

PART 5 – ENFORCEMENT

SECTION 22 NON-CONFORMING USES AND BUILDINGS

- (1) The *Municipal Government Act* shall apply in the case of non-conforming Uses and non-conforming Buildings.
- (2) A non-conforming Use or Building may be continued on any Site, unless the Use is discontinued for a period of six months or more, in which case the Use must conform to this Bylaw.
- (3) A non-conforming Use may not be extended or transferred in whole or in part to another area of the Site, and no additional Buildings may be constructed on the Site while the non-conforming Use continues.
- (4) A non-conforming Building or a Building containing a non-conforming Use may continue to be used but may not be altered, added to or enlarged except:
 - (a) To make it a conforming Building;
 - (b) As may be deemed necessary by the Development Officer for the routine maintenance of the Building; or
 - (c) In accordance with Sections 14(5) or 22(5).
- (5) When a Building is a non-conforming Building solely by reason of its encroachment into a required Setback or inadequate parking, an extension of, or an addition to, the Building, may be allowed at the discretion of the Development Officer, if such an extension or addition will not in itself constitute an encroachment into any required Yard, and if such extension or addition complies with the provisions of this Bylaw.
- (6) A non-conforming Building that is damaged or destroyed to the extent of more than 75% of the assessed value of the Building above its Foundation cannot be repaired or rebuilt except in accordance with this Bylaw.
- (7) Land Use and/or the Use of a Building is not affected by a change in ownership or tenancy of a Building.

(Bylaw C-942-15, Jan. 29, 2016)

SECTION 23 GENERAL PROVISIONS & RIGHT TO ENTRY

- (1) The enforcement powers granted under this Bylaw are in addition to any enforcement powers the City or any of its officers may have under the *Municipal Government Act* or any other applicable legislation.
- (2) A Peace Officer may enforce the provisions of the *Municipal Government Act*, the Subdivision and Development Regulation, this Bylaw, a development permit and a

subdivision approval. Enforcement action may be in the form of Municipal Ticket or Violation Ticket.

- (3) For the purposes of Section 542 of the *Municipal Government Act*, a Bylaw Officer and a Development Officer are designated officers of the City of Spruce Grove.
(C-973-16, November 16, 2016)

SECTION 24 CONTRAVENTION

- (1) A person is guilty of an offence when allowing or commencing any development that:
- (a) Contravenes or does not comply with the provisions of this Bylaw;
 - (b) Requires a Development Permit which has not been issued;
 - (c) Is contrary to a Development Permit that has been issued, or a subdivision approval that has been given or a condition of a Permit or approval;
 - (d) Contravenes a Stop Order; or
 - (e) Contravenes the *Municipal Government Act*.
- (2) Each day that an offence has occurred may be considered to be a separate offence.
(C-973-16, November 16, 2016)

SECTION 25 MUNICIPAL TICKETS

- (1) A Peace Officer is hereby authorized to issue a municipal ticket to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any part of this Bylaw.
- (2) The municipal ticket must contain:
- (a) The name of the person contravening the Bylaw;
 - (b) The offence;
 - (c) The specified penalty established in the Development Fees and Fines Bylaw; and
 - (d) Due date of payment.
- (3) A municipal ticket will be prepared by the Peace Officer and delivered to the appropriate persons by the Peace Officer, by registered mail or via document Service Company providing an affidavit of service.
- (5) A person who is guilty of an offence is liable to pay the amount specified on the ticket as established in the Development Fees and Fines Bylaw.

- (6) Where there is specified penalty listed for an offence in the Development Fee and Fines Bylaw, that amount is the maximum penalty for that offence. Multiple municipal tickets for multiple contraventions may be issued at one time.
- (7) Where a municipal ticket has been paid, such payment does not constitute an approval of said offence.

(C-973-16, November 16, 2016)
(C-1104-19, May 25, 2020)

SECTION 26 VIOLATION TICKETS

- (1) If a municipal ticket has been issued for first and/or subsequent offences and the specified penalty has not been paid or corrective measures have not been taken, the Peace Officer is authorized to issue a violation ticket pursuant to the *Provincial Offences Procedures Act*.
- (2) Notwithstanding Section 26(1), the Peace Officer may issue a violation ticket without previously issuing a municipal ticket if, in the opinion of the Peace Officer, the situation deems it necessary.
- (3) The violation ticket must state:
 - (a) The name of the person contravening the Bylaw;
 - (b) The offence;
 - (c) The specified penalty established in the Development Fees and Fines Bylaw;
 - (d) Due date of payment; and
 - (e) The date of the summons to appear in court.

(C-973-16, November 16, 2016)