

CITY OF PORT ALBERNI

BYLAW NO. 5129

A BYLAW TO PROMOTE A SAFE, HEALTHY, RESPECTFUL AND POSITIVE ENVIRONMENT FOR MEMBERS OF THE PUBLIC, VOLUNTEERS AND STAFF

NOW THEREFORE the Municipal Council of the City of Port Alberni, in open meeting assembled, enacts as follows:

1. **Title**

This Bylaw may be known and cited for all purposes as the “**Respectful Behaviour Bylaw No. 5129, 2025**”.

2. **Severability**

If any provision of this Bylaw is, for any reason, found invalid by a court of competent jurisdiction, the provision must be severed and the remainder of the Bylaw left valid and enforceable.

3. **Definitions**

“**Abusive Language**” includes:

- a) profane, obscene, abusive, threatening, derogatory, or discriminatory language,
- b) language that may be perceived as inciting violence, or
- c) words that are intended to or may be perceived to abuse or do violence towards another party’s integrity;

“**Charter of Rights and Freedoms**” means the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act* 1982 (UK), 1982, c 11;

“**Chief Administrative Officer**” means the municipal officer appointed by Council under section 147 [Chief administrative officer] of the *Community Charter*, SBC 2003 c. 26;

“**City**” means the Corporation of the City of Port Alberni;

“**City Facility**” means facilities owned, leased, rented, allocated, programmed, operated or managed by the City, intended for public or City Staff use. This includes, but is not limited to, parks and trails, recreation facilities, staff offices and workspaces, meeting rooms, community meeting spaces, City Hall, and spaces where City Services are provided, but does not include facilities or portions thereof that are occupied by the RCMP or police department;

“**City Services**” means all services provided by the City. This includes but is not limited to, utility services, waste collection, bylaw enforcement, building inspections, front counter services and volunteer events;

“City Staff” means a person employed by the City and includes volunteers and contractors authorized to act on behalf of the City, appointed representatives (committees appointed by Council), and the Mayor and Council members;

“Code of Conduct” means a document that outlines the roles, rights and responsibilities of City Staff, participants and guests;

“Council” means the Council of the Corporation of the City of Port Alberni;

“Director” means the director of the department of the City involved in the Incident;

“Harassment” means conduct, actions or behaviour that a person knew or reasonably ought to have known would cause another person to be humiliated or intimidated or would be objectionable and unwelcome;

“Human Rights Code” means the Human Rights Code, RSBC 1996 c. 210;

“Inappropriate Behaviour” refers to conduct that obstructs or interferes with the lawful free use and enjoyment of City Facilities or participation in City Services, programs, or events, as well as behavior that compromises the safety and well-being of others, including City Staff, volunteers, and members of the public. This Bylaw also applies to interactions within city online forums, social media sites, and engagement platforms.

For the purposes of this Bylaw, Inappropriate Behaviour includes, but is not limited to:

- a) abusive language,
- b) vandalism,
- c) violence,
- d) harassment,
- e) possession of weapons,
- f) theft of property, and
- g) contravention of Codes of Conduct or posted rules.

Inappropriate Behaviour does not include decisions made by Bylaw enforcement staff made in the course of their duties;

“Incident” means any occurrence involving one or more individuals engaging in Inappropriate Behaviour;

“Manager” means the general manager who has functional responsibility and accountability for operations of a specific City Department.

“Supervisor” means the person employed by the Municipality as a supervisor in the relevant department of the Municipality involved in the Incident;

“Suspension” means the prohibition of an individual from entering all or specified City Facilities for a specified duration of time;

“Vandalism” means the malicious, willful or deliberate destruction, damaging or defacing of City Facilities or other City-owned property, including equipment, vehicles, materials

and furniture; and

“Violence” includes:

- a) the use of profane, obscene, abusive or discriminatory language,
- b) throwing articles or objects in a deliberate or aggressive manner that may endanger or cause injury or damage to any persons or property,
- c) physically aggressive or threatening behaviour,
- d) threats or attempts to intimidate, and,
- e) attempts to goad or incite violence.

4. Interpretation

In this Bylaw, a reference to the Chief Administrative Officer, Director, and Manager includes a reference to the person appointed as deputy or appointed to act in the place of that person from time to time.

5. Scope

This Bylaw applies to all persons, including members of the public and City Staff. This Bylaw also applies within City Facilities and any space in which City Services are provided and where City programs or events are being held.

This Bylaw applies to Incidents that either originate from the public or from City Staff in their dealings with the public.

This Bylaw does not apply to Incidents between City Staff, Members of Council, or Members of Council and City Staff. Allegations of Inappropriate Behaviour originating from Mayor and Council shall be dealt with in accordance with the Council Code of Conduct Policy.

6. Terms of Respectful Behaviour

6.1 Respectful Behaviour

All persons using City Facilities have a duty to:

- a) treat others with respect, courtesy, fairness, and equality;
- b) use City Facilities and equipment in a safe and respectful manner; and
- c) comply with all posted policies and rules regarding the use of City Facilities and equipment.

Inappropriate Behaviour in a City Facility or in any space in which City Services are provided is prohibited.

6.2 Responding to Incidents

When a member of the public witnesses an Incident and wishes to bring the Incident to the attention of the City, they must follow the procedures set out in Appendix A of this Bylaw.

When City Staff witness or receive a report regarding Inappropriate Behaviour originating from a member(s) of the public, they must follow the procedures set out in Appendix A of this Bylaw.

When a member of the public witnesses or is subject to Inappropriate Behaviour originating from City Staff and wishes to make a complaint, they must follow the procedures set out in Appendix A.1 of this Bylaw.

The Director of Corporate Services is authorized to issue a Suspension to any person who is not in compliance with this Bylaw for a period of up to eighteen (18) months or issue a fine of up to \$500 per Incident, or issue both a suspension and fine. In exercising their discretion under this section, the Director of Corporate Services must consider the factors set out in Appendix B of this Bylaw.

A person that is subject to a Suspension under this Bylaw must not access, enter or use any City Facility included in the Suspension, subject to the terms and conditions of the Suspension.

All City Staff will exercise their power and authority under this Bylaw fairly and equitably and in accordance with the *Human Rights Code*, the *Canadian Charter of Rights and Freedoms*, and all other applicable enactments.

The City is responsible for providing a safe work environment for City Staff, in accordance with the General Safety Regulations of WorkSafeBC and the *British Columbia Occupational Health and Safety Act*, this includes providing a safe work environment within Council meetings. If the Chief Administrative Officer or the Corporate Officer believes the health or safety of City Staff is at risk in a Council meeting due to Inappropriate Behaviour, either of those senior officials may direct City Staff to leave a Council meeting.

For clarity, the response to an Incident may also include expulsion of the person or persons engaging in Inappropriate Behaviour from the Council meeting, pursuant to section 133 of the *Community Charter*.

6.3 Appeal Process

A person subject to a Suspension under this Bylaw may request a review of the decision by the Chief Administrative Officer. Requests for review of a Suspension must be made in writing and must be delivered to the office of the Chief Administrative Officer within ten (10) business days of the date the notice of Suspension was issued.

In exercising their discretion under this section, the Chief Administrative Officer must consider the factors set out in Appendix B of this Bylaw.

Appeal hearings will be held by the Chief Administrative Officer in accordance with Appendix C of this Bylaw.

The decision of the Chief Administrative Officer with regards to a Suspension is final.

6.4 Probationary Period and Subsequent Suspensions

Once a Suspension has been completed, regardless of the duration, the person subject to the Suspension will be subject to a six (6) month probationary period with the following conditions:

- a) if an Incident occurs during the probationary period, the Director of Corporate Services will impose a subsequent Suspension of equal or greater duration than the initial Suspension;
- b) a subsequent Suspension issued under this section may be for a duration of up to three (3) years;
- c) a subsequent Suspension under this section must be issued by the Director of Corporate Services or the City's Legal Counsel in writing; and,
- d) a person subject to a subsequent Suspension under this section is not entitled to appeal that Suspension, regardless of whether the person requested an appeal of the initial Suspension.

7. Offence and Penalty

Every person who violates a provision of this Bylaw or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw is guilty of an offence and is liable to the penalties imposed under this Bylaw, and is guilty of a separate offence each day that a violation continues to exist.

Every person who commits an offence is liable on summary conviction to a fine or imprisonment, or to both a fine and imprisonment, not exceeding the maximum allowed by the *Offence Act*.

8. Schedules

Appendix A – Incident Procedure – Incidents Originating from the Public
Appendix A.1 – Incident Procedure – Incidents Originating from City Staff
Appendix B – Inappropriate Behaviour Enforcement Guidelines
Appendix C – Appeal Procedure

READ A FIRST TIME this 12th day of May, 2025.

READ A SECOND TIME this 12th day of May, 2025.

READ A THIRD TIME this 12th day of May, 2025.

FINALLY ADOPTED this 26th day of May, 2025.



For : Mayor


Corporate Officer

Appendix A

Incident Procedure – Incidents Originating from the Public

1. This procedure is to be followed by members of the public who observe an Incident or by City Staff when City Staff observe an Incident, have reason to believe that an Incident has occurred in a City Facility, or receive a complaint of an Incident by a member or members of the public.
2. The City's primary concern is the safety of members of the public and City Staff. If at any time City Staff feel that the safety of any person is at risk, they will request police assistance. City Staff are not expected to jeopardize their safety or that of others in responding to an Incident.
3. City Staff are expected to act in accordance with this Bylaw fairly and equitably and in accordance with the *Human Rights Code*, the *Charter of Rights and Freedoms*, and all other applicable enactments.
4. Where possible, City Staff will attempt to explain to the person or persons engaging in the Inappropriate Behaviour that their behaviour is unacceptable and ask that the behaviour cease. City Staff may also attempt to de-escalate the situation, where appropriate.
5. If the Inappropriate Behaviour continues, and depending on the severity of the Inappropriate Behaviour, City Staff may require the person to leave the City Facility immediately and the Supervisor may issue the person a temporary suspension of up to ten (10) days. If the person refuses to leave the City Facility, City Staff may request police assistance.
6. If the Incident involves alleged Inappropriate Behaviour by a minor, City Staff will make reasonable attempts to notify the parent(s) or guardian of the minor as soon as reasonably possible following the Incident.
7. As soon as is reasonably possible following the Incident, City Staff will complete an Incident Report which will include the following:
 - a. details of the Incident;
 - b. the names and contact information of the person(s) who engaged in the Inappropriate Behaviour;
 - c. the names and contact information of any witnesses; and,
 - d. any written statement provided by any witnesses.

City Staff will submit the completed Incident Report to their Supervisor who will provide a copy to their Manager and Director.

8. If the complainant of Inappropriate Behaviour is a member of the public, the complainant must contact a Manager and explain the Incident in as much detail as possible. The details should include, but are not limited to, the time and location of the Incident. The complainant must also provide as many details of the Inappropriate Behaviour as well as sufficient details for the City to identify the individual(s) engaged in the Inappropriate Behaviour.

9. All Incidents will be reviewed and investigated. When a Manager receives an Incident Report, they will consult with their Director (and the Director of Human Resources as required). If the Director is aware of previous Incidents involving the person, the Director may consult with the City Staff who reported or were involved in the previous Incidents. After considering the Incident Report and other available information as well as the Guidelines set out in Appendix B of this Bylaw, the Director and Manager will jointly take such action as they consider appropriate in the circumstances, which may include:
 - a. determining that the Incident did not constitute a violation of this Bylaw and take no further action;
 - b. determining that the Incident constituted a violation of this Bylaw but decide that no further action is required in the circumstances;
 - c. determining that the Incident constituted a violation of this Bylaw and take further action, including:
 - i. issuing a written warning letter or letter of expectation;
 - ii. requiring that the person meet with the Manager or the Director, including that the person not enter or use any City Facility until they meet with the Manager or Director; and
 - iii. recommending that the Director of Corporate Services impose a fine, Suspension, or both a fine and a Suspension.
10. If the Director and Manager believe that a fine and/or a Suspension is appropriate, they will compile and forward all information gathered during their investigation to the Director of Corporate Services. The Director will make recommendations to the Director of Corporate Services regarding the proposed scope and duration of the Suspension and any terms and conditions.
11. The Director of Corporate Services will review the information and take such action as they consider appropriate after considering the factors set out in Appendix B of this Bylaw. The Director of Corporate Services may refuse to impose a fine and/or a Suspension or, if a Suspension is imposed, establish the scope and duration of the Suspension and any terms and conditions.
12. If a Suspension is issued, the Director of Corporate Services or the City's legal counsel must notify the person in writing of the terms and conditions of the Suspension and of their right to appeal under this Bylaw.
13. Once an investigation is completed, the complainant must be notified that a formal investigation has been carried out.
14. If a Suspension is issued, a confidential memorandum regarding the Suspension will also be sent from the Director to City Staff for whom the information is necessary for the performance of their duties. Further confidential memoranda may be issued to notify City Staff of changes to or extensions of the Suspension and upon completion of the Suspension.
15. Except where prohibited by law, the Director may, pursuant to any information sharing

agreements between the City and other local governments, public bodies, RCMP and police, share the confidential memorandum and any information involved in the investigation.

16. The Director of Corporate Services may extend the duration of a Suspension where the person breaches the terms and conditions of the Suspension or where there are further Incidents involving the person.

Appendix A.1

Incident Procedure – Incidents Originating from City Staff

1. Inappropriate Behaviour originating from Mayor or Council will be deemed to be a contravention of Section 2 of the Council Code of Conduct Policy. Complaints that are raised by members of the public about Inappropriate Behaviour originating from Mayor or Council members must be brought forward by the Director of Human Resources and the complaint must be reviewed in accordance with Council Standards of Conduct Policy.
2. If a member of the public believes that they have been subject to Inappropriate Behaviour originating from City Staff other than the Mayor or Council members, they will follow the process set out below.
3. If a member of the public makes a verbal complaint to a Supervisor or Manager, the Supervisor or Manager must inform the complainant that they must make a written complaint to be delivered to their Director and the Director of Human Resources. The Supervisor or Manager must advise their Director immediately of any verbal complaint.
4. If a written complaint of Inappropriate Behaviour is made it must be delivered to the Director of Human Resources. The Director of Human Resources must review the complaint and decide whether it is appropriate to commence an investigation.
5. If it is determined that an investigation is required, this investigation will be conducted by City Human Resources, or by an external investigator.
6. Upon conclusion of the investigation, the investigator will document their findings and determine the appropriate response. Such response may include discipline, up to and including termination.
7. Once an investigation is completed, the complainant must be notified that a formal investigation has been carried out.
8. If a complaint is found to be filed for malicious or vexatious purposes, the Director of Human Resources may determine that the person making the complaint has engaged in Inappropriate Behaviour under this Bylaw.

Appendix B

Inappropriate Behaviour Enforcement Guidelines

In determining the appropriate measures to deal with a contravention of this Bylaw, City Staff will consider the following factors:

- a. the nature and severity of the Inappropriate Behaviour;
- b. whether the Inappropriate Behaviour was a single or repeated act;
- c. whether the person was told that the behaviour was inappropriate and nonetheless continued the behaviour;
- d. the impact of the Inappropriate Behaviour on members of the public and City Staff;
- e. the person's acknowledgement of wrongdoing; and
- f. the person's history of other contraventions.

Appendix C

Appeal Procedure

1. Requests for review of a Suspension under this Bylaw must be made in writing and must be delivered to the office of the Chief Administrative Officer within ten (10) business days.
2. Within ten (10) business days of receiving a request for review under section 8(a) of this Bylaw, the Chief Administrative Officer will notify the person subject to the Suspension of the date for their hearing.
3. The person appointed as the City of Port Alberni's Privacy Officer will provide the person subject to the Suspension with copies of all materials that will be considered by the Chief Administrative Officer a minimum of ten (10) business days prior to the hearing. The materials will be redacted as necessary to comply with the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165 and any other applicable enactments.
4. The person subject to the Suspension may attend the hearing and may be accompanied by a representative of their choice, including legal counsel.
5. The Director of Human Resources will attend the hearing on behalf of City Staff.
6. The Chief Administrative Officer may request the attendance of any other person at the hearing, including a member of City Staff or City legal counsel.
7. At the hearing, the person subject to the Suspension will have ten (10) minutes to address the Chief Administrative Officer. This time may be extended if deemed necessary by the Chief Administrative Officer due to the complexity of the issues or the severity of the allegations.
8. The Chief Administrative Officer will notify the person subject to the Suspension of their decision in writing within ten (10) business days of the hearing.
9. The decision of the Chief Administrative Officer with regards to a Suspension is final.
10. The Chief Administrative Officer will notify the Mayor and Council of appealed Suspensions.