

TOWN OF NEEPAWA

BY-LAW NO. 2998

BEING A BY-LAW OF THE TOWN OF NEEPAWA PROVIDING FOR THE REGULATING OF LOITERING AND PUBLIC NUISANCES.

WHEREAS it is deemed necessary to provide another option or resource for our police officers in an effort to meet the desires of our citizens and to make Neepawa a safer place in which to live, do business and enjoy our quality of life;

WHEREAS pursuant to Section 232 (1) of The Municipal Act of Manitoba Cap. M225 states in part that a council may in a By-Law:

“232 (1) A council may pass a By-Law for municipal purposes respecting the following matters
(b) People, activities and things in, or near a public place or a place open to the public, including parks, municipal roads, recreation centers, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation.”

WHEREAS Council is of the view that it would be in the best interest of the residents of the Town of Neepawa that a By-Law be passed to regulate loitering and public nuisances in certain public places in the Town of Neepawa.

NOW THEREFORE, pursuant to the provisions of the Municipal Act of the Province of Manitoba, the Council of the Town of Neepawa, in opening meeting assembled, HEREBY ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1 This By-Law may be cited as the “Public Nuisance By-Law”.

2. DEFINITIONS

(a) **PEACE OFFICER** means a member of the Royal Canadian Mounted Police.

(b) **STREET** means any public street in the Town of Neepawa including all sidewalks, alleys and roads of any kind.

(c) **LOITER OR LOITERING** means to stand idly or to remain in any area with no obvious reason or purpose.

(d) **THAT** no person shall by any manner or conduct commit any public nuisance by collecting, loitering, or standing as idlers, in any of the parks, or on any of the streets or sidewalks of the Town of Neepawa, or on the steps of, or approach to, a house or other premises open to the public street, whereby the public are liable to be subjected to disturbances or annoyance.

(e) **THAT** any person intervening the provisions of this By-Law may be arrested without warrant by any peace officer having jurisdiction in the Town of Neepawa.

3. GUIDELINES

3.1 a) No person shall loiter in a public place or on any street after the hour of 10:00 o'clock p.m. on any day and before the hour of 7:00 o'clock a.m. on the following day, without having obtained written permission from the Town of Neepawa.

b) For the purpose of this By-Law, a person is not unlawfully loitering if he or she is in the area designated for public gatherings such as Lions Riverbend Park, Park Lake or sites where special events are taking place.

c) For the purposes of this By-Law, a person is not unlawfully loitering if he or she is carrying out his or her duties of employment or travel directly to or from his or her place of employment or residence.

4. PENALTIES

Any person who contravenes this By-Law is guilty of an offence and liable upon summary conviction:

- a) To perform not more than 200 hours of community service under the supervision of the Town of Neepawa; or
- b) To pay a fine not less than \$250.00 and not exceeding \$500.00

B. Durston – Mayor

S. Mowat – CAO

Given first reading this 8th day of June 2004.

Given second reading this 22nd day of June 2004.

Given third reading this 29th day of June 2004.