

Bylaw 006-2014

TRAILER PERMIT FEE BYLAW

A BYLAW TO PROVIDE FOR THE LEVYING OF PERMIT FEES AS AN ALTERNATIVE TO TAXATION FOR TRAILERS, AND MOBILE HOMES.

The Council of the Resort Village of Wakaw Lake, in the Province of Saskatchewan enacts as follows:

1. This Bylaw may be referred to as the “Mobile Home Permit Fee Bylaw”.
2. For the purposes of this Bylaw, the following are defined terms:
 - (a) “Administrator” means the Administrator of the Resort Village of Wakaw Lake;
 - (b) “Licensed Operator” means the person licensed to operate a park pursuant to the Trailer and Park Operators Bylaw.
 - (c) “Municipality” means the Resort Village of Wakaw Lake.
 - (d) “Operator’s Bylaw” means the Trailer Park Operator’s Bylaw, being Bylaw 005-2014 of the Municipality, as amended or replaced.
 - (e) “Operator’s License” means a license issued by the Administrator pursuant to the Operator’s Bylaw.
 - (f) “Owner” means the owner of a unit located in a park which would be but for this bylaw liable to taxation as an improvement;
 - (g) “Permit Fee” means the fee to be paid by the owner of a unit in accordance with the provisions of Section 3 hereof.
 - (h) “Park” and “unit” have the meaning assigned under the Operator’s Bylaw.
 - (i) “Register” means the Register required by the Operator’s Bylaw.
3. Each Owner shall pay a Permit Fee as follows:
 - (a) The Permit Fee shall be the sum of \$70.00 per calendar year or portion thereof;
 - (b) The Permit Fee shall be paid no later than the close of business on November 30, provided however that any Owner intending to remove a unit from a park must first notify the Licensed Operator and the Administrator and must pay the Permit Fee before removing the; and
 - (c) Permit Fees unpaid by the due date thereof shall bear interest at the same rate charged by the Municipality for overdue tax arrears.
4. Permit Fees charged hereunder are levied in accordance with the provisions of s. 306 of *The Municipalities Act* in lieu of assessing and taxing the unit (as indicated under “owner” definition) as an improvement, and no such taxes shall be levied in respect thereof.
5. Every Licensed Operator is authorized and required to collect the Permit Fee from every owner of a unit situated within the licensed park. All Permit Fees collected by the Licensed Operator shall:

- (a) Be forthwith entered in the Register
 - (b) Be held separate and apart from the other funds of the Licensed Operator and in trust for the Municipality;
 - (c) Be paid over to the Administrator on the fifth day following the end of the month in which they are collected.
6. All Permit Fees due and owing for a park shall be paid over to the Administrator by the Licensed Operator no later than December 31, whether or not such fees have been collected from the Owner, provided that the Licensed Operator shall continue to be entitled to collect the amount thereof from each Owner.
7. The Register shall be open to inspection at all times to the Administrator and/or his or her designate.
8. Notwithstanding any provision in this bylaw Council may, in its sole discretion:
- (a) Enter into an agreement with a Licensed Operator whereby the Administrator will collect Permit Fees on behalf of the Owner;
 - (b) Where an unit is placed within or removed from a park part way through a calendar year, abate a portion of the Permit Fee; and
 - (c) By resolution of Council, exempt a park from the provisions of this bylaw, and provide instead that all units located therein shall be subject to assessment and taxation under the property tax provisions of *The Municipalities Act*.
9. A person who contravenes any of the provisions of sections 5, 6, or 7 of this bylaw is guilty of an offence and liable on summary conviction to a fine:
- (a) For the first offence, of \$500.00;
 - (b) For a second offence, of a fine of \$750.00;
 - (c) For a third and subsequent offences, of not less than \$1000.00 and not more than \$2000.00.
10. Where an offence has been committed hereunder:
- (a) A municipal bylaw enforcement officer or a peace officer may issue a notice of violation to. The notice shall require the person to pay to the Municipality the penalty specified in section 9.
 - (b) The penalty may be paid at the office of the Municipality during regular office hours by paying in person, or by mail to Resort Village of Wakaw Lake, Box 58, Wakaw, SK S0K 4P0;
 - (c) If payment of the penalty is made prior to the date when the person contravening the Bylaw is required to appear in court to answer a charge, the person shall not be liable to prosecution for that offence.
 - (d) Notwithstanding Subsection (a), if a municipal bylaw enforcement officer or a peace officer is of the opinion that it is in the public interest to compel a person who has contravened a provision of this Bylaw for the first or second time to appear before a justice, the municipal inspector or peace

officer may issue a summons that requires the person to appear before a justice without the alternative of paying the specified amount.

- (e) If in the opinion of a prosecutor it is appropriate, the prosecutor may, on or before the court appearance date, permit the person mentioned in subsection (d) to pay the specified amount to avoid prosecution.
11. If the penalty imposed under a notice of violation is paid within 14 calendar days of the date of the notice of violation, the amount of the penalty shall be discounted to the sum of \$250.00 for a first offence and \$500.00 for a second offence.
- (a) The date of payment shall be determined as follows:
 - (i) For payment in person, the date of payment shall be the date payment is received by the Municipality;
 - (ii) For payment by mail, the date of payment shall be the federal post marked date on the remittance.
 - (b) Upon payment, the person contravening the Bylaw shall not be liable to prosecution for that offence.
12. No municipal bylaw enforcement officer or peace officer may issue a notice of violation in case of a third or subsequent offence.
13. The court may, in default of payment of a fine imposed under this Bylaw, order imprisonment of the individual for a term not exceeding one year.
14. This bylaw shall come into force upon final reading at open meeting of the Council for the Resort Village of Wakaw Lake on this 19th day of June, 2014 and Bylaw 10-2010 shall be repealed.





Mayor



Administrator

Schedule A

Part of Bylaw 006-2014

Agreement to Collect

The Council for the Resort Village of Wakaw Lake agree to collect the per mobile home fee of \$70.00 as indicated in Bylaw 006-2013 for the PBCOC (Poplar Beach Campground Owners Corporation).

This agreement will be reviewed annually and is subject to cancellation upon contravention of this bylaw and any amendments thereof.

(SEAL)

Administrator

