

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;¹

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)² "bylaw" means any bylaw passed by the Council;

(c)³ "Chief Bylaw Enforcement Officer" means the Chief of Police;

¹ 3036/A-95

² 3036/A-95

³ 3036/A-95

- (d)¹ DELETED
- (e) "Court" means the Provincial Court of Alberta;
- (f)² DELETED
- (g)³ 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 amount.

¹ 3036/A-95

² 3036/A-95

³ 3036/A-95

PREPAYMENT DISCOUNTS

- 5¹ (1) The penalties for offences under the following sections of the Traffic Bylaw 3186/97 may be reduced by \$35.00 if paid to The City of Red Deer within 10 days of the date of service of the tag:
- (a) all sections under Part 4;
 - (b) all sections under Part 5;
 - (c) Part 6 sections 37, 37.2 (d), 38, 39 (2), 39 (3), 39 (4);
 - (d) all sections under Part 7; and
 - (e) Part 8 sections 52, 53 (1), 53.2, 63, 73.1
- (2) Payment of the reduced amount under section 5 (1) shall be accepted by The City in full satisfaction of the tag.
- (3) After the expiry of 10 days from the date of service of the tag, the full penalty amount must be paid, and may be paid to The City of Red Deer at any time before a summons is issued.

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.

¹ 3036/A-2011, 3036/B-2011, 3036/C-2011

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

- 8¹ 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 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;

¹ 3036/A-95

- (b)¹ 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

10² 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 CHARGES³

11⁴ 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.

1 3036/A-95

2 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"

MAYOR

ASSIST. CITY CLERK



OFFICE CONSOLIDATION

BYLAW 3036/91

GENERAL PENALTY BYLAW

(Effective January 1, 2012)