

Big Lakes County Bylaw

Bylaw No. 15-2023

Being a bylaw of Big Lakes County, in the Province of Alberta, for the purpose of Establishing a Public Order Bylaw.

WHEREAS; the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended (the "Act") provides that a council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

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 Big Lakes County, in the Province of Alberta, duly assembled, does hereby enact as follows:

PART I - TITLE

1. This bylaw may be cited as the "Public Order Bylaw."

PART II - DEFINITIONS

2. In this bylaw, unless the context otherwise requires:
 - (a) "Cannabis" means cannabis plant, fresh cannabis, dried cannabis, cannabis oil, and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.
 - (b) "County" means Big Lakes County;
 - (c) "Electronic Smoking Device" means an electronic device that can be used to deliver a vapour, emission or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe.
 - (d) "Smoke or Smoking" means:
 - i. inhaling or exhaling the smoke produced by burning or heating cannabis; or
 - ii. holding or otherwise having control of any device or thing containing lit or heated cannabis.
 - (e) "Municipal Property" means any sidewalk, lane, street, boulevard, road, road allowance, right-of-way, park, recreational facility, or building in the County that is owned by the County, whether or not the public has access as of right or by invitation.

- (f) "Vape or Vaping" means:
 - i. inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing cannabis.
 - ii. holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from cannabis.
- (g) "Defecate" means to deliberately discharge waste matter from the bowels;
- (h) "Deposit" includes drop, throw, dump or randomly place or store or otherwise to dispose of;
- (i) "Disorderly Conduct" means any behavior that tends to disturb the public peace, public order or decorum, scandalize the community, or offend the public sense of morality;
- (j) "Fight" means any confrontation involving violent physical contact between two or more people;
- (k) "Graffiti" means the defacement or disfigurement of any property, or object through the performance of any of the following acts:
 - (i) the application of any substance, including paint, ink, stain or whitewash to any surface; or
 - (ii) the affixing of any substance, including paper, fabric or plastic, by any form of adhesion that does not remove cleanly when pulled away from the applied surface; or
 - (iii) the marking, scratching, etching or other alteration or disfigurement of any surface.
- (l) "Litter" means debris, rubbish, filth, refuse, garbage or waste matter of any kind;
- (m) "Loitering" means to stand around or move slowly about without apparent purpose or action;
- (n) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Community Peace Officer, or anyone appointed as a Bylaw Enforcement Officer pursuant to Bylaw #04-2017;
- (o) "Public Place" means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access;
- (p) "Urinate" means to deliberately discharge urine from the body;
- (q) "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34, as amended, and the regulations thereunder;

PART III - INTERPRETATION

3. Each provision of this bylaw is independent of all other provisions and if any provision is declared invalid by a Court of competent jurisdiction, all other provisions of this bylaw remain valid and enforcement.

- (a) Nothing in this bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw, or any requirement of any lawful permit, order, or license.
- (b) Any heading, subheadings, or tables of contents in this bylaw are included only for convenience and shall not form part of this bylaw.
- (c) Where this bylaw refers to another Act, bylaw, regulation, or agency, it includes reference to any Act, bylaw, regulation, or agency that may be substituted therefore.
- (d) All schedules attached to this bylaw shall form a part of this bylaw.

PART IV - PUBLIC OFFENCES

- 4. No person shall participate in a fight or similar physical confrontation in any public place or any place to which the public reasonably has access; this prohibition does not apply to the participants in an organized sporting event who are governed by the rules of conduct of that sporting event.
- 5. No person shall defecate or urinate in a public place or on the private property of another person except with the permission of that other person and not within public view.
- 6. No person shall apply Graffiti to any building or object in a public place.
 - (a) Everyone who, without lawful excuse, the proof of which lies on him, has in his possession any instrument suitable for the purpose of applying graffiti under circumstances that give rise to a reasonable inference that the instrument has been used or is or was intended to be used for any such purpose, is guilty of an offence.
- 7. No person shall vandalize public or private property by:
 - (a) Removing, destroying, damaging, tampering with, mutilating, defacing, or climbing on any building, structure, fixture, wall, fence, wire, netting, vehicle, tool, gate, seat, bench, exhibit, cage, or ornament.
 - (b) This prohibition shall not apply to any person climbing on a structure, wall or piece of equipment expressly designed for that purpose, including playground equipment, climbing wall, or similar recreational equipment.
- 8. A person shall not possess any loaded weapon capable of launching or firing a projectile in a public place.
- 9. A person shall not cause or permit a weapon to launch or fire a projectile in a public place.
- 10. A person shall not throw or propel an object, or act in any other way, in a public place that is reasonably likely to cause injury to another person or damage to property.
- 11. Any person not being in a dwelling shall not cause a disturbance in or near a public place by any of the following:
 - (a) Screaming or shouting;
 - (b) Loitering in a public place and thereby obstructing any other person;

- (c) Disturbing the peace and quiet of the occupants of a dwelling by disorderly conduct in a public place.
- 12. While not taking part in any action described in Section 4, 6, 7(a), 9 or 10, no person shall encourage or cheer on any person described in Section 4, 6, 7(a), 9 or 10.
- 13. No person shall willfully obstruct, impede, or hinder a Peace Officer while the Peace Officer is engaged in the execution of their duty.
- 14. No person shall fail or refuse to comply with a lawful order or request of a Peace Officer while that Peace Officer is engaged in the execution of their duty.
- 15. No person shall smoke, vape, or consume cannabis:
 - (a) on Municipal Property;
 - (b) in any area or place where that person is prohibited from smoking or vaping under the Tobacco and Smoking Reduction Act;
- 16. A person who is authorized to possess cannabis pursuant to a medical document issued pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, and amendments thereto, is not subject to Section 15 of this Bylaw.
- 17. A person referred to in Section 16 of this Bylaw must, on demand of a Peace Officer, produce a copy of such person's medical document.
- 18. No person shall deposit or cause to be deposited or permit to be deposited any litter on any highway or land within the municipality, which is owned by or under the direction, control of and management of the municipality unless it is disposed of in an approved waste receptacle, at a waste management facility or site operated by the municipality.
- 19. No person shall allow litter to blow from a property or vehicle onto any highway or land which is owned by or under the direction, control and management of the municipality.

PART V - ENFORCEMENT

- 20. Any Peace Officer is hereby authorized to enforce this Bylaw.

PART VI - OFFENCES AND PENALTIES

- 21. Every person who contravenes any of the provisions of this Bylaw by doing an act or thing which the person is prohibited from doing is guilty of an offence.
- 22. 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.
- 23. The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Part VII of this Bylaw in respect of that provision.

24. A person who commits an offence may:
- (a) If a violation ticket is issued in respect of the offence; and
 - (b) If the violation ticket specifies the fine amount established by this bylaw for the offence;
- make a voluntary payment equal to the specified fine.
25. Where 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.
26. This Section shall not prevent any Peace Officer from issuing a violation ticket requiring the Court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, or from laying an information instead of issuing a violation ticket.

PART VII - MINIMUM PENALTIES AND SUBSEQUENT OFFENCES

27. The minimum penalty which may be imposed for:
- (a) A first offence in respect of a violation of any provision excluding number 18 and 19 of Part IV of this Bylaw shall be \$100.00;
 - (b) A second offence or subsequent offence excluding number 18 and 19 of Part IV of the same provision of this Bylaw within a one-year period shall be \$250.00.
 - (c) Any person who contravenes number 18 and 19 of Part IV of this Bylaw is guilty of an offence and liable upon conviction to the following minimum specified fines:
 - First Offence: \$500.00
 - Second Offence: \$750.00
 - Third Offence: \$1000.00
 - Subsequent Offence: \$5,000.00

PART VIII - EXPIRY

28. Any person who commits a subsequent offence under this bylaw within one year of committing the first offence may be issued a Violation Ticket or Violation Tag. The time limit for committing a subsequent offence resets on a yearly basis on January 1st of each year.

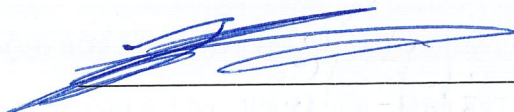
Effective Date

27. This bylaw comes into effect after third reading and upon signing.
28. Bylaw No. 18-2018 and Bylaw No. 07-2021 are hereby rescinded.

Read a first time this 22nd day of November, 2023

Read a second time this 22nd day of November, 2023

Read a third time this 13th day of December, 2023



Reeve



Chief Administrative Officer