PUBLIC BEHAVIOUR BYLAW

2020 - 37

WHEATLAND COUNTY
BYLAW 2020 - 37

BEING A BYLAW OF WHEATLAND COUNTY, IN THE PROVINCE OF ALBERTA TO REGULATE PUBLIC BEHAVIOUR.

WHEREAS under the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended the Council of Wheatland County may pass Bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS under the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended the Council of Wheatland County 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 Wheatland County 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) "cannabis" has the meaning given to that term in the federal Cannabis Act (Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, 1st Sess, 42nd Parl, 2017);

(b) "Child" means a person who is under 16 years of age.

(c) "County" means Wheatland County and its jurisdictional boundaries;

(d) "Defecate" means to discharge waste matter from the bowels;

(e) "electronic smoking device" means an electronic device that can be used to deliver a vapour, emission or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe;

(f) "Fight" means any confrontation involving violent physical contact between two or more people;

(g) "Gaming, Liquor and Cannabis Act means the Gaming, Liquor and Cannabis Act, RSA 2000, C G-1 as amended or replaced from time to time;

(h) "Litter" means any solid or liquid material or product or combination of solid or liquid materials or product including, but not limited to:

(i) any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, human or animal excrement, or the whole or part of an animal carcass or offal, coal, wood, gravel, earth, sawdust, glass, or like material, plastic, nails, staples, tacks, scraps of metal, expended tobacco products; or

(ii) the whole or part of any article, raw or processed material, vehicle or machinery of any type that is disposed of.

(i) "Loiter" means to linger aimlessly in or about a place, or remain in an area for no obvious reason;

(j) "Night" means the period of time between ten o'clock in the afternoon and six o'clock the following day.

(k) "Officer" includes Bylaw Enforcement Officers, Peace Officers and any member(s) of the Royal Canadian Mounted Police (R.C.M.P.).

(l) "Panhandling" means to ask for a gratuitous donation of money, food, or goods of any kind,

whether by spoken or printed word, or bodily gesture, but does not include the solicitation of charitable donations allowed or authorized pursuant to the Charitable Fundraising Act, or any other legislation permitting the solicitation of charitable donations.

(m) "Parent or Guardian" means the parent, guardian or foster parent of a child and shall include any other person 18 years of age or older, having care and control of a child.

(n) "Public Place" means any place within the County to which the public may have either express or implied access.

(o) "smoke" or "smoking" means:

(i) inhaling or exhaling the smoke produced by burning tobacco or cannabis; or

(ii) holding or otherwise having control of any device or thing containing lit tobacco or cannabis;

(p) "Spit" means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth.

(q) "tobacco" means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, but does not include any product for use in nicotine replacement therapy

(r) "Urinate" means to discharge urine from the body.

(s) "vape" or "vaping", means:

(i) inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing tobacco, cannabis or any other substance, or

(ii) holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from tobacco, cannabis or any other substance'

(t) "Violation Tag" means a tag or similar document issued by the County pursuant to the ***Municipal Government Act***, R.S.A. 2000 c. M-26 as amended.

(u) "Violation Ticket" means a Ticket issued pursuant to the ***Provincial Offences Procedures Act***, R.S.A. 2000, c. P-34, as amended, and 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, 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.

3.4 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 therefor.

3.5 All schedules attached to this Bylaw shall apply to this Bylaw.

4. PUBLIC OFFENCES

4.1 No person shall Defecate or Urinate in Public or Private Property except in a facility designed and intended for that purpose.

4.2 No person shall spit on or at any person, street, sidewalk, pathway, trail, or in or on any public place or in public on any private property. (not owned by themselves)

4.3 No person shall participate in a Fight or similar physical confrontation in any Public Place.

4.4 A Person Shall Not Loiter in a Public Place so as to obstruct or harass any other person.

4.5 No person shall be a member of an assembly of three or more persons in any public place where a peace officer has reasonable grounds to believe the assembly will disturb the peace.

4.6 Any person not being in a dwelling house, shall not cause a disturbance in or near a Public Place, by:

(a) fighting, screaming, shouting, swearing, or using loud blasphemous, abusive or grossly insulting language,

(b) openly exposing themselves or exhibiting an indecent act,

(c) disturbing the peace and quiet of the occupants of a dwelling house by disorderly conduct in a Public Place.

4.7 No Person shall without lawful excuse, the proof of which lies on him, Trespass by loitering or prowling at Night on Public or Private Property.

4.8 No Person shall cause Vandalism to Public or Private Property by;

(a) removing, destroying, mutilating, defacing or climbing on any building or structure, fixture or chattel, and without restricting the foregoing, any monument, vase, fountain, wall, fence, wire, netting, vehicle, tool, gate, seat, bench, exhibit, cage or ornament therein, tamper with or in any way damage.

4.9 No Person shall dispose of litter in or on any Public Place.

4.10 No Person shall wilfully obstruct, impede or hinder, or assault an Officer, Emergency Service Worker or Public Works Personnel, while that Person is engaged in the execution of his or her duty.

4.11 No Person shall fail or refuse to comply with a lawful order or request of an Officer, Emergency Service Worker or Public Works Personnel, while that Person is engaged in the execution of his or her duty.

5. PANHANDLING

5.1 No person shall engage in Panhandling

6. TOBACCO, CANNABIS AND VAPING

6.1 A person must not smoke or vape Tobacco:

(a) in, on or within 5 metres of a:
(ii) outdoor skating rink;
(iii) playground;
(iv) skate park;
(v) sports field;
to which the public has access as of right or by express or implied invitation.

(b) within 5 metres of an entrance or exit to a public premises.

6.2 A person must not smoke, vape or otherwise consume Cannabis in any Public Place within Wheatland County including the locations noted in Section 6.1

(a) This section does not apply to a person who is entitled to possess Cannabis according to a medical document provided by a health care practitioner to a person who is under their professional treatment in accordance with Access to Cannabis for Medical Purposes Regulations, SOR/2016-30

6.3 Signs prohibiting smoking must

(a) be posted at each entrance to a public place, workplace or public vehicle and at a height of not less than one metre and not more than 2.4 metres, as measured from the floor of the entrance,

(b) be posted inside each public place, in such numbers and locations as the manager of the

public place reasonably considers adequate to ensure that the public and employees are aware of the prohibition.

7. POWERS OF OFFICERS AND PENALTIES

7.1 Any Person who contravenes any provision(s) of this bylaw is guilty of an offence punishable on summary conviction and is liable to a fine as specified within Schedule "A".

7.2 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.

7.3 Where an Officer believes or has reasonable and probable grounds that an offence has taken place consisting of a breach of contravention of this bylaw, he may commence proceeding by in accordance with the provisions of the Provincial Offences Procedures Act, R.S.A. 2000 c P 21.5.

7.4 Notwithstanding the provision of Section 7(2), if an Officer believes on reasonable and probable grounds that an offence has taken place consisting of a breach or a contravention of this bylaw, the Officer may issue a Violation Tag in such form as may be prescribed from time to time by the Town Administrator.

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

(a) personally served,

(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 license plate number.

7.6 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.

7.7 Notwithstanding Section 7(1) of this bylaw, any Person who commits a subsequent offence under this bylaw within one (1) year of committing the first offence may be issued a Violation Ticket or a Violation Tag with the Specified Penalty Option set out under for subsequent offences.

7.8 Each occurrence of a contravention of this bylaw, or in the case of continuous contraventions, each day a contravention occurs or continues, constitutes a subsequent offence and may be punished separately.

7.9 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".

7.10 Any offence listed in this Bylaw without a specified penalty as outlined in Schedule "A", shall be $250.00 for the first offence and $500.00 for subsequent offences within a one (1) year period of the first offence.

8. SEVERENCE

8.1 If any section of this Bylaw is found to be illegal or beyond the power of Council to enact, such section shall be deemed to be severable from all other sections of this Bylaw.

9. EFFECTIVE DATE

9.1 This Bylaw comes into full force and effect upon third and final reading.

9.2 Bylaw 2012-80 is repealed upon the passing and signing of Bylaw 2020-37.

READ A FIRST TIME this 10th Day of November 2020.

READ A SECOND TIME this 10th Day of November 2020.

READ A THIRD TIME this 10 Day of November 2020.

Reeve – Amber Link

Chief Administrative Officer –
Brian Henderson

SCHEDULE "A"

SPECIFIED PENALTIES

CHARGE DESCRIPTION	SECTION	FIRST OFFENCE	SUBSEQUENT OFFENCES
Urinate or Defecate in a Public Place	4.1	$250.00	$500.00
Spit on Public/Private Property	4.2	$250.00	$500.00
Fight in Public Place	4.3	$250.00	$500.00
Loiter in a Public Place	4.4	$250.00	$500.00
Assembly of Three or More Persons Likely to Disturb the Peace	4.5	$250.00	$500.00
Cause Disturbance in or near a Public Place	4.6	$250.00	$500.00
Trespass by Night	4.7	$250.00	$500.00
Cause Vandalism	4.8	$250.00	$500.00
Littering	4.9	$250.00	$500.00
Obstruct/Hinder/Impede/Assault Officer	4.10	$250.00	$500.00
Fail to Comply with Order from Officer	4.11	$250.00	$500.00
Panhandling	5.1	$250.00	$500.00
Use/Smoke/Vape Tobacco where Prohibited	6.1	$250.00	$500.00
Use/Smoke/Vape Cannabis in a Public Place	6.2	$250.00	$500.00