

**TOWN OF OYEN  
PROVINCE OF ALBERTA  
BYLAW NUMBER 824-13**

A BYLAW OF THE TOWN OF OYEN IN THE PROVINCE OF ALBERTA TO CONTROL AND REGULATE CONDUCT IN PUBLIC PLACES IN THE TOWN OF OYEN.

**WHEREAS**

Pursuant to Section 7 of the Municipal Government Act RSA 2000, Chapter M-26, a Council may pass bylaws for municipal purposes respecting:

- I. the safety, health and welfare of people;
- II. the protection of people and property; and
- III. respecting people, activities and things in, on or near a public place;

**AND WHEREAS**

The Council of the Town of Oyen has determined that it is in the public interest to pass a bylaw to discourage Bullying and Fighting in public places within the Town of Oyen;

**NOW THEREFORE**

Under the authority of the Municipal Government Act, The Council of the Town of Oyen, in the Province of Alberta, **ENACTS AS FOLLOWS:**

**PART I**

**BYLAW TITLE**

1. This Bylaw may be cited as the Town of Oyen Conduct in Public Places Bylaw.

**PART II**

**DEFIINITIONS**

1. In this Bylaw, unless the context otherwise require:
  - (a) "**bully**" means repeated comment, conduct or display by a person directed at another person:
    - (i) that intimidates, humiliates, ridicules, or isolates that person; or
    - (ii) causes or is likely to cause physical or emotional distress;
  - (b) "**Town**" means the Town of Oyen;
  - (c) "**Fight**" means violent physical contact between two or more persons;
  - (d) "**Peace Officer**" means "a member of the Royal Canadian Mounted Police, or a Special Constable appointed pursuant to the provisions of the Police Act, Revised Statutes of Alberta, 2000, Chapter P-17 and all amendments or successors thereto";
  - (e) "**Public Place**" means any place in the Town that is open to the public and to which the public is customarily admitted or invited and includes:
    - (i) any building to which the public is ordinarily permitted access;

- (ii) any vehicle used for the public transportation or a commercial vehicle for hire that is used to transport members of the public;
- (iii) any street, highway, sidewalk, lane, alley, bridge, causeway or other place, whether publicly or privately owned, that is used or intended for the passage of pedestrians or vehicles;
- (iv) any parking lot or other place, whether publicly or privately owned, that is used for parking a vehicle;
- (v) any park or open space to which the public is ordinarily permitted access, whether upon payment or otherwise; and
- (vi) any school, including school grounds;

**PART III**

**ADMINISTRATION AND ENFORCEMENT**

1. The Detachment Commander of the Oyen Royal Canadian Mounted Police Detachment is authorized to:
  - (a) administer and enforce the provisions of this Bylaw; and
  - (b) delegate to any Peace Officer any power, duty or function assigned to the Detachment Commander by this Bylaw.

**PART IV**

**FIGHTING**

1. No person shall:
  - (a) participate in a fight;
  - (b) encourage other persons to fight; or
  - (c) video, record, photograph or distribute any video, recording or other photograph of any person involved in a fight for any purpose other than documenting the breach of this bylaw or other law applicable in the Province of Alberta.
2. Violent physical contact between two or more persons that occurs in the context of sport or exercise is exempted from this bylaw.
3. News Media distribution or publication of a video, recording or photograph of any person involved in a fight is exempted from this section where the distribution or publication is in the legitimate pursuit of news gathering or reporting.

**PART V**

**BULLYING**

1. No person shall:
  - a. bully another person in any public place;
  - b. bully another person through written or electronic communication;

- c. encourage or promote another person to engage in acts of bullying;
- d. video, record, photograph or distribute any video, recording or photograph of any person involved in bullying for any purpose other than documenting the breach of this bylaw or other law applicable in the Province of Alberta.

**PART VI**

**PENALTY**

1. Any person who contravenes any provision of this Bylaw is guilty of an offence punishable on summary conviction and liable:
  - (a) to a fine upon first offence of not more than \$250.00;
  - (b) to a fine of not more than \$500.00 for a second conviction under this bylaw within a twelve month period from the date of the first conviction; and
  - (c) to a fine of not more than \$1,000.00 for a third conviction under this bylaw with a twelve month period from the date of the first conviction.
2. When a police officer issues a summary ticket for a violation of this Bylaw, that police officer will enter on the ticket the fine amount which, if paid within the time prescribed, will be accepted as a guilty plea to the offence.
3. Any person who is in default of payment of the fine and costs imposed pursuant to this section may be liable to a term of imprisonment not exceeding ninety days.

**PART VII**

**SEVERABILITY**

1. If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portions of the Bylaw.

**PART VIII**

**ENACTMENT**

1. This Bylaw comes into force on the final passing thereof.

**READ** a first time this 5<sup>th</sup> day of February 2013.

**READ** a second time this 5<sup>th</sup> day of February 2013.

**READ** a third time and passed this 12<sup>th</sup> day of March 2013.

_____	_____
Date	Mayor

_____	_____
Date	Chief Administrative Officer