

COUNTY OF BARRHEAD NO. 11
PROVINCE OF ALBERTA

BY-LAW NO. 54-83
AMENDING BY-LAW NO. 46-80

A BY-LAW of the County of Barrhead No. 11, in the Province of Alberta, being a by-law to provide for the regulation and control of public places and assemblies within the County of Barrhead No. 11 and amending By-Law No. 46-80 as follows as it relates to the Provisions under the 1980 revised statutes of Alberta.

UNDER AND BY VIRTUE OF THE AUTHORITY conferred upon it by the Municipal Government Act, being Chapter M-26, Section 238 of the Revised Statutes of Alberta 1980, and amendments thereto, the Council of the County of Barrhead No. 11 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 subdivision" means and includes a hamlet, or any area of the County designated by the Council exclusively for residential purposes, or any grouping of cottages or dwellings near or on a lakeshore;
- (e) "Peace Officer" means a member of the Royal Canadian Mounted Police or members of the Enforcement Division, Alberta Transportation, or a Wildlife Officer appointed under The Wildlife Act;
- (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) "County Manager" means the County Manager of the County and whatever subsequent title may be conferred on him by Council or Statute;

PART I

Public Places, Amusements, and Assemblies

2. (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;
 - (b) Such applications must be submitted to the County Council not less than thirty (30) days before the intended holding of the amusements, 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 under this part, is guilty of an offence punishable on summary conviction.
3. (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 licence 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 expenses relate to private or public property.
 - (b) Bonds held or collected under the provision of this Section may be disposed of by the County Manager in amounts he deems proper, on the basis of legitimate claims against the bonds.
 - (c) Failure or neglect to pay a licence fee or post a cash bond, as the case may be as required by sub-section (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.

4. (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 or educational, artistic or cultural nature;
 - (iii) any theatrical performance, concert, recital, lecture or other performance, and;
 - (iv) any exhibition of moving pictures.
5. (a) No person shall install or use a loudspeaker system or other device for the amplification of sound in any open public place.
- (b) Subsection (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 subsection (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 of this part.
6. (a) Sections 2 and 5 do not apply to bona fide community or service clubs, agricultural societies, employees' clubs, religious organizations, 4-H clubs, Scouts, Guides, Cubs, Brownies, Home and School, fraternal societies, moving picture theatres or sports associations established within the County or its several urban municipalities at the time of the making of this By-Law.
- (b) Any dispute arising from subsection (a), shall be determined by the Council whose ruling on the matter is final and binding.

PART II

Penalties

7. (a) Except where otherwise expressly provided, every person who has failed to comply with or contravened Section 2(c) or Section 5(a) of this By-Law is guilty of an offence and is liable on summary conviction to a fine of not less than \$500.00 and for the purposes of this subsection, a separate offence shall be deemed to occur on each day in which the person fails to comply with or contravenes the said Sections 2(c) or 5(a).
8. (a) That the effective date of this By-Law be the 17th day of August, A.D. 1983.

GIVEN FIRST READING THIS 17th day of August, 1983 - Ryder

GIVEN SECOND READING THIS 17th day of August, 1983 - Fraser

GIVEN THIRD AND FINAL READING THIS 17th day of August, 1983 - Wimmer, with the unanimous consent of Council.

SEAL

REEVE

COUNTY MANAGER