

Consolidated to Bylaw 2207

CITY OF NORTH BATTLEFORD
SASKATCHEWAN

BYLAW NO. 2008

A BYLAW OF THE CITY OF NORTH BATTLEFORD TO CONTROL AND REGULATE PANHANDLING AND OTHER PUBLIC BEHAVIOURS.

WHEREAS pursuant to Section 8 of *The Cities Act,* Council has the general power to pass bylaws for city purposes that it considers expedient in relation to:

(a) the peace, order and good government of the city;

(b) the safety, health and welfare of people and the protection of people and property;

(c) people, activities and things in, on or near a public place or place that is open to the public; and

WHEREAS people require a safe and civil environment in public places within the City of North Battleford where they may freely engage in the usual activities and enjoyments of the urban setting without obstructions; and

WHEREAS it is desirable to establish a bylaw to regulate the conduct and activities of people in public places and places open to the public, to promote the safe, enjoyable, and responsible use of such property for the benefit of all residents of, and visitors to, the City;

NOW THEREFORE, the Council of the City of North Battleford in the Province of Saskatchewan, in open meeting assembled enacts as follows:

Title

1. This Bylaw may be cited as “The Panhandling and Public Behaviours Bylaw”.

Purpose

2. The purpose of this Bylaw is:

    (a) to control and regulate panhandling on streets, sidewalks, other public places in the City and other public behaviours; and

(b) to ensure that panhandling and other public behaviours do not unreasonably interfere with the use and enjoyment of streets, sidewalks, and other public places by members of the public.

Definitions

3. In this Bylaw:

"bus stop" means that portion of a street designated by signage reserved for the loading and unloading of buses and where stopping and parking of all other vehicles is prohibited;

"bylaw enforcement officer" means a person(s) acting as any of the following designated for the purposes of this Bylaw including special constables, community safety officers, peace officers or members of the Battlefords RCMP detachment;

"cause a disturbance" means to fight, scream , shout, swear, sing or to use insulting or obscene language, to be drunk or inebriated through the use of alcohol or drugs or to expose oneself or to exhibit an indecent act or exhibition in a public place;

"cause an obstruction" means to obstruct or impede the convenient passage of any person;

"city" means the City of North Battleford;

"coercion" means the action or practice of persuading someone to do something by using force or threats;

"coercive manner" means:

(i) to follow the person solicited;

(ii) to persist in a solicitation after the person solicited has given a negative response;

(iii) to touch the person solicited;

(iv) to obstruct, either individually or as part of a group of panhandlers, the passage of a solicited person; or

(v) to verbally threaten or insult a person in the course of or following a solicitation;

"defecate" means to discharge waste matter from the bowels;

"doorway" means an entrance or exit from a building and includes the area from the doorway to the abutting street or sidewalk;

"fight" means any confrontation involving violent physical contact between two or more willing participants;

"loitering" means to stand or wait around idly or without apparent purpose; to hang around;

"panhandle" means to beg for or, without consideration, ask for money, donations, goods, or other things of value whether by spoken, written or printed word or bodily gesture for oneself or for any other person, but does not include soliciting for charitable purposes by an organization with permission to do so from the City;

"public place" means any and all property within the City, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not and includes, but shall not be limited to, any highway, improved walkway, municipal reserve, beach, environmental reserved, waterway, buffer strip or parking lot;

"spit" means to eject phlegm, saliva, chewing tobacco, juice or any other substance from the mouth;

"street" means a street as defined in *The Cities Act*;

"trust company" means an office or branch of a trust company to which the *Trust and* Loans *Companies Act (Canada)* applies and in which deposit accounts are held;

"urinate" means to discharge urine from the body.

Panhandling Permitted

4. A person may panhandle on a street, sidewalk or other public place in the City, except as provided in this Bylaw.

Panhandling Prohibited

5. (a) No person shall panhandle at any time on a street, sidewalk or other public place in a coercive manner.

(b) No person shall panhandle from an occupant of a motor vehicle that is:

(i) parked;

(ii) stopped at a traffic control signal; or

(iii) standing temporarily for the purpose of and while actually engaged in loading or unloading.

(c) No person shall panhandle while in or on a public transit vehicle.

(d) No person shall panhandle while intoxicated by alcohol or while under the influence of illegal drugs or substances.

Clear Access to be Available

6. No person shall panhandle on a street, sidewalk, or other public place within 10 metres of:
   (a) a doorway to a bank, credit union or trust company;
   (b) an automated teller machine;
   (c) a bus stop;
   (d) a bus shelter;
   (e) a doorway to any liquor store or beer and wine store;
   (f) a pay telephone

Other Prohibited Behaviours

7. No person shall cause a disturbance in any public place.

8. No person shall:
   (a) participate in a fight in a public place;
   (b) encourage in any way a person involved in a fight; or
   (c) encourage any person to become involved in any fight.

9. No person shall cause an obstruction in any public place.

10. No person shall loiter in any public place as to cause an obstruction.

11. No person shall obstruct a bylaw enforcement officer in the lawful execution of their duty.

12. No person shall obstruct any person assisting or aiding a bylaw enforcement officer.

13. Section 8 shall not apply to the participants of sanctioned or amateur sporting event conducted in a public place provided the application of force is within the custom and norms and rules of the event.

14. No person shall defecate or urinate in public on any private property or in or on a public place.

15. No person shall spit in any public place.

16. A person shall not throw or propel an object, or act in any other way, in a public place that is reasonably likely to cause injury to another person or to cause damage to property.

Offences and Penalties

17. (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:

    (i) for a first offence, to a fine of $150.00;

    (ii) for a second or subsequent offence, to a fine of $250.00; and

    (iii) for a third or subsequent offence, to a fine of not less than $350.00 and not more than $5,000.00

    (b) The Court may, in default of payment of a fine imposed under this Bylaw, order imprisonment for a term not to exceed one year.

18. Notwithstanding Section 17, a notice of violation may be issued to any person committing an offence under this Bylaw.

19. The notice of violation shall require the person to pay to the City a fine of $150.00 for a first offence and $250.00 for a second offence.

20. The amount specified in a notice of violation may be paid:

    (a) in person, during regular business hours, at the City of North Battleford, 1291 101st Street, North Battleford, Sask.;

    (b) in the deposit drop box at the City of North Battleford, 1291 101st Street, North Battleford, Sask.; or

    (c) by mail addressed to the City of North Battleford, Box 460, North Battleford, Saskatchewan, S9A 2Y6.

21. If payment of the fine identified on the notice of violation is paid within the prescribed time, it will be accepted as a guilty plea to the offence, and the person shall not be liable to prosecution for that offence.

22. The imposition of any penalty for violation of this bylaw shall not relieve the person from complying with this bylaw.

Severability

23. If any Section or portion of this Bylaw is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, that Section or portion shall be deemed severable and shall not affect the validity of the remaining portion of this Bylaw.

Coming into Force

24. This Bylaw shall come into force and take effect on the day of the final passing thereof.

Introduced and read a first time this 14th day of December, A.D. 2015.

Read a second time this 14th day of December, A.D. 2015.

Read a third time and passed this 14th day of December, A.D. 2015.

"Ian Hamilton"
MAYOR

"Debbie Wohlberg"
CITY CLERK