



CITY OF MOOSE JAW

**Office
Consolidation**

FIGHTING BYLAW

Bylaw No. 5220

Date of Passage June 21, 2004
(effective date June 21, 2004)

Including amendments to September 18, 2006

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available at the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

This Bylaw has been consolidated under the authority of the City Clerk. It represents proof, in absence of evidence to the contrary of:

- (a) the original bylaw and of all bylaws amending it; and**
- (b) the fact of passage of the original and all amending bylaws.**

AMENDMENTS

Bylaw No. 5261

DATE PASSED

September 18, 2006

FORCE/EFFECT

September 18, 2006

BYLAW NO. 5220

A BYLAW OF THE CITY OF MOOSE JAW TO REGULATE, CONTROL AND PROHIBIT CONSENSUAL FIGHTING IN PUBLIC PLACES

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF MOOSE JAW ENACTS AS FOLLOWS:

Short Title

1. This bylaw may be cited as the Fighting Bylaw.

Bylaw No. 5220

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 Moose Jaw.

Bylaw No. 5220

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 Moose Jaw or, where the context requires, the geographical area within the city limits of the City of Moose Jaw;

- (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 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 foregoing:

- (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;
- (v) any park or open space to which the public is ordinarily permitted access, whether upon payment or otherwise;
- (e) the word “**Summons Ticket**” means a summons ticket within the meaning of the *Summary Offences Procedure Act*, R.S.S., c.S-63.1.

(2) The following schedule is attached to, and forms part of, this Bylaw:

Schedule “A” - Offences for which Summons Ticket may be issued.

Bylaw No. 5261

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 for 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.

Bylaw No. 5220

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.

Bylaw No. 5220

Summons Tickets

6(1) Where a person commits or is alleged to have committed an offence for which a penalty is set out in Schedule “A” of this Bylaw, a peace officer may issue a Summons Ticket in accordance with the procedure set forth in *The Summary Offences Procedure Act, 1990*.

(2) A Summons Ticket issued pursuant to subsection (1) shall be in the form set forth in *The Summary Offences Procedure Act, 1990* and shall provide for the voluntary payment of a penalty sum in the amount set forth in Column “A” of Schedule “A” for the offence which the person is alleged to have committed.

Bylaw No. 5261

SCHEDULE "A"
Bylaw No. 5220, the Fighting Bylaw
(As Amended by Bylaw No. 5261)

Offences for which a Notice of Violation May be Issued

<u>Section #</u>	<u>Description of Offence</u>	<u>Column "A"</u>	<u>Column "B"</u>
4(1)	Fighting in a public place	\$250.00	\$350.00
5.	Providing false information to peace officer	\$150.00	\$250.00