

**BYLAW NO. 2-2017**

**A BYLAW OF THE VILLAGE OF HOLDEN  
IN THE PROVINCE OF ALBERTA  
FOR THE PURPOSE OF ESTABLISHING STANDARDS OF PUBLIC BEHAVIOUR**

**WHEREAS**, under the provisions of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended, the Council of the Village of Holden may pass Bylaws 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 Village of Holden 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 behaviours that may have a negative impact on the enjoyment of public spaces within the municipal boundary;

**NOW THEREFORE, the Council of the Village of Holden, in regular meeting, duly assembled, hereby enacts as follows:**

**1. NAME**

This Bylaw may be cited as the “Public Behaviour Bylaw.”

**2. DEFINITIONS**

2.1 **“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.

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

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

2.4 **“Graffiti”** means:

(a) the application of any substance, including paint, ink, stain or whitewash to any surface: or

(b) the affixing of any substance, including paper, fabric or plastic by any form of adhesion/attachment which does not remove cleanly when pulled away from the applied surface; or

(c) the marking, scratching, etching or other alteration or disfigurement of any surface to any property, without permission of the owner, which results in a visual effect commonly referred to as “graffiti”.

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

2.6 **“Pan Handling”** means the personal, verbal and direct solicitation by a person for the gratuitous donations of money, food or goods of any kind, or the exchange of money, food or goods, or any unsolicited service for money of any kind from any member of the public, but does not include a solicitation allowed or authorized pursuant the Charitable Fundraising Act, or any other legislation permitting the solicitation of charitable donations.

- 2.7 **“Peace Officer”** means a member of the Royal Canadian Mounted Police, or a Community Peace Officer appointed pursuant to the provisions of the *Peace Officer Act*, Revised Statutes of Alberta, 2006, Chapter P-3.5 and all amendments or successors thereto.
- 2.8 **“Public Place”** means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access within the corporate limits of the Village of Holden.
- 2.9 **“Spit”** means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth and/or nose.
- 2.10 **“Urinate”** means to discharge urine from the body.
- 2.11 **“Village”** means the Village of Holden.
- 2.12 **“Violation Ticket”** means a violation ticket as defined in the *Provincial Offences Procedure Act*.
- 2.13 **“Youth”** means an individual 12 to 17 years of age.

### **3. ENFORCEMENT**

- 3.1 No person(s) shall threaten, verbally taunt, name call, put down, harass through written or electronically transmitted messages, or physically attack a person(s); or encourage or cheer on any others who are engaged in these acts.
- 3.2 No person(s) shall place or cause graffiti to be placed on any property.
- 3.3 No person(s) shall yell, scream, or swear in any public place or in any place to which the public is allowed access.
- 3.4 No person(s) shall make or allow property belonging to them, to cause, continue to cause, or allow to be made any loud, unnecessary or unusual noise which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the corporate boundaries of the Village of Holden. The Chief Administrative Officer or designate may authorize a special permit for permissible noise levels for varying periods of the day in all or in a designated location of the Village of Holden.
- 3.5 No person(s) shall urinate, defecate or spit in any public place or in any place to which the public is allowed access, other than using an appropriate facility.
- 3.6 No person(s) shall participate in a fight or any physical confrontation in any public place or in a location where the public has access.
- 3.7 No person(s) 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 and well-being of the community. Any such person(s) shall disperse immediately when requested to do so by a Peace Officer.
- 3.8 No person(s) shall loiter and thereby obstruct any other person in any public place or in any place to which the public has access.

3.9 No person shall engage in panhandling within the corporate limits of the Village of Holden.

**4. PENALTIES AND ENFORCEMENT**

4.1 Every person who contravenes any of the provisions of this Bylaw is guilty of an offence.

4.2 Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00, and in default of payment of any fine imposed, to imprisonment for not more than six (6) months.

4.3 The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw in respect of that provision.

4.4 When a Peace Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended, or from laying information instead of issuing a violation ticket.

**5. SCHEDULES**

Fines as set out in Schedule "A" may be changed by resolution of Village Council from time to time.

**6. EFFECTIVE DATE OF BYLAW**

This bylaw takes effect as of the date of third and final reading.

**READ A FIRST TIME** this 18<sup>th</sup> day of April, 2017

**READ A SECOND TIME** this 4<sup>th</sup> day of May, 2017

**READ A THIRD TIME** and passed this 20th day of October, 2017

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

**SCHEDULE "A"**

**Schedule of Fines**

<b>SECTION:</b>	<b>OFFENCE</b>	<b>PENALTY</b>
<b>3.1</b>	Bullying	\$250.00
	(a) second offence within one year	\$500.00
	(b) third offence within one year	\$750.00
<b>3.2</b>	Placing graffiti on property	\$300.00
	(a) second offence within one year	\$500.00
	(b) third offence within one year	\$750.00
<b>3.3</b>	Person(s) yelling, screaming or swearing in a public place	\$250.00
	a) second offence within one year	\$500.00
	b) third offence within one year	\$750.00
<b>3.4</b>	Person(s) who make, cause or allow unnecessary noise	\$250.00
	a) second offence within one year	\$500.00
	b) third offence within one year	\$750.00
<b>3.5</b>	Person(s) urinating, defecating or spitting in a public place	\$500.00
	a) second offence within one year	\$750.00
	b) third offence within one year	\$1000.00
<b>3.6</b>	Person(s) fighting in a public place	\$500.00
	a) second offence within one year	\$750.00
	b) third offence within one year	\$1000.00
<b>3.7</b>	Being a member of an assembly and failing to disperse as requested by a Peace Officer	\$250.00
	a) second offence within one year	\$500.00
	b) third offence within one year	\$750.00
<b>3.8</b>	Loitering	\$250.00
	a) second offence within one year	\$500.00
	b) third offence within one year	\$750.00
<b>3.9</b>	Panhandling	\$100.00
	a) second offence within one year	\$200.00
	b) third offence within one year	\$400.00