

## BYLAW NO. 3036/91

Being a Bylaw to provide for a general penalty for breach of a Bylaw.

WHEREAS Section 7(i) of the Municipal Government Act provides that a Council may enact a General Penalty Bylaw for a breach of any City Bylaw;<sup>1</sup>

WHEREAS Council wishes to enact a General Penalty Bylaw to provide for penalties where any Bylaw does not so provide;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

### TITLE

1 This Bylaw may be called the "General Penalty Bylaw".

### DEFINITIONS

2 In this Bylaw:

(a) "alleged offender" means any person to whom a tag or a summons is issued for the breach of a bylaw;

(b)<sup>2</sup> "bylaw" means any bylaw passed by the Council;

(c)<sup>3</sup> "Chief Bylaw Enforcement Officer" means the Chief of Police;

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<sup>1</sup> 3036/A-95

<sup>2</sup> 3036/A-95

<sup>3</sup> 3036/A-95

(d)<sup>1</sup> DELETED

(e) "Court" means the Provincial Court of Alberta;

(f)<sup>2</sup> DELETED

(g)<sup>3</sup> DELETED

(h) "penalty amount" means the full amount of the penalty specified in a bylaw and indicated on the tag, before the application of any discount for early payment;

(i) "summons" means a summons issued under the Provincial Offences Procedure Act.

#### FORM OF TAG

3                   The tag which may be issued for breach of a bylaw shall be in the form approved, from time to time, by the Chief Bylaw Enforcement Officer of the City.

#### ISSUE OF TAG - SPECIFIED PENALTIES

4                   Any person who breaches any provision of a bylaw for which a penalty is specified may be issued a tag requiring payment of the penalty

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<sup>1</sup> 3036/A-95

<sup>2</sup> 3036/A-95

<sup>3</sup> 3036/A-95

amount.

**5 DELETED**

REFUND OF PAYMENT

- 6 Where an alleged offender has made payment under this bylaw and is prosecuted under a summons issued for the offence in respect of which such payment has been made, such payment will be refunded.

ISSUE OF SUMMONS - SPECIFIED PENALTIES

- 7 (1) If the alleged offender does not pay the penalty amount, then such person may, by summons, be required to appear in Court and shall be liable on summary conviction to pay a minimum fine equal to the penalty amount plus Court costs.
- (2) Any alleged offender who wishes to plead guilty may voluntarily pay the penalty amount after the date of service of a summons and on or before the initial appearance date on the summons to the Clerk of the Court at Red Deer, Alberta.

ISSUE OF SUMMONS - NO SPECIFIED PENALTY

- 8<sup>1</sup> Any person who breaches a bylaw for which offence a specific penalty is not provided may by summons be required to appear in Court and shall be liable upon summary conviction to a penalty of not less than \$100.00, and not more than \$10,000.00 plus court costs and, in default

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<sup>1</sup> 3036/A-95, 3036/A-2025

thereof, for imprisonment for not more than 1 year.

## GENERAL RIGHTS

- 9 This bylaw will not prevent:
- (a) a person from defending any alleged breach of a bylaw;
  - (b)<sup>1</sup> a Peace Officer or Bylaw Enforcement Officer from issuing a summons to any person for breach of a bylaw;
  - (c) a person from issuing a summons against any other person for breach of a bylaw.

## YOUNG OFFENDERS

- 10<sup>2</sup> Where an alleged offender is under the age of 18 years, such person shall be liable to the penalties provided in the Youth Justice Act, RSA 2000, CH. Y-1.

## LICENSE FEES AND OTHER CHARGES<sup>3</sup>

- 11<sup>4</sup> Upon conviction for an offense, a Judge of a Court may impose a penalty for such offense that is in addition to a fine or imprisonment, so long as the penalty relates to the non-payment of a fee, cost, rate, toll or charge that is associated with the conduct that gave rise to the offense for which the conviction was given.

<sup>1</sup> 3036/A-95

<sup>2</sup> 3036/A-2010

3 3036/A-95

4 3036/A-95

REPEAL

12 Bylaw 3005/90 is repealed.

EFFECTIVE DATE

13 This bylaw shall come into full force and effect upon the passage of third reading.

READ A FIRST TIME IN OPEN COUNCIL this 24 day of June A.D. 1991.

READ A SECOND TIME IN OPEN COUNCIL this 24 day of June A.D. 1991.

READ A THIRD TIME IN OPEN COUNCIL this 24 day of June A.D. 1991.

"R.J. McGhee"

"Kelly Kloss"

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MAYOR

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ASSIST. CITY CLERK



**OFFICE CONSOLIDATION**

**BYLAW 3036/91**

**GENERAL PENALTY BYLAW**

**(Effective January 1, 2012)**