



CITY OF FORT SASKATCHEWAN

A BYLAW OF THE CITY OF FORT SASKATCHEWAN, IN THE PROVINCE OF ALBERTA, TO PROHIBIT THE USE OF CONVERSION THERAPY WITHIN THE CITY OF FORT SASKATCHEWAN

BYLAW C19-21

The Council of the City of Fort Saskatchewan in the Province of Alberta, duly assembled, enacts the following:

1. **SHORT TITLE**

This Bylaw shall be referred to as the "Conversion Therapy Prohibition Bylaw".

2. **DEFINITIONS**

For the purposes of this Bylaw:

2.1 "Business" means

- a. a commercial, merchandising or industrial activity or undertaking,
- b. a profession, trade, occupation, calling or employment, or
- c. an activity providing goods or services, whether or not for profit and however organized or formed, including a co-operative or association of persons.

2.2 "City" means the municipal corporation of the City of Fort Saskatchewan.

2.3 "City Manager" means the City's Chief Administrative Officer or designate.

2.4 "Council" means the Members who comprise the municipal Council for the City, and includes the Mayor and Councillors, individually and as a whole.

2.5 "Conversion Therapy" means:

- a. a practice, treatment, or service designed to change, repress, or discourage a person's sexual orientation, gender identity, or gender expression;
- b. to repress or reduce non-heterosexual attraction or sexual behaviour; but
- c. does not include a practice, treatment, or service that relates to a person's social, medical, or legal gender transition; or to a person's non-judgmental exploration and acceptance of their identity or development.

2.6 "MGA" means the *Municipal Government Act*, RSA 2000, c.M-26., as amended from time to time.

- 2.7 "Occupant" means any Person occupying any property, or having control over the condition of any property and the activities conducted on the property, whether they are the Owner or lessee of such property, or whether such Person resides thereon or conducts Business thereon.
- 2.8 "Order" means an Order issued pursuant to this Bylaw to remedy a condition that is not in compliance with any provision of this Bylaw.
- 2.9 "Owner" means a Person who:
- a. in the case of land, is registered under the *Land Titles Act* as the Owner of the fee simple estate in a parcel of land; or
 - b. in the case of personal property, is in lawful possession, or has the right to exercise control over it, or is the registered owner of it.
- 2.10 "Peace Officer" includes a Bylaw Enforcement Officer, a Community Peace Officer, and a member of the Royal Canadian Mounted Police.
- 2.11 "Person" means an individual human being or a corporation and includes a partnership, an association or group of persons acting in concern unless the context explicitly or by necessary implication otherwise requires.
- 2.12 "Prohibited Business" means any reference to Conversion Therapy, as defined within this Bylaw.
- 2.13 "Violation Tag" means a tag or similar document issued by the City pursuant to the Act for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow
- 2.14 "Violation Ticket" means the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended or repealed and replaced from time to time;

3. PROHIBITED BUSINESSES OR ACTIVITIES

- 3.1 No Person, Occupant or Owner shall engage in or operate, or allow the operation of, a Prohibited Business within the City of Fort Saskatchewan.
- 3.2 City grants, funding, donations, or other contributions, whether financial or otherwise, shall not be provided to a Person(s) or a Prohibited Business/Activity, which promotes or practices Conversion Therapy.
- 3.3 The City shall not permit the use of its facilities by a Person(s) or Prohibited Business who may use the facilities to promote Conversion Therapy, or to perform Conversion Therapy on another Person.

4. ADVERTISING

- 4.1 The City's logo or advertising shall not be permitted to appear in any location which could indicate support for the practice of Conversion Therapy. The City

shall take steps to have any such City advertising or logo removed from that location as soon as practicable.

- 4.2 In a prosecution for a contravention of this Bylaw, proof of one transaction of the Prohibited Business or advertising for the Prohibited Business is sufficient to establish that a Person is engaged in or operations of a Prohibited Business.

5. OFFENCES AND PENALTIES

- 5.1 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon summary conviction, to a specified penalty for that offence as set out in Section 5.5 of this Bylaw.
- 5.2 For the purposes of this Bylaw, an act by an employee or agent of a Person is deemed to be an act of the Person if the act occurred in the course of the employee's employment or agency relationship with the Person.
- 5.3 If a corporation commits an offence under this Bylaw, every principal, director, manager, officer, employee, or agent of the corporation who authorized, assented to, acquiesced, or participated in the act that constitutes the offence, is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 5.4 If a partner in a partnership is guilty of an offence under this Bylaw, each partner in the partnership who authorized, assessed to, acquiesced, or participated in the act that constitutes the offence is guilty of the offence.
- 5.5 Any Person who is guilty of an offence pursuant to Section 5.1 is liable to a specified penalty in an amount not to exceed Ten Thousand (\$10,000.00) Dollars, and in default of payment of any fine imposed, to a period of imprisonment not exceeding one (1) year.

6. ENFORCEMENT – VIOLATION TAG

- 6.1 A Peace Officer is hereby authorized and empowered to issue Violation Tags to any Person whom the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 6.2 A Violation Tag may be issued to such Person:
- a. either personally; or
 - b. by placing a copy of the Violation Tag on a motor vehicle; or
 - c. by mailing a hard copy to such Person at their last known postal address.
- 6.3 A Violation Tag shall be in a form approved by the City and shall state:
- a. the name of the Person;
 - b. the offence;
 - c. the appropriate penalty for the offence as specified in Section 5.5 of this

Bylaw;

- d. that the penalty shall be paid within seven (7) days of the issuance of the Violation Tag; and
 - e. any other information that may be required by the City.
- 6.4 Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may in lieu of prosecution of the offence, pay the City the specified penalty set out on the Violation Tag.
- 6.5 Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

7. ENFORCEMENT – VIOLATION TICKET

- 7.1 In those cases where a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket.
- 7.2 Notwithstanding Section 8.1, a Peace Officer is authorized and empowered to immediately issue a Violation Ticket to any Person who the Peace Officer has reasonable and probable grounds to believe is responsible for a contravention of this Bylaw.
- 7.3 A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*, as amended, repealed, or replaced from time to time.
- 7.4 The Person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided for in Section 5.6 of this Bylaw.
- 7.5 When a Clerk of the Provincial Court records the receipt of a voluntary payment pursuant to Section 8.4 of this Bylaw and the *Provincial Offences Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

8. ENFORCEMENT ORDER

- 8.1 An Order issued by the City Manager and/or their designate 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 this 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; or
- d. state that if the Person does not comply with the directions within a specified time, the City shall take action or measures at the expense of the owner or occupant.

8.2 An Order issued pursuant to this Section may be served:

- a. by delivering it personally to the Person;
- b. by leaving it for the Person at their apparent place of residence with someone who appears to be at least eighteen (18) years of age;
- c. by mail addressed to the Person at their apparent place of residence or at any address for the Person on the tax roll of the City or at the Land Titles registry; or
- d. by posting it in a conspicuous place on the premises or property referred to on the Order.

8.3 If in the opinion of the City Manager and/or their designate, service of the written Order cannot be reasonably affected, or if the City Manager and/or their designate believes that the owner of the premises or property is evading service, the City Manager and/or their designate may post the written Order in a conspicuous place on the premises or property, or on the private dwelling place of the owner of the premises or property, and the written Order shall be deemed to be served upon the expiry of three (3) days after the written Order is posted.

8.4 When an owner fails to remedy a contravention of this Bylaw within the time allowed in a written Order, the City may enter the premises or property, in accordance with provisions of the MGA and upon given reasonable notice, to perform or complete the work necessary to remedy the violation of this Bylaw the costs incurred by the City to remedy the violation, as well as any applicable fines under this Bylaw, will be billed to the owner and will be amounts owing to the City. If the costs are not paid in the time specified by the City, the costs may be charged against the premises or property as a special assessment to be recovered in the same manner as other taxes.

9. APPEALS

9.1 A Person who receives a written Order to comply with this Bylaw, may by written notice within fourteen (14) days after the date the Order is received, submit a request for Council to review the Order in an open meeting of Council.

9.2 After reviewing the Order, Council may confirm, vary, substitute or cancel the Order.

10. GENERAL

10.1 Unless otherwise specified, words used in this Bylaw have the same meaning as defined in the MGA.

- 10.2 All references to provisions of statute, rules or regulations shall be deemed to include references to such provisions as amended, modified, or re-enacted from time to time.
- 10.3 All references in this Bylaw shall be read with such changes in number and gender as may be appropriate, and references shall be read as a corporation or partnership, and pronouns shall be deemed not to be gender specific.
- 10.4 Nothing in this Bylaw relieves any person from compliance with any other bylaw, enactment or applicable federal or provincial legislation, or any requirement of lawful permit, order, or license.
- 10.5 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the Bylaw is deemed valid.

11. EFFECTIVE DATE

11.1 Bylaw C19-21 shall come into force and effect upon third reading and is duly signed.

READ a first time this 6th day of July 2021.

READ a second time this 6th day of July 2021.

READ a third time and passed this 6th day of July 2021.




MAYOR


DIRECTOR, LEGISLATIVE SERVICES

Date Signed: July 6, 2021