



CITY OF NORTH BATTLEFORD
SASKATCHEWAN
BYLAW NO. 2145

**A BYLAW OF THE CITY OF NORTH BATTLEFORD IN
THE PROVINCE OF SASKATCHEWAN TO CONTROL
THE USE AND ACCESS OF ALLEYS THROUGHOUT
THE CITY BETWEEN THE HOURS OF 11:00P.M. AND
6:00A.M.**

WHEREAS Section 8 of *The Cities Act, S.S. 2002, c.C-11.1*, provides, in part, as follows:

8. A city has a general power to pass any bylaw for city purposes that it considers expedient in relation to the following matters respecting the city:
 - (a) the peace, order and good government of the city;

AND WHEREAS Section 6 of *The Cities Act, S.S. 2002, c.C-11.1*, provides, in part, as follows:

6. The power of a city to pass bylaws is to be interpreted broadly for the purposes of:
 - i. providing a broad authority to its Council and respecting the Council's right to govern the city in whatever manner the Council considers appropriate, within the jurisdiction provided to the Council by law;

AND WHEREAS Section 14 of *The Cities Act, S.S. 2002, c.C-11.1*, provides, in part, as follows:

14. (1) a Council, by resolution, or a designated officer, may temporarily close the whole or a part of a street at any time for any purpose considered necessary by the Council or the designated officer without having to comply with the requirements set out in Section 13.

AND WHEREAS the Council of the City of North Battleford has deemed it necessary to temporarily restrict access to all alleys throughout the City between the hours of 11:00 pm and 6:00 am for the purposes of public safety;

NOW THEREFORE the Council of The City of North Battleford in the Province of Saskatchewan, in an open meeting assembled, hereby enacts as follows:

PART I - INTERPRETATION

1. Short Title

1.1 This Bylaw may be cited as "Late Evening Alley Access Bylaw".

2. Definitions

2.1 In this Bylaw:

- (a) **"Abutting the subject alley"** means and refers to a property within the City of North Battleford that shares a common boundary with an alley. A property shall only be considered as abutting the alley(s) it shares a common boundary with;
- (b) **"Alley"** means a back alley or a thoroughfare within the City of North Battleford that is not a Street or a part of Territorial Drive and that borders a side of a property or properties to which property addresses are not assigned;
- (c) **"Bylaw Enforcement Officer"** means a person appointed by Council pursuant to Section 337 of The Cities Act, 2002;
- (d) **"Emergency"** means an unforeseen combination of circumstances that requires immediate action. This includes but is not limited to a fire, natural disaster, motor vehicle collision, or any other situation beyond the control of anyone, and requiring immediate action to prevent injury or death;
- (e) **"Peace Officer"** means;
 - i. Any person appointed pursuant to the *Police Act*, 1990 as a special constable or peace officer; or
 - ii. A member appointed pursuant to the *Royal Canadian Mounted Police Act*;
- (f) **"Residence"** means a place that an individual owns, rents or leases as accommodation, or that may be owned, rented or leased by an individual's employer for an employee's use;
- (g) **"Restricted access period"** means the seven-hour period of time between 11:00 p.m. and 6:00 a.m. in the same night;
- (h) **"Street"** means a public highway, road or thoroughfare within the City of North Battleford, and in reference to which property addresses are assigned or apply; and,
- (k) **"Utility agencies"** means SaskPower, SaskTel, SaskEnergy and the City of North Battleford, or any other firm or agency acting in their stead.

3. CURFEW AND EXEMPTIONS

- 3.1 No person shall walk through, drive through, be located in or otherwise use an alley during the restricted access period, unless such person is:
- (a) a permanent resident, or at the relevant time a permitted guest, of a permanent resident at a residential property abutting the subject alley;
 - (b) an owner, principal, manager or employee of a business premises abutting the Subject alley who is at that time actively or imminently to be engaged in their employment duties at the business premises, or when their work requires them to access the subject alley;
 - (c) accessing their residence which is abutting the subject alley;
 - (d) accompanied by a person whose residence is abutting the subject alley;
 - (e) accessing a property which they own and is abutting the subject alley;
 - (f) conducting work for a utility agency which requires access to the subject alley;
 - (h) accessing a business or event located in a property abutting the subject alley with the owner's permission;
 - (i) attending to an emergency; or,
 - (j) accessing a parking area in relation to the person's own vehicular transportation.

4. OFFENCES AND PENALTIES

- 4.1 Any person who contravenes any provision of this Bylaw is guilty of an offense punishable on summary conviction and liable to a maximum fine of not more than \$2,500.00.
- 4.2. When a Police Officer or Bylaw Enforcement Officer issues a summary ticket for a violation of this Bylaw, that Police Officer or Bylaw Enforcement Officer may enter on the ticket the minimum amount of \$250.00 which, if paid within the prescribed time, will be accepted as a guilty plea to the offence.
- (a) Non-compliance with any notice issued pursuant to this Section shall not in any way affect or prejudice the right of any person named in the notice to defend any charge which subsequently may be laid against such a person in respect of the infraction described in the Notice.

5. This Bylaw shall come into force and effect on January 1, 2024.

Introduced and read a first time this 25th day of September, 2023.

Read a second time this 10th day of October, 2023.

Read a third time and adopted this 23rd day of October, 2023.

