

**BYLAW NO. 016-09  
OF THE  
TOWN OF CHESTERMERE  
A BYLAW OF THE TOWN OF CHESTERMERE IN THE PROVINCE OF ALBERTA FOR THE  
PURPOSE OF REGULATING, CONTROLLING AND ABATING DISRUPTIVE AND ANNOYING  
ACTIVITY.**

WHEREAS the Municipal Government Act, R.S.A. 2000, c.M-26, as amended, provides the Council of a Municipality with the broad powers to pass bylaws for municipal purposes respecting a variety of matters including but not limited to: the safety, health and welfare of people and the protection of people and property; nuisances; and people, activities and things in, on or near a public place or place that is open to the public;

AND WHEREAS Council of the Town of Chestermere deems it expedient and in the public's interest to pass a bylaw to regulate, control and abate disruptive and annoying activity within the Town of Chestermere;

NOW THEREFORE THE COUNCIL OF THE TOWN OF CHESTERMERE pursuant to the authority conferred upon it by the laws of the Province of Alberta, enacts as follows:

**SECTION 1 - SHORT TITLE**

1.1 This Bylaw may be cited as the Town of Chestermere "Community Standards Bylaw".

**SECTION 2 - DEFINITIONS**

2.1 "Injurious Occupation" means any activity which in the opinion of a Peace Officer, having regard for all the circumstances including the time of the day and nature of the activity, is likely to unreasonably cause disturbance, injury or annoyance to persons or property and includes, but is not limited to:

2.1.1 occupying an area in an unruly, boisterous or disruptive manner;

2.1.2 any other dilatory, annoying or harmful occupation of property.

2.2 "Open Space Area" shall mean any of the following:

2.2.1 Any land in the Town which is developed, used, leased, controlled or managed by the Town as a public park, sports field, playground or recreational area, including, without restricting the generality of the foregoing, all lands in the Town which are jointly controlled or managed by the Town and an Educational Authority for any of the purposes previously described;

2.2.2 Any land acquired by the Town through the subdivision process as reserve;

2.2.3 Any land used as a highway buffer strip, whether on a permanent or temporary basis;

2.2.4 Any land designated by resolution of Council as an Open Space Area for the purposes of this bylaw; and

2.2.5 Any land developed by the Town as a pathway.

2.3 "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 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.



- 2.4 "Peace Officer" shall mean a member of the Royal Canadian Mounted Police., a Community Peace Officer, a Bylaw Enforcement Officer or any person employed for the purposes of preserving and maintaining the public peace.
- 2.5 "Public Place" means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access, and shall include, for the purposes of this bylaw any Open Space Area.

### 3. SECTION 3 – LITTERING/UNLAWFUL WASTE VIOLATIONS

- 3.1 No person shall place, deposit or throw or cause to be placed, deposited or thrown in or upon any Town property, including any Open Space Area, street, lane, sidewalk, parking lot, park, public transportation vehicle, public transportation shelter, or other public transportation facility or other public place or water course:
- 3.1.1 a cardboard or wooden box, carton, container, or receptacle of any kind;
  - 3.1.2 a paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionery;
  - 3.1.3 paper of any kind, whether or not containing written or printed matter thereon;
  - 3.1.4 any human, animal or vegetable matter or waste;
  - 3.1.5 any glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
  - 3.1.6 scrap metal, scrap lumber, tires, dismantled wrecked or dilapidated motor vehicles or parts there from;
  - 3.1.7 any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, lane, alley, bi-way or other public place;
  - 3.1.8 dirt, filth, petroleum product or rubbish of any kind whether similar or dissimilar to the foregoing.
- 3.2 A person who has placed, deposited or thrown or caused to be placed or thrown anything or any matter mentioned in subsection (3.1) upon any Open Space Area, street, lane, sidewalk, parking place, park, public transportation vehicle, public transportation shelter, or other public transportation facility or other public place or water course shall forthwith remove it.
- 3.3 No person shall urinate or deposit any human waste in any public place or in any place to which the public is allowed access, other than a public washroom.
- 3.4 No person shall place, deposit 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, 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.
- 3.6 The Planning and Development Manager may authorize any Town Employee, or other person, to remove and put in storage or destroy anything placed upon Town property in contravention of this bylaw.

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#### **SECTION 4 - FIGHTING/LOITERING/INJURIOUS OCCUPATION OFFENCES**

- 4.1 No person shall participate in a fight or any physical confrontation in any public place or any place to which the public is allowed access.
- 4.2 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 persons shall disperse as requested by a peace officer.
- 4.3 No person shall loiter and thereby obstruct any other person in any public place.
- 4.4 No person shall engage in an Injurious Occupation in a public place and any such person shall immediately cease said Injurious Occupation upon the direction of a Peace Officer.
- 4.5 Notwithstanding any section of this Bylaw, nothing shall prohibit a Peace Officer from immediately issuing a Violation Ticket to any person engaged in an Injurious Occupation, contrary to section 4.4.
- 4.6 If a person is engaged in an Injurious Occupation within an Open Space Area as defined by this Bylaw, a Peace Officer may direct said person to leave the Open Space Area.
- 4.7 No person shall refuse to comply or ignore a direction made by a Peace Officer under section 4.6 and a Peace Office shall have the authority to issue a Violation Tag to such a person and/or remove them from the Open Space Area should they continue to refuse direction to leave the Open Space Area

#### **SECTION 5 - PANHANDLING OFFENCES**

- 5.1 No person shall engage in panhandling:
  - 5.1.1 from any person who at the time is an occupant or engaged in operating a motor vehicle;
  - 5.1.2 from a person who has refused or declined the solicitation;
  - 5.1.3 so as to obstruct the passage of, walk next to, or follow the person being solicited;
  - 5.1.4 within 10 meters of the entrance to a bank, credit union, trust company or other financial institution where cash can be withdrawn;
  - 5.1.5 within 10 meters of an automated teller machine or other device from which cash can be electronically accessed; or
  - 5.1.6 within 10 meters of a business entrance;
  - 5.1.7 notwithstanding the preceding provisions, in any form between the hours of 6:00pm and 8:00am.

#### **SECTION 6 - PENALTIES**

- 6.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to a fine as set out in "Schedule A" which is attached hereto and forms part of this Bylaw.



## **SECTION 7 - VIOLATION TAGS**

- 7.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 7.2 A Violation Tag may be issued to such person:
- 7.2.1 either personally, or
  - 7.2.2 by mailing a copy to such person at his/her last known post office address.
- 7.3 The Violation Tag shall be in a form approved by the Town of Chestermere and shall state:
- 7.3.1 the name of the person;
  - 7.3.2 the offence;
  - 7.3.3 the appropriate penalty for the offence as set out in this Bylaw;
  - 7.3.4 that the penalty shall be paid within Twenty Two (22) days of the issuance of the Violation Tag;
  - 7.3.5 any other information as may be required by the Town of Chestermere.
- 7.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Peace Officer, provided that no more than one Violation Tag shall be issued for each day, 24 hour period that the contravention continues.
- 7.5 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued, may in lieu of being prosecuted for the offence, pay to the Town of Chestermere Treasurer the penalty specified on the Violation Tag.
- 7.6 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket with a specified penalty or for the mandatory Court appearance of any Person who contravenes any provision of this Bylaw.

## **SECTION 8 - VIOLATION TICKET**

- 8.1 If the penalty specified of the Violation Tag is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34.
- 8.2.1 Notwithstanding Section 8.1 of this Bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000, c. P-34, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

## **SECTION 9 - INTERPRETATION**

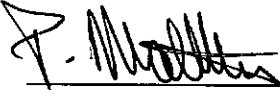
- 9.1 If a court of competent jurisdiction should declare any section or subsection of this Bylaw to be invalid, such section or subsection shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw, and it is hereby declared that the remainder of the bylaw shall be valid and remain in force.

9.2 In the event of a conflict between any of the provisions of this bylaw and the provisions of any other bylaw of the Town, the provisions of this bylaw shall prevail except where governed by provincial statute.

**READ a first time this 1<sup>st</sup> day of June, 2009.**

**READ a second time this 6<sup>th</sup> day of July, 2009.**

**READ a third time this 6<sup>th</sup> day of July, 2009.**

  
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Mayor

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

Resolution # \_\_\_\_\_

**SCHEDULE 'A'**

**Penalties for Violations**

<b><u>Section Offences</u></b>	<b><u>Violation</u></b>	<b><u>1<sup>st</sup> Offence</u></b>	<b><u>2<sup>nd</sup> Offence</u></b>	<b><u>3<sup>rd</sup>/Subsequent</u></b>
3.1	Littering	\$100.00	\$200.00	\$250.00
3.3	Urinating/Deposit Human Waste	\$200.00	\$400.00	\$500.00
3.5	Deposit Leaflets/ Pamphlets	\$100.00	\$200.00	\$250.00
4.1/4.4	Fighting/ Injurious Occupation	\$250.00	\$500.00	\$500.00
4.2/4.3	Unlawful Assembly/ Loitering	\$100.00	\$200.00	\$400.00
5.1	Panhandling	\$100.00	\$200.00	\$400.00

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