

**BYLAW 08-036
OF
LAC LA BICHE COUNTY**

A BYLAW OF LAC LA BICHE COUNTY IN THE PROVINCE OF ALBERTA TO CONTROL AND REGULATE FIGHTING IN A PUBLIC PLACE, HARASMENT OF PEOPLE AND FOR THE PURPOSES OF REGULATING THE TIMES WHICH A CHILD SHALL NOT BE IN A PUBLIC PLACE WITHOUT A GUARDIAN PRESENT.

WHEREAS under the authority and pursuant to the Municipal Government Act, Chapter M 26, R.S.A. 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;

AND 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;

AND WHEREAS under the provisions of the PROVINCIAL OFFENCES PROCEDURE ACT, and under the provisions of the MUNICIPAL GOVERNMENT ACT, the Council of a municipality may by bylaw provide for the payment of violation tickets or summons out of court;

AND WHEREAS Lac La Biche County Council deems it desirable in the best interest of community safety to control and prohibit fighting in a public place, prevent the harassment of minors and to set a curfew for minors within the boundaries of Lac La Biche County;

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 Lac La Biche County, duly assembled, enacts as follows:

TITLE

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

DEFINITIONS

2. In this bylaw, unless the context otherwise requires:
 - (a) Child - means a child, male or female, under sixteen (16) years of age
 - (b) Council - means the Council of Lac La Biche County;
 - (c) County- means Lac La Biche County
 - (d) Harassed - means verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive communication, direct or through any medium whatsoever. Real or threatened infliction of physical violence and attacks, gender based put downs and extortion or stealing of money and possessions;

- i) 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(a) (b) (c) and (d) was caused or occurred.
- (e) Highway is as defined in the current Traffic Safety Act.
- (f) Legitimate Reason - means the following:
 - i) traveling directly to or from the child's place of employment whether paid or volunteer; or
 - ii) working a job, whether paid or volunteer, that requires the child to be in a public place; or
 - iii) attending public, school or religious events which are organized and supervised by adults
- (g) 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 the care and control of a child;
- (h) Peace Officer - means a member of the Royal Canadian Mounted Police or a Peace Officer as appointed under the Peace Officer Act;
- (i) 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;

HARASSMENT/FIGHTING

- 3. No person shall, in any public place or any place to which the public reasonably has access,
 - (a) Repeatedly communicate, either directly or indirectly, with any person in a way that causes the person, reasonably in all the circumstances, to feel harassed.
 - (b) 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 County in any manner which is dangerous to the public.
 - (c) Participate in a fight or other similar physical confrontation.
 - (d) While not taking part in any action described in Section 3(a) (b) or (c), encourage or cheer on any person described in Section 3(a) (b) or (c).

CURFEW

- 4.
 - (a) No child shall be in a public place within Lac La Biche County during the curfew period, which is between the hours of 11:00 p.m. and 6:00 a.m. on any day of the week, without a parent or guardian present unless the child has a legitimate reason.
 - (b) No parent or guardian shall permit or allow any child who is in his or her custody, care or control to be in a public place during the curfew period unless that child is accompanied by a parent or guardian or has a legitimate reason.

ENFORCEMENT

5. A Peace Officer is hereby authorized and empowered;
 - (a) To issue a violation ticket pursuant to the current Provincial Offences Procedures Act, as amended, to any person who has contravened any provisions of this bylaw.
 - (b) To apprehend and deliver a child, whom the Peace Officer finds contravening Section 4(a) of this bylaw, to the child's home, a shelter or to a parent or guardian.
 - (c) To lodge an apprehended child at the Royal Canadian Mounted Police Detachment cells until the child can be delivered to the child's home, a shelter or to a parent or guardian.

PENALTY

6. Any Person who contravenes any provisions of this bylaw is guilty of an offence and liable upon summary conviction;
 - (a) To a specified penalty for a first offence as set out in Schedule "A" attached hereto and forming part of this bylaw;
 - (b) To a specified penalty for a second/subsequent offence of double the original penalty as set out in Schedule "A" attached hereto and forming part of this bylaw.

SEVERABILITY

7. 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.

REPEAL

8. Town of Lac La Biche Bylaws #1183/01 & #1220/04 shall be repealed upon passage of this bylaw.

EFFECTIVE DATE

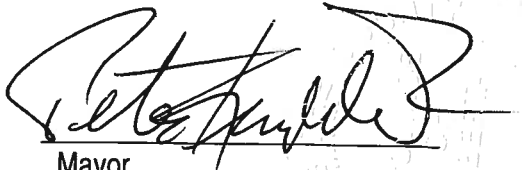
9. This bylaw shall come into effect upon passing of the third reading.

MOTION BY COUNCILLOR QUIST THAT BYLAW 08-036 BE GIVEN FIRST READING THIS 8TH DAY OF JULY, 2008.

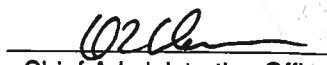
MOTION BY COUNCILLOR BOCHKAREV THAT BYLAW 08-036 BE GIVEN SECOND READING THIS 8TH DAY OF JULY, 2008.

MOTION BY COUNCILLOR STROMQUIST THAT BYLAW 08-036 BE SUBMITTED FOR THIRD AND FINAL READING THIS 8TH DAY OF JULY, 2008.

MOTION BY COUNCILLOR LANE THAT BYLAW 08-036 BE GIVEN THIRD READING THIS 8TH DAY OF JULY, 2008.



Mayor



Chief Administrative Officer

SCHEDULE "A"

LAC LA BICHE COUNTY BYLAW # 08-036

SPECIFIED PENALTIES

<u>Sec.</u>	<u>Offence</u>	<u>Penalties</u>
3(a)	Harassment of a person(s)	\$300.00
3(b)	Use object in a manner dangerous to the public	\$300.00
3(c)	Participate in a fight in a public place	\$300.00
3(d)	Encourage/Cheer on a person committing offence	\$300.00
4(a)	Child in a public place during curfew period	\$100.00
4(b)	Allow a child to be in a public place during curfew period	\$100.00