

BY-LAW NO. 12

A BY-LAW RELATING TO ADMINISTRATIVE PENALTIES IN SALISBURY

WHEREAS Section 156 of the *Local Governance Act, SNB 2017, c 18*, authorizes municipalities to impose Administrative Penalties;

BE IT ENACTED by the Council of Salisbury, under the authority of an incorporated Town by the *Local Governance Act, S.N.B., 2018, c.18* as follows:

1) TITLE

This By-law shall be cited as the “Administrative Penalties By-Law”.

2) DEFINITIONS

In this By-Law, the following definitions apply:

- a) "Act" means the *Local Governance Act, SNB 2017, c 18*;
- b) “Administrative Penalty” means a payment due (fine) to the Town for a contravention of a municipal By-law that has a classified ticketable offence, without the requirement of undertaking court proceedings for the payment of said fine;
- c) “Designated By-law” means a By-law in effect pursuant to the Local Governance Act, and any and all amendments thereto, that stipulate an Administrative Penalty in the event of a contravention;
- d) “Penalty Notice” means a Notice issued pursuant to Section 157 of the Act and given to an individual and/or corporation as a result of a By-law infraction;
- e) "Town" means the Town of Salisbury, established under regulation(s) of the Act.

3) APPLICATION

- a) This By-law applies to the geographic limits of the Town of Salisbury, as established under Section 33 of *Regulation 2022-50* of the Act.
- b) The provisions of this By-law are in addition to, and not in replacement of, the provisions of a designated By-law.

4) ADMINISTRATIVE PENALTIES

- a) 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 Schedule of the designated By-law.
- b) Where a designated By-law does not have an amount of an Administrative Penalty, the amount of the Administrative Penalty shall be:
 - i) Where the person has not previously contravened the same designated By-law, \$100.00;

- ii) Where the person has previously contravened the same designated By-law, \$250.00 for a second offence, and \$500.00 for each offence thereafter, up to the maximum amount as prescribed herein.
- c) In no event shall a person be required to pay an administrative penalty in an amount exceeding \$1500.00.
- d) In the event that a conflict exists between a provision of this By-law and the provision of a Designated By-law, the provision of the Designated By-law shall prevail.
- e) There shall be no difference in Penalty for an individual versus a Corporation.

5) PAYMENT

- a) A person to whom a Penalty Notice is delivered may pay the Administrative Penalty on or before the 30th day after the Penalty Notice has been delivered.
- b) There shall be no discount for early payment of an Administrative Penalty.
- c) 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, where applicable.
- d) Payment is to be made in Canadian Funds pursuant to the directives contained on the Penalty Notice.
- e) In the event that an Administrative Penalty is not paid within the stipulated timeframe, the Town may, without further notice, commence legal action against the alleged offender in Provincial Court which may lead to a summary conviction with an additional fine(s) in respect to the same incident that gave rise to the Administrative Penalty.

6) EFFECTIVE DATE

This By-Law comes into effect on the date of the final passing thereof.

Read a first time this ____ day of _____, 2024.

Read a second time this ____ day of _____, 2024.

Read a third time and passed by Council on this ____ day of _____, 2024

Mayor

Clerk