

TOWN OF AMHERST

LOITERING BY-LAW

1. Short Title

This by-law shall be known as and may be cited as the Loitering By-law.

2. Definitions

- a) “common areas” - common areas include any entrance, hall, corridor, washroom, parking area, driveway, road, street, sidewalk, or alleys of any shopping centre, shopping mall or other shopping complex.
- b) “loiter” - without limiting its ordinary meaning, shall include loafing, wandering, standing, remaining idle either alone or in concert with others.
- c) “monument” shall include any structure, statue, memorial, cenotaph, marker and surrounding area.

3. Offence Section

- a) No person shall loiter on or about the doorstep or entrance of any buildings or on or about school property or on any road, street, walkway or alley in the Town of Amherst.
- b) No person shall loiter in common areas of a shopping centre, shopping mall or shopping complex.
- c) No person shall loiter in or around the entrance steps, stairways, corridors or fire escapes of any church, theatre, restaurant, hall, store, shop, office or apartment building in the Town of Amherst, or in any other area as designated and so marked or posted by signs of the owner/occupier of the property or any official sign of the Town prohibiting loitering.
- d) No person shall loiter in a public place in such a manner as to:
 - i) obstruct any public street, public highway or sidewalk, or any public place or building by hindering or impeding the free and uninterrupted passage of vehicles, traffic or pedestrians; or

- ii) commit upon or enter upon any public street, sidewalk, public highway or any other public place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone or upon or facing or fronting upon such public street, public highway or sidewalk or any other public place or building, all of which prevents the free uninterrupted ingress, egress and regress, therein or thereon.
- e) No person shall loiter on or near any monument located in the Town of Amherst.

4. Order to Move

- a) When any person causes or commits any of the conditions as set out in Section 3 of this by-law, a police officer or any law enforcement officer may order that person to stop causing or committing such conditions and to move on or disburse. Any person who fails or refuses to obey such an order shall be guilty of an offence, a violation of this Section, and will be so charged.
- b) Any person who persists, after a request to move or obey the directions of a police officer or other law enforcement officer, may be arrested and charged with respect to this Section.

5. Defence

It shall be a defence to any prosecution under this by-law if the accused establishes that he was standing in a prohibited place for the purpose of obtaining access to such place or for some other purpose of business requiring his presence in that place or is attending or participating in any event sponsored by any organization or organized activity of the Town or with the invitation and consent of the owner or occupant of any private premises.

6. Penalty

Any person who violates any provision of this by-law is guilty of an offence and is liable to a penalty not exceeding One Thousand Dollars (\$1,000.00).

7. Repeal and Recission

The Loitering By-law of the Town of Amherst as passed by the Council of the Town of Amherst on the 17th day of June, 1974 is hereby repealed.

THIS IS TO CERTIFY that the foregoing is a true copy of a by-law duly passed at a duly called meeting of the Council of the Town of Amherst duly held on the 28th day of February, 2000.

GIVEN under the hand of the Clerk and under the seal of the Town of Amherst this 9th day of March, 2000.



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TOWN CLERK

NOTICE OF PUBLICATION

SUBJECT: APPROVAL OF LOITERING BY-LAW # C-3

At the February 28, 2000 regular meeting of the Amherst Town Council, a motion to approve the Town of Amherst Loitering By-law was approved, following second reading of the proposed bylaw with amendments. This replaced the previous Loitering By-law which was outdated.

The new by-law has additional provisions to give police the authority to control loitering issues, and to arrest and prosecute violators.

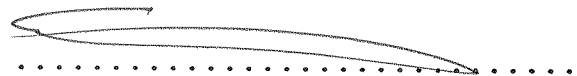
Copies of the new by-law may be inspected at the office of the Town Clerk, Confederation Memorial Building, Ratchford Street during regular business hours.

Ed Childs
Town Clerk

Amherst Daily News
Regular Town Ad
March 8, 2000

THIS IS TO CERTIFY that the foregoing is a Notice of Publication regarding the approval of the above Town of Amherst Bylaw as published in the local paper on March 8, 2000.

GIVEN under the hand of the Town Clerk and under the seal of the Town of Amherst this 9th day of March, 2000.



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TOWN CLERK