

**THE CORPORATION OF THE CITY OF FERNIE
BYLAW NO. 2181**

PUBLIC PLACES BYLAW

A bylaw to regulate and prohibit nuisances, disturbances and other objectionable situations in public places

WHEREAS the City of Fernie wishes to promote a quality of life in the community that is healthy, safe, enjoyable and inviting for all of its citizens, businesses and visitors; and;

WHEREAS the Council for the City may pass bylaws to regulate, prohibit, or impose requirements in relation to public places; and the protection and enhancement of the well-being of its community in relation to nuisances, disturbances and other objectionable situations in City parks, recreation facilities, highways and other public places pursuant to the *Community Charter*;

NOW THEREFORE, the Municipal Council of the Corporation of the City of Fernie in open meeting assembled **ENACTS AS FOLLOWS:**

PART 1 – CITATION, PURPOSE, DEFINITIONS & INTERPRETATION

Citation

1. This Bylaw may be cited as “*Public Places Bylaw No. 2181, 2012*”.

Purpose

2. The purpose of this bylaw is to regulate and prohibit nuisances, disturbances and other objectionable situations in public places to promote healthy, safe, enjoyable and reasonable use of such places for the benefit of all of its citizens, businesses and visitors in the City.

Definitions

3. In this bylaw:

Enforcement Officer means any person appointed from time to time by *City Council* to enforce and administer this bylaw and includes the Bylaw Enforcement Officer for the *City* and members of the Royal Canadian Mounted Police (R.C.M.P);

City means The Corporation of the City of Fernie, and includes the area within the boundaries of the City;

City Council means the Mayor and Council of the City of Fernie;

Person means any individual, company, corporation, owner, occupier, partnership, firm, association, or society;

Public Place – means an area of land, including a highway or park, or improvement on the land, in respect of which the *City* holds an interest so as to possess and control the land or improvement, which land or improvement is available for public use, access or both, and includes without limitation civic buildings.

Interpretation

4. The headings in this bylaw are for reference purposes only.

PART 2 – GENERAL REGULATIONS

5. No *Person* shall, in any *Public Place*:
 - a. place, discard or deposit any litter, garbage, or other refuse in a *Public Place* except in a receptacle designed and intended for such use;
 - b. urinate or defecate in a *Public Place* except in a facility designed and intended for such use;
 - c. obstruct, in any manner, the free movement of other persons or vehicle traffic, on a highway excepting when authorized by the *City* or when crossing a highway in a designated crosswalk;
 - d. throw or propel an object, or act in any other way in a *Public Place* that is reasonably likely to cause injury to another person or damage property, EXCEPTING golf, soccer, football, baseball, hockey, net ball, Frisbee or Frisbee golf or any other sport activity undertaken in or on facilities designed or intended for such use;
 - e. participate in a fight, or other similar physical confrontation which is not sanctioned by a recognized athletic body or does not take place as part of an organized sport in a *Public Place*, without lawful excuse or lawful justification; or
 - f. obstruct an *Enforcement Officer* in the fulfillment of his or her duties.

PART 3 - OFFENCE AND PENALTY

6. General Penalty Provision

Any *Person* who contravenes any provision of this Bylaw by:

- a. doing any act or thing which the *Person* is prohibited from doing; or
- b. failing to do any act or thing the *Person* is required to do;

is guilty of an offence and of a separate offence for each occurrence which is caused or allowed to continue contrary to this Bylaw.

7. Violation Tickets and Penalties

- a. This Bylaw may be enforced by means of a municipal ticket information or bylaw notice in the forms prescribed for those purposes in the *Community Charter* and *Bylaw Notice Enforcement Act*, as amended from time to time.
- b. Any *Person* who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a penalty of not more than \$1,000.00.

PART 4 – SEVERABILITY

8. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason found invalid by decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME THIS 12TH, DAY OF MARCH, 2012.

READ A SECOND TIME THIS 12TH, DAY OF MARCH, 2012.

READ A THIRD TIME 12TH, DAY OF MARCH, 2012.

Third reading passed by a unanimous vote of Members of City Council present and eligible to vote.

ADOPTED THIS 26TH, DAY OF MARCH, 2012 BY A UNANIMOUS VOTE OF MEMBERS OF CITY COUNCIL PRESENT AND ELIGIBLE TO VOTE.

MAYOR

**DIRECTOR OF CORPORATE
ADMINISTRATION SERVICES**
I hereby certify the foregoing to be the
original Bylaw No. 2181