

BYLAW NO. 573/06

**BEING A BYLAW OF
THE MUNICIPAL DISTRICT OF MACKENZIE NO. 23,
IN THE PROVINCE OF ALBERTA, TO CONTROL AND REGULATE
BULLYING OF MINORS AND OR OTHER PERSONS IN THE MUNICIPAL
DISTRICT OF MACKENZIE.**

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 in, on or near public places or place that is open to the public; and

AND WHEREAS the Council for the Municipal District of Mackenzie is establishing a Bylaw, to promote zero tolerance of bullying and to give those who have been charged under the Anti-Bullying Bylaw a choice of paying their fine or attending an educational session and having the charge withdrawn; and

AND WHEREAS this Bylaw is not intended, nor designed to replace the Criminal Code of Canada or to replace existing bullying prevention programs currently in use with schools, RCMP or community groups; and

AND WHEREAS it is the intent that this Bylaw would be used where there is sufficient evidence of repetitive bullying and charges under the federal or provincial statutes are not appropriate; and

AND WHEREAS it is also the intent that the Bullying Offence be used as a last resort.

NOW THEREFORE, the Council of the Municipal District of Mackenzie enacts as follows:

SECTION 1 NAME OF BYLAW

1.1. This Bylaw may be cited as the "Anti-Bullying Bylaw".

SECTION 2 INTERPRETATION

2.1 Where there is a conflict between this bylaw and any other bylaw pertaining to Bullying and/or Anti-Bullying in the Municipality, the provisions of this bylaw shall apply.

SECTION 3 **DEFINITIONS**

3.1 In this Bylaw:

- a) **“Bullying”** means the targeted, repetitive harassment by an individual or individuals who are perceived to be maintaining an imbalance of power by the real or threatened infliction of physical violence and attacks, racially or ethnically-based verbal abuse and gender-based put-downs, verbal taunts, name calling and put downs, written or electronically transmitted, or emotional abuse, extortion or stealing of money and possessions and social out casting.
- b) **“Minor”** means an individual between 12 and 18 years of age.
- c) **“Adult”** means a person 18 years of age or older.
- d) **“Peace Officer”** means a member of the Royal Canadian Mounted Police, a Bylaw Officer, or a Special Constable appointed pursuant to the provisions of the Police Act, Revised Statutes of Alberta, 2000, Chapter P-17 and all amendments or successors thereto.
- e) **“Public Place”** means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access, whether on payment or otherwise, within the corporate limits of the Municipal District of Mackenzie.
- f) **“Repetitive”** means a persistent or continual act. A tedious repetition.
- g) **“Violation Ticket”** means a violation ticket as defined in the Provincial Offences Procedure Act.

SECTION 4 **ENFORCEMENT**

4.1 No person shall, in any Public Place:

- a) Cause or allow to be caused Bullying either directly or indirectly, with any person.
- b) While not directly taking part in Bullying, encourage or cheer on, any person committing Bullying.

4.2 Any person who contravenes Section 4.1 of this Bylaw is guilty of an offence punishable on summary conviction and is liable;

- a) For a first offence, to a specified penalty of \$250.00; and
 - b) For a second, or subsequent offences, to a fine not exceeding \$1,000.00;

and in default of payment of the fine and costs, to imprisonment for a term not exceeding six (6) months.
- 4.3 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
- a) specify the fine amount established by this Bylaw for the offence; or
 - b) require a person to appear in Court without the alternative of making a voluntary payment.
- 4.4 Anyone who commits an offence, may;
- a) If a Violation Ticket is issued in respect of the offence; and
 - b) If the Violation Ticket specifies the fine amount established by the Bylaw for the offence,

make a voluntary payment equal to the specified fine by delivering the Violation Ticket and the specified fine to the Provincial Court Office specified on the Violation Ticket.

SECTION 5 ALTERNATIVE MEASURES

- 5.1 Anyone who has been charged under this Bylaw with Bullying and a Violation Ticket has been issued:
- a) A court date shall be set at least three (3) months from the date of the offence allowing for alternative measures to be made available.
 - b) As a one-time opportunity anyone who has been issued a Violation Ticket for Bullying will have the choice to either proceed with the Violation Ticket offense issued to them or to attend an educational anti-bullying session.
 - c) If the accused person is a Minor and chooses to attend an educational anti-bullying session, a parent or guardian of the Minor must be notified, and has the option to attend the educational anti-bullying session.

- d) If the accused fails to attend the scheduled educational anti-bullying session they shall pay the fine as identified on the Violation Ticket. Failure to pay the fine constitutes an offence punishable on summary conviction and being liable for a specified penalty or imprisonment.
- e) If the accused attends the scheduled educational anti-bullying session, as per Section 5.1 b) & c) a letter will be sent to the crown signed by a Peace Officer requesting for the Violation Ticket to be withdrawn.

SECTION 6 REPEAL

6.1 This bylaw shall repeal Bylaw 558/06.

This bylaw comes into force at the beginning of the day of third and final reading thereof.

First Reading given on the 11th day of April, 2006.

(signature on file)
Bill Neufeld, Reeve

(signature on file)
Carol Gabriel, Executive Assistant

Second Reading given on the 13th day of June, 2006.

(signature on file)
Bill Neufeld, Reeve

(signature on file)
Carol Gabriel, Executive Assistant

Third Reading and Assent given on the 28th day of February, 2007.

(signature on file)
Bill Neufeld, Reeve

(signature on file)
Carol Gabriel, Executive Assistant