

RESORT VILLAGE OF ELK RIDGE

BYLAW NO. 30 - 2022

A BYLAW FOR THE REGULATION, CONTROL AND PROHIBITION OF PUBLIC BEHAVIOURS

Public Behaviours Bylaw

A Bylaw of the Resort Village of Elk Ridge to regulate, control and prohibit public behaviours respecting the safety, health and welfare of people, and the protection of people and property.

WHEREAS under the provisions of clause 8(1)(b) of *The Municipalities Act*, as amended from time to time, a municipality may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS under the provision of clause 8(1)(c) of *The Municipalities Act* a municipality may pass bylaws respecting people, activities and things in, on or near a public place that is open to the public;

AND WHEREAS under the provision of clause 8(1)(d) of *The Municipalities Act* a municipality may pass bylaws respecting nuisances, including activities or things that affect the amenity of a neighbourhood;

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 municipality.

NOW THEREFORE The Council of the Resort Village of Elk Ridge, in the Province of Saskatchewan, in public forum enacts as follows:

SHORT TITLE

1. This Bylaw shall be known as the "Public Behaviours Bylaw".

DEFINITION

2. The following terms and words contained within this bylaw shall have the following meanings;
 - a. Cause a disturbance - means to fight, scream, shout, swear, sing or using 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.

COPY

- b. Cause an obstruction - means to obstruct or impede the convenient passage of any person.
 - c. Council - means the Council of the Resort Village of Elk Ridge.
 - d. Defecate - means to discharge waste matter from the bowels.
 - e. Fight - means any confrontation involving violent physical contact between two or more willing participants.
 - f. Loitering - means to stand or wait around idly or without apparent purpose; to hang around.
 - g. Municipality - shall mean the Resort Village of Elk Ridge.
 - h. Obstruct - to resist or willfully interrupt, hinder or obstruct a peace officer, or any person lawfully acting in aid of, or direction of, that peace officer, in the execution of their duty.
 - i. Peace Officer - means a peace officer as defined in *The Summary Offence Procedures Act, 1990*;
 - j. Public Place - means any and all property within the municipality, 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 reserve, waterway, buffer strip or parking lot.
 - k. Spit - means to eject phlegm, saliva, chewing tobacco, juice or any other substance from the mouth.
1. Urinate, means to discharge urine from the body.

PROHIBITED ACTIONS

3. No person shall cause a disturbance in any public place.
4. 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.
5. No person shall cause an obstruction in any public place.
6. No person shall loiter in any public place as to cause an obstruction.
7. No person shall obstruct a peace officer in the lawful execution of their duty.

8. No person shall obstruct any person assisting or aiding a peace officer.
9. Section 4 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.

DEFECATING, URINATING, SPITTING IN PUBLIC PROHIBITED

10. No person shall defecate or urinate in public on any private property or in or on a public place.
11. No person shall spit in any public place.
12. A person shall be deemed to have not violated Section 10, if the defecation or urinations is done in the confines of a portable outhouse or a similar structure placed where that structures primary purpose is for the collection and storage of bodily waste.

DANGEROUS ACTIONS PROHIBITED

13. 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.

ACTIONS OF A PEACE OFFICER

14. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction:
 - a. in a case of a first offence, to a fine not less than \$200.00.
 - b. in a case of a second or any subsequent offence, to a fine not less than \$500.00 and not more than \$10,000.00 or not more than 90 days in jail or both.
15. Notwithstanding section 14, a Peace Officer may issue a notice of violation to any person committing an offence under this bylaw.
16. The notice of violation shall require the person to pay to the Municipality a fine of \$150.00 for a first offence and \$350.00 for a second offence.
17. The amount specified in clause 16 may be paid;
 - a. in person, during regular office hours, at the Municipal Office, 211 Arne Petersen Way.
 - b. by mail addressed to the Resort Village of Elk Ridge, Box 171, Waskesiu, Saskatchewan S0J 2Y0.
18. 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 that person shall not be liable to prosecution for that offence.
19. The imposition of any penalty for violation of this bylaw shall not relieve the person from complying with this bylaw.

20. No prosecution for a contravention of this bylaw may be commenced more than one year after the date of the alleged offence.
21. A peace officer who believes that on reasonable and probable grounds, and having regard to all the circumstances of the event including;
- a. The need to establish the identity of the person;
 - b. To secure or preserve evidence of or relating to the offence;
 - c. The need to prevent the continuation or repetition of the offence;
 - d. To prevent the commission of another offence;
- may arrest any person contravening any portion of this bylaw.
22. A peace officer having arrested a person for a contravention against this bylaw shall forthwith release the person to a police officer who is a regular member of a police agency responsible for policing services provided within the Province of Saskatchewan.
23. Notwithstanding section 22, a peace officer having attested a person for a contravention against this bylaw may release a person as soon as practicable, provided that the peace officer is satisfied that;
- a. The peace officer has reasonably established the identity of the person so arrested;
 - b. The evidence related to the offence has been preserved or secured, or is not reasonably likely to be compromised;
 - c. The peace officer reasonably believes that the continuation or repetition of the offence is not likely at that time;
 - d. That the peace officer reasonable believes that the person so arrested will not immediately commit another contravention against this bylaw or a Provincial or Federal Act.

SEVERABILITY

24. If a court of competent jurisdiction should declare any section of this bylaw, or any part thereof, to be invalid, such section or part thereof is deemed severable from this bylaw and shall not be construed as having influenced Council to pass the remainder of this bylaw, and it is the intention of Council that the remainder of this bylaw shall survive and remain in force.

COMING INTO FORCE

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



Read a third time and adopted
This 29th day of November, 2022.

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Mayor
[Handwritten signature]

Administrator