

**TOWN OF CROSSFIELD
PUBLIC NUISANCE BYLAW
BYLAW NO 2014-06**

WHEREAS under the provisions of the *Municipal Government Act*, the Council of the Town of Crossfield may pass Bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS under the provisions of the *Municipal Government Act*, the Council of the Town of Crossfield may pass Bylaws respecting people, activities and things in, on or near a public place or place that is open to the public;

AND WHEREAS it is desirable to establish a Bylaw to regulate problematic social behaviours that may have a negative impact on the enjoyment of public spaces within the municipal boundary;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF CROSSFIELD ENACTS AS FOLLOWS:

1.0 **TITLE**

1.1 This Bylaw may be cited as the “Public Nuisance Bylaw”.

2.0 **INTERPRETATION**

2.1 In this Bylaw unless the context otherwise requires:

- a. **“town”** means the municipal corporation of the Town of Crossfield or the area contained within the boundary thereof as the context requires;
- b. **“defecate”** means to discharge waste matter from the bowels;
- c. **“fight”** means any confrontation involving violent physical contact between two or more people;
- d. **“officer”** includes Bylaw Enforcement Officers, Community Peace Officers and Royal Canadian Mounted Police;
- e. **“public place”** means any place within the Town to which the public may have either express or implied access;
- f. **“spit”** means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth;

- g. **“urinate”** means to discharge urine from the body.
 - h. **“cigarette”** a lighted cigar, cigarette, pipe or any other lighted smoking equipment;
 - i. **“motor vehicle”** means every vehicle propelled by any power, other than muscular power, except aircraft, tractors, whether equipped with rubber tires or not, implements of husbandry and such motor vehicles as run open rails.
 - j. **“public nuisance”** covers a wide variety of minor offences that threaten the health, morals, safety, comfort, convenience, or welfare of a community. Violator(s) may be punished by a criminal sentence, Bylaw or Provincial fine, or both. Violator(s) may also be required to remove a nuisance or to pay the costs of removal.
- 2.2 Each provision of the Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- 2.3 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or licence.
- 2.4 Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- 2.5 Where this Bylaw refers to another Act, Bylaw, Regulation or Agency, it includes reference to any Act, Bylaw, Regulation or Agency that may be substituted therefore.
- 2.6 All of the schedules attached to this Bylaw shall form a part of this Bylaw.

3.0 APPLICATION

- 3.1 This bylaw applies to all persons within the Town of Crossfield limits.
- 3.2 To discourage public displays of fighting, unwanted and inappropriate behaviour.
- 3.3 To mitigate the fire risk associated with improper disposal of cigarettes.

4.0 FIGHTING

- 4.1 No person shall participate in a fight in any public place or in public on any private Property.

5.0 URINATION & DEFECATION

- 5.1 No person shall defecate or urinate in or on a public place or in public on any private property.

6.0 SPITTING

- 6.1 No person shall spit on any street, sidewalk, pathway, trail, or in or on any public place or in public on any property.

7.0 DISPOSAL OF CIGARETTES

- 7.1 No person shall throw, drop, or deposit cigarettes or any other form of tobacco-smoking product in or on any public place.
- 7.2 No person shall throw, drop, or deposit cigarettes or any other form of tobacco-smoking product in or on any public place from a motor vehicle while in motion or stationary.

8.0 OFFENCES AND PENALTIES

- 8.1 Every person who contravenes any of the provisions of the Bylaw by doing any act or thing which the person is prohibited from doing is guilty of an offence.
- 8.2 Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00, and in default of payment of any fine imposed, to imprisonment for not more than six (6) months.
- 8.3 The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw in respect of that provision.
- 8.4 Where an officer believes that a person has contravened any provision of this Bylaw, he or she may commence proceedings by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, or from laying any information instead of issuing a violation ticket.

Given first reading this 16th day of September, 2014

Given second reading this 16th day of September, 2014

Given third and final reading this 16th day of September, 2014



Mayor Anderson



CAO Skelly

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**SCHEDULE "A"
SPECIFIED PENALTIES**

SECTION DESCRIPTION SPECIFIED	PENALTY
4.0 Fight in public	\$250.00
5.0 Urinate or defecate in public	\$300.00
6.0 Spit in public	\$100.00
7.1 Improper disposal of cigarettes in public	\$250.00
7.2 Disposal of cigarettes from a motor vehicle	\$500.00