

TOWN OF DRUMHELLER
Public Behaviour Bylaw
Bylaw Number 02.19

Being a Bylaw of the Town of Drumheller in the Province of Alberta for the purposes of respecting the safety, health and welfare of people, and the protection of people and property.

WHEREAS the *Municipal Government Act*, being Chapter M-26 or the revised Statutes of Alberta and amendments thereto, provide that the Council of a municipality may pass bylaws respecting safety, health and welfare of people and protection of people and property;

WHEREAS the *Municipal Government Act* authorizes a municipality to pass bylaws respecting the 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 the Town of Drumheller, in the Province of Alberta, duly assembled, enacts the following:

PART 1 – INTERPRETATION

- 1.1 This Bylaw shall be cited as the “Public Behaviour Bylaw”.
- 1.2 Nothing in this Bylaw shall be interpreted as conflicting with any Provincial or Federal legislation.
- 1.3 Where any provision of this Bylaw conflicts with any Provincial or Federal legislation, the Provincial or Federal legislation shall take precedence.
- 1.4 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.
- 1.5 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 license.
- 1.6 All of the schedules attached to this Bylaw form a part of this bylaw.

PART 2 – DEFINITIONS

“Bullying” means the harassment of others by the real or threatened infliction of physical violence and attacks, racially or ethnically-based verbal abuse, name calling and gender-based put-downs, written or electronically transmitted, emotional abuse, extortion, stealing of money and possessions.

“Bylaw Violation Tag” is a ticket or summons issued for an allegation of a Bylaw infraction and is issued by a Peace Officer and only enforceable in the Town.

“Cannabis” as defined in the Cannabis Act.

“Cannabis Act” means Bill C-45, an Act respecting Cannabis and to amend the controlled Drugs and Substances Act, the Criminal Code and Other Acts’

“Cannabis Consumption” means to “smoke” or “vape” cannabis.

“Chief Administrative Officer” shall mean a Municipal Official employed by the Town of Drumheller in the position of Chief Administrative Officer, or in his/her absence, the person appointed as Acting Chief Administrative Officer; or designate.

“Council” means the Municipal Council of the Town of Drumheller.

“Court” shall mean any Provincial Court of Alberta.

“Defecate” means to discharge waste matter from the bowels.

“Electronic Smoking Device” means an electronic device used to deliver nicotine, cannabis, tobacco, or other substances to the person inhaling from the device, but not limited to an electronic cigarette, vaporizer, cigar, cigarillo or pipe.

“Fight” means any confrontation involving violent and physical contact between two or more people.

“Loiter” means a person(s) remaining in a place or location for no apparent purposeful activity.

“Notice” shall mean a notice issued pursuant to this bylaw to remedy a condition that is not in compliance with any provision of this bylaw.

“Peace Officer” shall mean a Community Peace Officer, Bylaw Enforcement Officer, Police of Jurisdiction or other person appointed by the Town and who is authorized to enforce Bylaws of the Town of Drumheller.

“Person” shall mean an individual person, a corporation, association, partnership or other recognized legal entity.

“*Provincial Offences Procedures Act*” means the Provincial Offences Procedures Act, R.S.A. 2000, Chapter P-34 and the regulations thereof, as amended or replaced from time to time.

“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.

“Sidewalk” means that part of the highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of a highway between the curb line or, where there is no curb line, the edge of the roadway, and the adjacent property line whether or not it is paved or unpaved.

“Spit” means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth and/or nose.

“Smoke or Smoking” means inhaling or exhaling the smoke produced by burning a substance; holding or otherwise having control of any device or thing containing a lit substance.

“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.

“Tobacco Consumption” means to “smoke” or “vape” tobacco.

“Town” means the Town of Drumheller, a municipal corporation and, where the context so requires, the area included within the boundaries of the said municipal corporation.

“Urinate” means to discharge urine from the body.

“Vape or Vaping” means: inhaling or exhaling the vapor, emissions or aerosol produced from an electronic smoking device; holding or otherwise having control of an electronic device that is producing vapor, emissions or aerosol.

“Violation Ticket” means an offence notice issued by means of a Violation Ticket as described in Part 2 of the *Provincial Offences Procedures Act*.

PART 3 – PUBLIC OFFENCES

BULLYING

3.01 No Person shall bully any person in any Public Place.

3.02 No Person shall participate in or encourage by verbal or public means in the bullying of any person in any Public Place.

CANNABIS CONSUMPTION

3.03 No Person shall smoke or vape cannabis in a Public Place.

3.04 A person who is entitled to use Cannabis pursuant to the Access to Cannabis for Medical Purposes Regulations SOR/2016-230 is not subject to 3.03 of this bylaw, but must adhere to the Provincial Regulations that govern public consumption.

3.05 A person referred to in 3.04, must, on demand of a Peace Officer, produce documented authorization that allows possession and consumption usage for medicinal purposes.

FIGHTING, ASSEMBLY of PERSONS, and LOITERING

3.06 No Person shall participate in a fight or any physical or verbal confrontation in any Public Place.

3.07 No Person shall be a member of an assembly of three or more persons in any Public Place or any place to which the public is allowed access where a Peace Officer has reasonable grounds to believe the assembly will disturb the peace of the neighborhood, and any such Person shall disperse as requested by a Peace Officer.

3.08 No Person shall loiter and thereby obstruct any other Person in any Public Place.

SPITTING/URINATING/DEFECATE

3.09 No Person shall spit, urinate or defecate in any Public Place.

TOBACCO CONSUMPTION

3.10 No Person shall smoke or vape tobacco in a Public Place or within five (5) meters of an entrance to exit to the Public Place.

PART 4 – POWERS OF PEACE OFFICERSISSUANCE OF BYLAW VIOLATION TAG/PROVINCIAL VIOLATION TICKET

4.01 A Peace Officer is authorized to issue a Bylaw Violation Tag to any Person that the Peace Officer believes on reasonable and probable grounds has contravened any provision of this Bylaw.

- a) Notwithstanding any other provision of this Bylaw a Peace Officer is authorized to immediately issue a Province of Alberta Violation Ticket pursuant to the *Provincial Offences Procedures Act*.
- b) A Bylaw Violation Tag may be issued to a Person personally, or by mailing a copy to the person at his or her last known address.

- c) Nothing in this Bylaw shall prevent a Peace Officer from issuing a Bylaw Violation Tag or Provincial Violation Ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.
- d) If the penalty specified on the Bylaw Violation Tag served to a Person is not paid within a prescribed time period then a Peace Officer is authorized to issue a Provincial Violation Ticket pursuant to the *Provincial Offences Procedures Act*.

GENERAL PENALTY PROVISION

4.02 Any Person who contravenes any provision of this Bylaw is guilty of a summary conviction offence punishable by a fine of not less than fifty dollars and not exceeding five thousand dollars or to imprisonment for a period not exceeding six (6) months or both. Mandatory minimum penalties for offences of this Bylaw are listed in Schedule 'A'.

4.03 Offences of a continuing nature shall be deemed to constitute a separate offence for each day or part of a day that the offence continues.

4.04 Any Person who is found in contravention of the same section of this Bylaw on more than one occasion will be liable to an increased penalty for that contravention if the Section violated in Schedule 'A' stipulates increased fines for second and third offences.

PART 5 - COMMENCEMENTS

This bylaw shall take effect on the date of the 3rd and final reading

The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

- 1) Cannabis Bylaw 10.18, Community Standards Bylaw 16-10 and Amendments are hereby repealed.

The Bylaw shall come into force and effect upon final passing.

Read a first time this 18th day of March, 2019

Read a second time this 1st day of April, 2019.

Read a third time this 1st day of April, 2019.

The original document, duly signed and executed, is retained on file.

Schedule A

PUBLIC BEHAVIOUR BYLAW FINES

Bullying	3.01-3.02	\$ 500.00
a) Second and subsequent offences within 1 year		\$ 750.00
Cannabis Consumption	3.03	\$ 100.00
a) Second and subsequent offences within 1 year		\$ 250.00
Fighting in a Public Place	3.06	\$ 250.00
a) Second offence within 1 year		\$ 500.00
b) Third and subsequent offences within 1 year		\$ 750.00
Being a member of an assembly and failing to disperse as requested by a Peace Officer	3.07	\$ 250.00
a) Second offence within 1 year		\$ 500.00
b) Third and subsequent offences within 1 year		\$ 750.00
Loitering	3.08	\$ 250.00
a) Second offence within 1 year		\$ 500.00
b) Third and subsequent offences within 1 year		\$ 750.00
Spit/Urinate/Defecate	3.09	\$ 250.00
a) second offence within 1 year		\$ 500.00
b) Third and subsequent offences within 1 year		\$ 750.00
Tobacco Consumption	3.10	\$ 100.00
b) Second and subsequent offences within 1 year		\$ 250.00

***The fine for the first offence may be waived if the offender successfully completes and anti-bullying educational program approved by an accredited agency.

*The fine for the first offence may be waived if the offender successfully completes Community Service Hours as directed by the Town.