

CITY OF THOMPSON
BY-LAW NO. 1736-2007
[As amended by AM B/L 1786-2009]

BEING A BY-LAW OF THE CITY OF THOMPSON TO PROVIDE FOR THE REGULATION OF PUBLIC ORDER, TO BE KNOWN AS THE “BEHAVIORAL BY-LAW”.

WHEREAS the City of Thompson 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 roads, 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 Thompsonites and visitors to the City;

NOW THEREFORE, the Council of the City of Thompson in regular session assembles enacts as follows:

PART 1 : 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 by-law:

CHIEF OF POLICE means the Officer in Command of the Thompson Detachment of the R.C.M.P. and anyone acting or authorized to act on his behalf.

“CITY” means the City of Thompson or the area contained within the boundaries thereof.

“COUNCIL” means the Council of the City.

“DESIGNATED OFFICER” means the person(s) authorized by City Council to enforce any part of this By-law.

[AM B/L 1786-2009]

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

“OFFICER” means a peace officer, police officer or constable working for the Thompson Detachment of the R.C.M.P. or any person appointed as a Designated Officer authorized to enforce by-laws of the City of Thompson.

[AM B/L 1786-2009]

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

“RESIDENTIAL AREA” means any area where persons maintain a residence, including all areas zoned as Residential pursuant to the City’s Zoning By-law and all other areas where residences are maintained.

“PARKS DEPARTMENT” means the Department of Recreation, Parks and Culture for the City.

“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, commons, sidewalks, driveway, or parkway, and included lanes and alleys.

[AM B/L 1786-2009]

“SOLICIT” means asking for money or objects of value, with the intention that the money or object of value be transferred at that time, and that place. Soliciting shall include using the spoken, written, or printed word, or bodily gestures, signs or other means with the purpose of obtaining an immediate donation of money or other things of value or soliciting the sale of goods or services.

PART II: BEHAVIORS

- 2.01 No person shall be allowed to loiter in front of any business establishment or residence or in a street 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 Parks Department in any street or public place of the City, nor may any such tree be removed or cut down unless by permission of the Parks Department.
- 2.03 No person shall cast, project or throw any stones or balls of snow or ice or other missiles dangerous to the public in any of the streets or public places of the City.
- 2.04 No person shall post or put up any indecent placard, writing or picture or write any indecent or immoral words or make any indecent pictures or drawings, any of which may be morally offensive to modesty and delicacy, or make any graffiti on any public or private building, wall, fence, sign, monument, post, sidewalk or pavement, in any of the streets or public places of the City.
- 2.05 Every person found drunk or disorderly or drunk 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.

- 2.10 No person shall solicit in any public place of the City. No person shall solicit on private, residential property or private business property including, but not limited to, shopping malls without the permission from the owner or other person lawfully in possession of such property, except registered charities, recognized community and recreation groups in the course of door to door canvassing. Persons who hold a valid license issued by the City are exempted from the provisions of this Section.

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 as assessed in accordance with the terms and provisions of the City of Thompson Compliance By-law Number 1735-2007 as it exists, or as it may be amended, including any subsequent By-law that may take its place or such successor By-law as may be passed from time to time.

In addition to being liable to the penalties of this By-law, any person found to be in contravention of Part II, Section 2.05 of this By-law may have any alcoholic or illegal substance in their possession confiscated from them and disposed of by a Designated Officer.

[AM B/L 1786-2009]

PART V: REPEAL AND ENACTMENT

- (a) By-law Number 1673-2002 being a by-law to regulate panhandling is hereby repealed.

The repeal of the said by-law should not affect any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same had, done, completed or pending at the time of such repeal.

The repeal of the said by-law shall also not defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever had, done completed, existing or pending at the time of such repeal.

- (b) This by-law shall come into full force and take effect upon the passage thereof.

READ A FIRST TIME THIS 25th DAY OF JUNE 2007 A.D.

READ A SECOND TIME THIS 9th DAY OF JULY 2007 A.D.

READ A THIRD TIME THIS 9th DAY OF JULY 2007 A.D.

DONE AND PASSED IN COUNCIL ASSEMBLED THIS 9th DAY OF JULY 2007 A.D.

THE CITY OF THOMPSON

**PER: _____
Mayor**

**PER: _____
City Manager**