

BYLAW NO. 204

THE SUMMER VILLAGE OF KAPASIWIN

A Bylaw to Provide for the Imposition of Penalties for  
infractions of Village Bylaws in the Village of Kapasiwin  
("GENERAL PENALTY BYLAW")

1. This Bylaw may be cited as the "General Penalty Bylaw".
2. In this Bylaw,
  - (a) "Violation Ticket" means a ticket or tag issued for any bylaw 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 substantially in the form prescribed in Appendix "A";
  - (b) "Penalty Amount" or "fine" means the full amount of the penalty or fine as indicated on the Violation Ticket;
  - (c) "Peace Officer" includes Police Officer, Special Constable <sup>or</sup> Bylaw Enforcement Officer appointed by the resolution of the Council of the Village;
  - (d) "Bylaw" means, unless the context signifies otherwise, a Bylaw of the Village of Kapasiwin;
  - (e) "Defendant" means the person to whom a Violation Ticket issued; and
  - (f) "Village" means the Village of Kapasiwin.
3. Unless otherwise specifically provided in any Alberta statute or regulation, or, unless any Bylaw has specific penalties set forth for contravention of such Bylaw, the

provisions of this Bylaw shall apply to the enforcement of any Bylaw by fine, penalty or imprisonment.

4. Any person who contravenes any provision of any Bylaw (whether enacted prior to or after this Bylaw and whether now in force or which may hereafter come into force) shall be liable upon conviction for contravention thereof to a fine not exceeding Two Thousand Five Hundred (\$2,500.00) Dollars, exclusive of costs, and to punishment by imprisonment for any period not exceeding 6 months in case of non-payment of the fine and costs imposed for any such contravention, unless the fine and costs including the costs of committal are sooner paid.
5. The minimum fine which shall be imposed by the court on a conviction for a contravention of a provision of a Bylaw shall be the sum of Fifty (\$50.00) Dollars.
6. The minimum fine which shall be imposed by the court on a conviction for the second or subsequent contravention of a provision of a Bylaw shall be the sum of One Hundred (\$100.00) Dollars.
7. A Violation Ticket may be issued by a Peace Officer to any person who has contravened or who is alleged to have contravened any provision of any Bylaw, and the Violation Ticket issued shall require payment of a Penalty Amount in the amount of Fifty (\$50.00) Dollars for a first offence and One Hundred (\$100.00) Dollars for a second or subsequent offence.
8. A Violation Ticket shall be deemed to be sufficiently served:

- (a) if served personally on the defendant by single registered mail, or
  - (b) if mailed to the address of the defendant by single registered mail, or
  - (c) if left upon a vehicle in respect of which the offence is alleged to have been committed.
9. If payment of the Penalty Amount is not received within 14 days of the date of issue of the Violation Ticket, the Defendant shall be issued a summons to appear in the Provincial Court of Alberta with respect to the contravention of the Bylaw indicated on the Violation Ticket.
10. If a person to whom a Violation Ticket is issued fails to pay the Penalty Amount indicated on the Violation Ticket within the time limited, on conviction for the contravention of the provision of the Bylaw in the Violation Ticket, the minimum fine which shall be imposed by the court shall be the Penalty Amount indicated on the Violation Ticket.
11. When a person is convicted for the non-payment of any license fee payable to the Village under a Bylaw, the provincial judge or justice may judge payment thereof in addition to the Penalty Amount.
12. Where a person charged with contravention of a Bylaw is under the age of 18 years, such Defendant shall be subject to the jurisdiction of the Youth Court, pursuant to the *Young Offenders Act*, being Chapter P-20, of the Revised Statutes of Alberta, 1980, and amendments thereto.

13. Nothing in this Bylaw shall be construed so as to prevent any person from a charge of contravention of any Bylaw.

14. This Bylaw shall come into effect on the day on which it is finally passed.

READ a first time this 18 day of June, 1992.

READ a second time this 18 day of June, 1992.

READ a third time this 18 day of June, 1992.

Carol Losie  
CAROL LOSIE MAYOR

Jolly Drever  
JOLLY DREVER MUNICIPAL ADMINISTRATOR

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