

BYLAW 6280

A BYLAW OF THE CITY OF LETHBRIDGE
TO ESTABLISH

WHEREAS, pursuant to Section 7(a) 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; and

WHEREAS, pursuant to Section 7(b) of the *Municipal Government Act*, Council may pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public; and

WHEREAS, pursuant to section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the following:

- (i) the creation of offences;
- (ii) for each offence, imposing a fine not exceeding \$10,000 or imprisonment for not more than one year, or both;
- (iii) providing for imprisonment for not more than one year for non-payment of a fine or penalty;
- (iv) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;
- (v) providing for inspections to determine if bylaws are being complied with; and
- (vi) remedying the contraventions of bylaws;

NOW THEREFORE, the Council of the City of Lethbridge, in the Province of Alberta, enacts as follows:

Title

1 (1) This bylaw may be cited as the "Public Places Bylaw".

Purpose

2 (1) The purpose of this bylaw is to set out prohibitions of actions that harm or lack consideration for the wellbeing of the general public.

Definitions

3 (1) In this bylaw:

- (a) "City" means the corporation of the City of Lethbridge;
- (b) "City Manager" means the City Manager of the City or designate;
- (c) "Public Places" means any property, whether publically or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not;
- (d) "Violation Ticket" means a violation ticket as defined in the *Provincial Offences Procedures Act cP-34, as amended*;

- 4 (1) The marginal notes and headings in this bylaw are for reference purposes only.
(2) All references in this bylaw will be read with such changes in number and gender as may be appropriate according to whether the references are to a male or female person, or a corporation or partnership.

Anti-Social Behaviors

5 **Littering**

- (1) A person shall not leave any garbage, litter, waste or other refuse in a Public Place except in a container designed and intended for such use;

6 **Spitting**

- (1) A person shall not spit on another person or the external surface of any building, structure or other personal property in a Public Place.

7 **Urination/Defecation**

- (1) A person shall not urinate or defecate in a Public Place except in a facility designated and intended for such use;

8 **Fighting**

- (1) A person shall not participate in a fight or other similar physical confrontation in a Public Place;

9 **Public Harassment**

- (1) A person shall not repeatedly communicate, cause or permit communication, either directly or indirectly with another person in any Public Place in a way that causes the person, reasonably in all the circumstances to feel harassed, fearful, troubled, worried or badgered;
(2) A person shall not act in a manner in a Public Place that causes another person, reasonably in all the circumstances to feel harassed, troubled, worried or badgered.

10 **Panhandling**

- (1) A person shall not solicit charity in an aggressive manner in any Public Place;
(2) For the purpose of this section, and without limiting the generality of the phrase, a person shall be considered to be soliciting charity in an "aggressive manner" if they:
(a) obstruct or impede the passage of another person;
(b) make continued requests or solicitations after receiving a negative response from another person;
(c) insult, threaten, coerce or intimidate another person;
(d) make physical contact with another person or a motor vehicle.

11 **Weapons**

- (1) A person shall not possess any loaded weapon, capable of launching or firing a projectile, in a Public Place;
(2) A person shall not cause or permit a weapon to launch or fire a projectile in a Public Place;

12 **Fireworks**

- (1) A person shall not discharge fireworks without a permit from the City of Lethbridge;
(2) A person shall not contravene any condition or provision of a permit;

- 13 **Dangerous Actions**
 (1) A person shall not in a Public Place act in a way, including throwing or propelling an object, that is reasonably likely to cause injury to another person, or damage to property.
- 14 **Obstruction**
 (1) A person shall not stand or be in any other position in a Public Place so as to obstruct the entrance or exit to a building.;

Enforcement

- Offences**
- 15 (1) A person who contravenes this bylaw is guilty of an offence;
 (2) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day;
- Vicarious Liability**
- 16 (1) An act or omission by an employee or agent or a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship;
- Corporations and Partnerships**
- 17 (1) When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence;
 (2) If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act of omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.
- Fines and Penalties**
- 18 (1) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000, and to imprisonment for not more than six months for non-payment of a fine;
 (2) Without restricting the generality of subsection 1 the following fine amounts are established for use on municipal tags and violation tickets if a voluntary payment option is offered:
 (a) \$300.00 for any offence for which a fine is not otherwise established in this section;
 (b) double these fine amounts for any subsequent offence;
 (c) a subsequent offence means an offence committed by a person within one year after that person has already been convicted of the same offence or has voluntarily paid a fine for the same offence;
- Municipal Tag**
- 19 (1) If a municipal tag is issued in respect of an offence the municipal tag must specify the fine amount established by this bylaw for the offence;

- Payment in Lieu of Prosecution**
- 20 (1) A person who commits an offence may, if a municipal tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence;
- Violation Ticket**
- 21 (1) If a violation ticket is issued in respect of an offence, the violation ticket may:
- (a) specify the fine amount established by this bylaw for the offence; or
 - (b) require a person to appear in court without the alternative of making voluntary payment;
- Voluntary Payment**
- 22 (1) 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.
- Order to Comply**
- 23 (1) If the City Manager believes, on reasonable grounds, that a person is contravening any provision of this bylaw, the City Manager may, by written order, require any person responsible for the contravention to remedy it.
The order may:
- (a) direct a person to stop doing something, or to change the way in which the person doing it;
 - (b) direct a person to take any action or measures necessary to remedy the contravention of the bylaw, and, if necessary, to prevent a re-occurrence of the contravention;
 - (c) state a time within which the person must comply with the directions;
 - (d) state that if the person must comply with the directions;
 - (e) state that if the person does not comply with the directions within a specified time, the City will take the action or measure;
- (2) A person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.
- (3) An order issued pursuant to this section may be served:
- (a) by delivering it personally to the individual;
 - (b) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
 - (c) by mail addressed to the individual on the tax roll of the City or at the Land titles registry;
- In the case of a corporation:
- (d) by delivering personally to any director or officer of the corporation;
 - (e) by delivering it personally to any person apparently in charge of an office of the corporation at an address held out by the corporation to be its address, or
 - (f) by mail addressed to the registered office of the corporation.
- General Powers of the City Manager**
- 24 (1) Without restricting any other power, duty or function granted by this bylaw the City Manager may:
- (a) carry out any inspections to determine compliance with this bylaw;
 - (b) take any steps or carry out any actions required to enforce this bylaw;

- (c) take any steps or carry out any actions required to remedy a contravention of this bylaw;
- (d) establish areas where activities otherwise regulated, restricted or prohibited by this bylaw are permitted;
- (e) establish forms of the purposes of this bylaw, and
- (f) delegate any powers, duties or functions under this bylaw to an employee of the City;
- (g) issue permits in relation to this bylaw and may also issue permits subject to terms and conditions of the City Manager deems appropriate;
- (h) establish the criteria to be met for a permit to be issued pursuant to this bylaw; and
- (i) charge a fee for issuing permits pursuant to the bylaw;

Obstruction

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A person shall not obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this bylaw;

Owner Liable

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- (1) In this section "owner" includes a person registered as owner at the Motor Vehicle Registry.
- (2) If garbage, litter or refuse is disposed of in a public place from a vehicle in contravention of Section 4 of this bylaw and it cannot be determined who is the operator of the vehicle transporting the garbage, litter or refuse, the owner of the vehicle is deemed to be the person who disposed of the garbage, litter or refuse, the owner of the vehicle is deemed to be the person who disposed of the garbage, litter or refuse unless the owner proves to the satisfaction of a court that at the time of the offence the vehicle was not being operated or parked or left by the owner or by any other person with the owner's consent, express or implied.

Certified Copy of Records

27

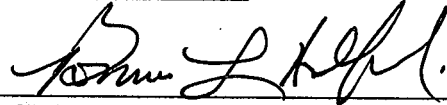
A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it;

Coming into Force

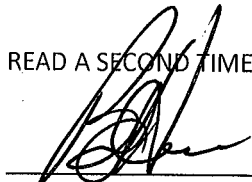
This Bylaw shall come into full force and effect on the first day of July, 2022.

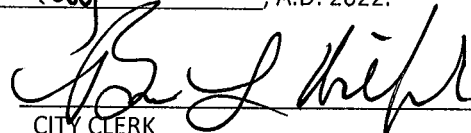
READ A FIRST TIME this 26 day of April, A.D. 2022.


MAYOR

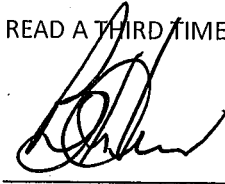

CITY CLERK

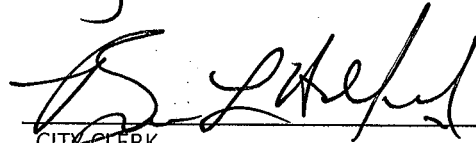
READ A SECOND TIME this 10 day of May, A.D. 2022.


MAYOR


CITY CLERK

READ A THIRD TIME this 10 day of May, A.D. 2022.


MAYOR


CITY CLERK