

TOWN OF ELK POINT

PUBLIC PLACES HARASSMENT AND CURFEW BYLAW

BYLAW NO. 676/09

A Bylaw to Regulate Public Place Harassment In The Town of Elk Point

WHEREAS Section 7 of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, provides the Council of the Town of Elk Point with the broad powers to pass bylaws for municipal purposes respecting a variety of matters including, but not limited to: the safety, health and welfare of people and the protection of people and property: nuisances, and people, activities and things in, on or near a public place that is open to the public:

AND WHEREAS Council of the Town of Elk Point deems it expedient and in the public's interest to pass a bylaw to regulate, control and abate disruptive behaviour in public places in the Town of Elk Point:

NOW THEREFORE The Council of the Town of Elk Point pursuant to the authority conferred upon it by the laws of the Province of Alberta, enacts as follows:

PART 1

DEFINITIONS

101. This Bylaw may be cited as the "The Public Places Bylaw".
102. In this Bylaw, unless the context otherwise requires, the word, term or expression:
- (1) "Bylaw Enforcement Officer" includes a member of the Royal Canadian Mounted Police, a Special Constable, and a Bylaw Enforcement Officer as appointed by Council from time to time.
 - (2) "Municipal 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.
 - (3) "Town" means The Town of Elk Point.
 - (4) "Highway" means any thoroughfare, street, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and
 - (a) includes:
 - (i) a sidewalk (including boulevard portion thereof),
 - (ii) where a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - (iii) where a highway right-of-way is contained between fences or between a fence and one side of the roadway, all the land between the fence and the edge of the roadway, as the case may be, but,
 - (b) does not include a place declared by the Lieutenant Governor in Council not to be a Highway.

- (5) "Person" includes any individual, corporation, society, association, partnership or firm.
- (6) "Child" means a person sixteen (16) years of age or younger.
- (7) "Guardian" means a person of the full age of 18 and has a full knowledge and support of the parent.
- (8) "Public Place" means any highway, parkland, public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not; and includes any open space to which the public have or are permitted to have access, whether on pavement or otherwise, that is owned by the Town of Elk Point.
- (9) "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, as amended and the regulations thereunder.

PART 2

201. No person shall cast, project or throw any stones or balls of snow or ice or other missiles in any manner which is dangerous to the public, or use any bow or arrow, catapult or other such device on any of the highways or public places of the Town.
202. No person shall participate in a fight or other similar physical confrontation in the public place or any place to which the public reasonably has access.
203.
 - (1) No person shall, in any public place or any place to which the public reasonably has access, repeatedly communicate, either directly or indirectly, with any minor in a way that causes the minor, reasonably in all circumstances, to feel harassed.
 - (2) In this section:
 - (i) "harassed" includes, but is not limited to tormented, troubled, worried, plagued or badgered; and
 - (ii) "minor" means an individual under 18 years of age.
204. That no child shall be in a public place in the Town of Elk Point between the hours of 10:00 p.m. and 7:00 a.m. of any day without the proper guardianship or supervision of a parent or guardian.
205. That a child found in a public place after the time set out in 204 may be warned by any Bylaw Enforcement Officer to go home.
206. That a child found loitering in public places after being warned in section 205 may be taken by the Bylaw Enforcement Officer to the child's home or referred to an appropriate agency.
207. That a parent or guardian who permits his child to contravene this Bylaw is guilty of an offence and liable upon summary conviction.
 - a) for a first offence to a fine of \$100.00
 - b) for a second or subsequent offences to a fine of \$250.00

And in each case in default of payment to a term of imprisonment of not more than three (3) months.



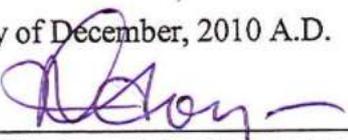
PART 3

PENALTY AND EFFECTIVE DATE

301. A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
302. A Municipal Tag may be issued to such Person:
- (a) personally;
 - (b) by mailing a copy to such Person at his last known post office address;
 - (c) by leaving it for the defendant at his residence with a Person on the premises who appears to be at least 18 years of age; and
 - (d) the Municipal Tag shall be in a form approved by the Municipal Manager.
303. Where a contravention of this Bylaw is of a continuing nature, further Municipal Tags may be issued by a Bylaw Enforcement Officer.
304. 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 offense, pay to the Municipality the penalty specified on the Municipal Tag.
305. Where the payment referred to in Schedule "A", of this Part is received within seven (7) days of date of issuance of the Municipal Tag, the penalty set out in Schedule "A" attached hereto and forming part of this Bylaw shall be reduced by \$5.00 and such reduced payment shall be accepted in lieu of prosecution of the offence.
306. Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a violation ticket.
307. In those cases where a Municipal Tag has been issued and if the penalty specified on the Municipal Tag has not been paid within the prescribed time, then a Bylaw Enforcement Officer is hereby authorized to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, to any Person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
308. Notwithstanding any provisions of this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, to any Person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
309. Any Person to whom a Violation Ticket has been issued may make a 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 this Bylaw, to the Provincial Court office specified on the Violation Ticket.
310. Every person who contravenes a Section of this Bylaw is guilty of an offense and shall forfeit and pay a penalty as set out in Schedule "A" attached and forming part of this Bylaw.
311. This Bylaw shall come into force upon third reading.

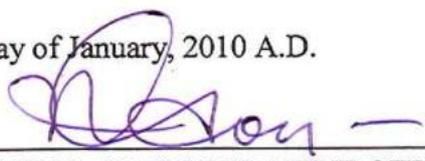
READ A FIRST time in Council this 14th Day of December, 2010 A.D.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

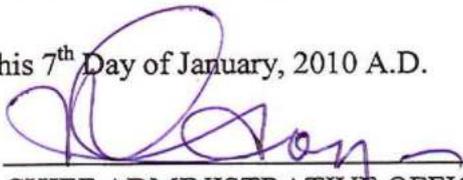
READ A SECOND time in Council this 7th Day of January, 2010 A.D.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

READ A THIRD and final time in Council this 7th Day of January, 2010 A.D.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

SCHEDULE OF FINES

OFFENCE	Section	Fine
<u>PART 2</u>		
Throwing of Projectiles or Missiles	201	\$ 50.00
Fighting in a Public Place	202	\$250.00
Harassment of a Minor	203	\$250.00
Child Curfew - First Offence	207a	\$100.00
Child Curfew- Second and Subsequent Offences	207b	\$250.00

92