

The Town of Millet Public Places Bylaw

Bylaw 2018/10

WHEREAS, Pursuant to the provisions of Part 2, Division 1, Section 7, of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, the Council may pass Bylaws for the purpose of promoting the safety, health, and welfare of people and the protection of people and property.

NOW THEREFORE, the Council of The Town of Millet, duly assembled enacts as follows

PART I BYLAW TITLE

This Bylaw may be cited as “The Public Places Bylaw”.

PART II PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE 1) The purpose of this Bylaw is to regulate the conduct and activities of people in public places to promote the safe, enjoyable and reasonable use of such property for the benefit of all citizens of the Town of Millet.

DEFINITIONS 2) In this Bylaw:

- a) “cannabis” means any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not
- b) “graffiti” means
 - (i) the application of any substance, including but not limited to paint, ink, stain or whitewash to any surface: or,
 - (ii) the affixing of a substance included but not limited to paper, fabric or plastic by any form of adhesive which does not remove cleanly when pulled away from the applied surface: or,
 - (iii) the marking, scratching, etching, or other alternative or disfigurement of any surface; or
 - (iv) to any property without the written permission of the owner, which results in a visual effect commonly referred to as graffiti.
- c) “harassed” means but is not limited to torment, troubled, worried, plagued or badgered.
- d) “legitimate reason” means
 - (i) traveling to or directly from a place of employment whether paid or volunteer work; or
 - (ii) working a job, whether paid or volunteer, that requires the child to be in a public place; or

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- (iii) adult organized and supervised public school or religious events; or
 - (iv) a reason acceptable to a Peace Officer.
- e) “mischief” means any act or acts that renders property unsightly or unusable, including but not limited to tipping, moving, defacing, altering and marking with graffiti.
- f) “occupy” or “occupies” means residing on or to be in actual or apparent possession or control of property.
- g) “Peace Officer” means a member of the RCMP, a police officer, a Community Peace Officer or a Bylaw Enforcement Officer.
- h) “proper adult guardianship” shall mean being accompanied by a guardian or temporary guardian.
- i) “property” means;
 - (i) In the case of land, a parcel of land including any buildings.
 - (ii) In other cases, personal property.
- j) “public place” means any property, whether publicly or privately owned, to which members of the public have access as right or by express or implied invitation, whether on payment of any fee or not.
- k) “Smoke” where used as a verb, means inhaling or exhaling the smoke produced by lit Cannabis or holding or otherwise having control of lit Cannabis or any device or thing that contains lit Cannabis;
- l) “temporary guardian” means an adult person the age of 18 years and over, who has been given prior permission by a guardian to look after a child for a specified time period.
- m) “Town” means The Town of Millet.
- n) “Vape” means inhaling or exhaling the vapour, emissions or aerosol produced by, or holding or otherwise having control of, an electronic cigarette or similar device containing Cannabis;
- o) “violation ticket” has the same meaning as in the Provincial Offences Procedure Act.
- p) “weapon” means a firearm or any other device that propels a projectile by means of an explosion, spring, air, gas, string, wire or elastic material or any combination of these things.

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- INTERPRETATION** 3) The marginal notes and headings in this Bylaw are for reference purposes only.

PART III PUBLIC BEHAVIOURS

- LITTERING** 4) A person shall not leave any garbage, litter or other refuse in a public place except in a receptacle designed and intended for such use.

- 5) No person who occupies or owns any property shall allow garbage, litter or other refuse to move or blow from that property to a public place.

- URINATION AND DEFECATION** 6) A person shall not urinate or defecate in a public place except in a facility designed for such use.

- DANGEROUS ACTIONS** 7) A person shall not throw or propel an object, or act in any other way, in a public place that is reasonably likely to cause injury to another person or damage to property.

- FIGHTING** 8) A person shall not participate in a fight or other similar physical confrontation in a public place.

- BULLYING AND HARASSMENT** 9) A person shall not, in a public place, repeatedly communicate, cause or permit communication, either directly or indirectly, with any person in a way that causes the person, reasonably in all the circumstances, to feel harassed.

- PROFANITY** 10) A person shall not, in a public place, scream or yell profanity in such a manner that it shocks, offends or disturbs any other person.

- WEAPONS** 11) No person shall possess a loaded weapon in a public place.

- a) Excepting a Peace Officer or other person licensed to carry a weapon as part of their duties or employment.

- MISCHIEF** 12) No person shall cause mischief to any property on or part of any public place including a building or structure.

- 13) No person shall cause mischief to any private property.

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- 14) Everyone who, without lawful excuse, the proof of which lies on the individual, has in their possession any instrument suitable for the purpose of applying graffiti under circumstances that give rise to a reasonable inference that the instrument has been used or is, or was intended to be used for any such purpose, is guilty of an offence.

CANNABIS

- 15) No one shall smoke or vape cannabis in any public place.

PART IV ENFORCEMENT

- 17) Any person who contravenes the provisions of this Bylaw or refuses to obey the direction of a Peace Officer given pursuant to this Bylaw, is guilty of an offence and may be issued with a violation ticket for a compulsory appearance in court or a specified penalty in an amount specified in this Bylaw.
- 18) 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 equal to the specified fine.
- 19) a) A person who is found guilty is liable for 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 six (6) months for nonpayment of the fine.
- b) Without restricting the generality of subsection (1) the following fine amounts are established for use on a violation ticket if a voluntary payment option is offered.
- (i) \$250.00 for any offence for which a fine is not otherwise established in this section; or
 - (ii) \$500.00 for any offence under sections 8 and 11.
 - (iii) \$400.00 for any offence under sections 12, 13 and 14.
 - (iv) Double these fines for any subsequent offence.
 - (v) \$500 Smoking or vaping cannabis in a public place under section 15
- c) A subsequent offence means an offence committed by a person within one year that such person has

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already been convicted of the same offence or has voluntarily paid a fine for the same offence.

PART V SEVERABILITY

Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

PART VI REPEAL

Bylaw #2009/05 is hereby repealed.

PART VII EFFECTIVE DATE

AND FURTHER THAT this bylaw shall take effect on the date of third and final reading.

READ a first time this _____ day of _____, 2018.

READ a second time this _____ day of _____, 2018.

READ a third and final time this _____ day of _____, 2018.

MAYOR

CHIEF ADMINISTRATIVE OFFICER