

T O W N O F V U L C A N

By-Law No. 928

A By-Law of the Town of Vulcan, in the Province of Alberta, to provide for the regulation and control of assemblies within the Town of Vulcan.

PURSUANT to Section 228 of the Municipal Government Act, being Chapter 246, R.S.A. 1970 and amendments thereto, the Council of the Town of Vulcan, duly assembled, enacts as follows:

In this By-Law,

1. (a) "day" means the period between six o'clock in the forenoon and nine o'clock in the afternoon of the same day;
- (b) "night" means the period between nine o'clock in the afternoon and six o'clock in the forenoon of the following day;
- (c) "public place" includes any place to which the public have access as of right or by invitation, express or implied, and without restricting the foregoing to constitute a public place it is not necessary that all segments of the public have a right of access thereto;
- (d) "residential sub-division" means and includes a Town or any area of the Town designated by the Council exclusively for residential purposes;
- (e) "peace officer" means a member of the Royal Canadian Mounted Police or members of the Enforcement Division, Alberta Transportation, or By-Law Enforcement Officer and/or other appointed officer of the Town of Vulcan having authority to administer Town of Vulcan By-Laws;
- (f) "person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person;
- (g) "summary conviction" means summary conviction under and by virtue of Part XXIV of the Criminal Code;
- (h) "Municipal Administrator" means the Municipal Administrator of the Town and whatever subsequent title may be conferred on him by Council or Statute;

PART 1

Public Places, Amusements, and Assemblies

2. (a) Any peace officer witnessing and believing, upon reasonable and probable grounds, that any person is conducting himself in a disorderly manner in a public place or park under the jurisdiction of the Town, may order that person to leave the public place or park.
 - (b) Any person who fails, neglects or refuses to leave the public place or park when ordered to do so by a peace officer is guilty of an offence punishable on summary conviction.
 - (c) In addition to prosecution, any person who fails, neglects or refuses to leave a public place or park when ordered to do so by a peace officer may be ejected, by force if necessary, from the said place or park.
3. (a) The Council, upon receiving written application, may authorize the holding from time to time of amusements, entertainment, parades, athletic or sports contests in public places as defined by Section 1 of this By-Law.

- (a) Such applications must be submitted to Town Council not less than thirty (30) days before the intended holding of the amusement, entertainment, parade, athletic or sports contest.
 - (c) Any person who holds, conducts, manages or organizes amusements, entertainment, parades, athletic or sports contests without having obtained authorization of the Council is guilty of an offence punishable on summary conviction.
4. (a) After considering the nature of the intended event, and having given its consent to hold the amusement, entertainment, parade, athletic or sports contests, the Council may, by resolution, fix:
- (i) A license fee covering the event, and/or
 - (ii) Require the applicant to post a cash bond to cover any damages or out-of-pocket expenses relative to the holding of the event whether or not the damages or out-of-pocket expense relate to private or public property.
- (b) Bonds held or collected under the provision of Section 4(a) may be disposed of by the Municipal Administrator in amounts he deems proper, on the basis of legitimate claims against the bonds.
 - (c) Failure or neglect to pay a license fee or post a cash bond, as the case may be required by sub-sections 4(a), within a period of time stipulated by Council, shall render authorization of the holding of the event null and void.
 - (d) Failure to submit proof that all statutory obligations have been satisfied by the applicant, or evidence of previous mismanagement of similar events shall be good and ample reason for the Council to refuse authorization of the holding of the event.
 - (e) A peace officer believing upon reasonable and probable grounds that an amusement, entertainment, parade, athletic or sports contest has become a disorderly assembly may stop the event by any reasonable means.
5. (a) Pursuant to the authority conferred by the Alberta Lord's Day Act, and subject to this By-Law, it shall be lawful for any person after 1:30 o'clock in the afternoon on a Sunday to provide, engage in or be present at:
- (i) any game, contest or sport;
 - (ii) any exhibition of an educational, artistic, or cultural nature;
 - (iii) any theatrical performance, concert, recital, lecture or other performance; and
 - (iv) any exhibition of moving pictures.
6. (a) No person shall install or use a loud speaker system or other device for the amplification of sound in any open public place.
- (b) Sub-section 6(a) does not apply to use of sound amplification devices used by ambulance, police, firefighting or other emergency services, or for the auctioneering business.
 - (c) The Council, upon application, may waive the prohibition of sub-section 6(a).
 - (d) Use, intended number, and volume of loudspeakers or other devices for the amplification of sound shall be factors considered by Council when dealing with an application, or granting concession under Section 3.
7. (a) Section 3 and 6 do not apply to bona fide community or service clubs, agricultural societies, employee' clubs, religious and School, fraternal societies, moving picture theatres or sports associations established within the Town at the time of the making of this By-Law.
- (b) Any dispute arising from sub-section 7(a), shall be determined by the Council whose ruling on the matter is final and binding.

PART II

Penalties

8. (a) Except where otherwise expressly provided, everyone who is convicted of an offence against this By-Law is liable to a fine of not more than Five Hundred (\$500.00) Dollars or to imprisonment for six (6) months or to both fine and imprisonment.
- (b) The Council hereby prescribes that in respect of offences against section 2, sub-section (b); section 3, sub-section (c); section 6, sub-section (a), any persons served notice of an offence by a peace officer may pay to the Town the following penalties, out of court, and in lieu of appearing in answer to a charge of information;
- (i) for a first offence, a fine of Twenty-Five (\$25.00) Dollars;
 - (ii) for a second offence, a fine of Fifty (\$50.-0) Dollars;
 - (iii) for a third or subsequent offence, a fine of Seventy-Five (\$75.00) Dollars.
9. (a) That this By-Law shall have effect, from the 10th day of August A.D. 1981.

READ a first time this 10th day of August, 1981.

READ a second time this 10th day of August, 1981.

READ a third time, by unanimous consent of all Councillors present, and finally passed this 10th day of August, 1981.



Mayor



Municipal Administrator

