

City of Regina

Bylaw #2006-38

Disclaimer:

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BYLAW NO. 2006-38

THE REGINA-ANTI BULLYING AND PUBLIC FIGHTING BYLAW

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Purpose

1 The purpose of this bylaw is to promote the safety, health and welfare of people by proscribing certain anti-social behaviour not otherwise covered by *The Occupational Health and Safety Act, 1993* or the *Criminal Code of Canada*.

Statutory authority

2 The authority for this Bylaw is section 8 of *The Cities Act*.

Definitions

3 In this Bylaw:

"**bully**" means:

- (a) any objectionable or inappropriate comment, conduct or display by a person;
- (b) directed at an individual, not of the same household;
- (c) intended to intimidate, humiliate, ridicule, or isolate; and
- (d) which causes or is likely to cause physical or emotional distress;

"**Chief of Police**" means the Chief of Police of the Regina Police Service and anyone authorized to act on behalf of the Chief of Police;

"**City**" means the City of Regina;

"**fight**" means any confrontation involving violent physical contact between two or more willing participants occurring in any public place;

"**police officer**" means:

- (a) a sworn member of the Regina Police Service; or
- (b) any person appointed under *The Police Act, 1990* as a special constable or peace officer;

"**public place**" means any place in the City that is open to the public and to which the public is customarily admitted or invited and includes:

- (a) any building to which the public is ordinarily permitted access;
- (b) any vehicle used for the public transportation or a commercial vehicle for hire that is used to transport members of the public;
- (c) any street, highway, sidewalk, lane, alley, bridge, causeway or other place, whether publicly or privately owned, that is used or intended for the passage of pedestrians or vehicles;
- (d) any parking lot or other place, whether publicly or privately owned, that is used for parking a vehicle;
- (e) any park or open space to which the public is ordinarily permitted access, whether upon payment or otherwise; and
- (f) any school, as defined in *The Education Act*, including school grounds;

"**young person**" means a young person as defined in *The Summary Offences Procedures Act, 1990*.

Administration and Enforcement

4 The Chief of Police is authorized to:

- (a) administer and enforce the provisions of this Bylaw and is a designated officer for the purposes of Part XII, Division 4 of *The Cities Act*; and
- (b) delegate to any police officer any power, duty or function assigned to the Chief of Police by this Bylaw.

Fighting

5(1) No person shall:

- (a) participate in a fight;
- (b) encourage in any way a person involved in a fight; or
- (c) record, photograph or distribute any videotape, recording, or photograph of any person involved in a fight.

(2) Any fight that occurs as part of an organized sporting event is exempted from the application of this section.

(3) Any recording, photograph, distribution or publication of any videotape, recording or photograph of any person involved in a fight is exempted from the

application of this section where it was that of a person engaged in news gathering:

- (a) for any newspaper or other paper containing public news; or
- (b) for a broadcaster licensed by the Canadian Radio-Television Commission to carry on broadcasting transmitting undertaking;

and such recordings, photograph, distribution or publication was reasonable in the circumstances and was necessary for or incidental to ordinary news gathering.

Bullying

6(1) No person shall bully another person in any public place.

(2) No person shall bully another person through written or electronic communication.

Offence by Young Person

7 The provisions of *The Summary Offences Procedures Act, 1990* apply to any offence committed or alleged to have been committed by a young person under this Bylaw.

Penalty

8(1) Any person who contravenes any provision of this Bylaw is guilty of an offence punishable on summary conviction and liable:

- (a) to a fine of not more than \$2,000;
- (b) in addition, or as an alternative to a fine imposed pursuant to clause (a), the court may order the person, or young person and their legal guardian, to attend an anti-bullying course recommended by the prosecutor, or both.

(2) When a police officer issues a summary ticket for a violation of this Bylaw, that police officer may enter on the ticket the amount of \$100 which, if paid within the time prescribed, will be accepted as a guilty plea to the offence.

(3) Any person who is in default of payment of a fine imposed pursuant to this section may be liable to a term of imprisonment not exceeding ninety days.

Severability

9 If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portions of the Bylaw.

Coming Into Force

10 This Bylaw comes into force on June 1, 2006.

READ A FIRST TIME THIS 24th DAY OF APRIL 2006.

READ A SECOND TIME THIS 24TH DAY OF APRIL 2006.

READ A THIRD TIME AND PASSED THIS 24TH DAY OF APRIL 2006.

P. FIACCO
Mayor

R. M. MARKEWICH
City Clerk (SEAL)

CERTIFIED A TRUE COPY

City Clerk

ABSTRACT

BYLAW NO. 2006-38

THE REGINA-ANTI BULLYING AND PUBLIC FIGHTING BYLAW

PURPOSE: To promote the health, safety and welfare of people by proscribing certain anti-social behaviour.

ABSTRACT: The bylaw makes it an offence to bully another person in a public place or by written or electronic communication and to fight in public. The bylaw comes into force on June 1, 2006.

STATUTORY AUTHORITY: Section 8 of *The Cities Act*.

MINISTER'S APPROVAL: N/A

PUBLIC HEARING: N/A

PUBLIC NOTICE: N/A

REFERENCE: City Council February 27, 2006: CR06-20
Executive Committee April 19, 2006: EX06-12

AMENDS/REPEALS: This is a new bylaw.

CLASSIFICATION: Regulatory

ORIGINATING DEPARTMENT: Regina Police Service/City Solicitor