

CORPORATION OF THE MUNICIPALITY OF WEST GREY

BY-LAW NUMBER 56 - 2009

BEING, a By-law to prohibit and regulate certain public nuisances within the Corporation of the Municipality of West Grey;

WHEREAS, Section 128 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes municipalities to pass by-laws to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS, Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS, Section 130 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes municipalities to enact by-laws and make such regulations for the health, safety and well-being of the inhabitants of the municipality as may be deemed expedient and are not contrary to law;

AND WHEREAS, Council considers the enactment of a Public Nuisance By-law to be a matter concerning the health, safety and well-being of the inhabitants of the municipality;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST GREY ENACTS AS FOLLOWS:

DEFINITIONS

Section 1

1.1 In this By-law;

- a) **“Beg”** shall mean to go from place to place or to remain stationary and while there, to solicit donations for oneself or another person, but shall not include the solicitation of donations on behalf of a bona fide charity;
- b) **“Council”** means the Council for the Corporation of the Municipality of West Grey;
- c) **“Highway”** shall mean a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed or intended for or used by the general public for the passage of vehicles or persons, whether under the jurisdiction of the Province of Ontario, the County of Grey or the Municipality of West Grey, and includes any surface, grassed area, boulevard, ditch, curb, gutter and sidewalk within the lateral property lines of the Highway;
- d) **“Loitering”** means to remain or linger in an area aimlessly and for no obvious reason, and shall include sitting about or engaging in any loud or boisterous activity;
- e) **“Law Enforcement Officer”** includes a Police Officer appointed pursuant to Section 2 of the Police Services Act, R.S.O. 1990, Chapter P.15, as amended from time to time and a Municipal Law Enforcement Officer pursuant to either Section 278 of the Act, as amended from time to time, or pursuant to subsection 15(1) of the Police Services Act, R.S.O. 1990, c.P.15, as amended from time to time, and includes a By-law Enforcement/Property Standards Officer;
- f) **“Municipality”** shall mean the Corporation of the Municipality of West Grey;

- g) **“Park”** means playgrounds, beaches, outdoor swimming pools, wading pools, memorial squares, gardens, waters or any other areas owned by the Municipality for active or passive accessory uses and includes all recreation centres, arenas, indoor swimming pools and any other buildings, structures, facilities, erections and improvements, owned or leased by the Municipality, located on such lands;
- h) **“Person”** shall include an individual, sole proprietorship, partnership, unincorporated association, trust or body corporate;
- i) **“Pedestrian”** shall mean a Person on any part of a Highway who is on foot or a Person in a wheel chair, baby carriage or any similar, legally operated, ambulatory device.

GENERAL PROHIBITION OF CERTAIN PUBLIC NUISANCES

Section 2

- 2.1 No Person shall Beg, either from door to door, or on any Highway or in any other public place, including a Park.
- 2.2 No Person shall solicit any other Person on any Highway or in any other public place, including a Park, for donations of money or for any commercial purpose, except for donations on behalf of a bona fide charity, registered non-profit organization or school.
- 2.3 No Person or group of Persons shall gather, or gather together and stand in a group or near each other on a Highway, or on any other public place including a Park, in such a manner as to obstruct the free passageway of Pedestrian or vehicular traffic.
- 2.4 No Person shall use any Highway, or any other public place including a Park, in a manner to crowd or jostle Pedestrians or Persons using the Highway, public place or Park, or to create discomfort, disturbance or confusion for Pedestrians or Persons using the public place or Park.

Without limiting the generality of the foregoing, it shall constitute an offence for a Person to cause a disturbance on any Highway, or public place including a Park by screaming, yelling or using profane language in a manner which is audible to any passers by.
- 2.5 No Person shall conduct any activity which interferes with the travel or other lawful use of the Highway, or any public place including a Park, by Pedestrians or other Persons in such a manner so as to interfere with any Persons ingress or egress to or from any private premises or place of business.
- 2.6 No Person shall Loiter on any Highway, or other public place including a Park.
- 2.7 No Person shall interfere with any other Person’s lawful use of any Highway or other public place, including a Park.
- 2.8 No Person shall defecate, urinate or spit in or on any Highway or other public place, including a Park.
- 2.9 No Person shall remain or return and Loiter on any Highway, public place or Park after being requested to move on by a Law Enforcement Officer and not withstanding the foregoing, to relocate to another area or location in near proximity of the original area may be constituted as being the same area.

ENFORCEMENT

Section 3

3.1 This By-Law shall be enforced by the Law Enforcement Officer.

PENALTIES

Section 4

4.1 Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction thereof is liable to a fine in the amount provided for by the Provincial Offences Act, R.S.O. 1990, c.P.33, and to the set fines as listed on Schedule "A" attached hereto.

SEVERABILITY

Section 5

5.1 If a court of competent jurisdiction should declare any Section in this By-Law or part thereof, to be invalid, such Section or part of a Section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-Law as being invalid and is hereby declared that the remainder of the By-Law shall be valid and remain in force.

SHORT TITLE

Section 6

6.1 The short title of this By-Law shall be "The Public Nuisance By-Law".

DATE EFFECTIVE

Section 7

7.1 This By-Law shall come into force as of the date of passing.

Read a first and second time this 6th day of July, 2009.

Read a third time and finally passed this 6th day of July, 2009.

Mayor – Kevin Eccles

CAO/Clerk, Christine Robinson

SCHEDULE "A" TO BY LAW NUMBER 56 - 2009

Part I – Provincial Offences Act

TITLE: LOITERING BY-LAW

THE CORPORATION OF THE MUNICIPALITY OF WEST GREY

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Beg door to door or on highway, public place or park	Subsection 2.1	\$100.00
2	Solicit another person on highway, public place or park	Subsection 2.2	\$100.00
3	Stand on highway, public place or park obstructing pedestrian or vehicular traffic	Subsection 2.3	\$100.00
4	Use highway, public place or park in manner crowding or jostling pedestrian or person	Subsection 2.4	\$100.00
5	Cause disturbance on highway, public place or park	Subsection 2.4	\$100.00
6	Conduct activity interfering with travel or other lawful use of highway, public place or park	Subsection 2.5	\$100.00
7	Loiter on highway, public place or park	Subsection 2.6	\$100.00
8	Interfere with person lawfully using highway, public place or park	Subsection 2.7	\$100.00
9	Defecate, urinate or spit on highway, public place or park	Subsection 2.8	\$100.00
10	Loiter following request from Law Enforcement Officer to move on	Subsection 2.9	\$100.00

“The penalty provisions for the offences cited above is Section 4 of By-law Number 56 - 2009, a certified copy of which has been filed.”