

TOWN OF THE PAS
BY-LAW NO. 4442

**BEING A BY-LAW OF THE TOWN OF THE PAS TO REGULATE CONDUCT
IN PUBLIC PLACES WITHIN THE TOWN OF THE PAS, MANITOBA**

WHEREAS Section 232(1)(a) of The Municipal Act provides that a council may pass by-laws for municipal purposes respecting the safety, health, protection and well-being of people and the safety and protection of property;

AND WHEREAS it is in the interest of The Town of The Pas to establish a by-law to discourage Bullying and Fighting in public places within the Town of The Pas;

**NOW THEREFORE THE COUNCIL OF THE TOWN OF THE PAS IN OPEN
SESSION ASSEMBLED HEREBY ENACTS AS A BY-LAW AS FOLLOWS:**

1. Short Title

- a. This By-Law shall be referred to as the "Bullying By-Law"

2. Definitions

- a. Bullying - means comment, conduct or display by a person directed at another person:
- i. that intimidates, humiliates, ridicules or isolates that person;
 - ii. causes or is likely to cause physical or emotional distress;
- b. Town – means Town of The Pas
- c. Fight – means violent physical contact between two or more persons
- d. Peace Officer – means a sworn member of the Royal Canadian Mounted Police or By-Law Officer appointed by the Town of The Pas
- e. Public Place – means any place in the Town of The Pas that is open to the public and to which the public is customarily admitted or invited and includes;
- i. any buildings to which the public is ordinarily permitted access
 - ii. any vehicle used for the public transportation or a commercial vehicle for hire that is used to transport members of the public
 - iii. any street, highway, sidewalk, lane, alley, bridge, causeway or other place, whether publicly or privately owned, that is used or intended for the passage of pedestrians or vehicles
 - iv. any parking lot or other place, whether publicly or privately owned, that is used for parking a vehicle
 - v. any park or open space to which the public is ordinarily permitted access, whether upon payment or otherwise
 - vi. any school, including school grounds
- f. Restorative Justice – means an approach to justice where offenders are encouraged to take responsibility for their actions and "to repair the harm they've done - by apologizing, returning stolen money, or (for example) doing community service"

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3. Administration and Enforcement

A. The Detachment Commander of The Pas Royal Canadian Mounted Police is authorized to:

- i. administer and enforce the provisions of this by-law
- ii. delegate to any Peace Officer any power, duty or function assigned to the Detachment Commander through this by-law

B. Fighting

No person shall:

- i. Participate in a fight
- ii. Encourage other persons to fight
- iii. Video, record, photograph or distribute any video, recording or other photograph of any person involved in a fight for any purpose other than documenting the breach of this by-law or other law applicable in the Province of Manitoba
- iv. Violent physical contact between two or more persons that occurs in the context of sport or exercise is exempt from this by-law
- v. New media distribution or publication of a video, recording or photograph of any person involved in a fight is exempt from this section where the distribution or publication is in the legitimate pursuit of news gathering or reporting

C. Bullying

No person shall:

- i. bully another person in any public place
- ii. bully another person through written or electronic communication
- iii. encourage or promote another person to engage in acts of bullying
- iv. video, record, photograph or distribute any video, recording or photograph of any person involved in bullying for any purpose other than documenting the breach of this by-law or other law applicable in the Province of Manitoba

D. Penalty

1. Any person who contravenes any provision of this by-law is guilty of an offence punishable on summary conviction and liable:

- i. To a fine upon first offence of not more than \$250.00
- ii. To a fine of not more than \$500.00 for a second conviction under the by-law within a twelve month period from the date of the first conviction
- iii. To a fine of not more than \$1000.00 for a third conviction under this by-law with a twelve month period from the date the first conviction

2. When a peace officer issues a summary ticket for a violation of this by-law, that police officer will enter on the ticket the fine amount which, if paid within the time prescribed, will be accepted as a guilty plea to the offence.

3. Any person who is in default of payment of a fine imposed pursuant to this section may be liable to a term of imprisonment not exceeding one month.

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4. This section does not prevent a peace officer from using Restorative Justice Techniques to resolve the incident.

E. **Severability**

If any section, subsection, sentence clause, phrase or other portion of this by-law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portion of the by-law.

F. **Effective Date**

This by-law shall come into force and takes effect upon being read a third time and passed by Council.

DONE AND PASSED IN COUNCIL ASSEMBLED THIS 20th DAY OF April A.D. 2011

Mayor

Assistant C.A.C.

CERTIFIED THAT BY-LAW NO.

WAS:

READ A FIRST TIME THIS 6th
READ A SECOND TIME THIS 20th
READ A THIRD TIME THIS 20th

DAY OF April A.D. 2011.
DAY OF April A.D. 2011.
DAY OF April A.D. 2011.

Assistant C.A.O.