

## BYLAW XX-23

### A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA TO PROMOTE SAFE AND INCLUSIVE PUBLIC PLACES

**WHEREAS** pursuant to the provisions of the *Municipal Government Act (Act)*, RSA 2000, Chapter M-26 and amendments thereto, Council may pass bylaws respecting:

- a) the safety, health and welfare of people and the protection of people and property; and
- b) people, activities and things in, on or near a public place or place that is open to the public; and

**WHEREAS** pursuant to the *Act* the purposes of a municipality are to:

- a) provide services, facilities or other things that, in the opinion of Council, are necessary or desirable for all or a part of the municipality; and
- b) develop and maintain a safe and viable community; and

**WHEREAS** the *Human Rights Act*, RSA 2000 Chapter A-25.5 states:

- a) no person or class of persons shall be discriminated against with respect to any services or facilities that are customarily available to the public; and
- b) all persons are equal in dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation; and

**WHEREAS** Council seeks to reduce barriers, be considerate of diversity, continually improve delivery of services, and ensure safe and inclusive access to all public spaces to benefit the community as a whole.

**NOW THEREFORE** the Council of the Town of Okotoks enacts as follows:

#### 1. SHORT TITLE

- 1.1 This Bylaw shall be known as “The Safe and Inclusive Public Places Bylaw”.

#### 2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- 2.1. **Chief Administrative Officer (CAO)** means the person appointed to the position of the chief administrative officer for the Town of Okotoks, within the meaning of the *Act* and the Town’s CAO Bylaw;

- 2.2. **Council** means the Mayor and Councillors of the Town of Okotoks duly elected pursuant to the provisions of the *Local Authorities Election Act* as amended, or any legislation in replacement or substitution thereof;
- 2.3. **harass** means to subject another person or group of persons to unwanted aggressive pressure or intimidation;
- 2.4. **Peace Officer** means:
- 2.4.1. a member of the Royal Canadian Mounted Police;
  - 2.4.2. a Community Peace Officer as appointed by the Solicitor General of Alberta; or
  - 2.4.3. a Bylaw Enforcement Officer appointed by the Town to enforce bylaws of the Town;
- 2.5. **person** means any:
- 2.5.1. individual;
  - 2.5.2. proprietorship;
  - 2.5.3. corporation; or
  - 2.5.4. society;
- 2.6. **publicly accessible property** means all or any part of a Town owned building, structure, or parcel of land to which members of the public have access as of right or by express or implied invitation and which can be booked or reserved in whole or in part by the public as outlined in and for the fees assigned, in the Town's Fees, Rates, and Charges Bylaw;
- 2.7. **specified protest** means an expression of objection or disapproval towards an idea or action related to race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation by any means, including graphic, verbal, or written means, but does not include messaging at an event scheduled by a public facility;
- 2.8. **Town** means the Corporation of the Town of Okotoks in the Province of Alberta, and where the context so requires, means the area of land within the corporate boundaries thereof;
- 2.9. **Town tag** means a notice or tag in a form as approved by the CAO, issued by the Town, allowing a voluntary payment option of a fine established under this Bylaw;
- 2.10. **violation ticket** means a ticket issued in accordance with the *Provincial Offences Procedure Act*, RSA 2000, Chapter P-34.

### **3. PROHIBITIONS**

#### **3.1. No person shall engage in a specified protest:**

- 3.1.1. within 30 metres of any entrance to a publicly accessible property; or
- 3.1.2. anywhere inside a Town owned public building-.

#### **3.2. Any person engaging in a specified protest shall not:**

- 3.2.1. harass any person;
- 3.2.2. follow any person;
- 3.2.3. walk next to any person;
- 3.2.4. physically restrict any person; or
- 3.2.5. impede any person from accessing an entrance to a Town owned public building or publicly accessible property.

#### **3.3. Subsection 3.2 only applies during the time period commencing one hour before and ending one hour after normal operational hours of the Town owned public place or the booked and reserved time of a publicly accessible property.**

#### **3.4. Despite subsection 3.1 above, the prohibitions in subsection 3.3 continues to apply if the Town owned publicly accessible place remains open for a scheduled event outside of normal operational hours in which case the prohibition applies during the time period commencing one hour before the scheduled event and ending one hour after the end of the event.**

### **4. OFFENCES**

#### **4.1. Any person who contravenes any provision of this Bylaw by doing any act or thing which the person is prohibited from doing, or by failing to do any act or thing the person is required to do, is guilty of an offence pursuant to this Bylaw.**

#### **4.2. 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 or imprisonment for not more than one year, or both.**

### **5. ENFORCEMENT**

#### **5.1. Where a Peace Officer believes that a person has contravened any provision of this Bylaw, the officer may issue:**

- 5.1.1. a Town tag allowing voluntary payment of a specified penalty to the Town by:
  - 5.1.1.1. personally serving it; or
  - 5.1.1.2. serving it by regular mail to the person's last known mailing address; or

- 5.1.2. a violation ticket which may:
  - 5.1.2.1. specify the voluntary fine amount established by this Bylaw for the offence; or
  - 5.1.2.2. require Court appearance without the option of making a voluntary payment.

## **6. PENALTIES**

- 6.1. Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.
- 6.2. Where there is a minimum penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum penalty for the offence.
- 6.3. Notwithstanding Section 6.2:
  - 6.3.1. any person convicted of a contravention of the same provision of this Bylaw twice within one 24-month period, the minimum penalty payable in respect of the second conviction is double the minimum penalty amount shown in Schedule "A" of this Bylaw in respect of that provision, and
  - 6.3.2. any person convicted of a contravention of the same provision of this Bylaw three or more times within one 24-month period, the minimum penalty payable in respect of the third or subsequent conviction is triple the minimum penalty amount shown in Schedule "A" of this Bylaw in respect of that provision.

## **7. GENERAL**

- 7.1. All schedules attached to this Bylaw form part of this Bylaw.
- 7.2. No person shall willfully obstruct, hinder or interfere with a Peace Officer or any other person authorized to enforce and engaged in the enforcement of the provisions of the Bylaw.
- 7.3. 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 license.

## **8. SEVERABILITY**

- 8.1 It is the intention of Council that each provision of this 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.

This Bylaw shall come into full force and effect upon third and final reading.

READ A FIRST TIME this      day of      2023.

READ A SECOND TIME this      day of      2023.

READ A THIRD TIME AND PASSED this      day of      2023.

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Mayor

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Chief Administrative Officer

## SCHEDULE “A”

### PENALTIES

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
3.1.1	engage in specified protest within 30 metres of entrance to Town owned public building or publicly accessible property.	\$250	\$500
3.1.2	engage in specified protest inside a Town owned public building	\$250	\$500
3.2.1	harass any person	\$250	\$500
3.2.2	follow any person	\$250	\$500
3.2.3	walk next to person	\$250	\$500
3.2.4	physically restrict person	\$250	\$500
3.2.5	impede person from accessing entrance to a Town owned public building or publicly accessible property.	\$250	\$500