

BYLAW #1177-80

BEING A BYLAW OF THE TOWN OF OLDS, PROVINCE OF ALBERTA, LICENSING, REGULATING AND CONTROL OF PUBLIC PLACES AND ASSEMBLIES WITHIN THE TOWN OF OLDS.

Under and by virtue of the authority conferred upon it by the Municipal Government Act, being Chapter 246, Section 228, of the Revised Statutes of Alberta, 1970, and amendments thereto, the Council of the Town of Olds enacts as follows:

In this Bylaw:

- a) DAY means the period between six o'clock in the forenoon and nine o'clock in the afternoon of the same day;
- b) NIGHT means the period between nine o'clock in the afternoon and six o'clock in the forenoon of the following day;
- c) PUBLIC PLACE includes any place to which the public has access as of right or by invitation, express or implied, and without restricting the foregoing to constitute a public place it is not necessary that all segments of the public have a right of access thereto;
- d) RESIDENTIAL SUBDIVISION means and includes any area of the Town designated by the Council exclusively for residential purposes;
- e) PEACE OFFICER means a member of the Royal Canadian Mounted Police, a constable of the Town of Olds, or members of the Enforcement Division, Alberta Transportation, or a Wildlife Officer appointed under the Wildlife Act;
- f) PERSON includes a corporation and the heirs, executors, administrators or other legal representatives of a person;
- g) SUMMARY CONVICTION means a summary conviction under and by virtue of Part XXIV of the Criminal Code;
- h) TOWN MANAGER means the Town Manager of the Town of Olds and whatever subsequent title may be conferred on him by Council or statute;
- i) TOWN means the Town of Olds;
- j) VICINITY means all of the area located within the radius of 275 metres in all directions from the outside perimeter of the site of the event or sequence of events referred to in paragraph 3 and elsewhere in this bylaw.

PART 1 PUBLIC PLACES, AMUSEMENTS AND ASSEMBLIES

2.

- a) Any peace officer witnessing and believing, upon reasonable and probable grounds, that any person is conducting himself or herself in a disorderly manner in a public place or park under the jurisdiction of the Town, may order that person to leave the public place or park.
- b) Any person who fails, neglects or refuses to leave the public place or park when ordered to do so by a peace officer is guilty of an offense.

c) In addition to prosecution, any person who fails, neglects or refuses to leave a public place or park when ordered to do so by a peace officer may be ejected, by force if necessary, from the said place or park.

3.

a) No event or sequence of events in the nature of an amusement, assembly, entertainment, parade, athletic or sports contest shall be held in a public place in the Town unless it has been previously authorized by the Town Council in accordance with this Bylaw.

b) The Council, upon receiving written application therefore, may authorize, with or without conditions, the holding from time to time or at a particular time, of an amusement, assembly, entertainment, parade, or athletic or sports contest in a public place as defined by Section 1 of this Bylaw.

c) Such application must be submitted to the Town in writing not less than 30 days before the date of the intended holding of the amusement, assembly, entertainment, parade, or athletic or sports contest, and shall be signed by the person or persons sponsoring the event or by an authorized agent or agents of the person or persons sponsoring the event.

d) Any person who holds, conducts, manages or organizes an amusement, assembly, entertainment, parade, athletic or sports contest without first having obtained authorization of the Council under this part, is guilty of an offense punishable on summary conviction.

4.

a) After considering the nature of the intended event, and having authorized the holding of same, the Council may, by resolution, fix

- i) a license fee covering the event, or
- ii) require the applicant to post a cash bond in such an amount as shall be fixed by the Town.

b) a cash bond received by the Town pursuant to the preceding sub-section is subject to its use by the Town to apply on or cover any or all of the following items:

- i) the cost of repairing or replacing improvements in the public place which were damaged, removed or destroyed as a result of the holding of the event for which the cash bond was posted,
- ii) all expenses incurred by the Town as a result of the holding of the event for which the cash bond was posted,
- iii) the cost of repairing or replacing improvements on private and public property located in the vicinity of the place at which the event took place, which were damaged, removed or destroyed as a result of the holding of the event for which the cash bond was posted.

c) All claims for the cost of repairing or replacing improvements on private property made to the Town pursuant to the provisions of Section 4(b)(iii) must be received by the Town within a period of fourteen clear days from and following the date on which the event or sequence of events referred to in Section 3(a) hereof ended, and must be located in the vicinity of the place at which the event or sequence of events took place.

d) Failure or neglect to pay a license fee or post a cash bond, as the case may be, as required by sub-section (a), paragraph 4, within a period of time stipulated by Council shall render authorization of the holding of the event null and void.

e) A peace officer believing upon reasonable and probable grounds that an amusement, assembly, entertainment, parade, athletic or sports contest has become a disorderly assembly may stop the event by any reasonable means.

5.

a) Section 3 does not apply to events sponsored and/or conducted by a bona fide community or service club or organization, agricultural society, employees' club, religious organization, 4-H club, Scouts, Guides, Cubs, Brownies, Home & School Association, fraternal society, or sports association established within the County of Mountain View or its several urban municipalities at the time of the making of this bylaw, provided that the number of persons attending the event or sequence of events as participants and spectators at any time does not exceed five hundred in total number.

b) Any dispute arising from the interpretation of sub-section (a) shall be determined by the Council whose ruling on the matter is final and binding.

6.

a) Pursuant to the authority conferred by the Alberta Lord's Day Act, and subject to this bylaw, it shall be lawful for any person after 1.30 o'clock in the afternoon on a Sunday to provide, engage in or be present at

i) any game, contest or sport

ii) any exhibition of an educational, artistic or cultural nature

iii) any theatrical performance, concert, recital, lecture or other performance, and

iv) any exhibition of moving pictures.

7.

a) No person shall install or use a loudspeaker system or other device for the application of sound in any open public place in the Town of Olds.

b) Sub-section (a) does not apply to use of sound amplification devices used by ambulance, police, firefighting or other emergency services, or to the auctioneering business or the annual agricultural society fair.

c) The Council, upon application, may waive the prohibition of sub-section (a).

d) Use, intended number, and volume of loudspeakers or other devices for the amplification of sound are included in the factors considered by Council when dealing with an application, or granting concessions under Section 3 of this part.

PART II PENALTIES

8.

a) Except where otherwise expressly provided, everyone who is convicted of an offense against this Bylaw is liable to a fine of not more than five hundred dollars or to imprisonment for six months or to both fine and imprisonment.

b) The Council hereby prescribes that in respect of offenses against Section 2, sub-section (b), Section 7, sub-section (a), and persons served notice of an offense by a peace officer or inspector may pay to the Town the following penalties, out of Court, and in lieu of appearing in answer to a charge or information:

i) for a first offense, a fine of twenty-five dollars;

ii) for a second offense, a fine of fifty dollars;

iii) for a third or subsequent offense, a fine of seventy-five dollars.

READ a First time this 24th day of MARCH 1980 AD on a motion by Councillor Bjordal.

MOTION CARRIED

READ a Second time as amended this 7th day of APRIL 1981 AD on a motion by Councillor Gillrie.

MOTION CARRIED

READ a Third time and finally passed this 7th day of APRIL 1981 AD on a motion by Councillor Elmer.

MOTION CARRIED

(signed)

Mayor Robert Armstrong

(signed)

Secretary Robert Ferguson