

Town of Swan River
By-Law No. 4/2014

Being a By-Law of the Town of Swan River to prevent persons from loitering in or about public places in the Town of Swan River.

WHEREAS, *Section 232(1) of the Municipal Act provides that a council may 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 centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;

The Council of the Town of Swan River in the Province of Manitoba enact as follows:

1. This By-Law shall be known as the “**Loitering By-Law**”.
2. **LOITERING** for the purposes of this By-Law shall mean: to remain in any area with no obvious reason or purpose.
3. **PUBLIC PLACE** for the purpose of this By-Law shall mean:
 - a. A highway, road, street, sidewalk, lane or other through fare; or
 - b. A parking lot; or
 - c. A park or playground or any other place of public resort of amusement; or
 - d. A place or building to which the public has or is permitted to have access; and is in relation to a person who blocks the entrance to an occupied building to which the public has or is permitted to have access without the consent of the occupant; or
 - e. Any occupied land or building.
4. In the event that the Peace Officer (RCMP) find any person in a public place within the Town of Swan River in breach of this By-Law, they may, at their discretion:
 - a. Warn said person to return to their place of residence; or
 - b. In the event that it appears that said person is in need of protective custody, to refer the matter to the appropriate authority; or
 - c. Refer the matter to the appropriate school authority, if it appears that a matter of truancy may need to be addressed; or
 - d. After warning, issue a summary offence ticket; or
 - e. Where such person appears, upon interview, in the discretion of the Peace Officer, to have justifiable reason for being in breach of this By-Law, to allow such person to proceed without further intervention

5. Everyone who without lawful excuse, the proof of which lies upon him or her, is found loitering in, or near the vicinity of a public place, is guilty of an offence punishable on summary conviction.

DONE AND PASSED in open council assembled at the Municipal Office at 439 Main Street in the Town of Swan River in the Province of Manitoba this 20th day of May A.D. 2014.

Deputy Mayor

Asst. Chief Administrative Officer

Read a first time this 15th day of April, 2014

Read a second time this 20th day of May, 2014

Read a third time this 20th day of May, 2014