

**TOWN OF NIPAWIN
BYLAW No. 1157/22**

**A BYLAW OF THE TOWN OF NIPAWIN, IN THE PROVINCE OF SASKATCHEWAN TO
CONTROL THE USE AND ACCESS OF ALLEYS THROUGHOUT THE TOWN BETWEEN
THE HOURS OF 12:00 A.M. AND 6:00 A.M.**

WHEREAS the Town of Nipawin is empowered to temporarily close the whole or part of an alley for any purpose considered necessary by the Council of the Town of Nipawin pursuant to *The Municipalities Act*;

AND WHEREAS the Council of the Town of Nipawin has deemed it necessary to temporarily restrict access to all alleys throughout the Town between the hours of 12:00 a.m. and 6:00 a.m. for the purposes of public safety;

NOW THEREFORE the Council of the Town of Nipawin in the Province of Saskatchewan enacts as follows:

SHORT TITLE

1. This Bylaw shall be known as "The Alley Access Bylaw."

DEFINITIONS

2. In this Bylaw:
 - (a) **Abutting the subject alley** means and refers to a property within the Town of Nipawin 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 Town of Nipawin that is not a Street 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 373 of *The Municipalities 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) **Police 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 six-hour period of time between 12:00 a.m. midnight and 6:00 a.m. in the same day;
- (h) **Street** means a public highway, road or thoroughfare within the Town of Nipawin, and in reference to which property addresses are assigned or apply; and,
- [1] **Utility agencies** means SaskPower, SaskTel, SaskEnergy and the Town of Nipawin, or any other firm or agency acting in their stead.

CURFEW AND EXEMPTIONS

- 3. 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;

- (g) Accessing the premises of an organization which they are volunteering with when that organization's premises are abutting the subject alley, or when they are conducting work for the organization that requires them to access the subject alley;
- (h) Accessing a business or event located in a property abutting the subject alley;
- (i) Attending to an emergency; or
- (j) Accessing a parking area in relation to the person's own vehicular transportation.

OFFENCES AND PENALTIES

- 4. 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 \$10,000.00.
- 5. 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 \$500.00 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.

Coming Into Force

- 6. This Bylaw shall come into force on final passing thereof.



Lennie Harper
Mayor

M. Sorensen
Chief Administrative Officer

Read a third time and finally adopted this 14 day of November, 2022