

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.

PREPAYMENT DISCOUNTS

¹ 3036/A-95

² 3036/A-95

³ 3036/A-95

5¹ 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

- 8² 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.

¹ 3036/A-2025

² 3036/A-95

GENERAL RIGHTS

9 This bylaw will not prevent:

- (a) a person from defending any alleged breach of a bylaw;
- (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"

MAYOR

"Kelly Kloss"

ASSIST. CITY CLERK



OFFICE CONSOLIDATION

BYLAW 3036/91

GENERAL PENALTY BYLAW

(Effective January 27, 2025)