

The Corporation of the Town of South Bruce Peninsula

By-Law Number 46-2020

Being a By-Law to Prohibit and Regulate Public Nuisance

Whereas the Municipal Act, S.O. 2001, c. 25, Section 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

And whereas the Municipal Act, S.O. 2001, c25, Section 8, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and, enhance their ability to respond to municipal issues;

And whereas the Municipal Act, S.O. 2001, c. 25, Section 127, provides that Council may prohibit the depositing of refuse or debris on the land without the consent of the owner or occupant of the land;

And whereas the Municipal Act, S.O. 2001, c. 25, Section 128, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances.

Now therefore the Council of the Corporation of the Town of South Bruce Peninsula enacts as follows:

1. Definitions

For the purposes of this by-law, the following definitions shall apply:

- (a) **"Beach"** shall mean an area adjacent to a body of water which may be covered with sand, grass, stones and from time to time, water, which is used and identified as a recreational amenity area and shall mean and include any parking areas, boardwalk features and any structures.
- (b) **"Bicycle"** shall mean and includes a quadricycle, tricycle, unicycle, skateboard, roller blades, roller skates or scooter, powered by muscular power, and shall include any trailer or attachment thereto.
- (c) **"Disorderly Conduct"** means causing a public disturbance and, without limiting the generality of the foregoing, includes yelling, screaming, shouting, singing, swearing, blocking aisles, blocking exits or blocking entrances, all which are likely to disturb and interfere with the reasonable enjoyment of someone else in a Public Place.
- (d) **"Feed"** means furnishing, or making items available as a food source.

Certified a true copy
this 4th day of October 2020
[Signature]
Angela Cayvas, Clerk
Town of South Bruce Peninsula

Angela Helen Cathras
A Commissioner, etc., County of Bruce
For the Corporation of the
Town of South Bruce Peninsula

- (e) **"Fight"** means any confrontation involving physical contact between two or more people and includes shoving, pushing and rough-housing.
- (f) **"Foul"** shall mean and include spitting, urinating, defecating, vomiting, excreting and other discharge from a body.
- (g) **"Graffiti"** shall mean the act of painting, drawing or otherwise affixing or attaching to buildings, sidewalks, walls, fences, structures, posts, signs, banners, etc. words, initials, pictures, graphics, scribbles, etc.
- (h) **"Highway"** shall mean a private or public road, street, avenue, parkway, driveway, square, place, bridge, viaduct, culvert, road allowance or trestle, any part of which is assumed or unassumed, and includes the boulevard, structures thereon and any untraveled portions thereof.
- (i) **"Littering"** shall mean throwing, dropping, placing, or otherwise depositing garbage, paper, plastic, paper products, plastic products, cans, rubbish, metal, wood, brush, leaves, compost, animal feces, animal/fish/bird carcasses or other debris.
- (j) **"Loitering"** means the lingering, hanging about and sleeping in a Public Place without permission from the Town, obstructing or making difficult the passage of persons or vehicles in a Public Place, or failing to move on after having been requested to do so.
- (k) **"Motorized Vehicle"** shall mean and includes any automobile, motorcycle, snowmobile, motor assisted bicycle, scooter, golf cart or any other vehicle propelled or driven otherwise than by muscular power and may include a motor assisted wheelchair and motor assisted devices used for mobility and accessibility.
- (l) **"Nuisance"** shall mean any action or activity that is annoying, unpleasant, unwanted, disturbing, obnoxious, racist, abusive, threatening, creates a disturbance, damages property or impacts the safety of a person.
- (m) **"Officer"** shall mean that person(s) duly appointed by the Town to enforce the by-laws enacted by the Town from time to time and may include a Municipal Law Enforcement Officer, Police Officer and Peace Officer.
- (n) **"Person"** shall mean and include any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires.
- (o) **"Picket"** shall mean any activity associated with protesting/objecting and may include the display of signs, placards, flags, shirts, hats, etc. which portrays a

message, symbols or marks, silence, shouting, chanting, singing, marching, standing and sitting.

- (p) "**Public Place**" means any property, location, lot, beach, facility, park, cemetery, parkette, parking lot, building (inside and outside), highway, sidewalk, recreational amenity, tennis court, ball diamond, campground, etc. owned by, occupied by or under the custody and control of the Town.
- (q) "**Sidewalk**" shall mean that portion of a highway that is designed for the passage of persons and shall include a trail or walkway which may or may not be included as a portion of a highway.
- (r) "**Solicit**" shall mean to ask for money, sell a product, give or exchange an idea or opinion; seek to obtain something from a person or give something to a person.
- (s) "**Town**" shall mean the Corporation of the Town of South Bruce Peninsula, its employees, Council, contractors, representatives and assigns.

2. General Provisions

- 2.1 No person shall picket in or on any Public Place unless authorized by the Town or authorized by the person under contract with the Town for the use of the Public Place.
- 2.2 No person shall litter or cause littering to occur on or in any Public Place.
- 2.3 No person shall loiter in or on any Public Place.
- 2.4 No person shall foul or permit the fouling of any Public Place.
- 2.5 No person shall block, interfere with or otherwise impede the passage of any pedestrian on any sidewalk or portion thereof unless:
 - 2.5.1 They are the owner or driver of an emergency vehicle as defined within the Highway Traffic Act;
 - 2.5.2 They are operating a vehicle engaged in works undertaken for or on behalf of the Town, area municipalities, public utilities; and
 - 2.5.3 They are the driver of an ambulance as defined within the Highway Traffic Act.
- 2.6 No person shall ride a bicycle on a sidewalk or any wall or structure or inside any Town facility or building which is not expressly and specifically meant for such use.

- 2.7 No person shall ride or otherwise operate any motorized vehicle on or over any Public Place within the Town except:
- 2.7 (a) For the purpose of maintaining such Public Place as authorized by the Town;
- 2.7 (b) For any purpose as authorized by the Town;
- 2.7 (c) For any purpose as permitted under Provincial or Federal legislation;
- 2.7 (d) For the purpose of accessibility and mobility provided that the motorized vehicle is operated at a speed which is less than four kilometers per hour (4 km/h) and that the right-of-way is given to pedestrians.
- 2.8 No person shall fight in or on any Public Place.
- 2.9 No person shall feed Warton Willie without the express permission of the Town.
- 2.10 No person shall cause a nuisance or display disorderly conduct in or on any Public Place.
- 2.11 No person shall be in or on any Public Place which has been closed or deemed by the Town not to be occupied for any reason whatsoever.
- 2.12 No person shall graffiti any Public Place.
- 2.13 No person shall cause any nuisance odour to permeate a Public Place.
- 2.14 No person shall solicit in or on a Public Place without the express permission of the Town.
- 2.15 No person shall permit another person to be in or on a Public Place without proper supervision of those under the person's care and control.
- 2.16 No person shall use a Public Place for other than its intended purpose, at the sole discretion of the Town.
- 2.17 No person shall use or cause to be used any utilities including hydro outlets, telephone and internet connections, water or sewage connections, without the express permission of the Town.
- 2.18 No person shall enter into any Town staff work area or approach any meeting table of Council or any Committee or local board thereof without the express permission of the Town.

3. Enforcement, Penalty and Corrective Actions

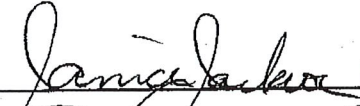
- 3.1 The provisions of this by-law shall be enforced by Officers.
- 3.2 Every person who is required by an Officer to provide identification shall identify themselves to the Officer by giving their full and correct name, date of birth and address.
 - 3.2.1 Every person who fails to provide identification is guilty of the offence of obstruction of an Officer in the performance of their duties.
- 3.3 No person shall interfere with an Officer while performing their duty pursuant to this by-law.
- 3.4 Every person who contravenes the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
- 3.5 Where it is deemed appropriate by the Town and in addition to any other fine or penalty, the following corrective actions may be implemented:
 - 3.5.1 The person in violation will be removed from the Public Place but permitted re-entry later in the same day.
 - 3.5.2 The person in violation will be removed from the Public Place but permitted re-entry at some point in the future, generally not to exceed a ban of more than one month.
 - 3.5.3 The person in violation will be removed from the Public Place and not permitted re-entry. A total ban will be dependent upon the nature of the violation and may include legal remedies to support a total ban.

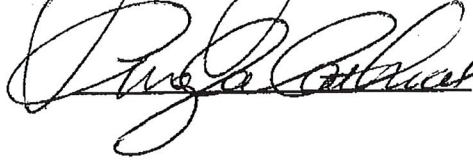
4. Severability, Inclusion, Exception, Force and Effect

- 4.1 References in this by-law to the singular shall be deemed to also include the plural.
- 4.2 References in this by-law to the masculine shall be deemed to also include the feminine.
- 4.3 Should a court of competent jurisdiction declare a part or the whole of any provision of this by-law to be invalid, or of no force and effect, the provision or part is deemed severable from this by-law and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.
- 4.4 This by-law shall come into force and effect on the final passing thereof.

4.5 Any by-law inconsistent with this by-law is hereby rescinded.

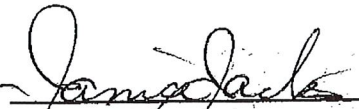
Read a first and second time this 7th day of May, 2020.

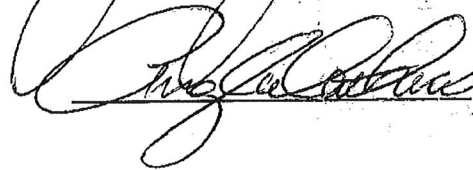


Mayor


Clerk

Read a third time and finally passed this 7th day of May, 2020.



Mayor


Clerk