



City of Warman Bylaw 2019-09
A Bylaw of the City of Warman to Regulate Community Standards

Being a bylaw of the City of Warman, in the Province of Saskatchewan, to regulate and prohibit certain activities in order to prevent and compel the abatement of noise, nuisances, unsightly premises, public disturbances.

Whereas Council deems it necessary to provide an option or resource for the Royal Canadian Mounted Police officers or the City of Warman Bylaw Officer in an effort to meet the desires of our residents, and to make the City of Warman a safer place in which to live, do business and retain our quality of life.

Whereas Section 8(1) of The Cities Act states in part:

A city has a general power to pass any bylaws for city purposes that it considers expedient in relation to the following matters respecting the city:

- (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; nuisances, including property, activities or things that affect the amenity of a neighbourhood.

And Whereas Council for the City of Warman deems it necessary and advisable to enact a bylaw for such purposes:

COUNCIL FOR THE CITY OF WARMAN ENACTS AS FOLLOWS:

Short Title

1. This Bylaw shall be called the "Loitering Bylaw and Community Standards Bylaw"

Part 1 – General Definitions

2. **General Definitions:** In this Bylaw, the following definitions shall apply:

(a) **"Bullying"** means unprovoked, repeated and inappropriate comment(s) or action(s) meant to cause harm or fear in the recipient, either directly or through any medium whatsoever.

(b) **"Drinking Establishment"** means a business the primary purpose of which is the sale of alcoholic beverages for consumption on the premises in which the business is located and the secondary purposes of which may include entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services, the sale of alcoholic beverages for consumption away from the premises, and entertainment. A Drinking Establishment includes any premises in respect of which the Saskatchewan Gaming and Liquor Commission has issued a "Class A" Liquor License and where the terms of the license prohibit minors.

(c) **"Graffiti"** means the defacement or disfiguring of any property or object, through the performance of any of the following acts:

- i. the application of any substance, including paint, ink, stain or whitewash to any surface; or
- ii. the affixing of any substance, including paper, fabric or plastic, by any form of adhesion that does not remove cleanly when pulled away from the applied surface; or
- iii. the marking, scratching, etching or other alteration or disfigurement of any surface.

(d) **"Loitering"** means the act of remaining in a particular public place for a protracted time, without any apparent purpose. Peace Officer may ask a person to stop loitering in a public place (in other words, to leave the place) where they believe on reasonable grounds:

- i. that an offence has been, or is about to be, committed by the person or by others in the area (as more usually happens);
- ii. that a breach of the peace has occurred, is occurring, or is about to occur, in the area of the person or group;
- iii. that there is, or is about to be, an obstruction to pedestrians or traffic caused by the presence of the person or of others in the area;
- iv. that the safety of a person or people in the area is in danger.

(e) **"Minor"** means an individual less than 18 years of age.

(f) **"Notice of Violation"** means a notice issued by the City allowing for the voluntary payment to the City of a specified fine established by the Bylaw.

(g) **"Panhandling"** means to ask for a gratuitous donation of money, food or goods of any kind, whether by spoken or printed word, or bodily gesture, but does not include the solicitation of charitable donations allowed or authorized pursuant to the Charitable Fundraising Act, or any other legislation permitting the solicitation of charitable donations.

(h) **"Parent or Guardian"** means the parent, guardian or foster parent of a Minor.

(i) **"Peace Officer"** means a Bylaw Enforcement Officer, a member of the Royal Canadian Mounted Police.

(j) **"Public place"** means a place to which the general public has a right to access or use whether such place is publicly or privately owned, within the City of Warman, including:

- i. A road, street, land, alley, driveway, boulevard or sidewalk;
- ii. A public parking lot;
- iii. A building to which the public has or is permitted access, including its entrance areas;
- iv. A park or playground;
- v. Any unoccupied land or building; and
- vi. Any privately-owned property dedicated to a public use or which the public has usual access.

(k) **"Violation Ticket"** means a summons ticket as defined in The Summary Offences Procedure Act, 1990, as the same ay be amended or replaced from time to time.

**Part 2 – Loitering, Assembly of Persons,
Bullying, Fighting, Panhandling**

Loitering/Assembly of Persons

3. No person shall loiter and thereby obstruct any other person in any Public Place.
4. No person shall be a member of an assembly of three or more persons in any Public Place where a Peace Officer has reasonable grounds to believe the assembly will disturb the peace of the neighborhood, and any such person shall disperse as requested by a Peace Officer.

Fighting/Bullying

5. No person shall participate in a fight or any physical confrontation in any Public Place.
6. Bullying by Minor
 - (a) No Minor shall bully any person in any Public Place.
 - (b) No Minor shall participate in or encourage by verbal or public means in the bullying of any person in any Public Place.
7. Bullying by Adult
 - (a) No adult shall bully any person in any Public Place.
 - (b) No adult shall participate in or encourage by verbal or public means in the bullying of any person in any Public Place.
8. No person shall engage in Panhandling in any Public Place.

Panhandling

8. No person shall engage in Panhandling in any Public Place.

Part 3 – Nuisance, Graffiti

Graffiti

9. No person shall place or cause Graffiti to be placed on any property. Without limiting the generality of the foregoing:
 - (a) Every property owner shall ensure that Graffiti placed on their property is removed, painted over, or otherwise permanently blocked from public view; and
 - (b) In a prosecution for an offence under this Part, the consent of the property owner to place Graffiti on the property shall not be a defense under this bylaw.
10. Temporary art or advertising on property approved by the owner of the property is not Graffiti.

Spitting/Urinating/Human Waste

11. No person shall urinate or deposit any human waste in any Public Place other than in a public washroom.
12. No person shall spit at any person in a Public Place or on any public property or on private property that they do not own.

Part 5 – Noise

13. No owner, operator or person in charge of a Drinking Establishment shall permit any noise to emanate from the Drinking Establishment in a manner which annoys or disturbs any person outside the boundary of the premises.

Part 6 – Enforcement

Penalties

14. Any person who breaches any provision of this Bylaw is guilty of an offence and liable upon summary conviction to a mandatory penalty:
- (a) in the amount specified in Schedule “A”; or
 - (b) for any offence for which there is no penalty specified, to a penalty of not less than \$200.00 and not more than \$10,000;
 - (c) and in default of payment of any penalty, to imprisonment for up to 6 months.
15. Any person who commits a second or subsequent offence under this Bylaw within 12 months of committing a first offence under this Bylaw, is liable to an increased fine as set out in Schedule “A”.
16. For an offence that is of a continuing nature, a contravention constitutes a separate offence for each day or part of day on which it continues. Any person guilty of such an offence is liable to a fine in an amount not less than that established by the Bylaw for each such day.
17. A Peace Officer who has reasonable grounds to believe that a person has contravened any provision of this Bylaw, may issue and serve upon the person:
- (a) a Notice of Violation allowing payment of the specified penalty as set out in Schedule “A” of this Bylaw to the City, which payment will be accepted by the City in lieu of prosecution for the offence. If the penalty is paid to the City within seven calendar days of the Notice of Violation, the amount of the fine shall be reduced by 50%. Should payment of the specified penalty not be made to the City within the time specified on the Notice of Violation, a Violation Ticket may be issued and served upon the person; or
 - (b) a Violation Ticket, allowing a voluntary payment of the specified penalty as set out in Schedule “A” of this Bylaw, or requiring a person to appear in court without the alternative of making a voluntary payment.
18. Nothing in Section 17 prevents a Peace Officer from issuing a Violation Ticket without having first issued a Notice of Violation.
19. The fine may be paid:
- (a) in person, during regular office hours, to the cashier located at 107 Central Street West, City Hall, Warman, Saskatchewan;
 - (b) by deposit, at the depository located at the main entrance to City Hall, 107 Central Street West, Warman, Saskatchewan; or
 - (c) by mail addressed to the Office of the City Clerk, City Hall, Box 340, Warman, Saskatchewan, S0K 4S0
20. If the fine imposed is paid within 7 calendar days of the date of the notice of bylaw violation, the amount of the fine shall be discounted by 50%.

21. If payment of the fine is made prior to the date when the person contravening Section 17 is required to appear in court to answer a charge, the person shall not be liable to prosecution for that offence.

Part 7 – Miscellaneous

Severability

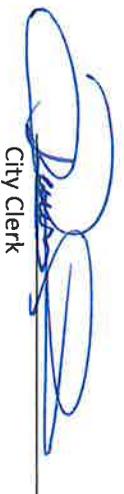
22. Should any provision of this bylaw be found void or unenforceable, then it is the express intention of City Council that such void or unenforceable sections be severed from this bylaw and the balance remain in full force and effect.

Coming into Force

23. This Bylaw comes into force on the day it is passed

READ A FIRST TIME IN OPEN COUNCIL this 24th day of June, 2019. READ A SECOND TIME IN OPEN COUNCIL this 15th day of July, 2019. READ A THIRD TIME IN OPEN COUNCIL this 15th day of July, 2019 AND SIGNED BY THE MAYOR AND CITY CLERK this 15th day of July, 2019.


Mayor


City Clerk



Schedule "A" Schedule of Fines

<u>Section</u>	<u>Offence</u>	<u>Fine</u>
3	Loitering (a) first offence (b) second offence (c) third and subsequent offences	250.00 500.00 750.00
4	Being a member of an assembly and failing disperse as directed by a Peace Officer (a) first offence (b) second offence (c) third and subsequent offences	250.00 500.00 750.00
5	Fighting in a Public Place (a) first offence (b) second offence (c) third and subsequent offences	500.00 750.00 1,000.00
6(a)(b)	Bullying by Minor (a) first offence (b) second and subsequent offences	125.00 250.00
7(a)(b)	Bullying by Adult (a) first offence (b) second and subsequent offences	500.00 1,000.00
8	Panhandling (a) first offence (b) second offence (c) third and subsequent offence	75.00 200.00 300.00
9	Placing Graffiti on property (a) first offence (b) second offence (c) third and subsequent offences	2,500.00 5,000.00 7,500.00
9(a)	Failure to Remove Graffiti (a) first offence (b) second offence (c) third and subsequent offences	250.00 500.00 1,000.00
11	Urinating/Depositing Human Waste in Public Place (a) first offence (b) second offence (c) third and subsequent offences	500.00 750.00 1,000.00
12	Spitting in Public Place (a) first offence (b) second and subsequent offences	75.00 150.00
13	Drinking Establishment Making Noise (a) first offence (b) second offence (c) third and subsequent offences	2,000.00 5,000.00 10,000.00