

## CITY OF LACOMBE Bylaw 372

**Being a bylaw of the City of Lacombe, in the Province of Alberta, to regulate and prohibit certain activities in order to prevent and compel the abatement of noise, nuisances, unsightly premises, public disturbances and to provide for a curfew for minors.**

*Whereas, pursuant to the provisions of the Municipal Government Act, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; respecting people, activities and things in, on or near a public place or place that is open to the public;*

*And whereas Council for the City of Lacombe deems it necessary and advisable to enact a bylaw for such purposes;*

### **COUNCIL FOR THE CITY OF LACOMBE ENACTS AS FOLLOWS:**

#### **Short Title**

1. This Bylaw shall be called the "Community Standards Bylaw".

#### **Part 1 – General Definitions**

2. In this Bylaw, the following definitions shall apply:
  - (a) **"Bullying"** means verbal or physical abuse, threats, taunts, teasing, name calling or abusive communication, either directly or through any medium whatsoever.
  - (b) **"Curfew Period"** means the period of time between Midnight and 6:00 a.m. the same day.
  - (c) **"Drinking Establishment"** means a business the primary purpose of which is the sale of alcoholic beverages for consumption on the premises in which the business is located and the secondary purposes of which may include entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services, the sale of alcoholic beverages for consumption away from the premises, and entertainment. A Drinking Establishment includes any premises in respect of which the Alberta Gaming and Liquor Commission has issued a "Class A" Liquor License and where the terms of the license prohibit minors.
  - (d) **"Emergency"** means an unforeseen combination of circumstances or the resulting event that requires immediate action. This includes but is not limited to a fire, natural disaster, a motor vehicle collision, or any situation beyond the control of anyone, and requiring immediate action to prevent injury or death.
  - (e) **"Graffiti"** means the defacement or disfiguring 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.
  - (f) **"Minor"** means an individual less than 18 years of age.

- (g) **“Offence Ticket”** means a municipal ticket issued by the City allowing for the voluntary payment to the City of a specified fine established by the Bylaw.
- (h) **“Panhandling”** means to ask for a gratuitous donation of money, food or goods of any kind, whether by spoken or printed word, or bodily gesture, but does not include the solicitation of charitable donations allowed or authorized pursuant to the Charitable Fundraising Act, or any other legislation permitting the solicitation of charitable donations.
- (i) **“Parent or Guardian”** means the parent, guardian or foster parent of a Minor and includes any other person over 18 years of age having care and control of a Minor.
- (j) **“Peace Officer”** means a Bylaw Enforcement Officer, a member of the Lacombe Police Service or a Community Peace Officer.
- (k) **“Public Place”** means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access.
- (l) **“Violation Ticket”** means a Violation Ticket as defined in the Provincial Offences Procedure Act.

### **Part 2 - Minors in Public Place**

- 3. No Minor shall be in a Public Place during the Curfew Period unless accompanied by a Parent or Guardian.
- 4. No Parent or Guardian shall suffer, permit or allow any Minor who is in his or her custody, care or control, to be in a Public Place during the Curfew Period unless that Minor is accompanied by a Parent or Guardian.
- 5. Sections 3 and 4 do not apply to a Minor in a Public Place during the Curfew Period when:
  - (a) the Minor is involved in an Emergency;
  - (b) the Minor is in a motor vehicle traveling from one point to another without any detour;
  - (c) on the sidewalk abutting the Minor’s residence;
  - (d) acting in the interests of an employer or voluntary organization or while directly returning home, without detour, as soon as reasonably practical, from an organized school or community event, which has been supervised by an adult.

#### **Enforcement Against Minors in a Public Place**

- 6. Where a Minor is found to be in contravention of Section 3, a Peace Officer may:
  - (a) advise the Minor to go directly to his or her home;
  - (b) take the Minor to his or her home and deliver the Minor into the care of the Minor’s Parent or Guardian; or
  - (c) phone the Minor’s Parent or Guardian and request that the Parent or Guardian attend at a mutually agreed upon location, to receive the Minor

into the care of the Parent or Guardian.

### **Part 3 – Nuisance, Graffiti**

#### **Graffiti**

7. (1) No person shall place or cause Graffiti to be placed on any property.
- (2) Every property owner shall ensure that Graffiti placed on their property is removed, painted over, or otherwise permanently blocked from public view.
- (3) In a prosecution for an offence under this Part, the consent of the property owner to place Graffiti on the property shall not be a defence under this bylaw.
8. Temporary art or advertising on property approved by the owner of the property is not Graffiti.

#### **Spitting/Urinating**

9. No person shall urinate or deposit any human waste in any Public Place other than in a public washroom.
10. No person shall spit at any person in a Public Place or on any public property or on private property that they do not own.

### **Part 4 – Fighting, Loitering, Assembly of Persons, Bullying, Panhandling**

#### **Fighting/Loitering/Assembly of Persons**

11. No person shall participate in a fight or any physical confrontation in any Public Place.
12. No person shall be a member of an assembly of three or more persons in any Public Place where a Peace Officer has reasonable grounds to believe the assembly will disturb the peace of the neighborhood, and any such person shall disperse as requested by a Peace Officer.
13. No person shall loiter and thereby obstruct any other person in any Public Place.

#### **Bullying**

14. (1) No Minor shall bully any person in any Public Place.
- (2) No Minor shall participate in or encourage by verbal or public means in the bullying of any person in any Public Place.
15. (1) No adult shall bully any person in any Public Place.
- (2) No adult shall participate in or encourage by verbal or public means in the bullying of any person in any Public Place.

#### **Panhandling**

16. No person shall engage in Panhandling in any Public Place.

### Part 5 – Noise

17. No person shall yell, scream, or swear in any Public Place.
18. No owner, operator or person in charge of a Drinking Establishment shall permit any noise to emanate from the Drinking Establishment in a manner which annoys or disturbs any person outside the boundary of the premises.

### Part 6 – Enforcement

#### **Penalties**

19. Any person who breaches any provision of this Bylaw is guilty of an offence and liable upon summary conviction to a mandatory penalty:
  - (a) in the amount specified in Schedule “A”; or
  - (b) for any offence for which there is no penalty specified, to a penalty of not less than \$200.00 and not more than \$10,000.00,
 and in default of payment of any penalty, to imprisonment for up to 6 months.
20. Any person who commits a second or subsequent offence under this Bylaw within 12 months of committing a first offence under this Bylaw, is liable to an increased fine as set out in Schedule “A”.
21. For an offence that is of a continuing nature, a contravention constitutes a separate offence for each day or part of day on which it continues. Any person guilty of such an offence is liable to a fine in an amount not less than that established by the Bylaw for each such day.
22. A Peace Officer who has reasonable grounds to believe that a person has contravened any provision of this Bylaw, may issue and serve upon the person:
  - (a) an Offence Ticket allowing payment of the specified penalty as set out in Schedule “A” of this Bylaw to the City, which payment will be accepted by the City in lieu of prosecution for the offence. Should payment of the specified penalty not be made to the City within the time specified on the Offence Ticket, a Violation Ticket may be issued and served upon the person; or
  - (b) a Violation Ticket, allowing a voluntary payment of the specified penalty as set out in Schedule “A” of this Bylaw, or requiring a person to appear in court without the alternative of making a voluntary payment.
23. Nothing in Section 22 prevents a Peace Officer from issuing a Violation Ticket without having first issued an Offence Ticket.

### Part 7 – Miscellaneous

#### **Severability**

24. Should any provision of this bylaw be found void or unenforceable, then it is the express intention of City Council that such void or unenforceable sections be severed from this bylaw and the balance remain in full force and effect.

#### **Coming Into Force**

25. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME IN OPEN COUNCIL this 26<sup>th</sup> day of August, 2013.

READ A SECOND TIME IN OPEN COUNCIL this 9<sup>th</sup> day of September, 2013.

READ A THIRD TIME IN OPEN COUNCIL this 9<sup>th</sup> day of September, 2013

AND SIGNED BY THE MAYOR AND CAO this 11<sup>th</sup> day of September, 2013

\_\_\_\_\_(Original Signed)\_\_\_\_\_  
Mayor

\_\_\_\_\_(Original Signed)\_\_\_\_\_  
Chief Administrative Officer

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**Schedule "A"**  
**Schedule of Fines**

<b>Section</b>	<b>Offence</b>	<b>Fine</b>
<b>4</b>	<b>Parent/Guardian allow Minor in Public Place during Curfew</b>	
	(a) first offence	100.00
	(b) second and subsequent offences	200.00
<b>7(1)</b>	<b>Placing Graffiti on property</b>	
	(a) first offence	2,500.00
	(b) second offence	5,000.00
	(c) third and subsequent offences	7,500.00
<b>7(2)</b>	<b>Failure to Remove Graffiti</b>	
	(a) first offence	250.00
	(b) second offence	500.00
	(c) third and subsequent offences	1,000.00
<b>9</b>	<b>Urinating/Depositing Human Waste in Public Place</b>	
	(a) first offence	500.00
	(b) second offence	750.00
	(c) third and subsequent offences	1,000.00
<b>10</b>	<b>Spitting in Public Place</b>	
	(a) first offence	75.00
	(b) second and subsequent offences	150.00
<b>11</b>	<b>Fighting in a Public Place</b>	
	(a) first offence	500.00
	(b) second offence	750.00
	(c) third and subsequent offences	1,000.00
<b>12</b>	<b>Being a member of an assembly and failing disperse as directed by a Peace Officer</b>	
	(a) first offence	250.00
	(b) second offence	500.00
	(c) third and subsequent offences	750.00
<b>13</b>	<b>Loitering</b>	
	(a) first offence	250.00
	(b) second offence	500.00
	(c) third and subsequent offences	750.00
<b>14(1) and (2)</b>	<b>Bullying by Minor</b>	
	(a) first offence	125.00
	(b) second and subsequent offences	250.00
<b>15(1) and (2)</b>	<b>Bullying by Adult</b>	
	(a) first offence	500.00
	(b) second and subsequent offences	1,000.00
<b>16</b>	<b>Panhandling</b>	
	(a) first offence	75.00
	(b) second offence	200.00
	(c) third and subsequent offence	300.00
<b>17</b>	<b>Yelling, Screaming or Swearing</b>	
	(a) first offence	150.00

	(b) second offence	250.00
	(c) third and subsequent offences	500.00
<b>18</b>	<b>Drinking Establishment Making Noise</b>	2,000.00
	(a) first offence	2,000.00
	(b) second offence	5,000.00
	(c) third and subsequent offences	10,000.00

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