



## **BYLAW NO. 04.11**

### *BEING A BYLAW OF YELLOWHEAD COUNTY, IN THE PROVINCE OF ALBERTA, TO REGULATE PUBLIC BEHAVIOUR*

**WHEREAS**, Sections 7(a) of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended, authorizes municipalities to pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS** section 7(b) of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended, authorizes municipalities to pass bylaws respecting people, activities and things in, on or near a public place or place that is open to the public;

**AND WHEREAS** it is desirable to establish a bylaw to regulate the conduct and activities of people in public places and places open to the public, to promote the safe, enjoyable and responsible use of such property for the benefit of all residents of the County.

**THEREFORE**, in accordance with section 7 of the *Municipal Government Act (Alberta)*, being Chapter M-26 of the revised statutes of Alberta 2000, the Council of Yellowhead County, in Council duly assembled, hereby enacts as follows:

1. This Bylaw may be cited as the "Public Safety Bylaw".

### **INTERPRETATION**

2. (1) In this Bylaw:
  - (a) "**bully**" means to engage in verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive communication, in person or by any other means of communication;
  - (b) "**County**" means the municipal corporation of Yellowhead County or the area contained within the boundary thereof as the context requires;
  - (c) "**fight**" means any confrontation involving violent physical contact between two or more people;
  - (d) "**peace officer**" means any person authorized to enforce this bylaw by the council and includes:
    - (i) a member of the Royal Canadian Mounted Police, while the member is in the exercise or discharge of the member's powers or duties,
    - (ii) a member of a municipal police service, while the member is in the exercise or discharge of the member's powers or duties,
    - (iii) a Peace Officer appointed under the Peace Officer Act, while the Peace Officer is in the exercise or discharge of the Peace Officer's powers or duties, and



- (iv) a Bylaw Enforcement Officer appointed by the council under the authority of the Municipal Government Act, R.S.A. 2000, c. M-26
- (e) "**panhandling**" means the personal, verbal and direct solicitation by a person for donations of money, food or goods of any kind, or the exchange of money, food or goods, or an unsolicited service for money of any kind, from any member of the public, but does not include solicitation allowed or authorized pursuant to the *Charitable Fund-Raising Act*, R.S.A. 2000 c. C-9, or any other legislation permitting the solicitation of charitable donations;
- (f) "**verbal**" means spoken, written or gestural.
- (2) Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

### **FIGHTING**

- 3. No person shall participate in a fight in any public place or place that is open to the public.

### **LOITERING**

- 4. (1) No person shall loiter in a public place or place that is open to the public and thereby obstruct any other person.
- (2) No person shall stand or put their feet on the top or surface of any table, bench, planter or sculpture placed in any public place or place that is open to the public.

### **PANHANDLING**

- 5. (1) No person shall engage in panhandling in a public place or place that is open to the public:
  - (a) so as to obstruct the passage of, walk next to, or follow the person being solicited;
  - (b) within 10 meters of the entrance to a bank, credit union, trust company or other financial institution where cash can be withdrawn;
  - (c) within 10 meters of an automated teller machine or other device from which cash can be electronically accessed; or
  - (d) who is otherwise permitted by this Bylaw to panhandle, but continues to engage in panhandling with someone who has refused or declined the solicitation.

### **BULLYING**

- 6. (1) No person shall bully any person in any public place or place that is open to the public.
- (2) No person shall encourage any person to bully any other person in any public place or place that is open to the public.



**OFFENCES AND PENALTIES**

- 7. (1) A person who contravenes any provision of this Bylaw by doing any act or thing which the person is prohibited from doing is guilty of an offence.
- (2) Where a Peace Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000 c. P-34.
- (3) The specified penalty payable in respect of a contravention of this Bylaw is the amount set out in Schedule "A" of this Bylaw.
- (4) Pursuant to section 27(2)(d) of the *Provincial Offences Procedure Act*, if the summons issued by a Peace Officer under subsection (2) so provides, the person named in the summons may make a voluntary payment in the specified amount set out in Schedule "A" of this Bylaw, and upon making the voluntary payment, that person is not required to appear before a justice to answer the summons.
- (5) A person who contravenes any provision of this Bylaw is liable on conviction to pay a fine of not less than the specified penalty set out in Schedule "A" of this Bylaw and not more than Ten Thousand Dollars (\$10,000.00).

This bylaw comes into force at the beginning of the day that it is passed in accordance with Section 189 of the Municipal Government Act, R.S.A., 2000.

READ a first time this \_\_\_\_\_ Day of January \_\_\_\_\_ A.D., 2011.

READ a second time this \_\_\_\_\_ Day of January \_\_\_\_\_ A.D., 2011.

READ a third time this \_\_\_\_\_ Day of \_\_\_\_\_ A.D., 2011.

SIGNED this \_\_\_\_\_ Day of \_\_\_\_\_ A.D., 2011.

\_\_\_\_\_  
Mayor, Gerald Soroka

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Chief Administrative Officer, Jack Ramme



## SCHEDULE "A"

### SPECIFIED PENALTIES

SECTION	OFFENCE	SPECIFIED PENALTY
3(1)	Fighting	\$250.00
4(1)	Loitering and Obstruction	\$250.00
4(2)	Stand/put feet on top of surface of any table, bench, planter or sculpture	\$200.00
5(1)(a) –(d)	Panhandling prohibitions	\$200.00
6(1)	Bullying	\$250.00
6(2)	Encouraging bullying	\$200.00