

COUNTY OF BARRHEAD NO. 11

PROVINCE OF ALBERTA

BY-LAW NO. 4-87

GENERAL PENALTIES BY-LAW

A BY-LAW OF THE COUNTY OF BARRHEAD NO. 11, IN THE PROVINCE OF ALBERTA, TO ESTABLISH GENERAL PENALTY PROVISIONS FOR THE CONTRAVENTION OF ANY BY-LAW IN THE MUNICIPALITY.

WHEREAS the Municipal Government Act, being Chapter M-26, Section 110 of the Revised Statutes of Alberta, 1980, and amendments thereto, provides that a Municipal Council may enact a General Penalty By-Law for a contravention of any By-Law, and may impose a fine and costs and imprisonment in the case of non-payment for the infractions of its By-Laws and for the procedure for payment to the Municipal Treasurer of such fines in lieu of prosecution; and

WHEREAS the Council of the County of Barrhead No. 11 has prescribed certain penalties for infraction of Municipal By-Laws;

NOW THEREFORE, the Council of the County of Barrhead No. 11, in the Province of Alberta, duly assembled enacts as follows:

1. That this By-Law may be cited as "The General Penalties By-Law".
2. That any person committing a breach of any of the provisions of any of the By-Laws of the County of Barrhead now in force or which may at any time hereafter come into force shall be liable upon conviction for a breach thereof to a penalty not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), exclusive of costs, and in case of non-payment of the fine and costs imposed for any such breach, to punishment by imprisonment for any period not exceeding six (6) months.
3. That in any case of non-payment of a license fee, then in addition to any of the penalties set forth in Section 2 of this By-Law, a Provincial Judge may order payment of any license fee payable to the County of Barrhead No. 11 under the provisions of any County of Barrhead No. 11 By-Law in addition to the penalty.
4. That subject to the specific provision of any County of Barrhead No. 11 By-Law with respect to penalties for the infraction of the By-Law, all provisions of this By-Law shall be incorporated by reference into all By-Laws of the County of Barrhead No. 11 now in force or which may hereafter come into force and which make reference to or provision for the imposition of penalties.
5. That where any Peace Officer or By-Law Enforcement Officer believe that any person has committed a breach of any of the sections of any of the Municipal By-Laws, he may serve upon such noted person an offence ticket as provided herein.
6. That the penalty imposed for violation of any provisions of any Municipal By-Law not containing a specific penalty section, shall be as follows:

FIRST OFFENCE	Twenty Five Dollars (\$25.00)
SECOND OFFENCE	Fifty Dollars (\$50.00)
THIRD AND SUBSEQUENT OFFENCES	One Hundred Dollars (\$100.00)

7. That any person, who being requested by a Peace Officer or By-Law Enforcement Officer of the County of Barrhead No. 11 acting in lawful discharge of his duties pursuant to any of the By-Laws of the County of Barrhead No. 11 now or thereafter in force to give his full surname and full given names, and his full and correct address, fails or refuses so to do or gives a wrong, false or fictitious name and/or address shall be guilty of an offence and upon conviction thereof shall be liable to the penalty and costs imposed by this By-Law.

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8. A) "Offence Ticket" means a ticket or tag issued for any By-Law offence in respect of which a penalty may be paid out of Court in lieu of appearing in answer to a summons. It shall be in a form approved by the County Manager, or as provided for in the regulations pursuant to the Summary Convictions Act.
- B) "Penalty Amount" means the full value of the penalty as indicated on the offence ticket and does not include any reduced penalty for payment within a specified period of time.
- C) An offence ticket shall be deemed to be sufficiently served:
- i) if served personally on the accused; or
 - ii) if mailed to the address of the registered owner of the vehicle concerned; or to the person concerned; or
 - iii) if attached to or left upon the vehicle in respect of which the offence is alleged to have been committed.
- D) When an offence ticket or tag is issued pursuant to any of the County of Barrhead By-Laws, the following procedures shall apply:
- i) Every offence ticket shall provide for payment to be made to the Municipal Treasurer (or any other person designated by Council and indicated on the offence ticket) within thirty (30) days from the date of the time limited, such payment shall be accepted in lieu of prosecution. The County of Barrhead No. 11 may send the defendant a notice setting out:
 - a) The necessary particulars of the offence ticket.
 - b) A statement that payment of the penalty amount will be accepted within thirty (30) days from the date of issue of the offence ticket in the manner provided in Clause i.
 - c) A statement that if the penalty amount is not received within thirty (30) days from the date of issue of the offence ticket the right of the defendant to pay the penalty amount in lieu of prosecution shall expire and that the defendant may receive a summons requiring the defendant to appear in Provincial Court in respect of the offence indicated on the offence ticket.
 - ii) Subject to clause i., if the penalty amount is not paid within thirty (30) days from the date of issue of the offence ticket, the right of the person named on the offence ticket as a violator of a County By-Law hereinafter called the 'defendant' to pay the penalty amount in lieu of prosecution shall expire.
 - iii) That any person who, having been convicted of an offence,
 - a) continues such offence, or
 - b) fails or neglects or refuses to remedy any condition which resulted in such convictionis guilty of an offence and shall be liable to a fine of not less than five (\$5.00) dollars or more than one hundred (\$100.00) dollars for each day that such offence continues, and in default of payment to be imprisoned for a term not exceeding six (6) months.

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8. D) iv) For motor vehicles offences the notices referred to in clause 1., shall be mailed to the name and address shown upon the motor vehicle registration at the Motor Vehicles Branch. For other offences the notice shall be mailed to the name and address entered upon the offence ticket.
- v) Should payment not be made within thirty (30) days from the date of issue of the offence ticket, a complaint may be laid before a Provincial Court Judge and prosecution for the alleged offence shall proceed as though no offence ticket had been issued.
- vi) A person convicted of the offence specified on the offence ticket shall be subject to a fine in an amount not less than the penalty amount.
9. That nothing in any County of Barrhead No. 11 By-Law shall:
- A) Prevent any person from exercising his or her right to defend any charge laid for contravention of any sections of this By-Law; or
- B) Prevent any Peace Officer in lieu of serving an offence ticket, or any other person, from laying an information or complaint against any person for contravention of any section of this By-Law, or
- C) Prevent any person from informing or laying a complaint against any other person, whether such person had made payment under the provision of the By-Law or not, for contravention of any of the sections of this By-Law or any County of Barrhead No. 11 By-Law.
10. That were a person charged with contravening the provisions of a Municipal By-Law is a person under the age of 16 years, such person shall in respect of such offence be subject to the jurisdiction of the Youth Court as provided by "The Provincial Court Act, Chapter P-20, R.S.A. 1980", as amended.
11. That this By-Law shall come into effect upon the final reading thereof.

FIRST READING GIVEN THIS 3rd day of March, 1987 - HATHERLEY

SECOND READING GIVEN THIS 3rd day of March, 1987 - FLUET

THIRD AND FINAL READING GIVEN THIS 3rd day of March, 1987 - HAGEN - with the unanimous consent of Council.


REEVE

SEAL


COUNTY MANAGER