

**By-Law #1608**

BEING A BYLAW OF THE TOWN OF CARDSTON, IN THE PROVINCE OF ALBERTA, TO PROHIBIT CERTAIN ACTIVITIES IN ORDER TO REGULATE PUBLIC BEHAVIOUR

WHEREAS the Municipal Government Act, the Council of the Town of Cardston, may pass By-Laws 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, the Council of the Town of Cardston 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 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, in the Province of Alberta, enacts as follows:

**1. This Bylaw may be cited as the “Public Safety Bylaw”**

**INTERPRETATION**

2. (1) In this bylaw unless the context otherwise requires:

- (a) “defecate” means to discharge waste matter from the bowels;
- (b) “fight” means any confrontation involving violent physical contact between two or more people;
- (c) “minor” means an individual under 18 years of age;
- (d) “Peace Officer” means a member of the Royal Canadian Mounted Police, or Peace Officer for the Town of Cardston.
- (e) “occupy” or “occupies” means residing or to be in actual or apparent possession or control of property.
- (f) “own” or “owns” means:
  - i) in the case of land, to be registered under the Land Titles Act as the owner of the fee simple estate in a parcel of land; or;
  - ii) in the case of personal property, to be in lawful possession or have the right to exercise control over it, or to be the registered owner of it;
- (g) “panhandling” shall mean the personal, verbal 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 or 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) “property” means:
  - (i) in the case of land, a parcel of land including any buildings; or
  - 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 a right or by express or implied invitation, whether on payment of any fee or not.

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

(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.

### **FIGHTING**

3. No person shall participate in a fight in any public place.

### **LOITERING**

4. (1) No person shall loiter in a public place and thereby obstruct any other person.

(2) No person shall stand or put his feet on the top surface or any table, bench, planter, structure, or sculpture placed in any public place.

### **PANHANDLING**

5. No person shall engage in panhandling

### **URINATION & DEFECATION**

6. No person shall defecate or urinate in or on a public place or in public on any private property.

### **SPITTING**

7. No person shall spit at any person or on any public or private property that they do not own.

### **FLYERS ON VEHICLES**

8. No person shall place, deposit or throw or cause to be placed, deposited or thrown upon or into a motor vehicle, which is parked on any street, lane, parking lot or other public place, any leaflet, pamphlet, poster, 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.

### **DANGEROUS ACTIONS**

9. A person shall not throw or propel an object, or act in any way, in a place that is reasonably likely to cause injury to another person or damage to property.

### **CAUSE DISTURBANCE BY NOISE**

10. (1) No person shall yell, scream, or swear in any public place.

(2) In determining what constitutes noise likely to annoy or disturb the peace of their persons, consideration may be given, but is not limited to:

(a) type, volume and duration of the sound

(b) time of day and day of the week

(c) nature and use of the surrounding area

### **PENALTIES**

11. (1) Any person who breaches any section of this Bylaw is guilty of an offence and liable to:

(a) payment of the penalty specified in Schedule "A" hereto;  
or

(b) for any offence for which there is no penalty specified, to a penalty of not less than \$200.00 and not more than \$10,000.00;

12. A Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the Provincial Offences and Procedures Act to any person who the Peace Officer has reasonable grounds to believe has contravened any provisions of this bylaw.

13. 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.

14. 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 by delivering the violation ticket and the specified fine to the Provincial Court Office specified on the violation ticket.

#### **SEVERABILITY**

15. Each separate provision of this Bylaw shall be deemed independent of all other provisions herein. Should any provision of this Bylaw be declared invalid, all other provisions herein shall remain valid and enforceable.

#### **FINAL PASSING**

16. This bylaw shall come into full force and effect on the date of signing.

Received First Reading this 13 day of December 2011.

Received Second Reading this 13 day of December 2011.

Received Third and Final Reading this 14 day of February 2012.

  
Chief Administrative Officer

  
Mayor

Dated February 15, 2012

**Schedule "A"**

<b>Offence</b>	<b>Section</b>	<b>Fine</b>
Fighting in Public	3	50.00
a) Second offence within 1 year		100.00
b) Third and subsequent offences within 1 year		200.00
Loitering and obstructing	4(1)	50.00
a) Second offence within 1 year		100.00
b) Third and subsequent offences within 1 year		200.00
Stand or put feet on a table/bench/planter/ sculpture/structure	4(2)	50.00
a) Second offence within 1 year		100.00
b) Third and subsequent offences within 1 year		200.00
Panhandling	5	50.00
a) Second offence within 1 year		100.00
b) Third and subsequent offences within 1 year		200.00
Urination and/or Defecation	6	50.00
a) Second offence within 1 year		100.00
b) Third and subsequent offences within 1 year		200.00
Spitting	7	50.00
a) Second offence within 1 year		100.00
b) Third and subsequent offences within 1 year		200.00
Flyers on Vehicles	8	50.00
Dangerous Actions	9	50.00
a) Second offence within 1 year		100.00
b) Third and subsequent offences within 1 year		200.00
Cause disturbance by noise	10(1)	50.00
a) Second offence within 1 year		100.00
b) Third and subsequent offences within 1 year		200.00