



RM of Rosthern

No. 403

BYLAW 9.2021

PUBLIC CONDUCT BYLAW

RURAL MUNICIPALITY OF ROSTHERN NO. 403

A BYLAW TO REGULATE THE CONDUCT OF THE PUBLIC IN THEIR INTERACTIONS WITH MUNICIPAL STAFF AND COUNCIL

1. Short Title

1.1. This bylaw may be cited as the “Public Conduct Bylaw”

2. Purpose

2.1. This purpose of this bylaw is to establish clear, consistent and accessible guidelines respecting the conduct of individuals and their interactions with officers or employees of the RM, members of Council, other RM representatives, including but not limited to in-person interactions and written, telephone, and electronic (e-mail) communications.

3. Definitions

3.1. In this bylaw:

- (a) “Council” means the reeve and Councillors of the Municipality elected pursuant to the provisions of *The Local Government Election Act, 2015*;
- (b) “Frivolous” means a request that has been determined by Council to have no serious purpose or business value;
- (c) “Inappropriate Conduct” means conduct that is contrary to this Public Conduct Bylaw, including but not limited to the conduct described in section 4 hereof and any other behavior that may harm or endanger the physical or mental health or safety of any person, is illegal, or would not be welcomed in a standard place of business;
- (d) “Notice of Contravention” means a letter issued to an individual (or their legal parent/guardian in the case of a Minor) informing them of a breach of a Notice of Restrictions and the assessment of a voluntary penalty sum as determined by Council;
- (e) “Notice of Restrictions” means a letter issued to an individual (or their legal parent/guardian in the case of a Minor) informing them of Council’s decision with respect to an allegation of Inappropriate Conduct and the type and duration of any restrictions being placed on them;
- (f) “Public Hearing” means a meeting of Council or that portion of a meeting of Council which is convened to hear matters pursuant to:
 - a. *The Municipalities Act*;
 - b. *The Planning and Development Act, 2007*;
 - c. Any other Act; or
 - d. A resolution or bylaw of Council.
- (g) “Municipality” means the Rural Municipality of Rosthern No. 403;
- (h) “Municipal Property” means any property owned, leased, occupied, or operated by the Municipality on a temporary or permanent basis, including indoor and outdoor facilities, spaces, and assets;
- (i) “Municipal Staff” means any officer or employee of the Municipality;
- (j) “RM” means the Rural Municipality of Rosthern;
- (k) “Vexatious” means a request with the intent to embarrass, harass, or annoy the recipient(s) or subject(s) of the request, and without the intention to seek genuine redress for the matter in question.

3.2. All references to legislation in this Public Conduct Bylaw include any amended or subsequent legislation.

3.3. Where used in this Public Conduct Bylaw, any reference to any gender includes all genders, the singular includes the plural and vice versa.

4. Inappropriate Conduct:

4.1. The following activities and behaviors will be considered Inappropriate Conduct for the purposes of this Bylaw:

- (a) Conduct which causes another person, reasonably in all the circumstances, to fear for their safety, or the safety of a person known to them, or otherwise to have concern for the mental or physical health of a person or another person known to them.
- (b) Repeatedly following from place to place a member of the RM Council or Municipal Staff;
- (c) Repeatedly communicating with, either directly or indirectly, a member of the RM Council or Municipal Staff in a manner or with such repetition as the individual knows or ought to know, that such communication is unwelcome;
- (d) Besetting or watching the home or place of work of a member of the RM Council or Municipal Staff;
- (e) Engaging in threatening conduct directed at a member of the RM Council or Municipal Staff;
- (f) Submitting inquiries or requests for service that are Frivolous or Vexatious in nature;
- (g) Submitting inquiries or requests for service with undue repetition and/or in a disruptive manner; and/or
- (h) Violating other RM policies or codes of conduct that establish rules of expected behavior.

5. Determining Inappropriate Conduct

- 5.1. It is the responsibility of RM Council to determine whether public conduct falls within the prescribed Inappropriate Conduct.
- 5.2. It is within the discretion of RM Council to determine the restriction(s) imposed for Inappropriate Conduct, as well as the duration of those restrictions.
- 5.3. When an allegation of Inappropriate Conduct is made, RM Council shall raise the issue at a Public Hearing and vote on the matter and any restrictions which Council may impose if it finds that Inappropriate Conduct has occurred.
- 5.4. The person who is the subject of an allegation of Inappropriate Conduct shall be given notice of the Public Hearing at which the matter will be considered, and shall have the right, upon request, personally or by agent, to be heard by RM Council prior to its vote on the matter. The submissions of a person who is the subject of an allegation of Inappropriate Conduct during the Public Hearing shall not exceed twenty (20) minutes in duration without Council approval.
- 5.5. In determining whether a person has committed Inappropriate Conduct, the Council may consider any other information which it determines is appropriate including any statement of a person identified in section 4.1(a) hereof.

6. Restrictions Imposed for Inappropriate Conduct:

- 6.1. Should the RM Council determine that Inappropriate Conduct has occurred, it may, by vote, impose restrictions including any combination of the following:
 - (a) Prohibiting attendance or limiting activities, interactions, or access to Municipal Property;
 - (b) Limiting the number of complaints, inquiries or requests that the individual may submit to the RM;
 - (c) Requiring submission of inquiries or requests for service or any other correspondence to be submitted to a designated representative, including any RM Council Member, Municipal Staff or solicitor;
 - (d) Limiting correspondence to a particular format, time, frequency or duration; and/or
 - (e) Limiting the number of responses that Municipal Staff shall provide with respect to further complaints or inquiries regarding one or more specific matters.
- 6.2. Nothing herein shall restrict the right of any person to submit a request, inquiry or complaint in accordance with any Act.
- 6.3. Council shall document any restrictions imposed on an individual who has committed Inappropriate Conduct in a Notice of Restrictions. A copy of the Notice of Restrictions shall be provided to any person subject to the restrictions set out herein.

7. Duration and Review of Notice of Restrictions

- 7.1. Council may, in determining the restrictions to be imposed on an individual who has committed Inappropriate Conduct, provide that the Notice of Restrictions is of a fixed or indefinite duration. In making its determination with respect to the duration of the Notice of Restrictions, Council may have regard to:
 - (a) The nature of the Inappropriate Conduct;
 - (b) The consequences of the Inappropriate Conduct;
 - (c) Any explanation of the Inappropriate Conduct provided by the individual found to have committed the same;
 - (d) Any other legislative obligations of the Municipality, including those with respect to occupational health and safety;
 - (e) Whether the individual found to have committed the Inappropriate Conduct has previously been subject to a Notice of Restrictions and if so, the terms and outcome of any previous Notice of Restrictions; and

(f) Any other factors reasonably determined to be relevant by Council.

7.2. An individual who is subject of a Notice of Restrictions may request that Council review the Notice of Restrictions, in accordance with the following:

- (a) A request for review may be made to Council on written request no more frequently than once every 12 months;
- (b) On request by an individual for review of a Notice of Restrictions, the matter shall be scheduled for a Public Hearing. The individual shall have the right to be heard by RM Council (personally or by agent) prior to Council’s vote on the review;
- (c) In considering a request for review, the Council may consider any other information which it determines is appropriate;
- (d) On a request for review, Council may make any determination that it could have made when originally considering the content of the Notice of Restrictions, and may terminate, uphold or modify the Notice of Restrictions; and
- (e) Council shall provide notice to the individual of the outcome of Council’s review of the Notice of Restrictions.

8. Breach of Restrictions Imposed for Inappropriate Conduct

8.1. It is an offence pursuant to this Public Conduct Bylaw for a person who is subject to any Notice of Restrictions to breach the terms of the Notice of Restrictions.

8.2. Any person who breaches a Notice of Restrictions is liable, upon summary conviction, to:

- (a) A fine not exceeding \$10,000; and/or
- (b) Imprisonment not exceeding one year.

8.3. In default of payment of a fine provided for in this Public Conduct Bylaw, the assessed penalty is imprisonment for a period of up to one year.

8.4. Prior to initiating prosecution for a breach of this Bylaw, the RM may, in its discretion, issue to the person who is alleged to have breached this Bylaw a Notice of Contravention, which may include a voluntary penalty sum determined by RM Council. An individual who pays the voluntary penalty sum set out in the Notice of Contravention shall not be liable to prosecution pursuant to this Public Conduct Bylaw.

8.5. Neither payment of the voluntary penalty sum in a Notice of Contravention nor prosecution for a breach of this Public Conduct Bylaw shall lessen in any way the restrictions on an individual who is subject to a Notice of Restrictions.

Reeve, Roger Kinzel

Administrator, Amanda McCormick

SEAL

Read a first time this _____ day of _____, 20____.

Read a second time this _____ day of _____, 20____.

Read a third time and adopted this _____ day of _____, 20____.