

**CONTRAVENTION: COMPLIANCE AND PENALTY**

20. **CONTRAVENTION**

(1) Where the Development Officer finds that a development or use of land or buildings is not in accordance with:

- (a) the Municipal Government Act, or
- (b) the Subdivision and Development Regulation, or
- (c) a Development Permit, or
- (d) a Subdivision Approval, or
- (e) a Land Use Bylaw,

the Development Officer, Administrative Subdivision and Development Approving Authority, or Municipal Planning Commission by resolution may in writing cancel the development permit and/or order the registered owner or the person in possession of the land or buildings, or the person responsible for the contravention of all or any of them to: (Bylaw 11/06) (Amended Bylaw LU 06/07)

- (a) stop the development or use of the land or building in whole or in part as directed by the notice, or
- (b) demolish, remove or replace the development, or
- (c) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Act, the Subdivision and Development Regulation, a Development Permit, a Subdivision Approval or a Land Use Bylaw, as the case may be, within the time specified by the notice.

(2) The Development Officer may by notice in writing suspend a development permit where development has occurred in contravention to the terms and conditions of the permit and/or Land Use Bylaw.

(3) A person who receives a notice referred to in Section 21(1) of this Bylaw may appeal to the Subdivision and Development Appeal Board pursuant to Section 685 of the Municipal Government Act.

(4) A person who is required to pay a higher processing fee pursuant to 5.15(1)(l) may appeal to the Municipal Planning Commission upon payment of an appeal fee established by Council. The appeal fee may be refunded at the discretion of the Municipal Planning Commission upon a successful appeal regarding the higher processing fee. (Bylaw 11/06)

21. **COMPLIANCE**

- (1) Where a person fails or refuses to comply with an order directed to him under Section 20(1) of this Bylaw or a decision of the Subdivision and Development Appeal Board, the Council may by resolution direct that the Development Officer;
  - (a) subject to the Municipal Government Act, enter upon the land or building and take such action as is necessary to carry out the order and the costs and expenses incurred shall be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on the land, or
  - (b) proceed to swear an information for an offense under this Bylaw.

22. **PENALTY**

- (1) Any person who contravenes or fails to comply with any of the provisions of this Bylaw is guilty of an Offense and is liable on summary conviction to a fine of not more than \$10,000 and, in addition, to a fine of not more than \$100 for every day the offense continues after conviction and in default of payment to imprisonment for a term not exceeding 1 year. (Bylaw 11/06)
- (2)
  - (a) the minimum fine that may be imposed for the contravention or non-compliance with a particular section of this Bylaw shall be the specified penalty applicable for a first offence against the particular section as set out in column one of Table 1. (Bylaw 11/06)
  - (b) where a person is guilty of a “second” or “third or subsequent” offence against a particular section of this Bylaw, and where those offences have incurred within a 12 month period subsequent to the incurrence of the initial offence against that section of this Bylaw, the specified penalties applicable to the “second” or “third or subsequent” offences shall be those amount set out in columns two and three, respectively, of Table 1. (Bylaw 11/06)

Table 1

	1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> or Subsequent Offence
Farm / Residential Development	\$1,000	\$1,500	\$2,500
Commercial / Industrial Development	\$2,000	\$3,000	\$4,000