

Town of Olds
Bylaw No. 2008 – 18

Public Behaviours Bylaw

WHEREAS pursuant to Section 7(a) of the *Municipal Government Act*, R.S.A 2000, Chapter M-26, as amended, Council for the Town of Olds may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS pursuant to Section 7(b) of the *Municipal Government Act*, R.S.A 2000, Chapter M-26, as amended, Council for the Town of Olds 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 Council for the Town of Olds has determined that it is desirable to establish a Bylaw to regulate, control and abate problematic public behaviours that have a negative impact on people and property and the enjoyment of public spaces within the Town;

AND WHEREAS Council for the Town of Olds deems it expedient and in the public's interest to pass a bylaw to ensure safe and enjoyable public spaces for all members of the Town of Olds;

NOW THEREFORE the Council of the Town of Olds, duly assembled, enacts as follows:

1. TITLE:

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

2. DEFINITIONS

- 2.1. “CAO” means the Chief Administrative Officer for the Town appointed by Council in accordance with the provision of the *Municipal Government Act*, R.S.A 200, Chapter M-26, or his/her designate;
- 2.2. “Defecate” means to discharge waste matter from the bowels;
- 2.3. “Fight” means any confrontation involving violent physical contact between two or more people;
- 2.4. “Loitering” means to stand around or move slowly about without apparent purpose or action in a Public Place;
- 2.5. “Property” means any public or private land or building located within the Town;

- 2.6. “Peace Officer” means:
- 2.6.1. A member of the Royal Canadian Mounted Police;
 - 2.6.2. A Community Peace Officer appointed by the Solicitor General of Alberta;
 - 2.6.3. A duly appointed Bylaw Enforcement Officer employed by the Town.
- 2.7. “Public Place” means any place within the Town to which the public may have either express or implied access including, but not limited to, areas such as streets, sidewalks, pathways, trails, and any fixture or sculpture located in such area;
- 2.8. “Spit” means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth;
- 2.9. “Town” means the Town of Olds and its jurisdictional boundaries;
- 2.10. “Urinate” means to discharge urine from the body;
- 2.11. “Violation Tag” means a tag or similar document issued by the Town pursuant to the *Municipal Government Act*, R.S.A. 2000, c.M-26 as amended;
- 2.12. “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
- 2.13. “Vomit” means to eject from the mouth the contents of one’s stomach or any substance that reasonably appears to have been from one’s stomach.

3. INTERPRETATION:

- 3.1. Nothing in this Bylaw shall be interpreted as conflicting with any Provincial or Federal legislation.
- 3.2. Where any provision of this Bylaw conflicts with any Provincial or Federal legislation, the Provincial or Federal legislation shall take precedence.
- 3.3. 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 in force.
- 3.4. Nothing in this Bylaw relieves a Person from complying with any provisions of any Provincial or Federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or licence.

3.5. Any headings, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.

3.6. All of the schedules attached to this Bylaw form a part of this Bylaw.

4. FIGHTING

4.1. No person shall participate in a Fight in any Public Place or within the sight or hearing of the public on any Property.

5. URINATION & DEFECATION

5.1. No person shall Defecate or Urinate in or on a Public Place or within the sight of the public on any Property.

5.2. No person located in or on any Public Place shall Defecate or Urinate into or onto any other Property.

6. SPITTING

6.1. No person shall Spit in any Public Place or within the sight of the public on any Property.

6.2. No person located in or on any Public Place shall Spit into or onto any other Property.

6.3. Section 6.1 does not apply to individuals participating in an organized sporting event on public Property wherein participants are governed by rules of conduct.

7. VOMITING

7.1. No person shall Vomit in any Public Place or within the sight of the public on any Property.

7.2. No person located in or on any Public Place shall Vomit into or onto any other Property.

8. LOITERING

8.1. No person shall Loiter in a Public Place and thereby obstruct the passage of any other person.

- 8.2. No person shall stand or put his/her feet on the top or surface of any table, bench, planter, sculpture or other fixture in a Public Place.

9. CAUSING A DISTURBANCE

- 9.1 No Person located in a Public Place shall disturb the peace and enjoyment of other members of the public by:
- a) Screaming, shouting, swearing or using loud, blasphemous, abusive or grossly insulting language;
 - b) Being intoxicated by alcohol or other substances; or
 - c) Openly exposing or exhibiting an indecent act.

10. INTERFERENCE WITH PROPERTY

- 10.1 No person shall damage, destroy, deface, tamper or otherwise interfere with any public or private Property.

11. OFFENCES AND ENFORCEMENT

- 11.1 Every person who contravenes any of the provisions of this Bylaw is guilty of an offence.
- 11.2 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 11.3 A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the CAO and may be delivered to the person reasonably believed to have contravened to this Bylaw by means of actual service upon the Person, or by mailing a copy to such person at his/her last-known post office address.
- 11.4 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag within seven (7) business days if delivered by actual service to the person, and within fourteen (14) business days if served by mail.
- 11.5 Where a Violation Tag has been issued and the specified penalty not paid within the prescribed time, the right of the Person named on the Violation Tag to pay the penalty in lieu of prosecution shall expire and the Peace Officer is authorized to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedures Act*, R.S.A. 2000, c-P.34, as amended or repealed and replaced from time to time.

11.6 Notwithstanding Section 11.1, a Peace officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable grounds to believe has contravened or is responsible for a contravention of any provision of this Bylaw regardless of whether a Violation Tag has first been issued. Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

12. PENALTIES

- 12.1 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of ten thousand dollars (\$10,000.00) or in default of payment of the fine to imprisonment for a period not exceeding six (6) months.
- 12.2 The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- 12.3 Any Person who commits a subsequent offence under this Bylaw within 365 days of committing the first offence may be issued a Violation Tag or a Violation Ticket with the subsequent offences option set out under Schedule "A".

13. EFFECTIVE DATE

- 13.1 This Bylaw comes into force on the day it is passed.

Read for a first time this 25th day of August, 2008.

Read for a second time this 10th day of November, 2008 as amended.

Read for a third and final time this 24th day of November, 2008.

Judy Dahl, Mayor

Norm McInnis,
Chief Administrative Officer

SIGNED by the Chief Elected Officer and Chief Administrative Officer this day of
, 2008.

SCHEDULE "A"

Charge Description	Section	First Offence	Subsequent Offences within 365 days
Fighting in a Public Place	4.1	\$250	\$500
Urination and Defecation in a Public Place	5.1 & 5.2	\$250	\$500
Spitting in a Public Place	6.1 & 6.2	\$75	\$150
Vomiting in a Public Place	7.1 & 7.2	\$250	\$500
Loitering in a Public Place	8.1 & 8.2	\$250	\$500
Causing a disturbance in a Public Place	9.1	\$250	\$500
Interference with Property	10.1	\$250	\$500