



ZONING BYLAW ENFORCEMENT

Why has the RM Council decided to move forward with bylaw enforcement now?

The Zoning Bylaw has been in force for several years and has never permitted vacation trailers to be used as principal dwellings. This means that the rules in the RM of McKillop No. 220 (the RM) currently state no one can use a vacation trailer in the RM as a principal dwelling. The rules continue to apply until they have been changed by Council using the process required under Provincial legislation.

On June 13, 2016, the Council of the RM began to take action to enforce the Zoning Bylaw by passing Resolution 232/2016:

232/2016 Johnson:

“That Council instruct the Bylaw Officer to deliver written correspondence to all residences who have camper trailers outside Zoning Bylaw No. 234/11 parameters and that by May 1, 2017, the camper trailers are to be removed and that all lots with multiple/additional camper trailers will be required to be removed immediately.”

Councillor Wild requested a recorded vote.

In Favour: Gary Gilbert
Norman Smith
Andrew Kuderewko
Brent Johnson

Opposed: Murray Wild
Marilyn LaBatte

CARRIED.

A second resolution was passed on June 23, 2016 relating to multiple vacation trailers placed on lots in contravention of the Zoning Bylaw:

265/2016 Johnson:

“That the R. M. Council instruct the Bylaw Enforcement Officer to notify all owners of lots with multiple vacation trailers that all but one (1) vacation trailer must be removed by July 31, 2016, as Zoning Bylaw 234/11 does not provide for any vacation trailers, and that, pursuant to Zoning Bylaw 234/11, the remaining vacation trailer used as a principal use will be required to be removed in the near future.”

CARRIED.



A third resolution was passed on April 23, 2018 relating to Council's priorities around bylaw enforcement matters:

<i>Bylaw</i>	155/2018 Helgeson
<i>Enforcement</i>	"That the Council of the R.M. of McKillop No. 220 instruct administration to place immediate and thorough focus on enforcing the following areas that have been identified as compliance issues with respect to Zoning Bylaw No. 234/11:
<i>Priorities</i>	<ol style="list-style-type: none">1) Correction of the use of accessory building for principal uses in resort communities;2) Nuisance matters;3) Correction of the location of buildings and number of buildings on properties that fail to comply with setback requirements and site coverage requirements;4) Removal of soft-sided sheds or fabric structures which are prohibited from use in the RM; and5) Removal of all vacation trailers from all properties in resort communities when the vacation trailer is used as a principal use."

Councillor Kuderewko requested a recorded vote.

Votes in favour:	Councillor Wild Councillor Smith Councillor Wilson Councillor Helgeson Reeve Arndt
Votes opposed:	Councillor LaBatte Councillor Kuderewko

CARRIED.

These resolutions and bylaw enforcement activities have been prompted by a group of people within the RM who actively emphasize the shortfalls in the administration of the policies and bylaws of the RM by way of petitions and complaints. In response to the requests of ratepayers of the RM, Council has directed that the policies and bylaws be enforced to the full extent of the RM's ability.



Why was the Zoning Bylaw originally implemented?

The RM has had a Zoning Bylaw enacted since 1968, if not longer.

Section 45 of *The Planning and Development Act, 2007* states that the purposes of a zoning bylaw are to control the use of land for providing for the amenity of the area within the council's jurisdiction and for the health, safety and general welfare of the inhabitants of the municipality. The existence of a Zoning Bylaw in the RM demonstrates Council's commitment to the purposes set out in provincial legislation.

Why have the resort property vacation trailer survey results from August 2015 been disregarded?

The results of the August 2015 vacation trailer survey have in no way been disregarded by the Council of the RM. This information was intended for purposes of developing a new Zoning Bylaw which is work that is actively being pursued.

At present, however, the current Zoning Bylaw prohibits the use of vacation trailers as principal dwellings in the RM. Council has directed that the bylaws of the RM be enforced in order to conform to the directive of the ratepayers of the RM.

Were all communities in the Lakeshore Development District reviewed for bylaw infractions relating to vacation trailers?

Yes. All 20 resort communities were visited by the Bylaw Enforcement Officer and if infractions were identified Order to Remedy documents were issued.



What is the process for appeal?

Subsection 220(1) of *The Planning and Development Act, 2007* (the Act) provides for the right of appeal relating to a Zoning Bylaw matter. An appeal must be launched no later than thirty (30) days after a notice relating to a Zoning Bylaw infraction is issued.

The appeal must be made in writing and must state the reasons for the appeal; summarize the supporting facts for each reason; indicate the relief sought; and be accompanied by a \$ 50.00 appeal fee.

Written appeals must be submitted to:

Rural Municipality of McKillop No. 220
P.O. Box 220
Bulyea, Saskatchewan
S0G 0L0

What are the fines for non-compliance with an infraction order?

Section 243 of the Act sets out the details relating to infraction of the Zoning Bylaw.

Subsection 243(1) states no person shall contravene or refuse or neglect to comply with, fail to do any act or thing required to be done, or suffer or permit any act or thing to be done, in contravention of a bylaw, permit or regulation passed by the council, or any approving authority or the minister, or enacted by the minister, pursuant to the Act.

Regarding fines, subsection 243(2) of the Act states every person who contravenes Subsection 243(1) is guilty of an offence and is liable on summary conviction to:

- (a) in the case of an individual, a fine of not more than \$10,000, to imprisonment for not more than one year or to both;
- (b) in the case of a corporation, a fine of not more than \$25,000; and
- (c) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day or part of a day.

Finally, Subsection 243(3) of the Act states that a convicting court imposing a penalty on any person who is guilty of an offence pursuant to Subsection 243(1) may, in addition to imposing the penalty, order the person to observe, perform or carry out any matter or thing that may be necessary to remedy the contravention for which the penalty was imposed.



Resources:

The Planning and Development Act, 2007

<https://www.publications.gov.sk.ca/freelaw/documents/English/Statutes/Statutes/P13-2.pdf>

Bylaw No. 234/11 of the R. M. of McKillop No. 220

[https://www.rmofmckillop220.com/mrws/filedriver/development/Zoning_Bylaw -
_Bylaw No 234-11 Consolidated.pdf](https://www.rmofmckillop220.com/mrws/filedriver/development/Zoning_Bylaw_-_Bylaw_No_234-11_Consolidated.pdf)

June 13, 2016 RM of McKillop No. 220 Council meeting minutes

https://www.rmofmckillop220.com/mrws/filedriver/June_13_2016.pdf

June 23, 2016 RM of McKillop No. 220 Council meeting minutes

https://www.rmofmckillop220.com/mrws/filedriver/minutes/June_23_2016.pdf

April 23, 2018 RM of McKillop No. 220 Council meeting minutes

https://www.rmofmckillop220.com/mrws/filedriver/minutes/April_23_2018_minutes.pdf

Resort Property Vacation Trailer Survey Results

[https://www.rmofmckillop220.com/mrws/filedriver/notices/RESORT-PROPERTY-VACATION-
TRAILER-SURVEY-RESULTS-.pdf](https://www.rmofmckillop220.com/mrws/filedriver/notices/RESORT-PROPERTY-VACATION-TRAILER-SURVEY-RESULTS-.pdf)