

## **1.0 SHORT TITLE**

This Bylaw shall be known as Bylaw No. 38 and may be cited as the "Public Places Bylaw".

**2.0** Nothing in this Bylaw shall be construed as authorizing non-compliance with any other laws, regulations, bylaws, lawful orders or directives pursuant to any statute, regulation or statutory or regulatory authority respecting the use of particular public places or particular types of public places.

## **3.0 DEFINITIONS**

In this Bylaw:

- a. "abutter" means the owner, lessee or occupier of any premises which abut a sidewalk;
- b. "aggressive or persistent begging" means any begging except passive begging as defined in this Bylaw.
- c. "begging" means soliciting or requesting a donation and includes providing a service without being expressly requested to do so in the expectation or hope of obtaining a donation or payment for that service;
- d. "crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of curb lines and property lines at intersections or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface;
- e. "loiter" means to stand idly around or move slowly about or to linger or spend time idly or to impede the passage of other persons;
- f. "obscene language" includes any obscene or profane word;
- g. "passive begging" means begging
  - i. in a non-threatening manner;
  - ii. by an individual, not in the company of other persons;
  - iii. when the begging individual is standing, sitting or lying in a stationary position, without physical approach towards or touching a person from whom a donation is sought;
  - iv. when the individual begging does not make more than one request or solicitation for a donation from any person;
  - v. in a place in which the begging individual can be circumnavigated by a pedestrian, without having to step into a roadway, with a clearance of not less than 1 meter from the begging individual; and
  - vi. if the begging individual is playing a musical instrument or otherwise performing a service, and a container is placed on the ground, not passed for donations.

- h. "public places" means
  - i. streets;
  - ii. public parks and trails;
  - iii. property owned by the Town of Yarmouth;
  - iv. recreation facilities funded or partially funded by the Town of Yarmouth; and
  - v. places designated by Council resolution as a public place for purposes of this Bylaw provided that such place is posted as a designated public place in accordance with this Bylaw.
- i. "roadway" means that portion of a street or highway between the regularly established curb lines or that part improved and intended to be used for vehicular travel.
- j. "sidewalk" means that portion of a highway between the curb line and the adjacent property line or any part of a highway especially set aside for pedestrian travel and separated from the roadway
- k. "highway" means (i) a public highway, street, lane, road, alley, park, beach or place including the bridges thereon, and (ii) private property that is designed to be and is accessible to the general public for the operation of a motor vehicle;
- l. "street" means a public street, highway, road, lane, sidewalk, thoroughfare, bridge, square and the curbs, gutters, culverts and retaining walls in connection therewith and, without restricting the generality of the foregoing, includes the full right-of-way width and includes streets not owned by the Town of Yarmouth;

**4.0** Upon application made by the owner of any property in the Town of Yarmouth, Council may designate a property or portion of a property as a Public Place for purposes of this Bylaw if the property or portion of a property is in, on or near a place that is open to the public.

**5.0** The owner of a property or portion of a property designated by Council as a Public Place under section 4.0 shall keep posted at a prominent location thereon a sign bearing the words "This property has been designated a Public Place by the Town of Yarmouth for purposes of the Public Places Bylaw" in letters at least 2.5 cm. in height in a contrasting color to the background of the sign, and containing such other information concerning this Bylaw as the Clerk may authorize.

**6.0** At the request of the owner, Council shall revoke the designation of a property or portion of a property designated as a public place pursuant to section 4.0.

**7.0** Council may, on its own initiative and in its own discretion, revoke a designation made pursuant to section 4.0.

**8.0 INTERFERING WITH USE AND ENJOYMENT**

No person shall unreasonably interfere with the lawful use and enjoyment of a public place by other persons.

**8.1** Without limiting the generality of section 8.0:

- a. no person shall use obscene language in a public place;

- b. no person shall expectorate in a public place;
- c. no person shall light or have a fire in a public place;
- d. no person shall camp or tent in a public place;
- e. no person shall sleep in a public place after dark;
- f. no person shall engage in aggressive or persistent begging in a public place;
- g. no person shall engage in passive begging in any of the following public places:
  - i. at a place designated as a Public Place at the request of the owner pursuant to section 4.0;
  - ii. in a roadway or crosswalk; or
  - iii. in the places identified in Schedule "A" of this Bylaw.
- h. no person shall skateboard, rollerblade, scooter or roller-skate in a public place except such places as may be posted by or on behalf of the Town of Yarmouth or the owner as an authorized place in which to carry out such activity;
- i. no person shall bicycle in a public place except
  - i. on a roadway in accordance with other applicable laws;
  - ii. in areas or upon trails posted by or on behalf of the Town of Yarmouth or the owner as an authorized place in which to bicycle;
- j. No person shall bring into or possess in a public place any animal except:
  - i. dogs kept under control by means of a harness or leash or otherwise complying with provisions in the Town of Yarmouth Dog Bylaw;
  - ii. cats or other domestic pets kept under control by means of a harness or leash or carried in a cage;
- k. no person shall litter or deposit or leave waste in a public place except in a designated waste receptacle;
- l. no person shall deface, damage or destroy municipal property in a public place, and, in addition to any penalty upon a prosecution for contravention of this provision, the Town of Yarmouth may recover the expense incurred in remediating the damage, together with costs and pre judgment interest, by action in any court of competent jurisdiction.
- m. No person shall loiter
  - i. in a public place posted by or on behalf of the Town of Yarmouth or the owner as a "No Loitering" area; or
  - ii. in the public places listed in Schedule "B" to this Bylaw

**9.0** Any person who contravenes any provision of this Bylaw is punishable on summary conviction by a fine of not less than \$100.00 and not more than \$1,000.00 and to imprisonment of not more than ninety days in default of payment thereof.

**Clerk's Annotation for Official Bylaw Book**

Date of First Reading: October 13<sup>th</sup>, 2011

Notice of Intent: October 25<sup>th</sup>, 2011

Date of Second Reading: November 10<sup>th</sup>, 2011

Date of Adoption: November 22<sup>nd</sup>, 2011

Date of Amended Bylaw: November 18<sup>th</sup>, 2021 (3.0 d, i, j, k, l)

I certify that this "Public Places Bylaw" was adopted by Council as indicated above.

Town Clerk:

Date:

Schedule "A"

---

Detailed listings of specific sidewalks or other places in which passive begging will not be permitted.

Schedule "B"

---

Detailed listings of prohibited loitering places.