

**TOWN OF SWAN HILLS**

**BY-LAW NO. 2012 –10**

**PROVINCE OF ALBERTA**

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**A BYLAW OF THE TOWN OF SWAN HILLS IN THE PROVINCE OF ALBERTA TO CONTROL AND REGULATE FIGHTING IN A PUBLIC PLACE, HARASSMENT AND BULLYING OF PEOPLE AND FOR THE PUROPOSES OF REGULATING THE TIMES WHICH A CHILD SHALL NOT BE IN A PUBLIC PLACE WITHOUT A GUARDIAN PRESENT.**

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**WHEREAS** under the authority and pursuant to the Municipal Government Act, Chapter M 26, RSA 2000, and amendments thereto, the Council of a municipality may pass bylaws respecting the safety, health and wellness of people and the protection of people and property and respecting people;

**WHEREAS** under the provisions of the Municipal Government Act, the Council of a municipality may pass bylaws respecting people, activities and things in, on or near a public place or a place that is open to the public;

**WHEREAS** The Town of Swan Hills Council deems it desirable in the best interest of community safety to control and prohibit fighting in a public place, prevent the harassment of people and to set a curfew for minors within the boundaries of The Town of Swan Hills;

**NOW THEREFORE** under the authority and pursuant to the provisions of the said Municipal Act, and by virtue of all other enabling powers, the Council of The Town of Swan Hills, duly assembled, enacts as follows;

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**PART 1 - TITLE**

1. This bylaw may be cited as “The Community Safety Bylaw”.

**PART 2 -DEFINTIONS**

2. In this bylaw, unless the context otherwise requires:
  - (1) **CHILD** – means a child, male or female, less than sixteen (16) years of age;
  - (2) **COUNCIL** – means the Council of The Town of Swan Hills;
  - (3) **HARASSED** – means verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive or unwanted communication, direct or through any medium whatsoever.

Real or threatened infliction of physical violence and attacks, gender or racial based put downs, Cyber Bullying, Homophobic Bullying and extortion or stealing of money and possessions. For the purposes of this By-law Bully, Bullied or Bullying shall have the same meaning as Harassed.

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- (a) In the absence of other evidence, a court may infer from the evidence of a peace officer relating to the conduct of a person or persons, whether ascertained or not, that an offence described in section 3(1) (2) (3) and (4) was caused or occurred.
- (4) **HIGHWAY** is as defined in the current Traffic Safety Act.
- (5) **MUNICIPAL VIOLATION TICKET** – means a document that is a Municipal Violation Ticket issued on behalf of the Town of Swan Hills pursuant to the Municipal Government Act, R.S.A. 2000, c-M-26
- (6) **PARENT OR GUARDIAN** – means the actual parent, guardian or foster parent of a child and any other person 18 years of age or over who has lawful care and control of a child;
- (7) **PEACE OFFICER** – means a member of the Royal Canadian Mounted Police, a By-law Enforcement Officer or a Peace Officer as appointed under the Peace Officer Act employed by the Town of Swan Hills;
- (8) **PUBLIC PLACE** – includes any place, whether publicly or privately owned or leased, to which the public have access as of right or by invitation, express or implied, and includes the interior of any motor vehicle;
- (9) **TOWN** – means The Town of Swan Hills;
- (10) **VIOLATION TICKET** – means a violation ticket issued pursuant to the Provincial Offences Procedures Act, R.S.A

### **PART 3 - HARASSMENT/FIGHTING/BULLYING**

3. No person shall, in any public place or any place to which the public reasonably has access,
- (1) Repeatedly communicate, either directly or indirectly, with any person in a way that causes the person, reasonably in all the circumstances to feel harassed or bullied.
  - (2) Cast, project or throw any object, stones or balls of snow or ice or other missiles or cause any object to be a projectile, including any firework, or use any bow or arrow, catapult or other such device on any of the highways or public places of the Town in any manner which is dangerous to the public.
  - (3) Participate in a fight or other similar physical confrontation.
  - (4) While not taking part in any action described in Section 3(1) (2) or (3). No person shall encourage or cheer on any person engaged in any action as described in Section 3(1) (2) or (3).

### **PART 4 - ENFORCEMENT**

4. A Peace Officer is hereby authorized and empowered;
- (1) To issue a Municipal Violation Ticket or a Violation Ticket pursuant to the current Provincial Offences Procedure Act, as amended, to any person who has contravened any provisions of this bylaw.
  - (2) To apprehend and deliver a child, whom the Peace Officer finds contravening Section 4(1) of this bylaw, to the child's home, a shelter or to a parent or guardian.

### **PART 5 - PENALTY**

5. Any Person who contravenes any provisions of this bylaw is guilty of an offence and liable upon summary conviction;
- (1) To a specified penalty for a first offence as set out in Schedule "A" attached hereto and forming part of this bylaw;
  - (2) To a specified penalty for a second offence of two times the original penalty as set out in Schedule "A" attached hereto and forming part of this bylaw.
  - (3) To a specified penalty for a third offence of three times the original penalty as set out in Schedule "A" attached hereto and forming part of this bylaw.

## **PART 6 - SEVERABILITY**

6. If at any time, any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

## **PART 7 - REPEAL**

7. N/A

## **PART 8 - EFFECTIVE DATE**

8. This bylaw shall come into effect upon passing of the third reading.

**BY-LAW NO. 2012-10 IS HEREBY GIVEN FIRST READING THIS 25<sup>TH</sup> DAY OF APRIL, 2012**

**BY-LAW NO. 2012-10 IS HEREBY GIVEN SECOND READING THIS 25<sup>TH</sup> DAY OF APRIL, 2012**

**BY-LAW NO. 2012-10 IS HEREBY GIVEN THIRD READING AND PASSED THIS 25<sup>TH</sup> DAY OF APRIL, 2012**



MAYOR



CHIEF ADMINISTRATIVE OFFICER

**THE TOWN OF SWAN HILLS BYLAW No. 2012 -  
SCHEDULE "A"  
SPECIFIED PENALTIES**

<b>SPECIFIED PENALTIES</b>		
<b>Sec.</b>	<b>Offence</b>	<b>Penalties</b>
3(1)	Harassment of a person(s)	\$300.00
3(2)	Use object in a manner dangerous to the public	\$300.00
3(3)	Participate in a fight in a public place	\$300.00
3(4)	Encourage/Cheer on a person committing fighting/harassment	\$300.00