

# TOWN OF VALLEYVIEW

## BYLAW NO. 2007-13

### **BEING A BYLAW OF THE TOWN OF VALLEYVIEW, IN THE PROVINCE OF ALBERTA, TO REGULATE AND CONTROL SOLICITING, LOITERING AND CAUSING A DISTURBANCE ON STREETS AND OTHER PUBLIC PLACES WITHIN THE CORPORATE LIMITS OF THE TOWN OF VALLEYVIEW.**

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**WHEREAS** Section 7(a) and (b) of the Municipal Government Act R.S.A. 2000, c.M-26 authorize a Municipality to pass bylaws respecting the safety, health and welfare of people and the protection of people and property and respecting people, activities and things on or near public places.

#### Part 1 – Introduction

1. Short Title

This bylaw shall be known and may be cited as the Soliciting, Loitering and Causing a Disturbance Bylaw,

2. Purpose

The purpose of the Bylaw is to regulate loitering and soliciting and causing a disturbance on the streets, sidewalks and other public places in the Town of Valleyview by prohibiting aggressive solicitation of persons and fighting on such streets, sidewalks and other public places.

#### Part 2 - Definitions

Whenever in this bylaw, the following words or terms are used, they shall, unless the text otherwise provides, be held to have the following meanings:

- (a) “*aggressive manner*” means a manner that is likely to cause a reasonable person to be concerned for his or her safety and security or a manner which stops or impedes the free flow of pedestrian or vehicular traffic;
- (b) “*defecate*” means to discharge waste matter from the bowels;
- (c) “*disturbance*” shall mean any interference with the ordinary or customary use of premises or a public place by a member or members of the public;
- (d) “*fight*” shall mean any physical altercation between two or more persons, whether consensual or not, that could cause a reasonable person to have concern for injury to the participants or disturbance to the public, but shall not include:
  - i) a boxing match, wrestling match or other competition organized by a recognized sporting organization;

- ii) a physical altercation between participants of a sporting activity under the supervision of trained officials when the officials have the authority to sanction the altercation.
- (e) *"loitering"* shall mean;
  - i) creating an obstruction by rendering impassable any street, road, sidewalk or any other area of public passage.
  - ii) causing difficult passage upon any street, road, sidewalk or any other area of public passage to any person; or
  - iii) hanging idly about a public place
- (f) *"solicits"* means to request, in person, the immediate provision of money or any other thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means;
- (g) *"spitting"* means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth;
- (h) *"highway"* means any roadway within the meaning of the Traffic Safety Act;
- (i) *"Peace Officer"* means a member or the Royal Canadian Mounted Police or a Community Peace Officer appointed by the Town of Valleyview.
- (j) *"public place"* means any highway, playground, recreation area, campground; and includes any open space to which the public have or are permitted to have access, whether publicly or privately owned;
- (k) *"swearing"* means the use of bad, profane or obscene language and is not limited to invoking a Deity or something sacred in condemnation of a person or object;
- (l) *"Town"* means the Town of Valleyview, in the Province of Alberta
- (m) *"Urinate"* means to discharge urine from the body.

### Part 3 - Regulations

- 4. No person shall solicit in an aggressive manner on a highway or in a public place.
- 5. Without limiting the foregoing, a person who engages in one or more of the following activities shall be deemed to be soliciting in an aggressive manner for the purposes of this bylaw:
  - (a) threatening the person solicited with physical harm, by word or gesture or other means, during a solicitation or after the person solicited responds or fails to respond to the solicitation
  - (b) obstructing the path of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation
  - (c) using insulting, abusive, profane or obscene language or language in condemnation of a person or object during the solicitation or after the person solicited responds or fails to respond to the solicitation
  - (d) proceeding behind, alongside or ahead of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation

- (e) soliciting while intoxicated or impaired due to the use of alcohol, drugs, solvents or any other substance
  - (f) continuing to solicit a person in a persistent manner after the person has responded negatively
  - (g) soliciting a person who is using, waiting to use, or departing from an automated teller machine
  - (h) soliciting a person who is using or waiting to use a pay telephone
  - (i) soliciting a person who is in the process of getting into or out of a motor vehicle or who is in a parking lot
  - (j) while on a roadway, solicit a person who is in or on a stopped, standing or parked vehicle.
6. No person shall while on a highway, stop, attempt to stop or approach a motor vehicle for the purpose of offering, selling or providing any goods or services to the driver or any other person in the motor vehicle
7. Paragraph 6 does not apply to the offer, sale or provision or towing or repair service or any other goods or services in an emergency
8. In the absence of other evidence, or by way of corroboration of other evidence, a court may infer from the evidence of a peace officer relating to the conduct of a person or persons, whether ascertained or not, that soliciting in an aggressive manner was caused or occurred
9. No person shall cause a disturbance in or near a public place:
- (a) by fighting, screaming, shouting, swearing, singing, using insulting or obscene language
  - (b) by being intoxicated or impaired due to use of alcohol, drugs, solvents or any other substance; or
  - (c) by impeding or molesting other persons
10. No person shall:
- (a) loiter in a public place and in any way that obstructs or disturbs persons who are in that place
  - (b) spit on any highway, walkway, sidewalk, path or trail in the Town of Valleyview or upon a park or other property of the Town of Valleyview
  - (c) disturb the peace and quiet of any persons by any other disorderly conduct in a public place
  - (d) defecate or urinate in public on any private property or in or on a public place
11. In the absence of other evidence, or by way of corroboration of other evidence, a court may infer from the evidence of a peace officer relating to the conduct of a person or persons, whether ascertained or not, that a disturbance or a public nuisance described in subsections 9 (a), (b) or (c) and/or in subsections 10 (a), (b), (c) or (d) was caused or occurred.

PART 4 – ENFORCEMENT

12. A Peace Officer is hereby authorized to issue a Violation Tag or a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedures Act with a specified penalty of \$150.00 to any person in violation of this Bylaw.
13. This Bylaw shall become effective when it has received third and final reading.

Read a First time 12<sup>th</sup> day of December, A.D., 2007

Read a Second time 12<sup>th</sup> day of December, A.D., 2007

Read Third and final time 12<sup>th</sup> day of December, A.D., 2007

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Mayor

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Director of Administration