

CITY OF PRINCE ALBERT BYLAW NO. 6 OF 2007

*A Bylaw of The City of Prince Albert to regulate, control and
prohibit Consensual Fighting in Public Places*

WHEREAS section 8 of *The Cities Act*, S.S. 2002, c. C-11.1, provides, in part,
as follows:

- "8. A city has a general power to pass any bylaw for city purposes that it considers expedient in relation to the following matters respecting the city:
- (a) peace, order and good government of the city;
 - (b) the safety, health and welfare of people and the protection of people and property;
 - (c) people, activities and things in, on or near a public place or place that is open to the public;"

AND WHEREAS it is deemed expedient and in the public interest to regulate, control and prohibit consensual fighting in public places in the City of Prince Albert.

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT
IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

Short Title

1. This Bylaw may be cited as "The Fighting Bylaw."

Purpose

2. The purpose of this bylaw is to promote the safety, health and welfare of people through the regulating, controlling and prohibiting consensual fighting in public places in the City of Prince Albert.

Definitions and Schedules

3. (1) In this bylaw, in any amending bylaws, and in any schedules attached hereto, the following words and terms shall have the following meanings unless there is something in the subject matter inconsistent therewith:
 - (a) the word "**City**" means the Municipal Corporation of the City of Prince Albert or, where the context requires, the geographical area within the city limits of the City of Prince Albert;
 - (b) the word "**consensual**" means with the willing participation of a person whether or not that person has a full appreciation of all the risks and whether or not that person's consent is merely acquiescence to what the person believes to be an inevitable confrontation;
 - (c) the term "**consensual fight**" means any physical confrontation involving violent physical contact between two (2) or more willing participants;
 - (d) the term "**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, without limiting the generality of the forgoing:
 - (i) any enclosed portion of a building to which the public is ordinarily permitted access;
 - (ii) any vehicle used for the public transportation or a commercial vehicle for hire that is used to transport members of the public;

- (iii) 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;
- (iv) any parking lot or other place, whether publicly or privately owned, that is used for the parking of vehicles;

Consensual Fighting Prohibited

- 4. (1) No person shall participate in a consensual fight in or on any public place.
- (2) This section does not apply to:
 - (a) the participants of sanctioned or amateur sporting events conducted in a public place provided the application of force is within the customary norms and rules of the game;
 - (b) contact between persons that is merely transient or trifling in nature.
- (3) In any prosecution of an offence pursuant to this Bylaw whether or not a fight was consensual within the meaning of this Bylaw, is a question of fact to be determined by the trial judge.

False Statement Prohibited

- 5. No person shall knowingly make a false or misleading statement to a peace officer or produce a false document or thing to a peace officer who is acting pursuant to the authority of this Bylaw.

Penalty

- 6. (1) Any person who contravenes any provision of this Bylaw is guilty of an offence punishable on summary conviction and liable:
 - (a) to 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 at this Bylaw, that police officer may enter on the ticket the amount of \$500 which, if paid within the time prescribed, will be accepted as guilty plea to the offence.
- (3) Any person who is in default of payment of a fine imposed pursuant to this section maybe liable to a term of imprisonment not exceeding ninety days.


Severability

- 7. 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

- 8. This Bylaw comes into force on the date of passage.

INTRODUCED AND READ A FIRST TIME THIS 11 DAY OF June ,AD 2007.
READ A SECOND TIME THIS 11 DAY OF June ,AD 2007.
READ A THIRD TIME AND PASSED THIS 11 DAY OF June ,AD 2007.


MAYOR


CITY CLERK