

## **Part Nine: Land Use Bylaw Enforcement**

<b>9.1</b>	<b>Enforcement .....</b>	<b>2</b>
<b>9.2</b>	<b>Offences and Penalties .....</b>	<b>2</b>

## 9.1 Enforcement

- (1) The provisions of this Bylaw may be enforced by way of stop order, injunction or such other relief as may be available under the *Municipal Government Act*.
- (2) A Designated Officer may inspect premises in accordance with the provisions of the *Municipal Government Act* where there are reasonable grounds to believe that the premises are being used in contravention of this Bylaw. Without limiting the generality of the foregoing, such reasonable grounds would include:
  - (a) complaints from the public that premises are being used contrary to the Bylaw,
  - (b) the observations of a designated officer that there is excessive traffic, parking problems, accumulated debris in a yard or other apparent breach of this Bylaw.
- (3) <sup>1</sup>For the purpose of enforcing this Bylaw and the *Municipal Government Act*, the following shall be Designated Officers:
  - (a) a Bylaw Officer,
  - (b) the Development Officer or anyone designated by the Development Officer,
  - (c) Compliance Officer

## 9.2 Offences and Penalties

- (1) No person shall:
  - (a) fail to comply with a development permit or subdivision approval or conditions forming part thereof;
  - (b) fail to comply with an order under section 545, 546, 551, 645;
  - (c) fail to comply with a decision of the subdivision and development appeal board;
  - (d) obstruct or hinder any person in the exercise or performance of the person's powers under this bylaw; or
  - (e) make use of land in a manner contrary to the provisions of this Bylaw.

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<sup>1</sup> 3357/W-2015

- (2) <sup>1</sup>A person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and liable upon summary conviction to the specified penalty set out in Schedule “C”, or in the case for which there is no specified penalty set out in Schedule “C”, to a fine of \$250.00 for a first offence, \$500.00 for a second offence and \$1,000.00 for a third or subsequent offence, and in default of payment of any penalty, to imprisonment for up to 6 months.
- (3) <sup>2</sup>Where a Bylaw Officer reasonably believes that a person has contravened any provision of this Bylaw, the Bylaw Officer may, in addition to any other remedy at law, serve upon the person a violation ticket, in the form used by the City, allowing payment of the penalty as set out in Section 9.2(2) of this Bylaw for the particular offence, which payment will be accepted by the City in lieu of prosecution for the offence, or a Bylaw Officer may issue a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, allowing a voluntary payment of the penalty as set out in Section 9.2(2) of this Bylaw, or, requiring a person to appear in court without the alternative of making a voluntary payment. The recording of the payment of a penalty made to the City or the Provincial Court of Alberta shall constitute an acceptance of a guilty plea and conviction for the offence.
- (4) <sup>3</sup>Any person who contravenes the same provision of this Bylaw within twelve months after the date of the first contravention, is liable to the specified penalties for such second, third or subsequent offence in the amount set out in columns two and three, respectively, of Schedule “C” or as set out in Section 9.2(2) of this Bylaw.
- (5) This section shall not prevent any Bylaw Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*, or from laying an information in lieu of issuing a violation ticket.
- (6) A Bylaw Officer who believes on reasonable grounds that a sign is not authorized pursuant to the Bylaw may remove and impound the sign:
- (a) in the case of a sign for which a permit is issued, after 7 days notice to the sign permit holder, delivered to the address shown on the sign permit; or
  - (b) in the case of a sign for which no permit has been issued, without prior notice to any person.
- (7) Notwithstanding subsection (6), a Bylaw Officer may not remove a sign

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<sup>1</sup> 3357/C-2010

<sup>2</sup> 3357/C-2010

<sup>3</sup> 3357/C-2010

which is located in or upon or which is affixed to a building without either the consent of the owner of the building, the consent of the owner of the sign or a court order.

- (8) Following the impounding and removal of a sign, the Development Officer for The City shall cause a notice to be sent to the owner of the sign (if known) or to the owner of the premises from which the sign is removed, advising of the removal. The owner of the sign may secure its release from impound upon payment in full of all applicable impounding and storage charges at the rates specified in Schedule “C” of this Bylaw.
- (9) An impounded sign which has not been redeemed within 60 days of the date of service of notice as specified in subsection (8), may be disposed of by The City without further notice to any person and without any liability to compensate the owner of the sign.
- (10) <sup>1</sup> **DELETED**

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<sup>1</sup> 3357/Z-2009, 3357/W-2015