

By-law No. GG-007: RESPECTING ADMINISTRATIVE PENALTIES

The Council of the Municipality of Grand Bay-Westfield under authority vested in it by Sections 156 and 159 of the *Local Governance Act*, SNB 2017, c.18 and amendments thereto enacts as follows:

SHORT TITLE

1. This by-law may be cited as the Administrative Penalty By-law.

DEFINITIONS

2. The words and phrases used in this by-law that are defined in the Act have the respective meanings given to them in the Act, unless those words and phrases are otherwise defined in this by-law.
3. In this by-law:
 - a. "Act" means the *Local Governance Act*, SNB 2017, c.18, as amended from time to time;
 - b. "by-law" means a by-law of the municipality;
 - c. "administrative penalty" means an administrative penalty required to be paid by a person in respect of a contravention of a designated by-law;
 - d. "day" means a calendar day;
 - e. "holiday" means
 - i. any Saturday, and whenever a holiday other than Saturday falls on a Saturday, the word "holiday" includes the following day, and
 - ii. any other day that is a holiday within the meaning given to that word in the *Interpretation Act*, RSNB 1973 c.I-13, as amended from time to time;
 - f. "designated by-law" means a by-law that authorizes the municipality to require the payment of an administrative penalty, in each case as such by-law is amended from time to time;

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- g. "municipality" means the Municipality of the Town of Grand Bay-Westfield; and
- h. "payment period" means the period within which a person may pay an administrative penalty or a reduced administrative penalty, as the case may be.

DESIGNATED BY-LAWS

- 4. The by-laws that are listed in Schedule "A" to this by-law shall be designated by-laws and are hereby designated for the purposes of paragraph 156(2)(a) of the Act.
- 5. A by-law that is not listed in Schedule "A" to this by-law and that authorizes the municipality to require the payment of an administrative penalty shall be a designated by-law and is hereby designated for the purposes of paragraph 156(2)(a) of the Act.

APPLICATION

- 6. The provisions of this by-law are in addition to, and not in replacement of, the provisions of a designated by-law.
- 7. The provisions of sections 156 to 160 of the Act apply in respect of the delivery of a penalty notice and the imposition and payment of an administrative penalty in connection with a contravention of a designated by-law.

AMOUNT OF ADMINISTRATIVE PENALTY

- 8. Where a designated by-law specifies the amount of an administrative penalty, the amount of the administrative penalty shall be the amount specified in the designated by-law.
- 9. Where a designated by-law does not specify the amount of an administrative penalty, the amount of the administrative penalty shall be
 - a. where the person has not previously contravened the same designated by-law, \$100.00, and
 - b. where the person has previously contravened the same designated by-law, the sum of the amount paid or to be paid by the person in respect of the

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most recent contravention and \$100.00, provided that in no event shall a person be required to pay an administrative penalty in an amount exceeding \$1,500.00.

PAYMENT PERIOD

10. A person to whom a penalty notice is delivered may pay the administrative penalty on or before the fourteenth (14th) day after the penalty notice has been delivered.

EARLY PAYMENT DISCOUNT

11. Notwithstanding the provisions of a designated by-law and notwithstanding section 9 of this by-law, if a person to whom a penalty notice has been delivered pays the administrative penalty on or before the seventh (7th) day after the penalty notice has been delivered, the amount required to be paid by the person shall be a reduced administrative penalty in an amount equal to fifty percent (50%) of the amount otherwise prescribed for that administrative penalty.

12. Where

- a. a person pays a reduced administrative penalty in accordance with section 11 of this by-law in respect of a contravention of a designated by-law, and
- b. subsequent to the occurrence of the first contravention, the person contravenes the same designated by-law,

the amount of the administrative penalty determined in respect of the subsequent contravention, whether determined under the provisions of the designated by-law or under section 11 of this by-law, shall be determined as if the early payment discount did not apply in respect of the contravention referred to in paragraph 12a of this by-law.

GENERAL

13. A day determined in accordance with this by-law as the day on which a payment period would expire is extended to the next day that is not a holiday.
14. Subject to section 15 of this by-law, where a conflict exists between a provision of this by-law and a provision of a designated by-law, the provision of the designated by-law shall prevail.

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15. In the event of a conflict between sections 11 and 12 of this by-law and a provision of a designated by-law
- a. if the designated by-law provides that the provision of the designated by-law prevails, the provision of the designated by-law shall prevail, and
 - b. in all other cases, sections 11 and 12 of this by-law shall prevail.
16. This by-law comes into effect on the date of filing in the Registry Office.

READ A FIRST TIME by summary this 13th day of March, 2023.

READ A SECOND TIME by title this 13th day of March, 2023.

READ A THIRD TIME in its entirety and ENACTED on this ____ day of _____, 2023.

This By-law comes into force on the date of final passing thereof.

SIGNED AND APPROVED this ____ day of _____, 2023.

John Enns-Wind
Chief Administrative Officer

Brittany Merrifield
Mayor

Seal

**Schedule "A"
Designated By-Laws**

As of the ___rd day of _____, 2023

[Note to draft: Listing the by-laws in this schedule may be useful for the Town's purposes and for transparency to the public. If it is intended to include the list of by-laws, then the list ought to be updated as and when new by-laws are adopted that provide for administrative penalties.]

1. Curfew By-law
2. Dog Control By-law
3. Exhibition By-law
4. Grand Bay-Westfield Mobile Home Parks By-Law
5. Noise By-law
6. Plastic Bag Reduction By-law
7. Roads Accessible to Off-Road Vehicles By-law
8. Tourism Accommodation Levy By-law
9. Transient Trader By-Law

[Note to draft: the following by-laws impose fines; are administrative penalties under consideration for those by-laws through the by-law review process?]

10. Grand Bay-Westfield Traffic By-Law (for matters other than speeding)
11. Volunteer Fire-Rescue Department By-law