

TOWN OF MANNING

BYLAW NO. 786/10

BEING A BYLAW OF THE TOWN OF MANNING, IN THE PROVINCE OF ALBERTA, TO PROTECT THE SAFETY, HEALTH AND WELFARE OF THE PEOPLE AND PROPERTY WITHIN THE TOWN OF MANNING.

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;

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 Municipal Council of the Town of Manning, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. SHORT TITLE

This bylaw maybe 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.

(b) **COUNCIL** - means the municipal corporation of the Town of Manning.

(c) **HIGHWAY** - means any thoroughfare, street, road, trail, avenue, parkway, lane, alley, square, bridge, public utility lot, parking lot 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 includes:

(i) where a ditch lies adjacent to and parallel with the roadway, the ditch, and

(ii) where a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fence and the roadway.

- (d) **HARASSED** – means and includes, but is not limited to tormented, troubled, worried, plagued or badgered.
- (e) **MINOR** – means an individual under (18) eighteen year of age.
- (f) **PEACE OFFICER** – means a member of the Royal Canadian Mounted Police, or a By-Law Officer appointed by the Town of Manning.
- (g) **PERSON** – means an individual or incorporated group having certain legal rights and responsibilities.
- (h) **PUBLIC PLACE** – means any highway, playground, recreation area or campground and includes any open space to which the public have or are permitted to have access, whether publicly or privately owned.
- (i) **TOWN** – means the Town of Manning, in the Province of Alberta.

3. HARASSMENT

3.1 No person shall, in a public place or any place to which the public reasonable has access, repeatedly communicate, either directly or indirectly, with any person in a way that causes that person, reasonably in all circumstances, 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.

5. POWERS OF PEACE OFFICER

5.1 A Peace or Bylaw Officer may issue a violation ticket with a specified penalty to any person alleged to have breached any provision of this Bylaw.

5.2 A violation ticket shall be deemed to be sufficiently served:

- (a) If served personally on the accused, or
- (b) If a copy is left at the accused person's usual place of abode, or
- (c) If a copy is sent to the accused person by registered mail, or
- (d) If a copy is sent to the accused person by ordinary mail.

6. PENALTIES

6.1 Specified Penalties for contraventions of this Bylaw are set out in Schedule "A" attached.

6.2 Any person who commits a breach of any of the provisions of this Bylaw shall upon summary conviction before a Court of competent jurisdiction be liable to a fine not exceeding Five Hundred Dollars (\$500.00) exclusive of cost, and in case of non payment of the fine and costs imposed, to imprisonment of a period not exceeding six (6) months, unless such fine and costs including the cost of committal are paid sooner.

7. TRANSITION

7.1 All Schedules attached to this Bylaw may be amended from time to time by Bylaw.

7.2 Each Section with exception to Section 2 and Schedule A of this Bylaw shall be read and construed as being separate and severable from each other Section. Furthermore, should any Section of this Bylaw be found to have been improperly enacted, for any reason, then such Section shall be regarded as being severed from the rest of the Bylaw and the remaining Bylaw shall be considered effective and enforceable.


8. Effective Date


8.1 This Bylaw shall come into force and effect upon receipt of its third and final reading.

READ a first time in Council this 27th day of January, 2010.

READ a second time in Council this 27th day of January, 2010.

READ a third and final time in Council this 24th day of February, 2010.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"
FINES

Section	Offence	Fine
3	Harassment of a Person	\$250.00
4	Fighting in a Public Place	\$250.00