

**A BYLAW OF THE MUNICIPALITY OF THE TOWN OF HIGH PRAIRIE,
IN THE PROVINCE OF ALBERTA, TO REGULATE AND CONTROL
FIGHTING AND INTIMIDATION WITHIN THE CORPORATE LIMITS OF
THE TOWN.**

WHEREAS: Section 7 (a) of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto allows that a Municipal Council may pass bylaws respecting to the safety, health and welfare of people and the protection of people and property;

AND WHEREAS: Section 7 (b) of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto allows that a Municipal Council may pass bylaws respecting to people, activities and things in, on or near a Public Place or that is open to the public;

NOW THEREFORE: THE COUNCIL OF THE TOWN OF HIGH PRAIRIE DULY ASSEMBLED ENACTS AS FOLLOWS:

1. SHORT TITLE

This bylaw may be called the “Fighting and Intimidation Bylaw”.

2. INTERPRETATION

In this bylaw:

- (a) **ACT** – means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26. As amended or repealed and replaced from time to time.
- (b) **COUNCIL** – means the municipal corporation of the Town of High Prairie.
- (c) **FIGHTING** – means a confrontation involving physical contact between two or more individuals, which in the opinion of a Peace Officer, is violent.
- (d) **HARASSED** – means conduct, including but not limited to comments, threats, taunts, teasing or name calling, communicated through any medium whatsoever, directed at an individual not of the same household, which in the opinion of a Peace Officer is intended to intimidate, humiliate, ridicule or isolate, and which in the Peace Officers opinion is causing or likely to cause physical, mental or emotional distress.
- (e) **INCITE** – To provoke to action, to stir up, or urge on.
- (f) **PEACE OFFICER** - means a member of the Royal Canadian Mounted Police, or a Community Peace Officer appointed by the Town of High Prairie authorized under the Peace Officer Act, S.A. 2006, c. P-3.5, as amended or repealed and replaced from time to time.

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- (g) **PERSON** – means an individual, corporation, firm, partnership, association or body corporate.
- (h) **PROVINCIAL OFFENCES PROCEDURE ACT** – means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time.
- (i) **PUBLIC PLACE** – means any place including publicly or privately owned or leased property, to which members of the public have access as of right or by express or implied invitation, whether on payment or otherwise which is situated within the Town.
- (j) **TOWN** – means the Town of High Prairie, in the Province of Alberta.
- (k) **VIOLATION TAG** – shall mean a tag or similar document issued by the Town pursuant to the Act;
- (l) **VIOLATION TICKET** - shall mean a ticket issued pursuant to Part 2 of the Provincial Offences Procedures Act, R.S.A. 2000, c. P – 34 as amended or repealed and replaced from time to time, and the regulations there under.

3. HARASSMENT

- 3.1 No person shall, in a public place, repeatedly communicate through any medium, either directly or indirectly with any person in a way that causes in the opinion of a Peace Officer that person to feel Harassed.

4. FIGHTING

- 4.1 No Person shall participate in a fight or other physical confrontation in any public place or any place to which the public reasonably has access. Exceptions to this prohibition would include a boxing match or other type of sanctioned activity.

5. INCITE

- 5.1 No Person(s) shall Incite or encourage in the sole determination of a Peace Officer any Person to participate in a fight or other physical confrontation in any Public Place.
- 5.2 No Person shall be a spectator to or congregate around individuals who are Harassing or Fighting with another individual.

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6. OFFENCES AND PENALTIES

- 6.1 Any Person who contravenes any provision of the bylaw is guilty of an offence and is liable, upon summary conviction, to the specified penalty for that offence as set out in Schedule I of this Bylaw.
- 6.2 Under no circumstances shall any person contravening any provision of this bylaw be subject to a penalty of imprisonment
- 6.3 When a Peace Officer has reasonable grounds to believe a photo/filming device or items that take pictures have captured a violation of this bylaw on film. The Peace Officer may confiscate the device as evidence until the expiry of all judicial process at which time the said devices or items shall be returned to the rightful owner.

7. VIOLATION TAG

- 7.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 7.2 A Violation Tag may be issued to such person:
 - (a) Personally;
 - (b) By registered mail sent to the postal address of the person, as shown on the Tax Assessment Roll or on the Certificate of Title for the property; or
 - (c) By leaving it with a person apparently over eighteen (18) years of age at the place of residency of the person to whom the Violation Tag is addressed.
- 7.3 The Violation Tag shall be in a form approved by the Chief Administrative Officer or his designate and shall state:
 - (a) The name of the person to whom the Violation Tag is issued;
 - (b) A description of the offence and the applicable bylaw section;
 - (c) The appropriation penalty for the offence as specified in Schedule I of this Bylaw;
 - (d) That the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
 - (e) Any other information as may be required by the Chief Administrative Officer or his designate.

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- 7.4 Where a Violation Tag has been issued pursuant to this bylaw the person to whom a Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town Office the penalty specified on the Violation Tag.

8. VIOLATION TICKET

- 8.1 In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket, pursuant to Part 2 of the *Provincial Offences Procedure Act*, to the Person to whom the Violation Tag was issued.
- 8.2 Notwithstanding section 8.1 a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 8.3 A Violation Ticket issued with respect to a contravention of this bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 8.4 The Person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the Summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as set out in Schedule I of this Bylaw.
- 8.5 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to section 8.4 and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and imposition of a fine in the amount of the specified penalty.

BYLAW 5/2009

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9. TRANSITION

- 9.1 All Schedules attached to this Bylaw may be amended from time to time by resolution of Council.
- 9.2 Upon passage of this Bylaw, Bylaw 14/2003 shall be repealed and no longer be in force.
- 9.3 Should any provision of this bylaw be invalid, then the invalid provision shall be severed and the remainder of the Bylaw shall be maintained.

READ a first time this 26th day of August, 2009.

READ a second time this 9th day of September, 2009.

Given Unanimous Consent this 9th day of September, 2009.

READ a third time and finally passed this 9th day of September, 2009.

Mayor Rick Dumont

Town Manager

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Schedule I

Specified Penalty

Section	Description	First Offence	Second and Subsequent Offence
3.1	Harassment of a Person	\$250.00	\$500.00
4.1	Fighting in a Public Place	\$250.00	\$500.00
5.1	Incite Fighting	\$100.00	\$250.00
5.2	Spectator to a fight/harassment	\$100.00	\$250.00

Second and subsequent offences shall be \$500.00 if within One (1) year of first offence.