

**VILLAGE OF MARENGO
BYLAW 2018-01**

A BYLAW TO PROVIDE FOR PENALTIES FOR CONTRAVENTION OF BYLAWS

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The Council of the Village of Marengo of Saskatchewan enacts as follows:

1. CITATION

This Bylaw may be cited as the “General Penalties Bylaw”.

2. GOVERNING LEGISLATION

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

3. PURPOSE

- a) Any police officer, peace officer, employee of the Village, agent of the Village, or any person duly authorized by Council specifically is hereby designated authority to enforce all bylaws of the Village of Marengo (the Village).
- b) Any person who contravenes any bylaw of the Village shall be served a Notice of Violation as set out in Schedule “A” or may be served a ticket or a summons.
- c) Subject to the provisions of Section 3(a) and 3(b), no person shall:
 - i. contravene or fail to comply with a provision of any bylaw of the Village;
 - ii. obstruct or interfere with a police officer, a peace officer, an employee of the Village, an agent of the Village, or any person duly authorized by Council engaged in exercising on behalf of the Village any of the powers conferred by a bylaw of the Village;
 - iii. destroy, pull down, alter, or interfere with any work carried out or thing done by or for the Village pursuant to any bylaw of the Village.

- d) Every person who contravenes a bylaw of the Village 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.
- e) Every person who contravenes a bylaw of the Village 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:
 - i. in the case of an individual, a fine of not more than \$10,000;
 - ii. in the case of a corporation, a fine of not more than \$25,000; and
 - iii. in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 for each day or part of a day during which the offence continues.
- f) 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.

4. SERVICE OF NOTICE OR TICKET

- a) 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 Village a notice of violation, ticket, or summons may be served on such person by a police officer, a peace officer, an employee of the Village, an agent of the Village, or any person duly authorized by Council. Service of such notice of violation, ticket, or summons may be made by:
 - i. by attaching the notice of violation, ticket, or summons to the vehicle, structure, or place in respect of which a breach or contravention has been committed;
 - ii. by mailing such notice of violation, ticket, or summons addressed to the registered owner of said vehicle, structure, or place; or
 - iii. by any other means of service required or allowed by law.

5. PAYMENT

- a) Such person served with a Notice of Violation, ticket, or summons shall pay same to the Village of Marengo within a period of ten (10) days from the service of the said Notice of Violation, ticket, or summons. If payment is made within such time and accepted, then that person shall not be liable to prosecution for the offense.
- b) Where payment of any parking violation is left outstanding beyond a ten (10) day period from the time of issuance of the Notice of Violation, the Village shall proceed in serving the accused with a Notice of Pending Summons as per Schedule "B" as amended from time to time. If payment is still not made after thirty (30) days from the date of issuance of the

Notice of Violation, the Village shall proceed and serve the accused with a Certificate of Offence and Summons as per Schedule "C" as amended from time to time.

- c) Where payment of any violation that is not a parking violation left outstanding beyond a ten (10) day period from the time of issuance of the Notice of Violation, the Village may proceed in serving the accused with a Notice of Pending Summons as per Schedule "B" as amended from time to time. If payment is still not made after thirty (30) days from the date of issuance of the Notice of Violation, the Village shall proceed and serve the accused with a Certificate of Offence and Summons as per Schedule "C" as amended from time to time.
- d) Any Penalty Sum (fine and victim's 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 penalty of fifty dollars (\$50) shall be added to the total outstanding amount.

6. REPEAL

- a) Bylaw No. 5/2004 is hereby repealed.

7. COMING INTO FORCE

- a) This Bylaw, and all attachments thereto, and as shall be amended from time to time shall come into force and be in effect on the final passing thereof.



[Handwritten Signature]

 Mayor

[Handwritten Signature: Robin Busby]

 Administrator

Read a third time and adopted
 this 24 day of April, 2018

[Handwritten Signature: Robin Busby]

 Administrator



This photocopy is a true copy of the original document which has not been altered in any way.

[Handwritten Signature: Robin Busby] Name

[Handwritten Signature: Robin Busby] Signature

 Administrator Title
 Signed at Marengo, Saskatchewan on April 27, 2018 Date

SCHEDULE "A" - NOTICE OF VIOLATION



Village of Marengo NOTICE OF VIOLATION AVOID PROSECUTION BY PAYING PROMPTLY

TICKET NO. MAR-

NAME: _____
(Last) (First) (Other)

DATE OF ISSUE	YEAR	MONTH	DAY

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

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

Did unlawfully commit the following offence under:

Bylaw No. _____ at or near _____
(Location)

Section No. _____

Description of Offence:

Violation *To Avoid Prosecution, payment must be made.

Warning Only

*No further payment or judicial action required.

If the Village of Marengo receives your payment within 10 calendar days from the date above,
 the amount to be paid is: \$ _____

PENALTY: After 10 days the Penalty Sum that must be paid for the above infraction is: \$ _____

If payment is not received within 30 days from the issue date a summons will be issued.

Drivers Licence No.			Class	Province: Other:			DRIVER	
Make	Model	Color	Year	Vehicle Plate or VIN No.	Prov.	Exp.		
OWNER'S NAME <small>(if different from above)</small>								VEHICLE
_____		_____		_____		_____		
OWNER'S ADDRESS <small>(if different from above)</small>								
_____		_____		_____		_____		

I, _____, a sworn Officer authorized to issue this ticket for this jurisdiction,
(print)

CERTIFY that I did:

on the _____ day of _____, 20____, issue this ticket.

Signature of Officer

PAYMENT OPTIONS:

Payment can be made in person, online, or by mail at the following address:

- Payment In Person or Mail:
 Village of Marengo
 20 1st Avenue North, Marengo, SK
 Box 70, Marengo, SK, S0L 2K0
 Attention: FINE PAYMENTS

* If paying by mail, please reference your ticket number.

* Cheques must be made payable to the Village of Marengo

* The Village of Marengo assumes no responsibility for cash sent through the mail.

If you have any questions relating to this ticket, please call the Village of Marengo at (306) 968-2922

SCHEDULE "B" - NOTICE OF PENDING SUMMONS



Box 70
 Marengo, Saskatchewan
 S0L 2K0

(306) 968-2922
 (306) 968-2278 fax
 rm292.rm322@sasktel.net

[DATE]

Name
 Mailing Address
 Municipality, PC

Re: VILLAGE OF MARENGO NOTICE OF PENDING SUMMONS FOR NOTICE OF VIOLATION 000000

Dear Sir or Madam,

WHEREAS it is alleged that you, on or about the ___ day of _____ A.D. 201___, in the Village of Marengo in the Province of Saskatchewan, did

[INSERT DESCRIPTION OF OFFENCE: Example: PARK A VEHICLE WHERE TRAFFIC SIGNS HAVE BEEN PLACED PROHIBITING PARKING, CONTRARY TO SECTION ● AND ● OF BYLAW 15-16 FOR THE VILLAGE OF MARENGO, BEING LIABLE AS OWNER OF SAID VEHICLE, PURSUANT TO SECTION 371 OF THE MUNICIPALITIES ACT.]

TO WIT: Saskatchewan License Number ● at [enter place/address of offence] at ● AM/PM

TO AVOID BEING SUMMONSED, PAYMENT OF [FULL AMOUNT OF PENALTY] MUST BE MADE BEFORE [30 DAYS AFTER DATE OF ISSUANCE OF VIOLATION]

Ticket Number: \$ ●
 Penalty Sum: \$ ●
 NSF Service Fee: \$ ●
 Balance Due: \$ ●

If left unpaid and the fine is in default, a late payment charge may be added to the Fine amount.

PAYMENT OPTIONS:

Payment can be made in person, online, or by mail at the following address:

- **Payment in Person or Mail:**
 Village of Marengo
 20 1st Avenue North, Marengo, SK
 Box 70, Marengo, SK, S0L 2K0
 Attention: FINE PAYMENTS

* If paying by mail, please reference your ticket number.
 * Cheques must be made payable to the Village of Marengo.
 * The Village of Marengo assumes no responsibility for cash sent through the mail.

SCHEDULE "C" - CERTIFICATE OF OFFENCE AND SUMMONS



**Village of Marengo
CERTIFICATE OF OFFENCE**

TICKET NO. **MAR-**

PAYMENT DUE: _____

COURT DATE: _____

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: _____
(Last) (First) (Other)

STATE OF BIRTH	YEARS	MONTH	DAY

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

On or about the ____ day of _____, 20____ at _____ (Saskatchewan) at _____ (Time) AM PM

Did unlawfully commit the following offence under:

Bylaw No. _____ at or near _____

Section No. _____

Description of Offence:

PENALTY: \$ _____

<p>SUMMONS: Pursuant to <i>The Summary Offences Procedures Act, 1990</i>, and Sec. 387 & 388 of the <i>Municipalities Act</i> 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 Kindersley Bylaw Court, at <u>Kindersley Masonic Lodge - 501 Main Street</u>, <u>Kindersley</u> SK on the ____ day of _____, 20____ at 10:00 AM to answer to the above violation and be further dealt with according to the law.</p>							
Driver's License No.	Class		Province		Other:		DRIVER
Make	Model	Color	Year	Vehicle Plate or VIN No	Prev.	Exp	
OWNER'S NAME (if different from above)							
(Last)		(First)		(Other)			VEHICLE
OWNER'S ADDRESS (if different from above)							
(Address)		(City/Town)		(Province)			

DATED THIS ____ day of _____, 20____ at the Village of Marengo, in the Province of Saskatchewan

Signature of Officer

CERTIFICATE OF PERSONAL SERVICE

I, _____, an employee of the Village of Marengo, 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 Procedure 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 Kindersley Masonic Lodge, 501 Main Street, Kindersley, SK, S0L 1S0 on the ____ day of _____, 20____ at 10:00 AM to answer to the charge.

Dated at the Village of Marengo, in the Province of Saskatchewan the ____ day of _____, 20____

Name:

CERTIFICATE OF MAILED SERVICE

I, _____, an employee of the Village of Marengo certify that after reasonable efforts to effect personal service of the within summons, 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 Procedure 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 Kindersley Masonic Lodge, 501 Main Street, Kindersley, SK, S0L 1S0 on the ____ day of _____, 20____ at 10:00 AM to answer to the charge.

Dated at the Village of Marengo, in the Province of Saskatchewan the ____ day of _____, 20____

Name: