



City of Chestermere  
PROVINCE OF ALBERTA

Bylaw #011-25

## **Bylaw #011-25**

# **Anti-Bullying and Harassment Bylaw**

**TABLE OF CONTENTS**

1. TITLE.....3

2. DEFINITIONS.....3

3. APPLICATION .....5

4. OFFENCES .....5

5. COPY OF RECORDS .....6

6. DIVERSION ALTERNATIVE .....6

7. REMEDIAL ORDERS .....7

8. APPEAL OF REMEDIAL ORDERS .....8

9. PENALTIES .....8

10. VIOLATION TICKETS .....9

11. INVESTIGATION OF COMPLAINTS.....9

12. SEVERABILITY ..... 10

SCHEDULE "A" ..... 11

**A BYLAW OF THE CITY OF CHESTERMERE, IN THE PROVINCE OF ALBERTA TO RESPECT THE SAFETY, HEALTH AND WELFARE OF PEOPLE IN PUBLIC PLACES 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** the *Municipal Government Act, R.S.A. 2000, c.M-26* authorizes a municipality to pass Bylaws and impose fees and penalties regarding the contravention of Bylaws;

**AND WHEREAS** it is desirable to establish a Bylaw to regulate problematic social behaviours that may have a negative impact on the enjoyment of public spaces within the boundaries of the municipality; 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 “Anti-Bullying and Harassment Bylaw”.

**2. DEFINITIONS**

**2.1** “**Bully**” or “**Bullying**” means repeated behaviour that is hostile or demeaning by a Person in the municipality, that is objectively cruel, insulting, threatening or aggressive in nature, where the behaviour results in harm, intimidation, coercion, fear or distress to one or more individuals in the City, including but not limited to physical harm, psychological harm or reputational harm, and delivered by any means whatsoever, including but not limited to orally, in writing, by telephone, by text message, by digital online space or chatroom and using any social media platform or medium;

**2.2** “**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*;

**2.3** “**Child**” means the same as defined in the *Youth Justice Act, R.S.A. 2000, c. Y-1*;

- 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 **“Feign”** means to pretend to be affected by or the victim of;
- 2.6 **“Harass”** or **“Harassment”** means to communicate with a Person in a manner that could reasonably cause offence, intimidation or humiliation, including conduct, comment, or action that refers to a Person’s race, religious beliefs, colour, disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression, sexual orientation, including sexual solicitation or advances;
- 2.7 **“Parent”** means the biological mother or father, or legal guardian of a Child or Young Person;
- 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, R.S.A. 2000, SA 2006, c. P-3.5* 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 from time to time;
- 2.9 **“Person”** means an individual or any business entity including a firm, partnership, association, corporation, company, 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; but does not include the interior of a private dwelling house;
- 2.11 **“Public Place”** means place, including privately owned or leased property to which the public reasonably has or is permitted to have access and, for the purposes of this Bylaw, includes a Highway as defined in the *Traffic Safety Act, R.S.A. 2000, c. T-6*;
- 2.12 **“Record”** means any written or electronic document of a school containing any demographical, parental, guardianship or any other relevant information required for a prosecution commenced under this Bylaw;
- 2.13 **“Young Person”** means the same as defined in the *Youth Justice Act, R.S.A. 2000, c. Y-1*; and

**2.14 “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.

### **3. APPLICATION**

- 3.1** Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, another Bylaw 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. OFFENCES**

- 4.1** No Person shall Bully any Person in any Public Place.
- 4.2** No Person shall bully a Person on a private Premises in view of a Public Place.
- 4.3** No Person shall encourage or participate in, by any means, the Bullying of any Person in a Public Place.
- 4.4** No Person shall encourage or participate in, by any means, the Bullying of a Person on a private Property in view of a Public Place.
- 4.5** No Parent of a Young Person or Child shall, after having been made aware of a Young Person or Child committing the act of or participating in the act of Bullying, fail to take action necessary to bring about the cessation of the Bullying.
- 4.6** No Person shall Feign being the victim of Bullying.
- 4.7** No Person shall Harass another Person in any Public Place.

- 4.8** No Person shall Harass another Person on a private Premises in view of a Public Place.
- 4.9** No Person shall Feign being the victim of Harassment.
- 4.10** No Person shall obstruct a Peace Officer investigating a complaint made under or exercising their authority pursuant to this Bylaw.

## **5. COPY OF RECORDS**

- 5.1** A true copy of a Record of a school that has been provided to a Peace Officer by a school administrator to establish parentage or guardianship of a Child or Young Person, shall be admitted in evidence as prima facie proof of the facts stated in the Record.

## **6. DIVERSION ALTERNATIVE**

- 6.1** A Peace Officer who establishes reasonable grounds that a contravention of either Sections 4.1 or 4.2 has occurred, may recommend to the CAO that the Person alleged to have committed the contravention avoid prosecution by completing the following measures within a specified period of time:
  - a.** 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, at the discretion of the Peace Officer;
  - b.** attend and successfully complete any programming as recommended by the Peace Officer. This may require parent or guardian attendance and participation, determined by the Peace Officer;
  - c.** complete both requirements as specified in section 6.1(a) and (b) of this Bylaw; or
  - d.** participate and complete a Restorative Justice Program.
- 6.2** Nothing in this section shall be interpreted as to compel a Peace Officer to make a recommendation referred to in section 6.1.
- 6.3** Completion of the Court Diversion Alternative by the Person alleged to have committed the contravention will bring about the conclusion of the investigation.
- 6.4** Should the Person alleged to have committed the contravention fail to complete the Court Diversion Alternative that Person may be referred for prosecution or be subject to further enforcement action.

- 6.5** The Court Diversion Alternative is available only once to any Person.
- 6.6** The CAO has the discretion to accept or refuse the recommendation of the Peace Officer(s) or decide to pursue measures outlined in this Bylaw.

## **7. REMEDIAL ORDERS**

- 7.1** A Remedial Order may be issued to mandate 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, if relevant 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 ensure 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;
  - 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 on a Person 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 appears to be 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 Person, 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 Person, and the Remedial Order shall be deemed to be served 7 days after the date of mailing.

**7.4** No Person or parent of a Young Person or Child committing an act of Bullying 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 a \$100.00 Administrative fee.

**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 Person being appealed from resides, 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 provide their decision 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 or a term of

imprisonment not exceeding one year or both fine and imprisonment and, in default of payment, to a term of imprisonment not exceeding 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 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 Officer reasonably 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.

**11.2** 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.

**11.3** 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 section 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 section 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.

**12.3** Bylaw #009-19, being the Anti-Bullying Bylaw is hereby repealed.

**READ A FIRST TIME:** July 22, 2025

**READ A SECOND TIME:** July 22, 2025

**READ A THIRD TIME:** July 22, 2025

### **RESOLUTION NUMBERS:**

250722-34

250722-35

270722-37



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Mayor, Shannon Dean



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Chief Administrative Officer, Kent Edney

**SCHEDULE "A"**

<b>Section</b>	<b>Offence</b>	<b>Minimum Penalty</b>	<b>Specified Penalty</b>
4.1	Bullying in a Public Place	\$500.00	\$1000.00
4.2	Bullying on a private Premise in view of Public Place	\$500.00	\$1000.00
4.3	Encourage/participate in Bullying in a Public Place	\$500.00	\$1000.00
4.4	Encourage/participate in Bullying on a private Premises in view of a Public Place	\$500.00	\$1000.00
4.5	Parent of Young Person/Child who fails to act to bring about cessation of Bullying	\$500.00	\$1000.00
4.6	Person Feign being a victim of Bullying in a Public Place	\$500.00	\$1000.00
4.7	Harass a Person in a Public Place	\$250.00	\$500.00
4.8	Harass a Person on a private Premises in view of a Public Place	\$250.00	\$500.00
4.9	Person Feign being victim of Harassment in a Public Place	\$150.00	\$300.00
4.10	Obstruction of a Peace Officer	\$500.00	\$1000.00
7.4	Failing to comply with a Remedial Order	\$1500.00	\$2500.00
9.7	Contravention provisions of this Bylaw	\$50.00	\$100.00