

MUNICIPALITY OF JASPER
BYLAW #070

**BEING A BYLAW OF THE MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA
TO REGULATE CONDUCT IN PUBLIC PLACES IN THE TOWN OF JASPER.**

WHEREAS the Council of the Municipality of Jasper desires to limit the exposure of Jasper residents and visitors to inappropriate conduct in public places in the Town;

AND WHEREAS Section 7 of the *Municipal Government Act* (Alberta) RSA 2000, Chapter M-26 provides for Council to pass bylaws respecting “people, activities and things in, on or near a public place or place that is open to the public” and respecting “the safety, health and welfare of people,”

NOW THEREFORE the Council of the Municipality of Jasper, duly assembled, enacts:

1. CITATION

1.1 This Bylaw may be cited as the “Town of Jasper Conduct in Public Places Bylaw”.

2. DEFINITIONS

2.1 In this Bylaw:

2.1.1 “*Bylaw Enforcement Officer*” shall mean a person appointed by the Municipal Manager as a Bylaw Enforcement Officer pursuant to the provisions of the Jasper Municipal Enforcement Officer Bylaw;

2.1.2 “*Council*” shall mean the Council of the Municipality of Jasper;

2.1.3 “*Municipal Manager*” shall mean the Municipal Manager of the Municipality of Jasper and includes any person authorized to act for or in the name of the Municipal Manager;

2.1.4 “*Municipality of Jasper*” and “*Municipality*” shall mean the Specialized Municipality of Jasper created pursuant to the June 13th 2001 “Agreement for the Establishment of Local Government in the Town of Jasper” signed by the Minister of Canadian Heritage;

2.1.5 “*Municipal Violation Ticket*” shall mean a ticket or similar document issued by the Municipality pursuant to the *Municipal Government Act R.S.A. 2000, c. M-26*, as amended;

2.1.6 “*Peace Officer*” shall mean:

2.1.6.1. a member of the Royal Canadian Mounted Police;

2.1.6.2. a Bylaw Enforcement Officer; or

2.1.6.3. a special constable;

2.1.7 “*Person*” shall mean an individual, proprietorship, corporation or society;

- 2.1.8 “*Public Place*” shall mean, but is not limited to, any public highway, roadway, laneway, sidewalk, courtyard, passage, alley, parking lot, park, parkland, woodland, building or other place or structure in the Town of Jasper to which the public reasonably have or are permitted to have access, whether for payment or not, and which is under the care, ownership or control of the Municipality of Jasper;
- 2.1.9 “*Provincial Violation Ticket*” shall mean a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act, R.S.A. 2000 c. P-34*, as amended and regulations thereunder;
- 2.1.10 “*Town*” and “*Town of Jasper*” shall mean the Town of Jasper as defined in the Agreement for the Establishment of Local Government in Jasper dated June 13th, 2001;
- 2.1.11 Words importing the masculine gender only include the feminine gender whenever the context so requires and vice versa.
- 2.1.12 Words importing the singular shall include the plural whenever the context so requires and vice versa.

3. GENERAL PROVISIONS

- 3.1 No Person shall, in the Town of Jasper, participate in a fight or other physical confrontation in any Public Place.
- 3.2 No Person shall, in the Town of Jasper, yell, shout, scream or call out profanities or obscenities in a Public Place or in any place such that such profanities or obscenities can be heard in a Public Place.
- 3.3 No Person shall, in the Town of Jasper, utter profanities or obscenities to a Peace Officer.
- 3.4 No Person shall, in the Town of Jasper, remove, alter, damage, deface or destroy any property of the Municipality unless such Person is an employee or agent of the Municipality engaged in the proper discharge of his duties.
- 3.5 Any Person in contravention of Section 3.4 herein shall, in addition to the fine specified in Schedule A herein and within 30 days of conviction, pay to the Municipal Manager an amount the Municipal Manager determines is necessary to repair or replace the property removed, altered, damaged, defaced or destroyed.
- 3.6 No Person shall through any action or behavior in a Public Place in the Town of Jasper, annoy, disturb, injure, endanger or detract from the comfort, repose, health, peace or safety of Persons within the limits of the Town.

4. PENALTIES

- 4.1 Any Person contravening the provisions of this bylaw shall be guilty of an offence and liable on conviction to a fine as prescribed in Schedule ‘A’ herein.

5. MUNICIPAL VIOLATION TICKETS

- 5.1 A Peace Officer is hereby authorized and empowered to issue a Municipal Violation Ticket to any Person the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 5.2 A Municipal Violation Ticket shall be deemed to be sufficiently served:
- 5.2.1 if served personally on the accused; or
 - 5.2.2 if mailed to the accused by registered mail.
- 5.3 The Municipal Violation Ticket shall be in a form approved by the Municipal Manager and shall state:
- 5.3.1 the name of the Person alleged to have committed the offence;
 - 5.3.2 the offence;
 - 5.3.3 the municipal or legal description of the land on or near where the offence took place;
 - 5.3.4 the penalty for the offence as specified in Schedule A of this bylaw;
 - 5.3.5 that the penalty shall be paid within 30 days of the issuance of the Municipal Violation Ticket; and
 - 5.3.6 any other information as may be required by the Municipal Manager.
- 5.4 Where a Municipal Violation Ticket is issued pursuant to this bylaw, the Person to whom such ticket is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified within the time period indicated on the Municipal Violation Ticket.

6. PROVINCIAL VIOLATION TICKET

- 6.1 In those cases where a Municipal Violation Ticket has been issued and the penalty specified on such ticket has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Provincial Violation Ticket pursuant to *Part II of the Provincial Offences Procedure Act, R.S.A. 2000, c.P-34* as amended.
- 6.2 Nothing in this bylaw shall prevent a Peace Officer from immediately issuing a violation ticket pursuant to *Part II of the Provincial Offences Procedure Act, R.S.A. 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.

7. SEVERABILITY

- 7.1 If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

8. COMING INTO EFFECT

- 8.1 This Bylaw shall come into force and effect on the final day of passing thereof.
- 8.2 If any provision herein is adjudged to be repugnant to any federal regulation or legislation, this Bylaw shall continue in full force and effect but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal legislation or regulation.

GIVEN FIRST READING THIS 5th DAY OF JULY A.D., 2005

GIVEN SECOND READING THIS 19th DAY OF JULY A.D., 2005

GIVEN THIRD AND FINAL READING THIS 2nd DAY OF AUGUST A.D., 2005

MAYOR

MUNICIPAL MANAGER

SCHEDULE A

<u>Section</u>	<u>Provisions</u>	<u>Penalty</u>
3.1	Participate in a fight or other physical confrontation in any Public Place or any place to which the public reasonably has access.	
	First offence	\$250.00
	Second offence within one (1) year of any previous offence	\$500.00
	Third or subsequent offence within One (1) year of any previous offence	\$750.00
3.2	Yell, shout, scream or call out profanities or obscenities.	
	First offence	\$150.00
	Second offence within thirty (30) days of any previous offence	\$300.00
	Third or subsequent offence within thirty (30) days of any previous offence	\$500.00
3.3	Utter profanities or obscenities to a Peace Officer.	
	First offence	\$150.00
	Second offence within thirty (30) days of any previous offence	\$300.00
	Third or subsequent offence within thirty (30) days of any previous offence	\$500.00
3.4	Remove, alter, damage, deface or destroy any property of the Municipality without permission in writing from the Municipal Manager.	
	First offence	\$250.00
	Second offence within one (1) year of any previous offence	\$500.00
	Third or subsequent offence within One (1) year of any previous offence	\$750.00
3.5	Fail to pay to the Municipal Manager as specified in respect of an offence under section 3.4 herein.	\$500.00

3.6	Annoy, disturb, injure, endanger or detract from the comfort, repose, health, peace or safety of Persons within the limits of the Town.	
	First offence	\$150.00
	Second offence within thirty (30) days of any previous offence	\$300.00
	Third or subsequent offence within thirty (30) days of any previous offence	\$500.00