

## PART 10 - GENERAL

### 10.1 Penalties

BL9853 amended sub-paragraph 10.1.1:

10.1.1 Offences and Penalties - Every person who contravenes any provision of the bylaw or any order or permit issued under this bylaw, or who suffers or permits anything to be done in contravention of any provisions of this bylaw, or any order or permit issued under this bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this bylaw or any order or permit issued under this bylaw, commits an offence and, except as hereinbefore specifically provided, shall be liable, on summary conviction, to a penalty not exceeding ten thousand dollars (\$10,000.00) and the costs of prosecution. And where the offence is contrary to Sections 2.1.6, 8.1.2, 8.2.4, 8.2.5, 9.1.1 or 9.1.4 may be liable on conviction to a penalty not exceeding \$10,000.00 or a term of incarceration for a period of not more than 90 days, or both. Where any offence is a continuing one, each day that the offence continues shall be a separate offence.

BL10666 and BL11214 amended as follows:

10.1.2 Right of Entry. Any Peace Officer, the Manager of Public Works, or a City employee acting under the direction of the Engineer may enter, at all reasonable times, upon any property subject to the regulations of this Bylaw in order to ascertain whether such regulations or directions are being obeyed.

10.1.3 Default - General. Where in this Bylaw any matter or thing is required to be done by any person, and that matter or thing is not done, such matter or thing shall be done at the expense of the person in default and the expense thereof may be recovered, insofar as section 376 of the *Local Government Act* applies to the situation, with interest at the rate of ten percent (10%) per annum, with costs in like manner as municipal taxes.

10.1.4 No Duty of Care. Neither a failure to enforce this Bylaw, nor any error, omission or other neglect in relation to a permit issued pursuant to this Bylaw shall be interpreted as giving rise to a cause of action in favour of any person.

## 10.2 Repeal

10.2.1 City of Kelowna Traffic Bylaw No. 4495-78, as amended is hereby repealed.

Read a first time by the Municipal Council of the City of Kelowna this 4<sup>th</sup> day of June, 2001.

Amended by the Municipal Council of the City of Kelowna this 25<sup>th</sup> day of March, 2002.

Read a second and third time, as amended, by the Municipal Council of the City of Kelowna this 25<sup>th</sup> day of March, 2002.

Received the approval of the Minister of Transportation & Highways as to Part 2 - General Regulations, Subsection 2.4.4; and Part 6 - Traffic Control Devices, Subsection 6.1.1(c) of this Bylaw this 14<sup>th</sup> day of August, 2002.

Adopted by the Municipal Council of the City of Kelowna this 26<sup>th</sup> day of August, 2002

W. Gray

\_\_\_\_\_  
Mayor

D.L. Shipclark

\_\_\_\_\_  
City Clerk