



CITY OF EDMONTON

BYLAW 14614

PUBLIC PLACES BYLAW

(CONSOLIDATED ON SEPTEMBER 21, 2020)

**THE CITY OF EDMONTON
BYLAW 14614**

PUBLIC PLACES BYLAW

Whereas, pursuant to section 7(a) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

Whereas, pursuant to section 7(b) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public; and

Whereas, pursuant to section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the following:

- (i) the creation of offences;
- (ii) for each offence, imposing a fine not exceeding \$10,000 or imprisonment for not more than one year, or both;
- (iii) providing for imprisonment for not more than one year for non-payment of a fine or penalty;
- (iv) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;
- (v) providing for inspections to determine if bylaws are being complied with; and
- (vi) remedying the contraventions of bylaws;

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE	1	The purpose of this bylaw is to regulate the conduct and activities of people in public places to promote the safe, enjoyable, and reasonable use of such property for the benefit of all citizens of the City
DEFINITIONS	2	In this bylaw, unless the context otherwise requires: <ul style="list-style-type: none"> (a) “City” means the City of Edmonton; (b) “City Manager” means the chief administrative officer of the City or delegate; (c) “handbill” means printed material primarily advertising goods or services;

- (d) **“hotel”** includes a motel, inn or any other similar establishment providing temporary lodging;
- (e) **“municipal tag”** means a municipal tag as defined in the Enforcement Bylaw, Bylaw 16368;
- (f) **“occupy”** or **“occupies”** means residing on or to be in actual or apparent possession or control of property;
- (g) **“own”** or **“owns”** means:
 - (i) in the case of land, to be registered under the *Land Titles Act* as the owner of the fee simple estate in a parcel of land; or;
 - (ii) in the case of personal property, to be in lawful possession or have the right to exercise control over it, or to be the registered owner of it;
- (h) **“person”** means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (i) **“property”** means;
 - (i) in the case of land, a parcel of land including any buildings; or
 - (ii) in other cases, personal property;
- (j) **“public place”** means any property, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not; and
- (k) **“violation ticket”** means a violation ticket as defined in the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended.

**RULES FOR
INTEPRETATION**

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The marginal notes and headings in this bylaw are for reference purposes only.

PART II - PUBLIC BEHAVIOURS

- LITTERING** 4 A person shall not leave any garbage, litter or other refuse in a public place except in a receptacle designed and intended for such use.
- AGGRESSIVE PANHANDLING** 4.1 (1) A person shall not panhandle in an aggressive manner in any public place.
- (2) For the purpose of this section “panhandle” or “panhandling” means a request or solicitation made verbally or otherwise for the gratuitous provision of money or goods from another person.
- (3) For the purpose of this section, and without limiting the generality of the phrase, a person shall be considered to be panhandling in an “aggressive manner” if they:
- (a) obstruct or impede the passage of another person;
 - (b) make continued requests or solicitations after receiving a negative response from another person
 - (c) insult, threaten, coerce or intimidate another person;
 - (d) make physical contact with another person; or
 - (e) are intoxicated by alcohol or under the influence of illegal drugs;
- while panhandling.
- URINATION AND DEFECATION** 5 A person shall not urinate or defecate in a public place except in a facility designed and intended for such use.
- DANGEROUS ACTIONS** 6 A person shall not 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 to property
- FIGHTING** 7 A person shall not participate in a fight or other similar physical confrontation in a public place.
- BULLYING** 8 (1) In this section “harassed” includes but is not limited to tormented, troubled, worried, plagued or badgered.
- (2) A person shall not, in a public place, repeatedly communicate, cause or permit communication, either directly or indirectly, with any person under 18 years of age in a way that causes the person, reasonably in all the circumstances, to feel harassed.
- WEAPONS** 9 (1) A person shall not possess any loaded weapon, capable of launching or firing a projectile, in a public place.
- (2) A person shall not cause or permit a weapon to launch or fire a

projectile in a public place.

- 9.1 (1) In this section fireworks includes consumer fireworks, display fireworks, special effects pyrotechnics and firecrackers.
- (2) In this section, discharge means to fire, ignite, explode or set-off, cause to be fired, ignited, exploded, or set-off, attempt to fire, ignite, explode or set-off.
- (3) No person shall discharge fireworks within the City of Edmonton without first obtaining a permit from the City of Edmonton.
- (4) Any person issued a permit to discharge fireworks within the City of Edmonton must comply with all conditions of the issued permit. (S.2, Bylaw 19004, November 26, 2019)

HANDBILLS

- 10 (1) A person shall not distribute, cause or permit the distribution of a handbill in a hotel.
- (2) This section does not apply unless:
- (a) the person has been given notice by the proprietor or someone acting on behalf of the proprietor of the hotel not to distribute handbills, or
- (b) signs prohibiting the distribution of handbills are visibly displayed at each of the entrances normally used by members of the public to enter the hotel.
- (3) In a prosecution for a contravention of this section, the court may, in the absence of evidence to the contrary, infer that a person distributed, caused or permitted the distribution of a handbill from the fact that the goods or services of the person are advertised in the handbill.

PART III - SMOKING

DEFINITIONS

- 11 In this Part:
- (a) **“building”** means an enclosed or substantially enclosed building or structure except a building designed, intended, and used exclusively as a private residence;
- (b) **“bicycle park”** means an area designated and intended specifically for the use of bicycles;
- (c) **“cannabis”** is as defined in the *Cannabis Act* (Canada), and

associated regulations, as amended;

- (d) “**electronic cigarette**” means a handheld device containing a liquid that is vapourized and inhaled, and includes but is not limited to electronic cigarettes, e-cigarettes, vapourizer cigarettes, personal vapourizers, and electronic nicotine delivery systems;
- (e) “**electronic cigarettes retailer**” means a fully enclosed premises where the sole function of the premises is the sale of electronic cigarettes and electronic cigarette products, and for which a valid City business licence has been issued pursuant to Bylaw 13138, Business Licence Bylaw;
- (f) “**no smoking area**” means any public place, or portion of a public place, designated by temporary or permanent signage or other marking as an area where smoking is prohibited;
- (g) “**parkland**” means any public place, whether developed or not, that is intended to be used by members of the public for recreation or general enjoyment and contains:
 - (i) a playground;
 - (ii) a sports field;
 - (iii) a skate park or bicycle park;
 - (iv) an outdoor theatre;
 - (v) an outdoor pool or water spray park;
 - (vi) a seasonal skating rink; or
 - (vii) an off leash area,but does not include a golf course, cemetery, or ski hill;
- (h) “**off leash area**” means an off leash area as defined in Bylaw 13145, Animal Licensing and Control Bylaw;
- (i) “**patio**” means an area outside of a building intended for the consumption of food or beverages by patrons of business providing such food and beverages;
- (j) “**playground**” means a structure or collection of structures designed and intended for recreational use by children and, where mounted in a distinct material such as sand, gravel, or wood chips, includes the material in which those

structures are mounted;

- (k) **“public vehicle”** means a bus, taxi or other vehicle that is used to transport members of the public for a fee;
- (l) **“seasonal skating rink”** means an outdoor ice surface on which members of the public are permitted to skate, whether upon payment of a fee or not, and includes public lakes, ponds, and outdoor rinks with boards or other ice support infrastructure;
- (m) **“skate park”** means an area designed and intended specifically for the use of skateboards, in-line skates, or similar devices;
- (n) **“smoke”** or **“smoking”** means to inhale or exhale smoke or vapour from, hold, use, or otherwise have control over:
 - (i) lit, ignited or heated cannabis, tobacco product, or tobacco-like product; or
(S.2, Bylaw 18891, July 1, 2020)
 - (ii) an electronic cigarette
- (o) **“smoking area”** means any public place, or portion of a public place, designated by temporary or permanent signage or other marking as an area where smoking is permitted;
- (p) **“sports field”** means an outdoor area designed and intended for use in a specific sporting event and includes soccer fields, baseball diamonds, tennis courts, and similar areas but does not include golf courses;
- (q) **“tobacco product”** means a product manufactured from tobacco and intended to be smoked, including but not limited to a cigarette or cigar;
- (q.1) **“tobacco-like product”** means a product, other than a tobacco product, composed in whole or in part of plants or plant products, or any extract of them, and includes shisha and hookah; (S.3, Bylaw 18891, July 1, 2020)
- (r) **“water spray park”** means a structure or collection of structures designed and intended for recreational use and that spray or release water, and includes a splash pad; and
- (s) **“window”** means a window that can be opened to admit

air.

**SMOKING
PROHIBITION**

- 12 (1) Except as permitted by this Part no person shall smoke:
- (a) inside a building;
 - (b) on a patio;
 - (c) inside a public vehicle;
 - (d) on or within any school property, child care facility property, City-owned golf course, cemetery, ski hill, bus terminal, bus shelter, light rail transit platform or light rail train station;
 - (e) within 10 metres of a bus stop or doorway, window or air intake of a building or patio;
 - (f) on or within parkland;
 - (g) within Sir Winston Churchill Square, Fort Edmonton Park, John Janzen Nature Centre, Edmonton Valley Zoo, Mutart Conservatory, or William Hawrelak Park; or
 - (h) within a no smoking area.
- (2) Notwithstanding subsection (1), a person may smoke in a smoking area.

**CANNABIS
SMOKING
RESTRICTIONS**

- 12.1 (1) Except as permitted by this Part no person shall smoke cannabis on or within any hospital property.
- (2) Notwithstanding subsection (1), a person may smoke in a smoking area.

**OWNER
OBLIGATIONS**

- 13 A person who owns or occupies a place where smoking is prohibited by this Part shall not permit any individual to smoke in that place.

**PRIVATE
RESIDENCES**

- 14 Nothing in this Part prohibits a person from smoking in an area of a building designed, intended and used exclusively as a private residence.

**WORKPLACE
EXCEPTION**

- 15 Repealed.

**ABORIGINAL
PEOPLE**

- 15 Nothing in this Part affects the rights of aboriginal people respecting traditional aboriginal spiritual or cultural practices of ceremonies.

**LEGISLATIVE
EXCEPTION**

16 Nothing in this Part prohibits a person from smoking in a place if smoking is permitted in that place by a provincial or federal enactment.

(2) Repealed:

**E-CIGARETTES
EXCEPTION**

16.1 Nothing in this Part prohibits a person from using an electronic cigarette for the sole purpose of testing the device, or sampling products used with the device, prior to purchase within an electronic cigarettes retailer.

**PROOF OF
EXCEPTION**

17 The burden of proving that an exception applies in a particular case is on the person alleging such exception on a balance of probabilities.

PROSECUTIONS

18 In a prosecution for a contravention of this Part:

- (a) it is not necessary that a witness testify to the precise description, kind, brand, or name of the tobacco product, tobacco-like product, cannabis, or electronic cigarette possessed, smoked or consumed;
- (b) the court may, in the absence of evidence to the contrary, infer that the product smoked was, a tobacco product, tobacco-like product, cannabis, or electronic cigarette from the fact that a witness describes it by a name that is commonly used to describe a tobacco product, tobacco-like product cannabis or electronic cigarette; and
- (c) evidence
 - (i) that a substance had an odour of a tobacco product, tobacco-like product, cannabis, or electronic cigarette or
 - (ii) that a substance appeared to be labelled or packaged as a tobacco product, tobacco-like product, cannabis, or electronic cigarette

is, in the absence of evidence to the contrary, sufficient to establish that the substance was a tobacco product, tobacco-like product, cannabis, or electronic cigarette.

(S.4, Bylaw 18891. July 1, 2020)

DESIGNATED AREAS

- 18.1 (1) The City Manager may designate any public place, or portion of a public place, as a no smoking area or as a smoking area.
- (2) The City Manager shall place temporary or permanent signs or other markings identifying a no smoking area or a smoking area.
- (3) The City Manager may impose any requirements on a smoking area including, but not limited to, requirements that the area be enclosed or that no minors be permitted within the area.
- (4) No person shall remove, move, alter, deface, conceal or destroy any signs or other markings identifying a no smoking area or a smoking area that are placed pursuant to subsection 18.1(2).

PART IV - ENFORCEMENT**OFFENCE**

- 19 A person who contravenes this bylaw is guilty of an offence.

CONTINUING OFFENCE

- 20 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.

VICARIOUS LIABILITY

- 21 For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.

CORPORATIONS AND PARTNERSHIPS

- 22 (1) When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- (2) If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

FINES AND PENALTIES

- 23 (1) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.

(2) Without restricting the generality of subsection (1) the following fine amounts are established for use on municipal tags and violation tickets if a voluntary payment option is offered:

- (a) \$250.00 for any offence for which a fine is not otherwise established in this section; or
- (b) Repealed
- (c) \$500.00 for any offence under section 5, 7, 9, and 13; and
- (c.1) \$1,000.00 for any offence under section 4 where the garbage, litter or refuse is any of the following:
 - (i) materials generated in the course of construction, demolition, or renovation; or
 - (ii) individual items that are larger than 1 metre in any dimension or items that weigh more than 20 kilograms; or
 - (iii) materials generated by or discarded as refuse from a non-residential property; or
 - (iv) yard waste, including grass clippings, leaves, branches, trees, garden matter, soil, sod or dirt; and (S.5, Bylaw 19362, September 21, 2020)
- (d) double these fine amounts for any subsequent offence.

(3) A subsequent offence means an offence committed by a person within one year after that person has already been convicted of the same offence or has voluntarily paid a fine for the same offence

MUNICIPAL TAG	24	If a municipal tag is issued in respect of an offence the municipal tag must specify the fine amount established by this bylaw for the offence.
PAYMENT IN LIEU OF PROSECUTION	25	A person who commits an offence may, if a municipal tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
VIOLATION TICKET	26	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.

**VOLUNTARY
PAYMENT**

27 A person 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 this bylaw for the offence;

make a voluntary payment equal to the specified fine.

**ORDER TO
COMPLY**

28 (1) If the City Manager believes, on reasonable grounds, that a person is contravening any provision of this bylaw, the City Manager may, by written order, require any person responsible for the contravention to remedy it.

(2) The order may:

- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
- (b) direct a person to take any action or measures necessary to remedy the contravention of the bylaw and, if necessary, to prevent a re-occurrence of the contravention;
- (c) state a time within which the person must comply with the directions;
- (d) state that if the person does not comply with the directions within a specified time, the City will take the action or measure.

(3) A person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.

(4) An order issued pursuant to this section may be served:

- (a) in the case of an individual:
 - (i) by delivering it personally to the individual;
 - (ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or

(iii) by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the City or at the Land Titles registry;

or;

(b) in the case of a corporation:

(i) by delivering personally to any director or officer of the corporation;

(ii) by delivering it personally to any person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or

(iii) by mail addressed to the registered office of the corporation.

PART V - GENERAL

POWERS OF THE CITY MANAGER

29 Without restricting any other power, duty or function granted by this bylaw the City Manager may:

(a) carry out any inspections to determine compliance with this bylaw;

(b) take any steps or carry out any actions required to enforce this bylaw;

(c) take any steps or carry out any actions required to remedy a contravention of this bylaw;

(d) establish areas where activities otherwise regulated, restricted or prohibited by this bylaw are permitted;

(d.1) establish areas where activities otherwise permitted by this bylaw are prohibited;

(e) establish forms for the purposes of this bylaw; and

(f) delegate any powers, duties or functions under this bylaw to an employee of the City.

(g) issue permits in relation to this bylaw and may also issue permits subject to terms and conditions the City Manager

deems appropriate;

- (h) establish the criteria to be met for a permit to be issued pursuant to this bylaw;
- (i) charge a fee for issuing permits pursuant to the bylaw.
(S.3, Bylaw 19004, November 26, 2019)

OBSTRUCTION 30 A person shall not obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this bylaw.

OWNER LIABLE 30.1 (1) In this section "owner" includes and person registered as owner at the Motor Vehicle Registry.

(2) If garbage, litter or refuse is disposed of in a public place from a vehicle in contravention of Section 4 of this bylaw and it cannot be determined who is the operator of the vehicle transporting the garbage, litter or refuse, the owner of the vehicle is deemed to be the person who disposed of the garbage, litter or refuse unless the owner proves to the satisfaction of a court that at the time of the offence the vehicle was not being operated or parked or left by the owner or by any other person with the owner's consent, express or implied.
(S.6, Bylaw 19362, September 21, 2020)

CERTIFIED COPY OF RECORDS 31 A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it

NUMBER AND GENDER REFERENCES 32 All references in this bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

PART VI - TRANSITIONAL

REPEALS 33 The following bylaws are repealed:

- (a) Bylaw 7608, the Public Places Bylaw;
- (b) Bylaw 11869, the Handbill Bylaw; and
- (c) Bylaw 13333, the Smoking Bylaw.

EFFECTIVE DATE	34	This bylaw takes effect beginning on April 1, 2008.
ANNEXATION IMPLEMENTATION	35	The City Manager may approve exemptions or modifications to this bylaw, including the power to waive fees, where such exemptions or modifications are consistent with inter-municipal negotiations resulting in Order in Council 359/2018. (S.7, Bylaw 18666, January 22, 2019)

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000, c.M-26 and Bylaw 16620 Section 16, and printed under the City Manager's authority)

Bylaw 14614, passed by Council May 22, 2007

- Amendment Bylaw 18397, October 17, 2018
- Amendment Bylaw 18649, November 27, 2018
- Amendment Bylaw 18666, January 22, 2019
- Amendment Bylaw 19004, November 26, 2019
- Amendment Bylaw 18891, July 1, 2020
- Amendment Bylaw 19362, September 21, 2020