

PART 5 ENFORCEMENT, PENALTIES AND FINES

SECTION 5-1 CONTRAVENTION

1. Where a Development Authority finds that a development or use of land or buildings is not in accordance with:
 - a) the Act or the regulations;
 - b) a development permit or subdivision approval, or
 - c) the Land Use Bylaw,the Development Authority may, by notice in writing, order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention, or all or any of them to:
 - i) stop the development or use of the land or buildings in whole or in part as directed by the notice;
 - ii) demolish, remove or replace the development, or
 - iii) 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 regulations, a development permit, subdivision approval or this Bylaw as the case may be.
2. Where a person fails or refuses to comply with an order directed to him under Subsection 1 or an order of the Subdivision and Development Appeal Board under the Act within the time specified, the Council or a person appointed by it may, in accordance with the Act, enter upon the land or building and take such action as is necessary to carry out the order. Where the Council or a person appointed by it carries out an Order, the Council shall cause the costs and expenses incurred in carrying out the order to 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 land.

SECTION 5-2 BYLAW ENFORCEMENT, PENALTIES AND FINES

1. This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of Queen's Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for the contravention.
2. A person who commences a development on any land and who does any act or thing, or permits any act or thing to be done, in contravention of this Bylaw, or who fails or neglects to:
 - a) obtain a development permit, or
 - b) comply with a condition of a development permit, or any other condition imposed pursuant to this Land Use Bylaw,is guilty of an offense and is liable on summary conviction to a fine of not less than the minimum allowed for under the Act.
3. The conviction of a person under this Section does not operate as a bar to further prosecution under this Section for the continued neglect or failure on the part of the person to comply with this Bylaw.
4. Any written notice, or order, or decision that is required under any provision of this Bylaw, to be provided to any person shall be deemed to have been so provided if it is:
 - a) delivered personally to the person it is directed to, or

- including but not limited to, map printing or reproduction costs, surveys and advertising charges, and
- c) sign a certificate authorizing the right of entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed amendment.
5. If it appears that the proposed amendment is one which is applicable to and for the benefit of the Town at large, or most of the persons affected in one area, or in one District, then the Council may direct that the application fee be returned to the applicant and that the Town pay the expense which the applicant has agreed to pay, pursuant to the provisions of Subsection 4 hereof.
 6. Upon receipt of an application to amend the Land Use Bylaw, the Development Officer shall:
 - a) initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment, and
 - b) circulate the amendment to all relevant referral agencies for comment or advice.
 7. The Municipal Planning Commission may, at any time, on its own motion, present for the consideration of Council any proposed amendment to this Bylaw, and the proposed amendment shall be accompanied by the report and recommendation of the Development Officer.
 8. Council, on its own initiative, may proceed to undertake an amendment to this Bylaw by directing the Development Officer to initiate an application.
 9. A notice of the application shall be published in two (2) issues of the local newspaper. This notice shall contain:
 - a) the legal description of the land;
 - b) the purpose of the proposed amendment;
 - c) the one or more places where a copy of the proposed amending order may be inspected by the public during reasonable hours;
 - d) the date, place, and time that Council will hold a public hearing on the proposed amendment;
 10. Council, after considering
 - a) any representations made at the public hearing, and
 - b) any municipal development plan, area structure plan, and area redevelopment plan affecting the application and the provisions of this Bylaw, may:
 - i) make such changes as it considers necessary to the proposed amendment, if any, and proceed to pass the proposed amendment, or
 - ii) defeat the proposed amendment.

- b) mailed by certified mail to the last known address of the person it is directed to, or
 - c) left with any agent or employee or resident at the last known address of the person to whom it is directed.
5. If a person is found guilty of an offense under Subsections 1 or 2, the Court may, in addition to any other penalty imposed, order the person to comply with the Act, this Bylaw, or a development permit, as the case may be.
6. Municipal Tag
- a) Any person who is alleged to have violated any provision of this Section may be served with a municipal tag.
 - b) Service of a municipal tag issued pursuant hereto may be effected by leaving the same at the residence or place of business of the alleged offender or by sending the same by certified mail to the alleged offender at his residence or place of business.
 - c) Any person who commits a breach of any provision of this Section shall be liable to pay a voluntary penalty of \$50.⁰⁰ and upon summary conviction shall be liable to a fine of not less than \$50.⁰⁰ and not more than \$10,000.⁰⁰ and in default of payment, judgment.