

Rural Municipality of St. Clements

BY-LAW NO. 15 – 2016

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ST. CLEMENTS TO PROVIDE FOR THE REGULATION OF PUBLIC ORDER, TO BE KNOWN AS THE "BEHAVIORAL BY-LAW".

WHEREAS the Rural Municipality of St. Clements is empowered under Section 232(1) of the Municipal Act. SM 1996, C.58-M225 to pass by-laws for municipal purposes respecting the following matters:

- (a) The safety, health, protection and well-being of people, and the safety and protection of property;
- (b) People, activities and things in, on or near a public place or a place open to the public, including parks, municipal road, recreation centers, restaurants, facilities, retail stores, malls and private clubs and facilities that are exempt from municipal taxation.

AND WHEREAS it has been found necessary to make provisions for the maintenance of order and to ensure the safety, health, protection and well-being of residents and visitors to the Rural Municipality of St. Clements;

NOW THEREFORE, the Council of the Rural Municipality of St. Clements enacts the following:

PART I: DEFINITIONS

1. DEFINITIONS:

- (a) Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in The Municipal Act.
- (b) All reference herein to "he" shall include "she" unless the context thereof requires otherwise.
- (c) In this bylaw:

"COUNCIL" means the Council of the Rural Municipality of St. Clements.

"DESIGNATED OFFICER" means the person(s) authorized by St. Clements Council to enforce any part of this by-law.

"NUISANCE" means an activity, which interferes with the reasonable use of public, or private property by any individual entitled to use such property.

"PERSON" means any individual and includes, firm, partnership, association, corporation, company or group of persons.

"RESIDENTIAL AREA" means any area where persons maintain a permanent or seasonal residence, including all areas zoned as Residential pursuant to the Rural Municipality of St. Clements Zoning By-law and all other areas where residences, mobile homes or 'travel trailers' are maintained.

"STREET" means any public right of way, including a highway, providing primary access to abutting property, used as a public thoroughfare for vehicles and pedestrians including streets under construction or repair and where the context so requires, includes any square, park, beaches, sidewalks, driveway, commons or parkway, and included lanes and alleys.

PART II: BEHAVIORS

2. BEHAVIORS:

2.01 No person shall be allowed to loiter in front any business establishment of residence or in a street or any public place so as to cause any obstruction to the free use of said premises whereby a member or members of the public are liable to be subjected to disturbance or annoyance provided that nothing contained in this Section shall be construed to extend to any person taking part in any lawful procession or gathering.

2.02 No person shall bark, break, peel, cut, deface, injure or destroy the whole or any part of any tree, sapling, or shrub now growing or which may hereafter be planted by any person or by the Municipality in any street or public place of the Municipality, nor may any such tree be removed or cut down unless by permission of the Municipality.

2.03 No person shall cast, project or throw any stones or balls of snow or ice or other projectiles dangerous to the public in any of the streets or public places of the Municipality.

2.04 No person shall post or put up any indecent poster, writing or picture or write any indecent or immoral words or make any indecent pictures or drawings, any of which may be morally offensive, or make any graffiti on any public or

private building, wall, fence, sign, monument, post, sidewalk or pavement, any of the streets or public place of the Municipality.

2.05(a) No person shall consume or be in possession of any open liquor in any public place or event in the Municipality unless such place or event is licensed by permit of the municipality.

2.05(b) Any person found intoxicated or disorderly or intoxicated and disorderly in any street or public place, shall be liable to the penalties of this by-law.

2.06 No person shall participate in a fight in any public place.

2.07 No person or persons shall behave in an indecent or sexual manner in or on a public place or in public on any private property.

2.08 No person shall defecate or urinate in or on a public place or in public on any private property.

2.09 No person shall spit on any street, sidewalk, pathway, trail, or in or on any public place or in public on any private property.

PART III: PENALTIES

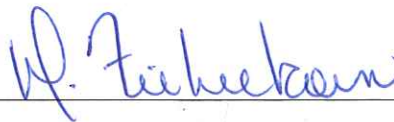
Any person who contravenes, neglects, omits or fails to obey or observe any provision of this By-law is guilty of an offense and is liable to penalties of:

First Offense	\$100.00
Second Offense	\$300.00
Third Offense & Each Offense Thereafter	\$600.00

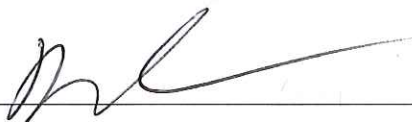
In addition to being liable to the penalties of the By-law:

1. Any person found to be in contravention of Part II, Section 2.05(a) of this By-law may have any alcohol or illegal substance in their possession confiscated from them and disposed of by a Designated Officer.
2. Royal Canadian Mounted Police will be notified of an infraction or nuisance as articulated in this by-law and all related information will be shared with their representative upon their request.

DONE AND PASSED by the Council of the Rural Municipality of St. Clements duly assembled at East Selkirk, in the Province of Manitoba, this day of ,



Mayor



Chief Administrative Officer

Read a First time this 26th day of April , A.D., 2016

Read a Second time this 10th day of May , A.D., 2016

Read a Third time this 10th day of May , A.D., 2016