

Town of Taber Bylaw
Community Standards Bylaw 15-2018

Being a bylaw of the Town of Taber, in the Province of Alberta, to regulate and prohibit certain activities in order to prevent and compel the abatement of noise, nuisances, graffiti, smoking activities, public disturbances and to provide for a curfew for minors.

Whereas, pursuant to the provisions 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; respecting people, activities and things in, on or near a public place or place that is open to the public;

And whereas Council for the Town of Taber deems it necessary and advisable to enact a bylaw for such purposes;

COUNCIL FOR THE TOWN OF TABER ENACTS AS FOLLOWS:

Short Title

1. This Bylaw shall be called the **"Community Standards Bylaw"**.

Part 1 – General Definitions

2. In this Bylaw, the following definitions shall apply:
 - (a) "Cannabis" means any part of the cannabis plant, including the phytocannabinoids, produced by or found in, such a plant regardless of whether that part has been processed or not, other than the following parts of the plant.
 - (i) A non-viable seed of the cannabis plant
 - (ii) A mature stock, without any leaf, flower, seed or branch, of such a plant
 - (iii) Fibre derived from a stalk mentioned in subsection (ii)
 - (iv) The root or any part of the root of such plant.
 - (b) Any substance or mixture of substances that contains or has on it any part of such a plant
 - (c) Any substance that is identical to any phytocannabinoids produced by, or found in, such a plant, regardless of how the substance was obtained
 - (d) "**Curfew Period**" means the period of time between 11:00 pm and 6:00 am, per day.
 - (e) "**Drinking Establishment**" means a business, the primary purpose of which is the sale of alcoholic beverages for consumption on the premises, in which the business is located, and the secondary purposes of which may include entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services, the sale of alcoholic beverages for consumption away from the premises, and entertainment. A Drinking Establishment includes any premises in respect of which the Alberta Gaming and Liquor

Commission have issued a "Class A" Liquor License and where the terms of the license prohibit minors.

- (f) "Electronic smoking device" means an electronic device that can be used to deliver nicotine, cannabis, or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe.
- (g) "**Emergency**" means an unforeseen combination of circumstances or the resulting event that requires immediate action. This includes, but is not limited to, a fire, natural disaster, a motor vehicle collision, or any situation beyond the control of anyone, and requiring immediate action to prevent injury or death.
- (h) "**Graffiti**" means the defacement or disfiguring of any property or object, though the performance of any of the following acts:
 - (i) the application of any substance, including paint, ink, stain or whitewash to any surface;
or
 - (ii) the affixing of any substance, including paper, fabric or plastic, by any form of adhesion that does not remove cleanly when pulled away from the applied surface; or
 - (iii) the marking, scratching, etching or other alteration or disfigurement of any surface.
- (i) "**Minor**" means an individual less than 16 years of age.
- (j) "**Offence Ticket**" means a municipal ticket used by the Town allowing for a voluntary payment to the Town of a specified fine established by the Bylaw.
- (k) "**Panhandling**" means to ask for a gratuitous donation of money, food, or goods of any kind, whether by spoken or printed word, or bodily gesture, but does not include the solicitation of charitable donations allowed or authorized pursuant to the Charitable Fundraising Act, or any other legislation permitting the solicitation of charitable donations.
- (l) "**Parent or Guardian**" means the parent, guardian or foster parent of a Minor and includes any other person over 18 years of age having care and control of a Minor.
- (m) "**Peace Officer**" means a Bylaw Enforcement Officer, a member of the Taber Police Service or a Community Peace Officer.
- (n) "Playground" means an outdoor area upon which apparatus such as swings and slides are placed.
- (o) "**Public Place**" means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access.
- (p) "Public Premises" means any place to which the public may have either express or implied access for the purpose of worship, entertainment, recreation, business, amusement,

education, transportation, consumption of food or drink, or for the provision and receipt of services.

- (q) "Public Vehicle" means a bus, taxi or other vehicle that is used to transport members of the public for a fee.
- (r) "**Quiet Hours**", means between the hours of eleven (11:00 pm) and seven (7:00 am), per day.
- (s) "Skate Park", means an outdoor area which is designed and intended specifically for the use of skateboards, in-line skates, or other similar devices
- (t) "Sports Field" means an outdoor are which is set apart and used for the playing of sporting activities.
- (u) "**Summons**", means a violation ticket issued under Part II of the Provincial Offences Procedure Act.
- (v) "**Violation Ticket**" means any ticket or tag which is authorized by the Municipal Government Act Chapter M-26 (R.S.A 1994), or under the Provincial Offences Procedure Act Chapter P-34 (R.S.A. 1988), issued for any Bylaw Offence in which a penalty may be paid out of court in lieu of appearing to answer summons.

Part 2 – Minors in Public Place

- 3. No Minor shall be in a Public Place during the Curfew Period unless accompanied by a Parent or Guardian.
- 4. No Parent or Guardian shall suffer, permit or allow any Minor who is in his or her custody, care or control, to be in a Public Place during the Curfew Period unless that Minor is accompanied by a Parent or Guardian.
- 5. Sections 3 and 4 do not apply to a Minor in a Public Place during the Curfew Period when:
 - (a) the Minor is involved in an Emergency;
 - (b) the Minor is in a motor vehicle travelling from one point to another without any detour;
 - (c) acting in the interests of an employer or voluntary organization or while directly returning home, without detour, as soon as reasonably practical, from an organized school or community event, which has been supervised by an adult.

Enforcement against Minors in a Public Place

- 6. Where a Minor is found to be in contravention of Section 3, a Peace Officer may:

- (a) advise the Minor to go directly to his or her home;
- (b) take the Minor to his or her home and deliver the Minor into the care of the Minor's Parent or Guardian; or
- (c) phone the Minor's Parent or Guardian and request that the Parent or Guardian attend at a mutually agreed upon location, to receive the Minor into the care of the Parent or Guardian.

Part 3 – Nuisance, Graffiti

Graffiti

- 7. (a) No person shall place or cause Graffiti to be placed on any property.
 - (b) Every property owner shall ensure that Graffiti placed on their property is removed, painted over, or otherwise permanently blocked from public view.
 - (c) In a prosecution for an offence under this Part, the consent of the property owner to place Graffiti on the property shall not be a defence under this bylaw.
8. Temporary art or advertising on property approved by the owner of the property and the Town of Taber as per the Land Use Bylaw is not Graffiti.

Spitting/Urinating

- 9. No person shall urinate or deposit any human waste in any Public Place other than in a public washroom.
- 10. No person shall spit at any person in a Public Place or on any public property or on private property that they do not own.

Part 4 – Fighting, Loitering, Assembly of Persons, Panhandling

Fighting/Loitering/Assembly of Persons

- 11. No person shall participate in a fight or any physical confrontation in any Public Place.
- 12. No person shall be a member of the assembly of three or more persons in any Public Place where a Peace Officer has reasonable grounds to believe the assembly will disturb the peace of the neighborhood, and any such person shall disperse as requested by a Peace Officer.
- 13. No person shall loiter and thereby obstruct any other person in any Public Place.

Panhandling

- 14. No person shall engage in Panhandling in any Public Place.

Part 5 – Noise

15. No person shall yell, scream, or swear in any Public Place.
16. No owner, operator or person in charge of a Drinking Establishment shall permit any noise to emanate from the Drinking Establishment in a manner which annoys or disturbs any person outside the boundary of the premises.
17. No persons shall, during any period of the day allow, suffer or permit any electronic equipment, musical instruments, vehicles or any other devices to be sounded or used in any area of the Town of Taber, that may, or is likely, to disturb others.
18. No person shall allow, suffer or permit loud noises to be emitted from within a premises or property occupied or under the control of that person that may or is likely to disturb other persons in the area.
19. No person shall allow, suffer or permit loud noises to be emitted from a vehicle, in its self, or from it's equipment in the interior of the vehicle that may or is likely to disturb others
20. No person shall activate or apply engine retarder brakes within the municipal boundaries of the town.
21. No person shall during the, "quiet hours", of eleven (11:00 pm) and seven (7:00 am), allow, permit or operate any vehicles, equipment or electrical devices in any manner that may or is likely to disturb others and the residents.
22. An exemption to sections 16, 17, 18 and 21 shall be for special sanctioned events that comply with Town of Taber Special Event licencing requirements.

Part 6 – Smoking and Electronic Smoking Devices

- 23 (a) No person shall carry or possess a lit cigarette, cigar or pipe, or burn tobacco or any other substance, in any manner, or use an electronic smoking device in a public premises, a workplace or a public vehicle.
- (b) No person shall carry or possess a lit cigarette, cigar or pipe, or burn tobacco or any other substance, in any manner or use an electronic smoking device in, on or within 5 meters of a:
 - (i) playground
 - (ii) waterpark or spray park
 - (iii) skate park: or
 - (iv) sports field

to which the public has access as of right or by express or implied invitation.

- (c) No person shall carry or possess a lit cigarette, cigar or pipe, or burn tobacco or any other substance, in any manner or use an electronic smoking device within 5 meters of an entrance or exit to a public premises.
23. (a) Despite any other provision of this bylaw a person may, inside an enclosed premises where the primary function of the premises is the sale of electronic smoking devices, use an electronic smoking device to sample a product prior to purchase.

Part 7 – Cannabis

24. No person may use, or consume Cannabis in a public place, other than a residence, or temporary residence.
25. The Council may, at its sole discretion, designate specific locations within the Town of Taber where Cannabis may be consumed.

Part 8 – Enforcement

Penalties

26. Any person who breaches any provision of this Bylaw is guilty of an offence and liable upon summary conviction to a mandatory penalty:
- (a) in the amount specified in Schedule “A”; or
 - (b) for any offence for which there is no penalty specified, to a penalty of not less than \$200.00 and not more than \$10,000.00,
- and in default of payment of any penalty, to imprisonment for up to 6 months.
27. Any person who commits a second or subsequent offence under this Bylaw within 12 months of committing a first offence under this Bylaw, is liable to an increased find as set out in Schedule “A”.
28. For an offence that is of a continuing nature, a contravention constitutes a separate offence for each day or part of day on which it continues. Any person guilty of such an offence is liable to a fine in an amount not less than that established by the Bylaw for each such day.
29. A Peace Officer who has reasonable grounds to believe that a person has contravened any provision of this Bylaw, may issue and serve upon the person:
- (a) an Offence Ticket allowing payment of the specified penalty as set out in Schedule “A” of this Bylaw to the Town, which payment will be accepted by the Town in lieu of prosecution for the offence. Should payment of the specified penalty not be made to the Town within the time specified on the Office Ticket, a Violation Ticket may be issued and served upon the person; or

(b) a summons under Part II, allowing a voluntary payment of the specified penalty as set out in Schedule "A" of this Bylaw, or requiring a person to appear in court without the alternative of making a voluntary payment.

30. Nothing in Section 22 prevents a Peace Officer from issuing a Violation Ticket without having first issued an Offence Ticket.

Part 9 – Miscellaneous

Severability

31. Should any provision of this Bylaw be found void or unenforceable, then it is the express intention of Town Council that such void or unenforceable sections be severed from this Bylaw and the balance remain in full force and effect.

Coming Into Force

32. This Bylaw shall come into force and effect upon final reading thereof

33. Bylaw A-253 and A-370 shall be repealed in its entirety

34. Section VII Section 1, Section 2, and Section 3 of Bylaw 6-2018 are hereby repealed.

RES. 336/2018 READ A FIRST TIME IN OPEN COUNCIL this 16th day of July, 2018.

RES. 372/2018 READ A SECOND TIME IN OPEN COUNCIL this 20th day of August, 2018.

RES. 373/2018 READ A THIRD TIME IN OPEN COUNCIL 20th day of August, 2018.

AND SIGNED BY THE MAYOR AND CAO this 14 day of September, 2018.



Mayor



Chief Administrative Officer

1. The first part of the document is a letter from the Secretary of the State to the Governor, dated 10th March 1874. It contains a report on the state of the State and the progress of the various departments.

2. The second part of the document is a report on the state of the State and the progress of the various departments, dated 10th March 1874. It contains a detailed account of the various departments and the progress of the various departments.

3. The third part of the document is a report on the state of the State and the progress of the various departments, dated 10th March 1874. It contains a detailed account of the various departments and the progress of the various departments.

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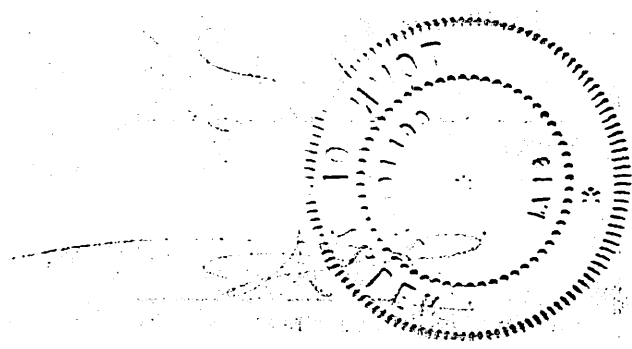
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Schedule "A"
Schedule of Fines

Section	Offence	Fine
4	Parent/Guardian allow Minor in Public Place during Curfew	
	(a) first offence	100.00
	(b) second and subsequent offences	200.00
7(A)	Placing Graffiti on property	
	(a) first offence	2,500.00
	(b) second offence	5,000.00
	(c) third and subsequent offences	7,500.00
7(B)	Failure to Remove Graffiti	
	(a) first offence	250.00
	(b) second offence	500.00
	(c) third and subsequent offences	1,000.00
9	Urinating/Depositing Human Waste in Public Place	
	(a) first offence	250.00
	(b) second offence	500.00
	(c) third and subsequent offences	750.00
10	Spitting in Public Place	
	(a) first offence	75.00
	(b) second and subsequent offences	150.00
11	Fighting in a Public Place	
	(a) first offence	250.00
	(b) second offence	500.00
	(c) third and subsequent offences	750.00
12	Being a member of an assembly and failing to disperse as directed by a Peace Officer	
	(a) first offence	250.00
	(b) second offence	500.00
	(c) third and subsequent offences	750.00
13	Loitering	
	(a) first offence	250.00
	(b) second offence	500.00
	(c) third and subsequent offences	750.00
14	Panhandling	
	(a) first offence	75.00
	(b) second offence	200.00
	(c) third and subsequent offences	300.00

15	Yelling, Screaming or Swearing	
	(a) first offence	150.00
	(b) second offence	250.00
	(c) third and subsequent offences	500.00
16	Drinking Establishment Making Noise	
	(a) first offence	2,000.00
	(b) second offence	5,000.00
	(c) third and subsequent offences	10,000.00
17	Allow, Suffer or Permit Noise likely to Disturb Others	
	(a) first offence	150.00
	(b) second offence	250.00
	(c) third and subsequent offences	500.00
18	Allow, Suffer or Permit Noise from a Premises or Property	
	(a) first offence	150.00
	(b) second offence	250.00
	(c) third and subsequent offences	500.00
19	Allow, Suffer or Permit Noise from a Vehicle	
	(a) first offence	150.00
	(b) second offence	250.00
20	Activate or Apply Engine Retarder Brakes	
	(a) first offence	150.00
	(b) second offence	250.00
	(c) third and subsequent offences	500.00
21	Allow or Permit Noise between 11:00 PM and 7:00 Am	
	(a) first offence	150.00
	(b) second offence	250.00
	(c) third and subsequent offences	500.00
23(A)	Carry or possess a lit cigarette, cigar, or pipe, or burn tobacco or any other substance, or use an electronic smoking device in a public premises, a workplace or a public vehicle.	
	(a) first offence	150.00
	(b) second offence	250.00
	(c) third offence and subsequent offences	500.00
23(B)	Carry or possess a lit cigarette, cigar, or pipe, or burn tobacco, or use an electronic smoking device in, on or within 5 meters of playground, skate park or sports field.	
	(a) first offence	150.00
	(b) second offence	250.00
	(c) third offence and subsequent offences	500.00

23(3)	Carry or possess a lit cigarette, cigar, or pipe, or burn tobacco or any other substance, or use an electronic smoking device within 5 meters of an entrance or exit to a public premises	
	(a) first offence	150.00
	(b) second offence	250.00
	(c) third offence and subsequent offences	500.00
25	Use, or Consume Cannabis in a public place, other than a residence, or temporary residence.	
	(a) first offence	200.00
	(b) second offence	300.00
	(c) third offence and subsequent offences	750.00