravention in respect of which the ticket was issued.
- (7) Where any person contravenes the same provision of a City of Yorkton Bylaw or *The Cities Act* two or more times within one twelve month period, the specified penalty payable in respect of the second contravention shall be doubled.

- (8) Notwithstanding the provisions of this section, a person to whom a ticket has been issued pursuant to this bylaw may exercise his right to defend any charge of committing a contravention of any of the provisions of a City of Yorkton Bylaw or *The Cities Act*.

Severability

10. 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.

Repealing Bylaw

11. Bylaw No. 1690 passed on the 27<sup>th</sup> day of May, 1968, and all amendments thereto are hereby repealed.

Effective Date of Bylaw

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

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MAYOR

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CITY CLERK

Introduced and read a first time this 13<sup>th</sup> day of January, A.D., 2003.

Read a second time this 13<sup>th</sup> day of January, A.D., 2003.

Read a third time and adopted this 13<sup>th</sup> day of January, A.D., 2003.

# SCHEDULE "A"

## *Bylaw Violation Notice*



### CITY OF YORKTON Bylaw Violation Notice

**TICKET**

No 351

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**

- Animal Control - Bylaw # \_\_\_\_\_
- Business License - Bylaw # \_\_\_\_\_
- Cat Control - Bylaw # \_\_\_\_\_
- Junk Vehicle - Bylaw # \_\_\_\_\_
- Noise Abatement - Bylaw # \_\_\_\_\_
- Snowmobile Trail - Bylaw # \_\_\_\_\_
- Traffic - Bylaw # \_\_\_\_\_
- Unsightly Premises - Bylaw # \_\_\_\_\_
- Other \_\_\_\_\_

Description of Offence \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

| Vehicle Description (If Related To Violation) |                      |                       |                        |                      |
|-----------------------------------------------|----------------------|-----------------------|------------------------|----------------------|
| <small>Make</small>                           | <small>Model</small> | <small>Colour</small> | <small>Licence</small> | <small>Prov.</small> |
|                                               |                      |                       |                        |                      |

|                                                                       |                                                                                                                                                                                                                                                                                                                                                                |                                         |  |  |  |                                                                       |  |
|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|--|--|--|-----------------------------------------------------------------------|--|
| <b>PENALTY</b>                                                        | PAY PENALTY AMOUNT INDICATED, WITHIN TWENTY DAYS, OR A SUMMONS WILL BE ISSUED AND A COURT APPEARANCE WILL BE REQUIRED                                                                                                                                                                                                                                          |                                         |  |  |  |                                                                       |  |
| \$ _____<br><small>(Amount)</small>                                   | <table border="1" style="margin: auto;"> <tr> <td colspan="2" style="text-align: center;"><small>PAY AMOUNT INDICATED OR:</small></td> </tr> <tr> <td style="width: 50%;"></td> <td style="width: 50%;"></td> </tr> <tr> <td colspan="2" style="text-align: center;"><small>IF PAYMENT IS MADE WITHIN _____ DAYS OF ISSUE DATE PAY</small></td> </tr> </table> | <small>PAY AMOUNT INDICATED OR:</small> |  |  |  | <small>IF PAYMENT IS MADE WITHIN _____ DAYS OF ISSUE DATE PAY</small> |  |
| <small>PAY AMOUNT INDICATED OR:</small>                               |                                                                                                                                                                                                                                                                                                                                                                |                                         |  |  |  |                                                                       |  |
|                                                                       |                                                                                                                                                                                                                                                                                                                                                                |                                         |  |  |  |                                                                       |  |
| <small>IF PAYMENT IS MADE WITHIN _____ DAYS OF ISSUE DATE PAY</small> |                                                                                                                                                                                                                                                                                                                                                                |                                         |  |  |  |                                                                       |  |

**DISTRIBUTION**  
 White - Treasurer  
 Canary - Violator  
 Pink - File Copy

|  |  |
|--|--|
|  |  |
|--|--|

(Dept. No.)

Peace Officer / Bylaw Control Officer  
 \_\_\_\_\_  
(Signature)