

BY-LAW NO. 931

BY-LAW NO. 931 A by-law of the County of St. Paul No. 19, in the Province of Alberta, being a by-law to provide for the regulation and control of public places and assemblies within the County of St. Paul No. 19

UNDER AND BY VIRTUE OF THE AUTHORITY conferred upon it by the Municipal Government Act, being Chapter 246, Section 228 of the Revised Statutes of Alberta 1970, and amendments thereto, the Council of the County of St. Paul No. 19 enacts as follows:

In this by-law,

1. (a) "day" means the period between **six** o'clock in the forenoon and nine o'clock in the afternoon of the same day;
- (b) "night" means the period between nine o'clock in the afternoon and six o'clock in the forenoon of the following day;
- (c) "public place" includes any place to which the public have access as of right or by invitation, express or implied, and without restricting the foregoing to constitute a public place it is not necessary that all segments of the public have a right of access thereto;
- (d) "residential sub-division" means and includes a hamlet, or any area of the county designated by the council exclusively for residential purposes, or any grouping of cottages or dwellings near or on a lake shore;
- (e) "peace officer" means a member of the Royal Canadian Mounted Police a constable of the County of St. Paul No. 19 Police Force, or members of the Enforcement Division, Alberta Transportation, or a wildlife officer appointed under the Wildlife Act;
- (f) "person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person;
- (g) "summary conviction" means summary conviction under and by virtue of Part XXIV of the Criminal Code;
- (h) "secretary-treasurer" means the secretary-treasurer of the County and whatever subsequent title may be conferred on him by council or statute;

PART I

Public Places, Amusements,
And Assemblies

2. (a) Any peace officer witnessing and believing, upon reasonable and probable grounds, that any person is conducting himself in a disorderly manner in a public place or park under the jurisdiction of the county, may order that person to leave the public place or park.
- (b) Any person who fails, neglects or refuses to leave the public place or park when ordered to do so by a peace officer is guilty of an offence punishable on summary conviction.
- (c) In addition to prosecution, any person who fails, neglects or refuses to leave a public place or park when ordered to do so by a peace officer may be ejected, by force if necessary, from the said place or park.
- 3 (a) The council, upon receiving written application, may authorize the holding from time to time of amusements, entertainment, parades athletic or sports contests in public places as defined by
- (b) Such applications must be submitted to county council not less than 30 days before the intended holding of the amusements, entertainment, parade, athletic or sports contest.
- (c) Any person who holds, conducts, manages or organizes amusements, entertainment, parades, athletic or sports contests without having obtained authorization of the council under this part, is guilty of an offence punishable on summary conviction.
- 4 (a) After considering the nature of the intended event, and having given its consent to hold the amusement, entertainment, parade, athletic or sports contests, the council may, by resolution, fix
- (i) a license fee covering the event, or
- (ii) require the applicant to post a cash bond to cover any damages or out of pocket
- By-Law 931
Page 3
- expenses relative to the holding of the event

whether or not the damages or out of pocket expenses relate to private or public property.

(b) Bonds held or collected under the provision of this section may be disposed of by the Secretary-Treasurer in amounts he deems proper on the basis of legitimate claims against the bonds.

(c) Failure or neglect to pay a licence fee or post a cash bond, as the case may be as required by sub-section (a), within a period of time stipulated by council, shall render authorization of the holding of the event null and void.

(d) Failure to submit proof that all statutory obligations have been satisfied by the applicant, or evidence of previous mismanagement of similar events shall be good and ample reason for the council to refuse authorization of the holding of the event.

(e) A peace officer believing upon reasonable and probable grounds that an amusement, entertainment, parade, athletic or sports contest has become a disorderly assembly may stop the event by any reasonable means.

5

(a) Section 3 does not apply to bona fide community or service clubs, agricultural societies, employees' clubs, religious organizations, 4-H Clubs, Scouts, Guides, Cubs, Brownies, Home and School, fraternal societies, moving picture theatres or sports associations establish within the county or its several urban municipalities at the time of the making of this by-law, on the condition that the assemblies consist of less than 1,000 persons.

(b) Any dispute arising from sub-section (a), shall be determined by the council whose ruling on the matter is final and binding.

By-Law 931
Page 4

6

(a) Pursuant to the authority conferred by the Alberta Lord's Day Act, and subject to this by-law, it shall be lawful for any person after 1:30 o'clock in the afternoon on a Sunday to provide, engage in or be present at

(i) any game, contest or sport;

- (ii) an exhibition of an educational, artistic, or cultural nature;
- (iii) any theatrical performance, concert, recital, lecture or other performance, and
- (iv) any exhibition of moving pictures

7

- (a) No person shall install or use a loudspeaker system or other device for the amplification of sound in any open public place.
- (b) Sub-section (a) does not apply to use of sound amplification device used by ambulance, police, firefighting or other emergency services or for the auctioning business.
- (c) The council, upon application, may waive the prohibition of subsection (a).
- (d) Use, intended number, and volume of loudspeakers or other devices for the amplification of sound shall be factors considered by council when dealing with an application, or granting concession under section 3 of this part.

By-Law 931
Page 5

PART II Penalties

8.

- (a) Except where otherwise expressly provided, every one who is convicted of an offence against this by-law is liable to a fine of not more than five hundred dollars

(\$500.00) or to imprisonment for six months or to both fine and imprisonment.

- (b) The council hereby prescribes that in respect of offences against section (2) sub-section (b), section (7) subsection (a), and persons served notice of an offence by a peace officer or inspector may pay to the county the following penalties, out of court, and in lieu of appearing in answer to a charge or information:
- (i) for a first offence, a fine of twenty-five dollars (\$25.00);
 - (ii) for a second offence, a fine of fifty dollars (\$50.00);
 - (iii) for a third or subsequent offence, a fine of seventy-five dollars (\$75.00).

RECEIVED a first reading this August 14, 1979

RECEIVED a second reading this August 14, 1979

RECEIVED third reading and finally passed this August 14, 1979

NOTE: Refer to Originals for Signatures