



**TOWN OF CARDSTON  
IN THE PROVINCE OF ALBERTA**

**BYLAW 1643**

**PUBLIC SAFETY BYLAW**

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## BYLAW 1643

### PUBLIC SAFETY BYLAW

A BYLAW OF THE TOWN OF CARDSTON IN THE PROVINCE OF ALBERTA TO PROHIBIT CERTAIN ACTIVITIES IN ORDER TO ENSURE PUBLIC SAFETY AND WELFARE OF ALL PERSONS AND PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN OF CARDSTON.

**WHEREAS**, pursuant to the provisions of the *Municipal Government Act, RSA 2000, Chapter M-26* and amendments thereto, Council may pass a bylaw for municipal purposes respecting the safety of people and the protection of property,

**AND WHEREAS**, under the provisions of the *Municipal Government Act*, the Council of the Town of Cardston may pass by-laws respecting people, activities, and things in, on, or near a public place or a place that is open to the public;

**AND WHEREAS**, it is desirable to establish a by-law to regulate problematic social behaviors that may have a negative impact on the enjoyment of public spaces within the municipal boundary

**NOW THEREFORE**, the Council of the Town of Cardston, duly assembled, enacts as follows:

### **PART I - TITLE, PURPOSE, DEFINITIONS AND INTERPRETATION**

**TITLE** 1) This bylaw shall be known as the “Public Safety Bylaw” of the Town of Cardston.

**PURPOSE** 2) The Purpose of this Bylaw is to prohibit certain activities in order to ensure public safety and welfare of all persons and property within the Municipality of the Town of Cardston.

**DEFINITIONS** 3) In this bylaw:  
**(a)** “**Chief Administrative Officer**” means the Chief Administrative Officer and/or Municipal Manager of the Town of Cardston appointed by Council.

**(b)** “**criminal organization**” consists of a static or fluid group of (2 or more) individuals who communicate, co-operate, and conspire within an ongoing collective or network; and has as one of its main purposes or activities the facilitation

or commission of offences undertaken or planned to generate material benefits or financial gain. Involvement in a criminal organization may include a series or variety of criminal activities, and/or the use of violence, and/or intimidation, and/or corruption to facilitate its criminal activities

- (c) “defecate” mean to discharge fecal matter from the bowels;
- (d) “fight” means any confrontation involving violent physical contact between two or more people;
- (e) “Peace Officer” means a member of the Royal Canadian Mounted Police, Community Peace Officer as appointed by the Province of Alberta, Bylaw Enforcement Officer as appointed by the Town of Cardston, and any other person appointed either by the Province of Alberta or the Government of Canada such as, but not limited to a Sheriff, Fish and Wildlife Officer, Peace Officer, Conservation Officer;
- (f) “occupy” or “occupies” means residing or to be in actual or apparent possession or control of a property;
- (g) “non-potable substance” means any substance not defined as an *Illicit Drug* under the *Controlled Drugs and Substances Act S.C. 1996, c. 19*, used or consumed for the purpose of causing an intoxicating or altering effect on the body and or the mind. For the Purposes of this bylaw, non-potable substances shall include, but are not limited to; paint thinner, aerosol paints, lacquer, mouth wash, hair or hygiene products, gasoline or other fuels, and household cleaning products.
- (h) “panhandling” means the personal, verbal or written, and direct solicitation by a person of gratuitous donations of money, food, or goods of any kind, or the exchange of money, food, or goods, or an unsolicited service for money of any kind from any member of the public, but does not include a solicitation allowed or authorized pursuant to the *Charitable Fundraising Act*, or any other legislation permitting the solicitation of charitable donations;
- (i) “public place” means any property, whether publicly or privately owned, to which members of the public have a reasonable right of access or by express or implied

invitation, whether on payment of fee or not;

**(j)** “spit” means to eject phlegm, saliva, chewing tobacco juice, or any other substance from the mouth;

**(k)** “street gang” is defined as a more or less structured group of adolescents, young adults and/or adults who use intimidation and violence to commit criminal acts on a regular basis, in order to obtain power and recognition and/or control specific areas of criminal activities.

**(l)** “Town” means the Town of Cardston or the area within the corporate limits of the Town of Cardston, as the context may require;

**(m)** “urinate” means to discharge urine from the body.

## **RULES FOR INTERPRETATION**

**4)** The table of contents, marginal notes and headings in this bylaw are for reference purposes only.

## **PART II – GENERAL PROVISIONS**

### **SOLICITATION AND PANHANDLING**

**5)** No person shall deposit, place, or throw or cause to be placed, deposited, or thrown upon or into any motor vehicle, which is parked on any street, lane, parking lot, or other public place, any leaflet, pamphlet, handbill, flyer, or any paper containing printed or written matter, whether advertising or not, with the exception of any violation ticket or summons issued pursuant to lawful authority;

**6)** No person shall engage in the act of panhandling;

**(a)** Between 1900hrs (7:00PM) and 0700hrs (7:00AM); or

**(b)** As group of two or more persons; or

**(c)** From any person who at the time is an occupant or engaged in operating a motor vehicle; or

**(d)** From a person who has refused or declined such solicitation; or

**(e)** Within 10 meters of the entrance to a bank, credit union, trust company, or other financial institution where cash can be withdrawn; or

**(f)** Within 10 meters of an automated teller machine or other

device from which cash can be electronically accessed or dispensed.

**URINATION AND DEFECATION**

- 7)** No person shall;
- (a)** Defecate on or in any public place where such activity would not normally take place; or
  - (b)** Urinate on or in any public place, where such activity would not normally take place.

**SPITTING**

- 8)** No person shall spit on any public place;

**PUBLIC DISTURBANCES**

- 9)** No person shall cause a disturbance in a public place by;
- (a)** Fighting;
  - (b)** Screaming or shouting;
  - (c)** Swearing or using abusive, insulting, or derogatory language directed at or towards another person;
  - (d)** Molesting, harassing, or interfering with a person in a way that detracts from their peace or safety;
  - (e)** Being intoxicated by drugs or alcohol;
  - (f)** Sleeping in an area where such activity would not normally take place; or

- 10)** No person shall;
- (a)** use any object in a manner that disturbs or is likely to disturb the peace or safety of a person in a public place;
  - (b)** inhale, ingest, or otherwise introduce into their body, a non-potable substance.
  - (c)** behave in any manner that disturbs or is likely to disturb the peace or safety of a person in a public place; or

**DAMAGES AND GRAFFITI**

- 11)** No person shall;
- (a)** Intentionally damage or vandalize or attempt to damage or vandalize, any public property, or;
  - (b)** Place any graffiti or cause it to be placed on any property;



- (c) Without lawful excuse, the proof of which lies on him, have in his 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;
- (d) In a prosecution for an offence under subsection (b) or (c), if the defendant seeks to rely on the graffiti being made with the consent of the owner of the Premises, the onus of the proving the owner's consent rests with the person relying on consent.

**12)** Every owner or occupier of a premises shall ensure that Graffiti applied on the premises is removed, painted over, or otherwise permanently blocked from public view within seven (7) days of receiving written notice from a Peace Officer.

- (a) If the owner or occupier, as the case may be, fails to comply with section 12 of this bylaw, the Town of Cardston, at their sole discretion and without further notice, may take such steps as they deem necessary to remove, paint over or otherwise permanently block from public view the graffiti at the owners expense.

**ASSEMBLIES AND LOITERING**

**13)** No person shall loiter on any private property where an owner or occupier has expressly stated that he/she does not want persons loitering at the location;

- (a) For the purpose of section 13, an owner or occupier of private property may supply such notice via writing, signage, or verbally speaking to such individuals

**13.1)** No person shall be permitted in the Town of Cardston to wear or display any apparel, insignia, or other paraphernalia that associates that individual with any criminal organization or street gang.

**SALE OF NON-POTABLE SUBSTANCES**

**14)** No person shall sell or otherwise distribute a non-potable substance.

- (a) Section 14 shall not apply to any person working for a business which sells such products as a part of the regular operations of that business.

**OBSTRUCTION AND**

**15)** No person shall obstruct the investigation of any contravention of this Bylaw by;



## **INTERFERENCE**

- (a)** Providing a Peace Officer with a false identity, or;
- (b)** Providing a Peace Officer with false or misleading information pertaining to the investigation or contravention.
  - i.** For the purpose of section 15(a) a person must provide a Peace Officer with their full name and date of birth,

## **OFFENCES AND PENALTIES**

- 16)** Any person that contravenes this Bylaw is guilty of an offence.
- 17)** Any person who is guilty of an offence is liable, upon summary conviction to a fine not less than that established in Appendix “A” of this Bylaw, and not exceeding Ten Thousand (\$10,000.00), and to imprisonment for a term not more than one-year for non-payment of a fine or penalty.
- 18)** The penalty for a second offence under the same section of this Bylaw within a calendar year, shall be double the fine amount as indicated for first offence in Appendix “A” of this Bylaw.
- 19)** The penalty for a third and subsequent offences under the same section of this bylaw, within one calendar year, shall be triple the fine amount as indicated for first offence in Schedule “A” of this Bylaw.

## **MUNICIPAL TICKETS AND PROVINCIAL VIOLATION TICKETS**

- 20)** A Municipal Tickets or Provincial Violation Ticket may be issued in respect to an offence, and the Violation Ticket or Municipal Ticket must specify the fine amount established by this Bylaw for the offence;
- 21)** The person receiving the Municipal Ticket or Violation Ticket may pay the fine amount on or before the required date, and this person shall not be prosecuted for the offence;
- 22)** A Municipal Ticket must be paid within thirty (30) days of the date it was issued; and
- 23)** If a Municipal Ticket has been issued, a person may, prior to the required date, request that a Provincial Violation Ticket be issued in place of a Municipal Ticket to allow that person to attend court with respect to the offence.
- 24)** If a Provincial Violation Ticket is issued in respect to an offence;
  - (a)** The Provincial Violation Ticket may specify the fine amount established by this bylaw for the offence; or
  - (b)** The Provincial Violation Ticket may require a person to appear in court without the alternative of making a

voluntary payment;

**25)** If a Provincial Violation Ticket specifies a fine amount, a person may make a voluntary payment equal to the fine amount specified on or before the required date, and this person shall not be prosecuted for the offence; or

**26)** If a Provincial Violation Ticket has specified fine amount, a person or their agent may appear in court on the required date and elect to enter a plea with respect to offence.

**EFFECTIVE DATE** **27)** This Bylaw shall come in force upon the date of its third and final reading.

**REPEAL** **28)** Bylaw 1608 and all amendments there to shall be rescinded.

Received First Reading this

Received Second Reading this

Received Third & Final Reading this

Signed by the Mayor and the Chief Administrative Officer this

TOWN OF CARDSTON

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MAYOR – *Maggie Kronen*

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CHIEF ADMINISTRATIVE OFFICER – *Jeff Shaw*



## APPENDIX "A"

Section:	Description:	1 <sup>st</sup> . Offence	2 <sup>nd</sup> . Offence	3 <sup>rd</sup> . Offence
5	Deposit material on Motor Vehicle	\$50.00	\$100.00	\$150.00
6(a)	Panhandle at night (7PM to 7AM)	\$250.00	\$500.00	\$750.00
6(b)	Panhandle while in group (2+) people.	\$250.00	\$500.00	\$750.00
6(c)	Panhandle any person in a M/V	\$250.00	\$500.00	\$750.00
6(d)	Panhandle from person who declined	\$250.00	\$500.00	\$750.00
6(e)	Panhandle w/i 10M of bank	\$250.00	\$500.00	\$750.00
6(f)	Panhandle w/i 10M of ATM	\$250.00	\$500.00	\$750.00
7(a)	Defecate on public property	\$250.00	\$500.00	\$750.00
7(b)	Urinate on public property	\$250.00	\$500.00	\$750.00
8	Spit on public property	\$100.00	\$200.00	\$300.00
9(a)	Cause disturbance: Fighting	\$250.00	\$500.00	\$750.00
9(b)	Cause Disturbance: Scream/Shout	\$250.00	\$500.00	\$750.00
9(c)	Cause Disturbance: Swear/Abusive Lang'	\$250.00	\$500.00	\$750.00
9(d)	Cause Disturbance: Molest, Harass, Interfere with person	\$250.00	\$500.00	\$750.00
9(e)	Cause Disturbance: Intox' drugs or alcohol	\$250.00	\$500.00	\$750.00
9(f)	Cause Disturbance: Sleeping	\$250.00	\$500.00	\$750.00
10(a)	Disturb the peace with object	\$250.00	\$500.00	\$750.00
10(b)	Use or consume non-potable substance	\$250.00	\$500.00	\$750.00
10(c)	Disturb peace and safety of person	\$250.00	\$500.00	\$750.00
11(a)	Vandalize or damage public property	\$250.00	\$500.00	\$750.00
11(b)	Place graffiti on any property	\$250.00	\$500.00	\$750.00
11(c)	Possess graffiti instrument	\$100.00	\$200.00	\$300.00
13	Loiter on private property	\$100.00	\$200.00	\$300.00
13.1	<b>Wearing or displaying gang insignia</b>	<b>\$200.00</b>	<b>\$400.00</b>	<b>\$600.00</b>
14	Sell or traffic intoxicating substance	\$1,000.00	\$2,000.00	\$3,000.00
15(a)	Obstruct: False Identity	\$1,000.00	\$2,000.00	\$3,000.00
15(b)	Obstruct: False/Misleading Information	\$1,000.00	\$2,000.00	\$3,000.00