

CITY OF CHESTERMERE

PROVINCE OF ALBERTA

BYLAW #009-19

Being a Bylaw of the City of Chestermere, in the Province of Alberta for the purpose of preventing and the protection of persons from Bullying, within the City of Chestermere.

WHEREAS the Municipality deems it necessary to pass a Bylaw to prevent the Bullying of persons in the City of Chestermere.

WHEREAS the Municipal Government Act RSA 2000, c. M-26 and amendments thereto authorize the Municipality to pass Bylaws to prevent Bullying and for the protection of persons from Bullying

NOW THEREFORE, the Municipal Council of the City of Chestermere, in the Province of Alberta, duly assembled, enact as follows:

1. TITLE

- (a) This Bylaw may be cited as the Chestermere Anti-Bullying Bylaw.

2. DEFINITIONS

In this Bylaw:

- (a) "Bullied" means the person or persons subjected to Bullying.
- (b) "Bullying" means the intentional, repeated and hostile or demeaning behavior by an individual or group, either directly or through any medium whatsoever, where the behavior results in physical, emotional or mental harm, fear or distress to one or more individuals, based on but not limited to ability, race, ethnicity, gender or sexual orientation or identity.
- (c) "CAO" means the Chief Administrative Officer of the City of Chestermere, Alberta appointed by Council.
- (d) "Child" means any person less than twelve (12) years of age.
- (e) "Cyber Bullying" means the use of electronic communication or any other media to Bully a person or group, by the sending of messages or images intended to intimidate, threaten or cause mental anguish to a person or group of persons.
- (f) "Peace Officer" means any police officer or a Community Peace Officer in the Province of Alberta.
- (g) "Public Place" means any place within the City of Chestermere that is meant to encourage any form of interaction between persons, which includes, but is not limited to any place where the public has a reasonable expectation of access, or any place where

public access is implied. This may include schools, places of worship, open spaces, retail centers, commercial work spaces, hotels, recreational facilities, any space that is publicly owned or leased, or where a place where technology allows for digitized content is to be transmitted over the internet, computer networks, cellular telephone networks or any other cyber technology.

- (h) "Young Person" means any person who is twelve years of age or older but less than eighteen years of age.

3. APPLICATION

- (a) This Bylaw is designed to prevent incidents of Bullying within the City of Chestermere.
- (b) Bullying does not include the reasonable or necessary communication for the purposes of workplace or educational supervision, exercise of lawful authority, or actions or communications made in the best interest of the intended recipient or the action or communication.
- (c) Any heading, sub-heading, or tables of contents in this Bylaw are included for guidance purposes and convenience only and shall not form part of the Bylaw.
- (d) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any other requirement of any lawful permit, order or licence.
- (e) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted, therefore.
- (f) All schedules attached to this Bylaw, shall form part of this Bylaw.
- (g) This Bylaw is gender-neutral and, accordingly, any reference to one gender includes all others.
- (h) 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.
- (i) The City is not required to enforce this Bylaw. In determining whether to enforce this Bylaw, the City may take into account any practical concerns, including the available budget and personnel resources.
- (j) No action for damages shall be taken or allowed against the City or any person acting in good faith under lawful authority of this Bylaw.
- (k) It is the intention of the City of Chestermere that all offences created pursuant to this Bylaw be construed and considered as being Strict Liability Offences.
- (l) It is the intention of the Council of the City of Chestermere that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

4. BASIC RESPONSIBILITIES

- (a) No person shall, in any Public Place, communicate either directly, indirectly, or through any form of media, with any person in a manner that would cause a reasonable person to feel Bullied; or
- (b) No person shall encourage or support any person engaged in the act of Bullying, through any medium, of another person or group of persons.
- (c) No parent, or guardian of a Child shall allow, permit or encourage a Minor under their care to engage in the Bullying or Cyber Bullying of another person or group of persons.

5. COURT DIVERSION ALTERNATIVE

- (a) A Peace Officer, upon completing their investigation, who reasonably believes that an offence under this Bylaw has been committed, based on the totality of the circumstances of the offence, may recommend to the CAO that the person accused of Bullying may avoid attending court and any further penalty by completing the following measures within a specified period of time;
 - i. Provide a Peace Officer with a letter of apology to the victim of their Bullying behavior. Upon approval of the contents of the letter, a copy of that letter will be provided to the victim; or
 - ii. Attend and successfully complete an anti-Bullying awareness course, which may require they are accompanied by a parent or guardian, to be determined by the City of Chestermere; or
 - iii. Complete both requirements as specified in Section 5(a) of this Bylaw.
- (b) If the Court Division Alternative is pursued and following the successful completion of the Court Diversion Alternative, the matter will be concluded, however this record may be used in evidence should the Bullying behavior result in a charge issued pursuant to this Bylaw.
- (c) Should any requirement of a Court Diversion Alternative issued pursuant to Section 5(a) of this Bylaw not be completed within the period of time specified by the Peace Officer, the matter may be referred to the Provincial Court for prosecution.
- (d) The Court Diversion Alternative is available only once to any individual.
- (e) The CAO has the discretion to accept the recommendation of the Peace Officer(s), or decide to pursue measures outlined in this Bylaw.

6. GENERAL PENALTY SECTION

- (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than TEN THOUSAND (\$10,000.00) DOLLARS and not less than TWO HUNDRED AND FIFTY (\$250.00) DOLLARS and in default of payment is liable to imprisonment for a term not exceeding ONE (1) YEAR.

- (b) The levying and payment of any penalty, or the imprisonment for any period as provided for in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs for which that person is liable under the provisions of this Bylaw.
- (c) Upon convicting a person of an offence under this Bylaw, a Provincial Court Judge or Justice, in addition to the penalties provided for in this Bylaw may, if the offence is considered to be sufficiently serious, direct or order the person convicted of the offence to:
 - i. Provide a letter of apology to the victim of their Bullying to the Court within a specified time; and/or;
 - ii. Electronically and publicly post a letter of apology to the victim.

7. ENFORCEMENT PROCEDURES AND SPECIFIED PENALTIES

- (a) Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may serve upon such person a Violation Ticket in accordance with the provisions of the *Provincial Offences Procedure Act, R.S.A. 2000, c.P-34*. The Violation Ticket will indicate the specified penalty payable in respect of the offence or may require the accused to make a Court Appearance, where the issuing Officer believes it is in the Public Interest to require same.
 - i. The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount provided for in Schedule "A" of this Bylaw.
- (b) Where any person contravenes the same provision of this Bylaw twice within one TWELVE (12) month period, the specified penalty payable in respect of such contravention shall be double the specified penalty amount provided for in Schedule "A" of this Bylaw.
- (c) Where any person contravenes the same provision of this Bylaw three times within one TWELVE (12) month period, the specified penalty payable in respect of the third such contravention shall be triple the specified penalty amount provided for in Schedule "A" of this Bylaw.
- (d) Where any person contravenes the same provision of this Bylaw four or more times within an EIGHTEEN (18) month period, the penalty payable in respect of the fourth or subsequent such contravention shall be determined by a Provincial Court Justice and shall not be less than three times the specified penalty amount provided for in Schedule "A" of this Bylaw.

8. COMING INTO FORCE

Given 1st reading the 7 day of May, 2019

Given 2nd reading the 18th day of June, 2019

Given 3rd reading and adopted the 18th day of June, 2019

Res: 170-19 / 239-19 / 240-19



Mayor



Chief Administrative Officer

CHESTERMERE ANTI-BULLYING BYLAW
SCHEDULE "A"

SECTION	OFFENCE	MINIMUM FINE	SPECIFIED PENALTY
4(a)	Person engage in bullying activity or behavior	\$250.00	\$500.00
4(b)	Person encourage or support bullying behavior activity	\$250.00	\$500.00
4(c)	Parent or guardian of a child allow/permit/cause bully behavior or activity	\$250.00	\$1000.00