

**TOWN OF HAY RIVER  
BY-LAW #2455/PS/23**

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**A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF HAY RIVER IN THE  
NORTHWEST TERRITORIES TO REGULATE PUBLIC BEHAVIOUR WITHIN THE MUNICIPAL  
BOUNDARIES**

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PURSUANT TO the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c. as amended;

**WHEREAS** it is deemed desirable to provide rules for prohibiting certain public behavior within the Town of Hay River;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Municipal Corporation of the Town of Hay River, in Council duly assembled hereby enacts as follows:

**SHORT TITLE**

1.1 This by-law may be cited as the "**Public Behaviour By-law**".

**DEFINITIONS**

2.1 In this by-law, unless the context requires otherwise, the term:

- 1) "**Authorized Representative of the Owner**" means a person authorized by the owner to give notice not to trespass.
- 2) "**Council**" means the Council of the Municipal Corporation of the Town of Hay River.
- 3) "**Defecate**" means to discharge waste matter from the bowels.
- 4) "**Fight**" means any confrontation involving violent physical contact between two or more people.
- 5) "**Intoxicated**" means to be affected by alcohol or drugs, especially to the point where physical and mental control is markedly diminished.
- 6) "**Owner**" means the owner of premises and includes the following:
  - i) The occupier of the premises;
  - ii) The person who is in possession or control of the premises.
- 7) "**Peace Officer**" means any By-law Enforcement Officer of the Town of Hay River, or any RCMP officer.
- 8) "**Person**" has the meaning given to it in the *Interpretation Act*.
- 9) "**Premises**" means any building or structure or any part or portion of a building or structure, including any land used in connection with that building or structure for the purpose of:
  - i) providing parking for vehicles;

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- ii) displaying or storing vehicles, equipment or other chattels;
- iii) enhancing the appearance or use of the building or structure; or
- iv) carrying out the activities that are ancillary to the activities carried out in or on that building or structure.

- 10) **"Public Place"** means any place within the Town to which the public may have either express or implied access.
- 11) **"Spit"** means to eject phlegm, saliva, chewing tobacco juice or any other substance from the mouth.
- 12) **"Town"** means the municipal corporation of the Town of Hay River or the area contained within the boundary thereof as the context requires.
- 13) **"Urinate"** means to discharge urine from the body.

2.2 Where this by-law refers to another Act, by-law, regulation or agency, it includes reference to any Act, by-law, regulation or agency that may be substituted therefore.

**3.0 FIGHTING**

3.1 No person shall participate in a physical fight in any Public Place.

**4.0 URINATION & DEFECATION**

4.1 No person shall defecate or urinate in or on a Public Place or in public view on any private property.

**5.0 SPITTING**

5.1 No person shall spit on any street, sidewalk, pathway, trail, or on any Public Place or in public on a private property.

**6.0 LOITERING**

6.1 No person shall loiter in a public place and obstruct, interrupt, or interfere with any person in the lawful use, enjoyment, or operation of the property.

6.2 No person shall loiter or otherwise engage in any activity on public or on private property where the activity is prohibited by notice.

6.3 No person shall stand or put his or her feet on the top or surface of any table, bench, planter or sculpture placed in any public place and thereby disrupt or obstruct public use or enjoyment.

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**7.0 LITTERING**

7.1 No person shall place, deposit or throw or cause to be placed, deposited, or thrown upon any Town property, including any street, lane, sidewalk, parking place, park or other Public Place or watercourse, any waste, including:

- a) a cardboard, plastic, or wooden box, carton, container, or receptacle of any kind;
- b) a paper, wrapper, envelope, or covering of any kind, whether paper or not, food or confectionery;
- c) paper of any kind, whether containing written or printed matter thereon;
- d) any human, animal or vegetable matter or waste;
- e) any glass, crockery, nails, tacks, barbed wire or other breakable or sharp objects;
- f) scrap metal, scrap lumber, tires, dismantled wrecked or dilapidated motor vehicles or parts therefrom;
- g) any motor vehicle or any part of any motor vehicle which may, in whole or part, obstruct the highway, street, lane, alley, bi-way or other public place;
- h) dirt, filth or rubbish of any kind whether similar or dissimilar to the foregoing; and
- i) cigarettes.

7.2 A person who has placed, deposited or thrown or caused to be placed or thrown anything or any matter mentioned in subsection 7.1 upon any street, lane, sidewalk, parking place, park or other Public Place or watercourse shall forthwith remove it.

**8.0 PUBLIC INTOXICATION**

- a) No Person Shall be Intoxicated while in a Public Place or loiter in a Public Place while intoxicated.
- b) No person shall be intoxicated and loiter on private property if the owner has not given permission

**9.0 OFFENCES AND ENFORCEMENT**

9.1 Every person who contravenes any of the provisions of this by-law by doing any act or thing which the person is prohibited from doing is guilty of an offence.

9.2 Any person who is convicted of an offence pursuant to this by-law is liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000.00), and in default of payment of any fine imposed, to imprisonment for not more than six (6) months.

9.3 The specified penalty payable in respect of a contravention of a provision of this by-law is the amount shown in Schedule A attached to and forming part of this by-law in respect of

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that provision.

- 9.4 Where a Peace Officer has reasonable grounds to believe that a person has violated any provision of this by-law, the Peace Officer may commence proceedings against such person by:
- (a) issuing the person a ticket pursuant to the provisions of the *Summary Conviction Procedures Act*; or
  - (b) swearing an information and complaint against the person.
- 9.5 Where a Peace Officer issues a person a ticket in accordance with section 9.0 of this by-law, the Peace Officer may either:
- a) allow the person to pay the specified penalty established in Schedule A for the offence by including the penalty in the violation ticket; or
  - b) require a Court appearance of the person where the Peace Officer believes that it is in the public interest to do so, pursuant to the *Summary Conviction Procedures Act*.

**10.0 OBSTRUCTION**

- 10.1 No Person shall obstruct, hinder, or impede a Peace Officer in the exercise of any of their powers or duties under this by-law.

**11.0 SEVERABILITY**


- 11.1 If any provision or part of a provision of this by-law is declared by court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

**12.0 EFFECT**


- 12.1 This by-law shall come into effect upon the day of its final passage.

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**READ A FIRST TIME** this 25<sup>th</sup> day of July, 2023.

  
\_\_\_\_\_  
Deputy Mayor

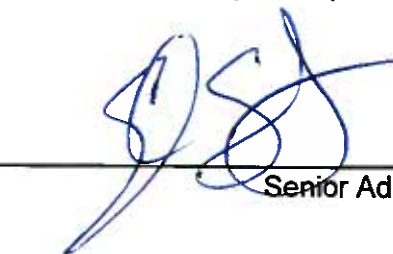
**READ A SECOND TIME** this 25<sup>th</sup> day of July, 2023.

  
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Deputy Mayor

**READ A THIRD AND FINAL TIME** this 30<sup>th</sup> day of October, 2023.

  
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Deputy Mayor

**CERTIFIED** that this by-law has been made in accordance with the requirements of the Cities, Towns and Villages Act S.N.W.T. 2003, c.22. and the by-laws of the Municipal Corporation of the Town of Hay River on this 30<sup>th</sup> day of October, 2023.

  
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Senior Administrative Officer

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**SCHEDULE A**

**SPECIFIED PENALTIES**

<b>SECTION</b>	<b>OFFENCE</b>	<b>FIRST OFFENCE</b>	<b>SECOND OFFENCE</b>	<b>THIRD OFFENCE</b>
3.1	Fighting	\$500	\$750	\$1000
4.1	Urination/Defecation	\$200	\$350	\$500
5.1	Spitting	\$100	\$150	\$200
6.1	Loitering	\$200	\$350	\$500
7.1	Littering	\$200	\$350	\$500
7.2	Failing to remove litter	\$200	\$350	\$500
8.0	Public Intoxication	\$200	\$350	\$500
10.0	Obstructing Peace Officer	\$200	\$350	\$500