

# **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:**

**1. CITATION**

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

**2. DEFINITIONS**

In this Bylaw, unless the context otherwise requires expression,

- a) "Bullied" means the person or persons subjected to bullying.
- b) "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.
- c) "Cyber-bullying" means bullied as defined in Sec. 2.b where the actions are conducted over any form of digital or information technology space.
- d) "Minor" means an individual less than 18 years of age;
- e) "Peace Officer" means a member of the Royal Canadian Mounted Police or other police service, or a special constable appointed by the municipality;
- f) "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.

### **3. ENFORCEMENT, INFRACTION AND PENALTY**

- a) No person shall, in any public place:**
  - i.** Communicate either directly or indirectly, with any person in a way that causes the person, reasonably in all the circumstances, to feel bullied;
  - ii.** 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.
- b) Any person who contravenes Section 3, Part a) i. of this Bylaw is guilty of an offence punishable on summary conviction and is liable:**
  - i.** For a first offence, to a minimum specified penalty of \$250.00 and/or 25 hours of community service; and
  - ii.** 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.
- c) Any person who contravenes Section 3, Part a) ii. of this Bylaw is guilty of an offence punishable on summary conviction and is liable:**
  - i.** For a first offence, to a minimum specified penalty of \$100.00; and
  - ii.** 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.
- d) If an Offence Notification Ticket is issued in respect of an offence, the Offence Notification Ticket may:**
  - i.** Specify the fine amount established by this Bylaw for the offence; or
  - ii.** Require a person to appear in Court without the alternative of making a voluntary payment.
- e) A person who commits an offence, may:**
  - i.** If an Offence Notification Ticket is issued in respect of the offence; and
  - ii.** 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.

#### 4. COMING INTO FORCE

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

Given 1st reading the 20<sup>th</sup> day of May, 2020

Given 2<sup>nd</sup> reading the 26<sup>th</sup> day of May, 2020

Given 3<sup>rd</sup> reading and adopted the 26<sup>th</sup> day of May, 2020



  
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Mayor

  
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Chief Administrative Officer