

VILLAGE OF ANDREW

BYLAW 99-02

A BYLAW OF THE VILLAGE OF ANDREW, IN THE PROVINCE OF ALBERTA, ENACTED FOR THE PURPOSE OF PREVENTING FIGHTING IN OR NEAR PUBLIC PLACES.

WHEREAS the *Municipal Government Act*, S.A. 1994, c. M-26.1, as amended, provides that 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 the *Municipal Government Act*, S.A. 1994, c. M-26.1, as amended, provides that a council may pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or a place that is open to the public;

NOW THEREFORE, the Council of the Village of Andrew, in the Province of Alberta, duly assembled, hereby enacts as follows:

SECTION 1 - SHORT TITLE

- 1.1 This Bylaw may be referred to as the "Public Fighting Bylaw".

SECTION 2 - DEFINITIONS

2.1 In this Bylaw, the following terms shall have the following meanings (unless the context specifically requires otherwise):

- (a) "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed by the Village to do any act, perform any duty, and enforce any provision outlined in any bylaw of the Village, and includes a member of the Royal Canadian Mounted Police, and when authorized, a Special Constable;
- (b) "Council" means the Council of the Village;
- (c) "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and
 - (i) includes
 - (A) a sidewalk (including the boulevard portion of the sidewalk),

- (B) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
 - (C) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,
- (ii) but does not include a place declared by the Lieutenant Governor in Council not to be a highway;
- (d) "Municipal Administrator" means the person or persons appointed by Council to the position of Chief Administrative Officer of the Village;
 - (e) "Parkland" means any land used as a playground or recreation area and includes any public park, parkway or square;
 - (f) "Person" includes any individual, corporation, society, association, partnership or firm;
 - (g) "Public Place" means any Highway, Parkland, public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, and includes any open space to which the public have or are permitted to have access, whether on payment or otherwise, that is owned by the Village;
 - (h) "Village" means the Village of Andrew;
 - (i) "Violation Tag" means a tag or similar document issued by the Village for any Bylaw offence in respect of which a penalty may be paid in order to avoid potential prosecution under, and the issuance of a Violation Ticket pursuant to, Part 2 of the *Provincial Offences Procedure Act*, S.A. 1988, c. P-21.5, as amended. For all Bylaw offences, the Violation Tag will be substantially in the form prescribed in Schedule "A" attached hereto and forming part of this Bylaw; and
 - (j) "Violation Ticket" means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, S.A. 1988, c. P-21.5, as amended, and regulations thereunder.

SECTION 3 - OFFENCE

3.1 No Person shall participate in a fight or other physical confrontation or altercation in any Public Place or any place to which the public reasonably has access.

SECTION 4 - PENALTY

4.1 Any Person who contravenes a provision of this Bylaw is guilty of an offence and is liable to pay a penalty as set out in Schedule "B" attached hereto and forming part of this Bylaw.

4.2 Notwithstanding Section 4.1 of this Bylaw, any Person who commits a second or subsequent offence under this Bylaw within one year of committing the first offence is liable to a fine of not less than the sum set out in Schedule "B" attached hereto and forming part of this Bylaw.

4.3 Under no circumstances shall any Person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

4.4 Nothing in this Bylaw shall be construed as curtailing or abridging the right of the Village to compensation or to maintain an action for loss of or damage to property from or against the Person or Persons responsible.

SECTION 5 - VIOLATION TAG

5.1 A Bylaw Enforcement Officer is hereby authorized and provided with the discretion to issue a Violation Tag to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

5.2 A Violation Tag may be issued to such Person:

- (a) either personally; or
- (b) by mailing of a copy to the last known post office address.

5.3 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay the penalty specified on the Violation Tag within thirty (30) days of the Violation Tag being issued, which penalty is of a lesser amount than if a Violation Ticket is issued.

5.4 When a Person to whom a Violation Tag has been issued desires to pay the penalty specified on the Violation Tag, payment shall be remitted to the Municipal Administrator (or any other person designated by Council or the Municipal Administrator) at the address noted on the Violation Tag.

5.5 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticker to any Person who the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

SECTION 6 - VIOLATION TICKET

6.1 If the penalty specified in a Violation Tag is not paid within the prescribed time period, then a Bylaw Enforcement Officer is hereby authorized and has the discretion to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, S.A. 1988, c. P-21.5, as amended.

6.2 Notwithstanding Section 6.1 of this Bylaw, a Bylaw Enforcement Officer is hereby authorized and has the discretion to immediately issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, S.A. 1988, c. P-21.5, as amended, to any Person whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

SECTION 7 - NOT REQUIRED TO ENFORCE

7.1 Neither the Village nor the Bylaw Enforcement Officer is required to enforce this Bylaw. Rather, the Village and the Bylaw Enforcement Officer have the discretion whether or not this Bylaw is to be enforced.

SECTION 8 - COMPLIANCE WITH OTHER LAWS

8.1 Nothing in this Bylaw shall operate to relieve any Person from complying with any Federal, Provincial or other Village law, order, regulation or Bylaw.

SECTION 9 - EFFECTIVE DATE

9.1 This Bylaw shall come into force and effect upon the third and final reading thereof.

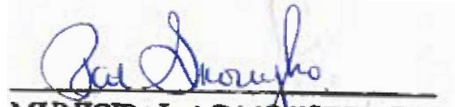
READ for the first time this 25th day of April, 1999.

READ for the second time this 26th day of April, 1999.

READ for the third time and finally passed this 12th day of May, 1999.



MAYOR



MUNICIPAL ADMINISTRATOR