



City of Chestermere
PROVINCE OF ALBERTA

Bylaw #036-25

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Busking Regulation Bylaw

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**A BYLAW OF THE CITY OF CHESTERMERE, IN THE PROVINCE OF ALBERTA TO
REGULATE BUSKING IN PUBLIC PLACES AND OPEN SPACE AREAS IN THE CITY OF
CHESTERMERE.**

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26 authorizes a municipality to pass Bylaws respecting the safety, health, and welfare of people and the protection of people;

AND WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26 authorizes a municipality to pass Bylaws respecting people, activities, and things in on or near a Public Place or a place that is open to the public;

AND WHEREAS it is desirable to regulate the act of Busking to ensure that the act does not become a nuisance or disturb the repose of the community;

AND WHEREAS it is desirable to restrict the act of Busking in Public Places and Open Space Areas that have been deemed suitable and approved for that purpose; and

**NOW, THEREFORE THE COUNCIL OF THE CITY OF CHESTERMERE, DULY ASSEMBLED,
HEREBY ENACTS AS FOLLOWS:**

1. TITLE

1.1 This Bylaw may be cited as the “Busking Regulation Bylaw”.

2. DEFINITIONS

2.1 **“Busk” or “Busking”** means a Person or combined unified group of Persons playing music or performing entertainment in a Public Place, usually while soliciting money or goods.

2.2 **“Busking Stop”** mean a location in a Public Place within the City, approved pursuant to this Bylaw, to be used for the act of Busking.

2.3 **“Chief Administrative Officer” or “CAO”** means the Chief Administrative Officer of the City of Chestermere, Alberta appointed by Council, or their designate pursuant to the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended or replaced from time to time.

2.4 "City" means the municipal corporation of the City of Chestermere, in the Province of Alberta, or the area within the City of Chestermere's corporate limits, as the context requires.

2.5 "Council" means the duly elected Mayor, Deputy Mayor, and Councillors of the City of Chestermere.

2.6 "Open Space Area" means any of the following:

- a.** any land in the City which is developed, controlled, managed, leased or used by the City such as a public park, sports field, playground or recreational area, including, without restricting the generality of the foregoing, all lands in the City which are jointly controlled or managed by the City and an Educational Authority or other Government owned property for any of the purposes previously described;
- b.** any land acquired by the City through the subdivision process as reserve or public utility lot;
- c.** any land used as a highway buffer strip, whether on a permanent or temporary basis;
- d.** any land designated by resolution of Council as an Open Space Area for the purposes of this Bylaw; or
- e.** any land developed by the City as a pathway.

2.7 "Owner" means a Person who is registered as the Owner of a parcel of land under the *Land Titles Act*, R.S.A. 2000, c. L-4, as amended or replaced from time to time; a Person who is recorded as the Owner of a Premises on the tax assessment roll of the City, or a Person who is leasing a Premises and the lease has been provided.

2.8 "Peace Officer" means a member of the Royal Canadian Mounted Police, a member of the Police of Jurisdiction, a Peace Officer as defined in the *Peace Officer Act*, S.A. 2006, c. P-3.5, as amended or replaced from time to time; and the regulations thereof, as amended or replaced from time to time and a Bylaw Enforcement Officer as defined in the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or replaced from time to time.

2.9 "Person" means an individual or any business entity including an association, company, corporation, firm, partnership, or society.

2.10 "Premises" means the external surface of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings.

2.11 “Public Place” means any place, including privately owned or leased property to which the public reasonably has or is permitted to have access, and shall include for the purposes of this Bylaw a “Highway”, as defined in the *Traffic Safety Act*, R.S.A. 2000, c. T-6, as amended or replaced from time to time.

2.12 “Sign” means any self-supporting inscribed board or pole mounted messaging device erected by the City for the purpose of authorizing Busking in a Public Place.

2.13 “Violation Ticket” means a summons Violation Ticket issued under Part 2 or Part 3 of the *Provincial Offences Procedures Act*, R.S.A. 2000, c.P-34, as amended or replaced from time to time.

3. APPLICATION

- 3.1** Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other Bylaws or any requirement of any lawful permit, order, or license.
- 3.2** Any heading, sub-heading, or table of contents in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.
- 3.3** All the Schedules attached to this Bylaw shall form a part of this Bylaw.
- 3.4** This Bylaw is gender neutral.
- 3.5** A copy of a record of the City, certified by a designated officer as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the Person signing it.

4. REGULATIONS

- 4.1.** No Person shall Busk within the City.
- 4.2.** Despite Section 4.1, the CAO or their designate may authorize the act of Busking by way of an exemption permit.
- 4.3.** An exemption permit issued pursuant to Section 4.2 shall be in a form approved by the CAO or designate, but shall include:
 - a.** the Persons name;
 - b.** the Persons home address;
 - c.** a contact number at which the Person can be reached;

- d. the type of Busking being authorized;
 - e. that the Busking must only take place at a Busking Stop, approved pursuant to Section 5.1;
 - f. any restrictions on which a Busking Stop may be used by the Person; having regard for the nature of the Busking being authorized;
 - g. the hours during which the Busking is being authorized;
 - h. information on Section 4, 4.8, and 4.10 of this Bylaw;
 - i. any other information required by the City; and
 - j. any terms or conditions the CAO or their designate deem fit, having regard to the nature of the Busking being allowed.
- 4.4.** An exemption permit issued to a Person pursuant to Section 4.2 shall be issued at no cost to the Person to which it is issued.
- 4.5.** An exemption permit issued to a Person pursuant to Section 4.2 shall be nontransferable in nature.
- 4.6.** An exemption permit issued to a Person pursuant to Section 4.2 must be renewed annually by the Person to which it is issued by February 1 in any calendar year.
- 4.7.** A Person issued with an exemption permit must carry the exemption permit while engaged in the act of Busking and must present the exemption permit for inspection on demand of a Peace Officer.
- 4.8.** Where a Person who claims to hold an exemption, permit fails to produce an exemption permit for inspection on demand of a Peace Officer, Section 4.1 shall apply.
- 4.9.** The CAO or their designate may revoke any exemption permit issued pursuant to Section 4.2, at any time and without notice, for noncompliance with any terms or conditions of the exemption permit, or where it is determined that exemption permit was obtained under false pretenses or using false information.
- 4.10.** No liability lies against the CAO or their designate for the revocation of an exemption permit pursuant to Section 4.9.
- 4.11.** Despite Section 4.2, where a Peace Officer determines, on reasonable grounds, that Busking being performed by the holder of a subsisting exemption Permit is not in compliance with any terms or conditions of their permit or is causing a undue disturbance in a Public Place or Open Space Area, the Peace Officer may temporarily suspend the exemption permit.

4.12. No liability lies against a Peace Officer who exercises their authority under Section 4.11.

4.13. Where a Peace Officer suspends an exemption permit under Section 4.11, the Peace Officer shall notify the CAO or their designate of the suspension.

4.14. Where the CAO or their designate receives notification of a suspension made pursuant to Section 4.11, the CAO or their designate shall review the exemption permit and determine whether the exemption permit shall be reinstated, varied, substituted, or revoked; the determination of which is the sole discretion of the CAO or their designate.

5. BUSKING STOP

5.1 The CAO or their designate shall, at their sole discretion, have the authority to approve the location of a Busking Stop in at any Public Place within the City.

5.2 An approved Busking Stop may either be permanent or temporary in nature.

5.3 Only one Person shall Busk at an approved Busking Stop at any given time.

5.4 Where more than one Person is Busking at a Busking Stop a Peace Officer may demand that all Buskers cease the act of Busking, pursuant to Section 5.6, and order them to disperse.

5.5 The number of approved Busking Stops in any Public Place within the City shall remain the sole discretion of the CAO or their designate and may be subject to change, as the needs of the City require.

5.6 The number of Busking Stop within an Open Space Area shall be limited as follows:

- a.** not more than 2 Busking Stops in John Peak Park;
- b.** not more than 2 Busking Stops in Anniversary Park;
- c.** not more than 1 Busking Stops in Sunset Beach;
- d.** not more than 1 Busking Stop in any other Open Space Area; and
- e.** no Busking Stop shall be approved in Cove Beach.

5.7 Despite Section 5.6, the CAO or their designate may authorize additional Busking activity in the locations outlined in Section 5.6 for the purpose of a special event, at their sole discretion.

5.8 The CAO or their designate shall not approve the location of a Busking Stop in a Public Place that is also a private Premises, without the expressed written consent of the Owner of that Premises.

5.9 Where the CAO or their designate approves the location of a Busking Stop, that location shall be marked by a Sign similar to what is depicted in Schedule “B”. The Sign may either be permanent or temporary, having regard for the nature of the Busking Stop.

6. OFFENCES

6.1 No Person, being the holder of a subsisting exemption permit, shall fail to comply with any terms or conditions of the Permit.

6.2 No Person, being the holder of a subsisting exemption permit, shall fail to produce the exemption permit on demand of a Peace Officer.

6.3 No Person subject to temporary exemption permit suspension, made pursuant to Section 4.11 of this Bylaw, shall Busk within the City.

6.4 No Person, being the former holder of an exemption permit that has been revoked, pursuant to Section 4.9, shall Busk within the City.

6.5 No Person shall fail to comply with the demand of a Peace Officer to cease the act of Busking.

6.6 No Person shall obstruct a Peace Officer investigating a complaint made under or exercising their authority pursuant to this Bylaw.

7. REMEDIAL ORDERS

7.1 A Remedial Order may be issued to order compliance with the provisions of this Bylaw.

7.2 Every Remedial Order written with respect to this Bylaw shall:

- a.** indicate the Person to whom it is directed;
- b.** identify the property to which the Remedial Order relates by municipal address or legal description;
- c.** identify the date that it is issued;
- d.** identify how the Person fails to comply with this or another Bylaw;
- e.** identify the specific provisions of the Bylaw the Person contravenes;
- f.** identify the nature of the remedial action required to be taken to bring the Person into compliance;
- g.** identify the time within which the remedial action must be completed;

- h. Indicate that if the required remedial action is not completed within the time specified, the City may take whatever action or measures are necessary to remedy the contravention;
- i. indicate that the expenses and costs of any action or measures taken by the City under this Section are an amount owing to the City by the Person to whom the Remedial Order is directed;
- j. indicate that the expenses and costs referred to in this Section may be attached to the tax roll of the property if such costs are not paid by a specified time; and
- k. indicate that a Person to whom a Remedial Order is directed may seek a review of the order by filing a request for review in writing with the City in accordance with Section 547 of the *Municipal Government Act*, R.S.A. 2000, c. M-26.

7.3 A Remedial Order written pursuant to this Bylaw shall be served to the Owner by:

- a. delivering the Remedial Order personally to the Person named in the Order;
- b. leaving the Remedial Order at the residence of the named Person with a Person who is at least 18 years of age;
- c. posting the Remedial Order in a conspicuous place on the Premises known or declared to be the residence of the named Person. The Remedial Order shall be deemed to be served 7 days after the Remedial Order is posted;
- d. sending the Remedial Order by registered mail to the last known address of the Owner, and the Remedial Order shall be deemed to be served upon confirmation of receipt or refusal of the registered mail; or
- e. sending the Remedial Order by regular mail to the last known address of the Owner, and the Remedial Order shall be deemed to be served 7 days after the date of mailing.

7.4 No Person shall fail to comply with a Remedial order issued under this Bylaw.

8. APPEAL OF REMEDIAL ORDERS

8.1 A Person to whom a Remedial Order is directed may seek a review of the Order by filing a request for review in writing with the City in accordance with Section 547 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 and paying the applicable administrative fee to the City.

8.2 A review requested pursuant to this Section must state the name of the appellant, the municipal address of the property to which the Remedial Order being appealed from relates, a daytime telephone contact number at which the appellant may be reached, and an address at which documents in relation to

the appeal may be delivered.

- 8.3 Upon review of the order, Council may confirm, vary, substitute, or cancel the Remedial Order.
- 8.4 Council may provide their decision verbally or in writing to the appellant.
- 8.5 The CAO may serve the decision to the appellant in the same manner as a Remedial Order in Section 7.2.
- 8.6 If a request for review of a Remedial Order is received after the applicable deadline, no review will be scheduled, and the appellant will be informed of such.

9. PENALTIES

- 9.1 Any Person who contravenes any of the provisions of this Bylaw by doing any act or thing which the Person is prohibited from doing is guilty of an offence.
- 9.2 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, and in default of payment, to imprisonment for not more than one year.
- 9.3 Where there is a specified penalty listed for an offence in Schedule "A" of this Bylaw, that amount is the specified penalty for the offence.
- 9.4 Where there is a minimum penalty listed for an offence in Schedule "A" of this Bylaw, that amount is the minimum penalty for the offence.
- 9.5 If a Person is convicted twice of the same provision of this Bylaw within a 24-month period, the minimum penalty for the second conviction within a 24-month period shall be twice the amount of the specified penalty found in Schedule "A".
- 9.6 If a Person is convicted a third time of the same provision of this Bylaw within a 24-month period, the minimum penalty for the third conviction within a 24-month period shall be three times the amount of the specified penalty found in Schedule "A" but not more than \$10,000.00 dollars.
- 9.7 No Person shall fail to comply with or fail to do anything that a Person is required to do pursuant to the provisions of this Bylaw.

10. VIOLATION TICKETS

10.1 Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, they may commence proceedings by issuing a Violation Ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34.

10.2 This Section shall not prevent any Peace Officer from issuing a Violation Ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, or from relaying information instead of issuing a Violation Ticket.

11. INVESTIGATION OF COMPLAINTS

11.1 A Peace Officer may, at their discretion, refuse to investigate or take any action on a complaint if the Peace Officer believes that:

- a.** the complaint is frivolous, vexatious, without merit or not in the public interest;
- b.** the complaint falls outside the scope of this Bylaw;
- c.** the complaint is not supported by evidence or information; or
- d.** the complaint is more appropriately dealt with by another authority or agency.

11.1 A Peace Officer who refuses to investigate or take any action on a complaint under this Section shall not be held liable for any damages or losses arising from the refusal, unless appealed, unless otherwise provided by law.

11.2 Nothing in this Section shall limit or affect the right of any Person to seek redress or relief through any other legal or administrative process.

12. SEVERABILITY

12.1 If any Sections or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Sections or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

12.2 This Bylaw shall come into full force and effect upon the date of the third and final reading.

READ A FIRST TIME: September 9, 2025

READ A SECOND TIME: September 9, 2025

**MOVED TO THIRD AND FINAL READING OF BYLAW #036-25, BEING THE BUSKING
REGULATION BYLAW: UNANIMOUSLY**

READ A THIRD TIME: September 9, 2025

RESOLUTION NUMBERS:

250909-33

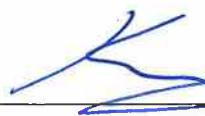
250909-34

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250909-36



Mayor, Shannon Dean



Chief Administrative Officer, Kent Edney

SCHEDULE "A"
SPECIFIED PENALTIES

Section	Offence	Minimum Penalty	Specified Penalty
4.1	Busking within the City	\$150.00	\$300.00
6.1	Failure to comply with terms or conditions of a permit	\$150.00	\$300.00
6.2	Failure to produce a permit on demand of a Peace Officer	\$150.00	\$300.00
6.3	Busking while subject to a temporary suspension	\$250.00	\$500.00
6.4	Busking when the permit is revoked	\$350.00	\$700.00
6.5	Failure to comply with direction to cease the act of Busking	\$250.00	\$500.00
6.6	Obstructing a Peace Officer	\$500.00	\$1000.00
7.4	Failing to comply with a Remedial Order	\$1500.00	\$2500.00
9.7	Failure to comply with a provision of this Bylaw	\$50.00	\$100.00

SCHEDULE "B"
APPROVED BUSKING STOP SIGNAGE



CHESTERMERE

**APPROVED
BUSKING
STOP
LOCATION**