

BY-LAW NO. 169

A BY-LAW RESPECTING THE MUNICIPALITY OF SACKVILLE RESPECTING THE ENFORCEMENT OF BY-LAWS

The Council of the Municipality of Sackville duly assembled hereby enacts as follows:

1. In this By-Law "person" unless the context otherwise requires, shall include persons, corporation, partnership or society.
2. When a person is convicted of doing any thing without a license for or in respect of which a license is required by a By-Law the judge of the Provincial Court may, unless such person has paid the fee for such license, order payment thereof in addition to the fine.
3. When a person is convicted of a violation of a By-Law relating to the operation or parking of bicycles the judge of the Provincial Court may, in addition to or in lieu of imposing a fine, order that the bicycle in respect of which the offense was committed be impounded for not more than thirty days.
4. Every fine and every license fee that a judge of the Provincial Court pursuant to section 2 hereof orders to be paid is enforceable by distress or by imprisonment in accordance with the Summary Convictions Act.
5. Where a By-Law imposes a fine for violation of a provision of a By-Law, such fine shall be paid to the Town Treasurer for use of the Town and upon such payment the person committing the violation is not to be prosecuted thereof.
6. Any information for breach of a By-Law shall be laid in the name of the Police Chief or his designate of the Municipalities or such other person as is designated for that purpose by the Council.
7. Conviction of a person for violation of a By-Law does not relieve him from compliance with the By-Law and a judge of the Provincial Court may, in addition to the fine imposed, order him to do within a specified time any act or thing necessary for the proper observance of the By-Law or to remedy the violation thereof and a person who, after the expiry of such specified time, fails to comply with the order of the judge of the Provincial Court commits an offense and is punishable on Summary Conviction and liable to a fine or penalty of not less than \$20.00 nor more than \$200.00 for each day such failure continues and liable to imprisonment in accordance with subsection 31(3) of the Summary Convictions Act.

- 8. Proof that a person is the registered owner of a motor vehicle that has been operated or parked in violation of a By-Law is evidence that such person operated or parked such vehicle at the time of the violation unless the contrary is proved.
- 9. Section 361 of the Motor Vehicle Act applies mutatis mutandis in respect of a motor vehicle operated or parked or alleged to have been operated or parked in violation of a By-Law.
- 10. In a prosecution for a violation of a licensing By-Law, a certificate purporting to be signed by the Town Clerk stating that a person was not on a specified day the holder of a license under the By-Law is without proof of the official character or handwriting of the Town Clerk sufficient evidence of the facts so stated, unless the contrary is proved.
- 11. Where, in a certificate used for the purposes of section 10 hereof, reference is made to a person by name and in the prosecution reference is made to the accused by the same name, the references in the certificate and the prosecution are references to the same person, unless the contrary is proved.
- 12. Where in a prosecution under a By-Law providing for the licensing of persons carrying or engaged in any business, it is alleged that the person proceeded against carried on or engaged in such business without first having obtained a license to do so, proof of one transaction in such business is sufficient to establish that the person proceeded against carried on or engaged in such business.
- 13. A person who violates any provision of a By-Law is guilty of an offense punishable on Summary Conviction and liable to a fine or penalty of not less than \$20.00 and not more than \$200.00 and in default of payment is liable to imprisonment in accordance with subsection 31(3) of the Summary Convictions Act.
- 14. By-Law No. 79, A By-Law of the Municipality of Sackville Respecting the Enforcement of By-Laws is hereby repealed.
- 15. This By-Law comes into force on the date of final passing thereof.

Read a first time this 14th day of October, 1997.

Read a second time this 14th day of October, 1997.

Read a third time and done and passed Council this 3rd day of November, 1997.

Hazel J. Steeves
MAYOR

Rhonda Rowe
CLERK