



## **TOWN OF EDSON BYLAW NO. 2219**

A Bylaw of the Town of Edson in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act*, being Chapter M-26 of the Statutes of Alberta 2000 and amendments thereto, to establish standards for personal conduct and decorum within Edson in order to prevent and/or rectify public disturbances and to ensure safe, hospitable, and attractive living environment throughout the municipality.

**WHEREAS** the *Municipal Government Act* provides that municipal councils may pass bylaws respecting “the safety, health and welfare of people and the protection of people and property”; “people, activities and things in, on or near a public place or place that is open to the public”;

**AND WHEREAS** the Municipal Government Act allows for the enforcement of bylaws through the “creation of offenses”; the carrying out of inspections; the imposition of fines(s) not exceeding \$10,000 or imprisonment for not more than one year, or both; the issuance of orders to remedy bylaw infractions; the remedying of bylaw infractions at an offender’s expense; and the abstention from prosecution for an offence if the offender pays a specified amount by a given deadline;

**AND WHEREAS** the rules established in this Bylaw are beneficial to the safety, health, and welfare of Edson residents;

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

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**TOWN OF EDSON BYLAW NO. 2219****Part 1—Title, Definitions, and Interpretation****1. Bylaw Title**

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

**2. Definitions**

- 2.1 “*Bullying*” means verbal or physical abuse; threats, taunts, teasing, name calling, and put downs, whether communicated verbally, in writing, through body language, or electronically; and/or any repeated or prolonged abusive or discomforting communication or conduct, direct or through any medium whatsoever.
- 2.2 “*CAO*” means the Chief Administrative Officer of the Town of Edson.
- 2.3 “*Child*” means a male or female who is under the age of sixteen.
- 2.4 “*Contravener*” see “*Offender*”
- 2.5 “*Council*” means the municipal Council of the Town of Edson.
- 2.6 “*Fight*” means any violent, aggressive, or hostile altercation between two or more persons which could reasonably result in bodily or psychological harm, whether the altercation involves physical contact or verbal exchanges.
- 2.7 “*Guardian*” means a parent, legal guardian, or foster parent.
- 2.8 “*May*” means a discretionary item, and indicates that a range of possible actions are permissible and/or available.
- 2.9 “*Municipal Government Act*” means the *Municipal Government Act* of Alberta.
- 2.10 “*Municipal Tag*” means a ticket alleging an offence against this Bylaw which specifies an amount that may be paid to the Town by the offender within a prescribed period of time, and which allows for the offender, in the event of his/her payment of the prescribed amount, to avoid prosecution for the offence
- 2.11 “*Offender*” or “*Contravener*” means a person found or alleged to be in breach of this Bylaw, whether as a result of his/her action, inaction, or use/misuse of property.
- 2.12 “*Peace Officer*” includes a Peace Officer, a Community Peace Officer, Bylaw Officer and a member of the Royal Canadian Mounted Police;

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- 2.13 “*Person*” means any individual, firm, partnership, association, corporation, trustee, executor, administrator, or other legal representative.
- 2.14 “*Proper Adult Guardianship*” means being accompanied by a Guardian or Temporary Guardian.
- 2.15 “*Public Place*” means any area to which the public reasonably has or is permitted to have access and includes any property owned by the Town as well as any private property to which access is not restricted by means of a physical or legal barrier, such as parking lots or commercial venues.
- 2.16 “*Temporary Guardian*” means an adult person over the age of 18 years, who has been given prior permission by a Guardian to look after a Child for a specified time period.
- 2.17 “*Town*” or “*Municipality*” means the Town of Edson.
- 2.18 “*Violation Ticket*” means a violation ticket as defined in the *Provincial Offences Procedure Act*, Chapter P-34, RSA, 2000.

**3. Interpretation Guidelines and Severability**

- 3.1 Where applicable, words in the singular shall be taken to include the plural, and vice versa.
- 3.2 Masculine pronouns include the feminine and non-gendered equivalents, and vice versa.
- 3.3 Headings are used for convenience and reference purposes only, and do not affect the meaning or validity of specific clauses.
- 3.4 Where descriptions of requirements or prohibitions under this Bylaw are qualitative or subjective in nature, a Peace Officer shall determine whether or not a contravention has occurred. Final determination shall be made by a court of competent jurisdiction hearing a prosecution pursuant to this Bylaw.
- 3.5 Where this Bylaw refers to another Act, bylaw, regulation, or agency, it includes reference to any amendment to or substitution for the same.
- 3.6 A person who enters property to remedy a condition as directed by Council, or the Peace Officer, shall be deemed to have the authorization of Council and shall not incur any liability therefore.
- 3.7 Inaction however caused or whatever the result. Notwithstanding the wording of the Bylaw, nothing in this Bylaw, or in any amendment hereto, shall, in any way, impose any liability on the Town for any negligence, gross negligence.

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- 3.8 If any provision of this Bylaw, or any component word, phrase, sentence, or paragraph thereof, is for any reason held invalid, unconstitutional, or illegal by a court of competent jurisdiction, that portion shall be deemed a distinct and independent provision and shall be severed from the Bylaw to the extent of the invalidity, without affecting the meaning, validity, or enforceability of the remaining provisions of the Bylaw.

## Part 2—Public Conduct

### 4. Bullying

- 4.1 No Person shall Bully, or participate in the Bullying of, any Person in a Public Place.
- 4.2 No Person shall support Bullying by watching or encouraging it (whether verbally or in writing, through body language/gestures, or via any other means of expression, explicit or implicit).
- 4.3 No Person shall Bully any person by electronic means, whether in written, video, pictorial, or any other format.
- 4.4 No Person shall photograph, film, record, or distribute a photograph, film, or recording of Bullying for any purpose other than documenting and reporting a breach of this Bylaw or any other applicable law.

### 5. Fighting

- 5.1 No Person shall participate in a Fight or any physical confrontation in a public place.
- 5.2 No Person shall support a Fight by watching or encouraging it (whether verbally or in writing, through body language/gestures, or any other means of expression, explicit or implicit).
- 5.3 No Person shall photograph, film, record, or distribute a photograph, film, or recording of a Fight for any purpose other than documenting and reporting a breach of this Bylaw or any other applicable law.
- 5.4 Exceptions:
- a) Violent physical contact between persons that occurs in the context of sport or exercise, insofar as that contact is related to the rules or purpose of that sport or exercise; or
  - b) The distribution or publication of a photograph, film, or recording of a fight, insofar as the distribution/publication is for the purposes of legitimate news reporting.

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### 6. Curfew

- 6.1 Any Child who is under the age of 16, found in a Public Place within the corporate limits of the Town of Edson after 11:00 P.M. on any day and before 6:00 A.M. the following day, without Proper Adult Guardianship or a Legitimate Reason, is guilty of an offence and liable upon summary conviction.
- 6.2 Any Guardian or Temporary Guardian whose Child is found in a Public Place within the corporate limits of the Town after 11:00 P.M. on any day and before 6:00 A.M. the following day, without Proper Adult Guardianship or a Legitimate Reason, is guilty of an Offence and liable upon summary conviction.

### 7. Litter

- 7.1 No Person shall place, deposit, or throw, or cause to be placed, deposited, or thrown upon any public place or upon the property of another Person, any Trash or Waste of any kind, including but not limited to:
- a) Paper or cardboard materials, whatever the source;
  - b) Plastic bags, wrappers, bottles, and/or containers;
  - c) Glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
  - d) Any material used as a wrapping for edible products or other consumer goods;
  - e) Food scraps;
  - f) Human, animal, or vegetable products;
  - g) Scrap metal; scrap lumber; tires; or dismantled, wrecked, or dilapidated motor vehicles or parts thereof;
  - h) Vehicle fuels, oils, or fluids; and/or
  - i) Dirt, sand, or gravel.

### 8. Spitting/Urinating/Defecating

- 8.1 No person shall urinate or deposit any human waste in any Public Place or in any place to which the public is allowed access, other than a public washroom.
- 8.2 No Person shall spit at any person or on any public or private property that they do not own.

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### Part 3—Enforcement and Penalties

#### 9. Education and Warning

- 9.1 Where appropriate, a Peace Officer shall take reasonable measures to inform an Offender of his/her obligations under this Bylaw so that voluntary remediation and self-policing can occur.
- 9.2 Education measures may include conversations with the Offender or a written notice(s) left at the Offender's last known address which cite this Bylaw and any of the Offender's obligations under it.

#### 10. Offence

- 10.1 A Person who contravenes this Bylaw is guilty of an offence.

#### 11. Continuing Offence

- 11.1 In the case of an Offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

#### 12. Fines and Penalties

- 12.1 A Person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than 1 year for non-payment of a fine.
- 12.2 Without restricting the generality of Section 13.1 fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered as per Schedule A.

#### 13. Municipal Tag

- 13.1 A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 13.2 A Municipal Tag may be issued to such Person:
- a) Either Personally; or
  - b) By mailing a copy to such Person at his or her last known address.

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13.3 The Municipal Tag shall be in a form approved by the CAO and shall state:

- a) The name of the Person;
- b) The Offence;
- c) The specified penalty established by this Bylaw for the offence;
- d) That the penalty shall be paid within 30 days of the issuance of the Municipal Tag; and
- e) Any other information as may be required by the CAO.

### 14. Payment in Lieu of Prosecution

14.1 Where a Municipal Tag is issued pursuant to this Bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified within the time period indicated on the Municipal Tag.

### 15. Violation Ticket

15.1 If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.

15.2 Notwithstanding Section 15.1, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act* to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

15.3 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may;

- a) Specify the fine amount established by this Bylaw for the offence; or
- b) require a Person to appear in court without the alternative of making a voluntary payment.

15.4 Any Person to whom a Violation Ticket has been issued may make voluntary payment in respect of the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in the Bylaw, to the Provincial Court office as specified on the Violation Ticket.



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**16. Voluntary Payment**

16.1 A Person who commits an offence may:

- a) if a Violation Ticket is issued in respect of the Offence; and
- b) if the Violation Ticket specifies the fine amount established by this Bylaw for the Offence;

make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

**17. Obstruction**

17.1 A Person shall not obstruct or hinder any Person in the exercise or performance of the Person’s powers pursuant to this Bylaw.

**Part 4—Enactment**

18.1 The following Bylaws are hereby repealed:

- a) Bylaw No. 2084, the Anti Bullying/Fighting Bylaw 2025; and
- b) Bylaw No. 1884, the Curfew Bylaw and amendments thereto 2083.

This Bylaw shall come into full force and effect upon third reading.

**READ** a first time this \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

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**READ** a second time this \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

**READ** a third time and finally passed this \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

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**TOWN OF EDSON  
BYLAW NO.  
FINES AND PENALTIES  
SCHEDULE A**

Section 12.2

- a) \$150.00 for any offence for which a fine is not otherwise established in this section;
- b) \$300.00 for second and subsequent offences.

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