

## **BYLAW # 692-10**

### **BEING A BYLAW OF THE TOWN OF ONOWAY IN THE PROVINCE OF ALBERTA FOR THE PROTECTION OF PUBLIC SPACES FOR PUBLIC USE**

**WHEREAS** the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto, provides that a council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS** under these provisions of the *Municipal Government Act*, the Council of the Town of Onoway may 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 problematic social behaviours that may have a negative impact on the enjoyment of public spaces within the municipal boundary;

**NOW THEREFORE** the Council of the Town of Onoway in the Province of Alberta, duly assembled, enacts as follows:

#### **1. TITLE**

1.1 This bylaw may be cited as the “Public Behaviour Bylaw”.

#### **2. DEFINITIONS**

2.1 In this bylaw, unless the context otherwise requires:

- (a) “Defecate” means to deliberately discharge waste matter from the bowels;
- (b) “Disorderly Conduct” means any behaviour that tends to disturb the public peace, public order or decorum, scandalize the community or offend the public sense of morality;
- (c) “Fight” means any confrontation involving violent physical contact between two or more people;
- (d) “Loitering” means to stand around or move slowly about without apparent purpose or action;
- (e) “Municipal Officer” includes Bylaw Enforcement Officers, Emergency Services Workers, Public Works Staff Members for the Town of Onoway, as the context may require;
- (f) “Officer” includes Bylaw Enforcement Officers, Community Peace Officers, and members of the Royal Canadian Mounted Police (R.C.M.P.);
- (g) “Public Place” means any place within the Town to which the public may have either express or implied access;
- (h) “Spit” means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth;
- (i) “Town” means the municipal corporation of the Town of Onoway or the area contained within the boundary thereof as the context requires;

(j) “Urinate” means to deliberately discharge urine from the body;

(k) “Violation Tag” means a tag or similar document issued by the Town pursuant to the *Municipal Government Act*, R.S.A. 2000 as amended;

(l) “Violation Ticket” means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34, as amended, and the regulations thereunder;

### **3. INTERPRETATION**

3.1 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.

3.2 Nothing in this bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw, or any requirement of any lawful permit, order or licence.

3.3 Any heading, subheadings or tables of contents in this bylaw are included only for convenience, and shall not form part of this bylaw.

3.4 Where this bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.

3.5 All schedules attached to this bylaw shall form a part of this bylaw.

### **4. PUBLIC OFFENCES**

4.1 No person shall defecate or urinate in a public place or on the private property of another person (except with the permission of that other person).

4.2 No person shall spit on any street, sidewalk, pathway, trail, in or on any public place, or on the private property of another person without that person’s consent; this prohibition does not apply to the participants in an organized sporting event who are governed by the rules of conduct of that sporting event.

4.3 No person shall participate in a fight or similar physical confrontation in any public place or any place to which the public reasonably has access; this prohibition does not apply to the participants in an organized sporting event who are governed by the rules of conduct of that sporting event.

4.4 Any person not being in a dwelling house, shall not cause a disturbance in or near a public place by any of the following:

(a) fighting, screaming, shouting;

(b) being intoxicated by alcohol or other substances;

(c) loitering in a public place;

(d) disturbing the peace and quiet of the occupants of a dwelling house by disorderly conduct in a public place.

4.5 No person shall vandalize public or private property by:

(a) removing, destroying, damaging, tampering with, mutilating, defacing or climbing on any building, structure, fixture, chattel, monument, vase, fountain, wall, fence, wire, netting, vehicle, tool, gate, seat, bench, exhibit, cage, or ornament.

(b) This prohibition shall not apply to any person climbing on a structure, wall or piece of equipment expressly designed for that purpose, including playground equipment, climbing wall or similar recreational equipment.

4.7 No person shall willfully obstruct, impede or hinder a Municipal Officer while the Municipal Officer is engaged in the execution of their lawful duty.

4.8 No person shall fail or refuse to comply with a lawful order or request of a Municipal Officer while that Municipal Officer is engaged in the execution of their lawful duty.

## **5. POWERS OF OFFICERS AND PENALTIES**

5.1 Any person who contravenes any provision of this bylaw is guilty of an offence.

5.2 Any person who is guilty of an offence under this bylaw is liable to pay a fine of not less than the specified penalty for the offence and not more than \$2,000.00.

5.3 Where an Officer has reasonable and probable grounds to believe that an offence has been committed under this bylaw, the Officer may commence proceedings by issuing either a Summons/Violation Ticket (Part 2) or an Offence Notice/Violation Ticket (Part 3) in accordance with the provisions of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-21.5.

5.4 If an Officer believes on reasonable and probable grounds that an offence has been committed under this bylaw, the Officer may issue a Violation Tag in such form as may be prescribed from time to time by the Town Manager.

5.5 Service of the Violation Tag is sufficient if the Violation Tag is:

(a) personally served; or

(b) attached to the vehicle in respect of which the offence is alleged to have occurred, in which case the Violation Tag need not specify the name of the person alleged to have committed the offence if the vehicle is described on the Violation Tag by the licence plate number.

5.6 Under no circumstances shall any person contravening any provision of this bylaw be subject to the penalty of imprisonment.

5.7 Notwithstanding section 7.1 of this bylaw, any person who commits the same offence under this bylaw more than once within one year of committing the first offence may be issued a Violation Ticket or a Violation Tag with the specified penalty for "Subsequent Offences" set out in Schedule "A" to this bylaw.

5.8 Where a contravention of this bylaw is of a continuing nature, further Violation Tickets or Tags may be issued, provided however, that no Violation Tickets or Tags shall be issued for each day that the contravention continues.

5.9 The penalty in lieu of prosecution applicable to any contravention of this bylaw, to be used when issuing a Violation Ticket or Tag shall be the same as set out in Schedule "A".

5.10 Any offence listed in this bylaw without a specified penalty contained in Schedule "A" shall be \$100.00 for the first offence and \$250.00 for subsequent offences within a one-year period of the first offence.

## **6. EFFECTIVE DATE**

6.1 This bylaw shall take full force and effect upon passage of the third and final reading and upon signing in accordance with section 213 of the *Municipal Government Act*, R.S.A. 2000.

## **7. EXPIRY**

7.1 Any person who commits a subsequent offence under this bylaw within one year of committing the first offence may be issued a Violation Ticket or a Violation Tag. The time limit for committing a subsequent offence resets on a yearly basis on January 1 of each year.

Read a first time this 25<sup>th</sup> day of May, AD 2010

Read a second time this 14<sup>th</sup> day of June, AD 2010

Read a third and final time this 14<sup>th</sup> day of June, AD 2010

Signed by George Jendyk  
Mayor

Signed by Rod Griffiths  
CAO

**SCHEDULE "A"**  
**SPECIFIED PENALTIES**

<b>Charge Description</b>	<b>Section</b>	<b>First Offence</b>	<b>Subsequent Offences</b>
Cause Disturbance in Public Place	4.3	\$250	\$500
Trespass at Night on Public/Private Property	4.4	\$250	\$500
Vandalize Public/Private Property	4.5	\$250	\$500
Obstruct, hinder, impede Municipal Officer	4.6	\$250	\$500
Fail to comply with lawful order of Municipal Officer	4.7	\$250	\$500