

**TOWN OF MEADOW LAKE
BYLAW NO. 2/2007
LOITERING AND SOLICITING BYLAW**

A BYLAW OF THE TOWN OF MEADOW LAKE TO REGULATE SOLICITING AND LOITERING ON STREETS.

The Council of the Town of Meadow Lake, in the Province of Saskatchewan, enacts as follows:

PART 1 - INTRODUCTION

1. Title

This Bylaw shall be known and may be cited as the Soliciting and Loitering Bylaw.

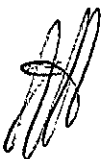
2. Purpose

The purpose of this Bylaw is to regulate loitering and soliciting on the streets, sidewalks and other public places in the Town of Meadow Lake by prohibiting aggressive solicitation of persons on such streets, sidewalks and other public places.

PART 2 - DEFINITIONS

3. Whenever in this bylaw, the following words or terms are used, they shall, unless the text otherwise provides, be held to have the following meanings:

- (a) "aggressive manner" means a manner that is likely to cause a reasonable person to be concerned for his or her safety and security or a manner which stops or impedes the free flow of pedestrian or vehicular traffic;
- (b) "defecate" means to discharge waste matter from the bowels;
- (c) "disturbance" shall mean any interference with the ordinary or customary use of premises or a public place by a member or members of the public;
- (d) "loitering shall mean:
 - i) creating an obstruction by rendering impassable any street, road, sidewalk or any other area of public passage;
 - ii) causing difficult passage upon any street, road, sidewalk or any other area of public passage to any person; or
 - iii) hanging idly about a public place
- (e) "public place" includes all or any part of a street as defined by the Municipalities Act, a park, a municipal reserve, environmental reserve, buffer strip or other property of the Town of Meadow Lake;
- (f) "solicits" means to request, in person, the immediate provision of money or any other thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means;
- (g) "spitting" means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth;
- (h) "street" means a street within the meaning of the Municipalities Act;
- (i) "swearing" shall mean the use of bad, or profane or obscene language and is not limited to invoking a Deity or something sacred in condemnation of a person or object.
- (j) "urinate" means to discharge urine from the body.



BYLAW NO. 2/2007 - (continued)

PART 3 - REGULATIONS

4. No person shall solicit in an aggressive manner on a street, sidewalk or in a public place.
5. Without limiting the foregoing, a person who engages in one or more of the following activities shall be deemed to be soliciting in an aggressive manner for the purposes of this Bylaw:
 - (a) threatening the person solicited with physical harm, by word or gesture or other means, during a solicitation or after the person solicited responds or fails to respond to the solicitation
 - (b) obstructing the path of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation
 - (c) using insulting, abusive, profane or obscene language or language in condemnation of a person or object during the solicitation or after the person solicited responds or fails to respond to the solicitation
 - (d) proceeding behind, alongside or ahead of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation
 - (e) soliciting while intoxicated or impaired due to the use of alcohol, drugs, solvents or any other substance
 - (f) continuing to solicit a person in a persistent manner after the person has responded negatively to the solicitation
 - (g) soliciting a person who is using, waiting to use, or departing from an automated teller machine
 - (h) soliciting a person who is using or waiting to use a pay telephone
 - (i) soliciting a person who is in the process of getting into or out of a motor vehicle or who is in a parking lot
 - (j) while on a roadway, solicit a person who is in or on a stopped, standing or parked vehicle.
6. No person shall while on a street, sidewalk or other public place, stop, attempt to stop or approach a motor vehicle for the purpose of offering, selling, or providing any goods or services to the driver or any other person in the motor vehicle.
7. Paragraph 6 does not apply to the offer, sale or provision or towing or repair services or any other goods or services in an emergency.
8. In the absence of other evidence, or by way of corroboration of other evidence, a court may infer from the evidence of a peace officer relating to the conduct of a person or persons, whether ascertained or not, that soliciting in an aggressive manner was caused or occurred.
9. No person shall cause a disturbance in or near a public place:
 - (a) by fighting, screaming, shouting, swearing, singing, using insulting or obscene language;
 - (b) by being intoxicated or impaired due to the use of alcohol, drugs, solvents or any other substance; or
 - (c) by impeding or molesting other persons.

BYLAW NO. 2/2007 - PART 3 - REGULATIONS (continued)


- 10. No person shall:
 - (a) loiter in a public place and in any way that obstructs or disturbs persons who are in that place;
 - (b) spit on any street, walkway, sidewalk, path or trail in the Town of Meadow Lake or upon a park, municipal reserve, environmental reserve, buffer strip or other property of the Town of Meadow Lake;
 - (c) disturb the peace and quiet of any persons by any other disorderly conduct in a public place;
 - (d) defecate or urinate in public on any private property or in or on a public place.


- 11. In the absence of other evidence, or by way of corroboration of other evidence, a court may infer from the evidence of a peace officer relating to the conduct of a person or persons, whether ascertained or not, that a disturbance or public nuisance described in subsections 9 (a), (b) or (c) and/or in subsections 10 (a), (b), (c) or (d) was caused or occurred.

PART 4 - ENFORCEMENT

- 12. Proceedings to enforce this Bylaw shall be in accordance with the provisions of The Summary Offences Procedure Act, 1990 and amendments thereto.
- 13. Where an offence is committed contrary to this Bylaw by a person who is intoxicated, a peace officer, in addition to electing to proceed under this Bylaw, may:
 - (a) elect to proceed under section 52 of The Summary Offences Procedure Act, 1990 and amendments thereto;
 - (b) elect to proceed under section 53 of The Summary Offences Procedure Act, 1990 and amendments thereto; or
 - (c) elect to proceed under the provisions of The Alcohol and Gaming Regulation Act and amendments thereto, with respect to any offences committed under The Alcohol and Gaming Regulation Act.
- 14. Any person found guilty of a breach of any of the provisions of this Bylaw shall be liable on summary conviction to the penalties provided in the General Penalties Bylaw of the Town of Meadow Lake.
- 15. Bylaw No. 13/2006 is hereby repealed.

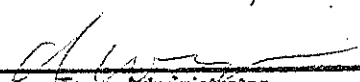
Introduced and read a first time this 8th day of January, 2007.
 Read a second time this 8th day of January, 2007.
 Read a third time this 8th day of January, 2007.


 Administrator


 Mayor

Certified True Copy of
 Bylaw # 2/2007

Adopted by Resolution of
 Council on the 8th
 day of January, 2007.


 Town Administrator