**VILLAGE OF THEODORE**

**BYLAW No. 2020-01**

**A BYLAW OF THE VILLAGE OF THEODORE, IN THE PROVINCE OF SASKATCHEWAN, TO CONTROL HARASSMENT AND BULLYING OF MINORS AND/OR PERSONS IN THE VILLAGE OF THEODORE, HEREIN KNOWN AS THE ‘ANTI-BULLYING BYLAW’.**

**WHEREAS** The purpose of this bylaw is to promote the safety, health and welfare of people by proscribing certain anti-social behaviour not otherwise covered by The Occupational Health and Safety Act, 1993 or the Criminal Code of Canada.

**WHEREAS**, pursuant to Section 4(1) of The Municipalities Act as amended, a municipality’s purpose includes developing and maintaining a safe and viable community, and to foster economic, social and environmental well-being; and

**WHEREAS**, pursuant to Section 8(1) of The Municipalities Act as amended, a Council may pass Bylaws respecting the safety, health and welfare of people and the protection of people and property and respecting people, activities and things in or near public places; and

**WHEREAS**, bullying and cyber-bullying in any community should not be tolerated and every effort should be made between all agencies, organizations, and levels of government to curb bullying; and

**WHEREAS**, bullying and cyber-bullying in schools, the workplace, and in everyday life is a growing concern because of the short and long-term lasting effects on victims; and

**WHEREAS**, bullying and cyber-bullying has evolved to having a presence on the world wide web known as cyberbullying; and

**WHEREAS**, in 2006, the City of Regina became the first Canadian city to prohibit bullying in a public place and bullying through written or electronic communication, as well as fighting, encouraging a fight or recording a fight. The offences come with fines of up to $2,000, required attendance at an anti-bullying course, or up to 90 days in jail;

**NOW THEREFORE** under the authority of The Municipalities Act, The Council of the Village of Theodore, in the Province of Saskatchewan, enacts as follows:

**SECTION:**

# CITATION

This bylaw shall be known as the "Anti-Bullying" bylaw.

# DEFINITIONS

In this Bylaw, unless the context otherwise requires expression,

1. “Bullied” means the person or persons subjected to bullying.
2. "Bullying" means the deliberate repeated or habitual harassment or hostile treatment of another or others by an individual or group, and intended to harm another or others. Bullying is a physical or verbal action. It can be, but not limited to, taking photographs of village staff or any other businesses & staff during regular business hours without permission– including individuals at any time - the real or threatened infliction of physical violence or attack; racially, ethnic, gender or sexual orientation based abuse or taunts; name calling and put-downs that are verbal, written or electronically or cyber transmitted and or posted; emotional abuse; spreading of false and ill-intended information; denigration; extortion or stealing of money and possessions; social out-casting.
3. “Cyber-bullying” means bullied as defined in Sec. 2.b where the actions are conducted over any form of digital or information technology space.
4. "Minor" means an individual less than 18 years of age;
5. "Peace Officer" means a member of the Royal Canadian Mounted Police or other police service, or a special constable appointed by the municipality;
6. "Public Place" means any place within the corporate limits of municipality that is meant to encourage any form of interaction between persons and to which a member, or members, of the public reasonably have access, or is permitted to have access, whether on payment or otherwise. This place can be a physical place (ie. schools, recreational facilities, restaurants, parks, grocery stores, retail centres, sports grounds, commercial work places, places of worship, hotels, etc.) private or publicly owned or leased; or this space can be a digital or information technology space, private or publicly owned or leased, where digitized content is transmitted over the internet, computer networks, or other cyber technology.

# ENFORCEMENT, INFRACTION AND PENALTY

1. No person shall, in any public place:
2. Communicate either directly or indirectly, with any person in a way that causes the person, reasonably in all the circumstances, to feel bullied;
3. While not taking part in any action described in Section 3, Part a) i. encourage or cheer on, any person described in Section 3, Part a) i.
4. Any person who contravenes Section 3, Part a) i. of this Bylaw is guilty of an offence punishable on summary conviction and is liable:
5. For a first offence, to a minimum specified penalty of $250.00 and/or 25 hours of community service; and
6. For a second, or subsequent offences, to a fine not exceeding $1,000.00 and/or 50 hours of community service; and in default of payment of the fine and costs, to imprisonment for six months.
7. Any person who contravenes Section 3, Part a) ii. of this Bylaw is guilty of an offence punishable on summary conviction and is liable:
8. For a first offence, to a minimum specified penalty of $100.00; and
9. For a second, or subsequent offences, to a fine not exceeding $250.00 and/or 25 hours of community service; and in default of payment of the fine and costs, to imprisonment for six months.
10. If an Offence Notification Ticket is issued in respect of an offence, the Offence Notification Ticket may:
11. Specify the fine amount established by this Bylaw for the offence; or
12. Require a person to appear in Court without the alternative of making a voluntary payment.
13. A person who commits an offence, may:
14. If an Offence Notification Ticket is issued in respect of the offence; and
15. If the Offence Notification Ticket specifies the fine amount established by the Bylaw for the offence

Make a voluntary payment equal to the specified fine by delivering the Offence Notification Ticket and the specified fine to the Provincial Court Office specified on the Offence Notification Ticket.

# COMING INTO FORCE

This Bylaw shall come into force and be in effect on the date of passing.

Given 1st reading the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2020

Given 2nd reading the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2020

Given 3rd reading and adopted the \_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2020

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Mayor

(SEAL)

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Chief Administrative Officer