

TOWN OF SOURIS

BY-LAW NO. 1791

**BEING A BY-LAW OF THE TOWN OF SOURIS 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 Souris 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 Souris that a By-Law be passed to regulate loitering and public nuisances in certain public places in the Town of Souris.

NOW THEREFORE, pursuant to the provisions of the Municipal Act of the province of Manitoba, the Council of the Town of Souris, 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 Souris 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.

3. GUIDELINES

THAT no person shall loiter in a public place or on any street after the hour of 11:00 o'clock p.m. on any day and before the hour of 7:00 o'clock a.m. on the following day.

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 Souris, 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.

THAT No person shall deface, damage or destroy municipal property in a public place, and in addition to any penalty upon a persecution for contravention of this provision, the Town of Souris may recover the expense incurred to remedy the damage together with costs and pre-judgment interest, by action in any court of competent jurisdiction.

THAT In the event that the Peace Officer shall find any person in a public place within the Town of Souris, in breach of this by-law, they may, at their discretion:

- i) warn said person to return to their place of residence;
- ii) convey said person to their place of residence;
- iii) detain said person until such time as the Guardian of such person is located;
- iv) release said person at their place of residence, either to the custody of their guardian or on their own recognizance as the Peace Officer shall see fit;
- v) interview the Guardian of said person in order to inform them of the provisions of this by-law and/or to request that they assist the Peace Officer in the enforcement of this by-law by making their best efforts to ensure that such person or child is not thereafter in a public place in contravention of this by-law;
- vi) in the event that it appears that said person is in need of protective custody, to refer the matter to the appropriate Provincial authority, and, if necessary, to detain such person and deliver him or her to the custody of the appropriate Provincial authority;
- vii) refer the matter to the appropriate school authority, if it appears that a matter of truancy may need to be addressed;
- viii) where such person appears, upon interview, in the discretion of the Peace Officer, to have a justifiable reason for being in breach of this by-law, to allow such person to proceed without further intervention;

4. PENALTIES

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

- a) To perform not more than 200 hours of community service under the supervision of the Town of Souris; or
- b) To pay a fine of not less than \$250.00 and not more than \$500.00; or
- c) Attend and complete any program as directed by the Souris Valley Advisory and Youth Justice Committee.

John E. Denbow Mayor

Brenda McKinny- CAO

Given first reading this ____07____ day of _____September__2004.

Given second reading this __20____ day of ____September____2004.

Given third reading this ____20__ day of ____September____2004.