

# Public behaviour bylaw passes despite Charter issues

A controversial public behavior bylaw was passed in Calgary, on November 20, 2006. The bylaw now makes it illegal to urinate, defecate, and spit in public, and targets loitering, spitting, fighting or carrying a knife on public streets. In addition, the law prohibits putting one's feet on public property. The bylaw comes into effect immediately and carries fines of up to \$300 and alternatively, up to 6 months in jail. City Calgary's police force has promised to use discretion when enforcing the bylaw.

This bylaw has drawn criticism from many civil liberties, human rights, and anti-poverty organizations, stating that the law will unfairly target the less fortunate, such as the homeless, mentally and physically disabled and addicted persons. Critics point out that the new bylaw prohibits panhandling, sleeping on benches or sidewalks, huddling on public property - essentially, the law makes it illegal to be homeless.

The bylaw faces several possible legal challenges. [The Canadian Charter of Rights and Freedoms](#) guarantees fair and equal treatment of all persons as per [section 2](#) (Fundamental freedoms) [section 7](#) (Right to life, liberty, and security of the person) [section 12](#) (Right not to be subjected to cruel or unusual treatment or punishment) and [section 15](#) (Equality rights without discrimination.) Some experts also maintain that panhandling contains expressive content (of one's impoverished state) and therefore is protected under the section 2(b) Charter right to freedom of expression.

Several other Canadian cities have introduced similar laws concerning public behavior, but to date, none have been challenged through the judicial system.

## Sources

- CBC News, "Boorish behaviour bylaw passes second reading" CBC.ca (14 November 2006)
- James Stevenson "Calgary poised to ban public peeing, fighting and spitting with new bylaw" CBC.ca (19 November 2006)
- Shawn Logan, "Behavior bylaw passes" Calgary Sun (20 November 2006)