

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2013-51

**BEING A BY-LAW TO PROHIBIT AND REGULATE
PUBLIC NUISANCES WITHIN THE TOWNSHIP OF WEST LINCOLN**

**THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
ENACTS AS FOLLOWS:**

WHEREAS:

1. The *Municipal Act, 2001, S.O. 2001, c. 25*, as amended (the "*Municipal Act*"), provides that a municipality has the capacity, rights and powers of a natural person for exercising its authority and that it may do so by law.
2. Section 128 of the *Municipal Act* 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 or cause public nuisances.
3. It is, in the opinion of the Council for the Corporation of the Township of West Lincoln that certain actions outlined in this by-law constitute public nuisances and hereby approve the recommendations contained within Director of Planning Building Report PD-028-13 at a Planning/Building/Environmental Committee Meeting held May 13, 2013.
4. Section 425 of the *Municipal Act* establishes that any person who contravenes any by-law of a municipality is guilty of an offence.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
WEST LINCOLN ENACTS AS FOLLOWS:**

1. DEFINITIONS

1.1 In this by-law,

"Township" means the Corporation of the Township of West Lincoln;

"Defecate" means to discharge waste materials from the bowels;

"Fight" means any confrontation involving violent, physical contact between two or more people;

"Graffiti" means images or lettering, scratch scrawl painted or any form of marking on property that does not belong to the artist;

"Loiter" means lingering on the way, to travel indolently with frequent pauses without apparent destination;

"Public Place" includes a highway, sidewalk, pedestrian walkway or trail, property and any place to which the public have a right of access or by invitation, express or implied and includes private property that is exposed to public view, but does not include a washroom facility;

"Spit" means to eject phlegm, saliva, chewing tobacco, liquid or any other substance from the mouth;

"Urinate" means to discharge urine from the body;

"Vomit" means to eject matter from the stomach through the mouth.

2. PROHIBITIONS

- 2.1 No person shall Urinate, Defecate, Vomit or Spit in a Public Place.

- 2.2 No person shall knock over or attempt to knock over a Canada Post mailbox, Canada Post relay box, newspaper box, fence, bench, blue box or garbage container or other structure or object located in a Public Place. This section shall not apply to Municipal or Regional employees or any person under contract with the Township or the Regional Municipality of Niagara acting under the jurisdiction of the Municipality or Region.
- 2.3 No person shall Loiter in a Public Place.
- 2.4 No person shall participate in a Fight in any Public Place.
- 2.5 No person shall mark or apply Graffiti on any Public Place, including signs or private property.
- 2.6 No person shall leave, throw or deposit any bottles, glasses or material on public or private property.
- 2.7 No owner, occupant or tenant of any premise serving alcohol, fitted with large doors or garage type doors, shall cause, permit or allow the said doors to remain open after 11:00 p.m.
- 2.8 No person shall refuse to identify themselves when requested to do so by a police officer or municipal by-law enforcement officer.

3. PENALTY

- 3.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, and the regulations made thereunder.

4. GENERAL

- 4.1 Each provision of this by-law is independent of all other provisions, and if any provision is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this by-law remain in force.
- 4.2 Nothing in this by-law relieves any person from complying with any provision of a federal or provincial regulation or municipal by-law or any requirement of a lawful permit, order or license.
- 4.3 The provisions of this by-law may be enforced by a police officer or a municipal by-law enforcement officer or other individual duly appointed for the purpose of enforcing this by-law.

5. SHORT TITLE OF BY-LAW

- 5.1 This by-law may be referred to as the "Public Nuisance By-law".

6. FORCE AND EFFECT

- 6.1 This by-law shall come into force and effect on the day it is passed.

**READ A FIRST, SECOND AND THIRD
TIME AND PASSED BY COUNCIL THIS
27th DAY OF MAY 2013.**

MAYOR DOUGLAS JOYNER

CAROLYN LANGLEY, CLERK

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
SHORT FORM WORDING – PART 1 PROVINCIAL OFFENCES ACT

Schedule “A” To BY-LAW NO. 2013-51

PUBLIC NUISANCE BY-LAW

ITEM	<u>COLUMN 1</u> DESCRIPTION OF OFFENCE SHORT FORM WORDING	<u>COLUMN 2</u> PROVISION CREATING OR DEFINING OFFENCE	<u>COLUMN 3</u> SET FINE
1.	Urine, Defecate, Vomit or Spit in a Public Place.	Section 2.1	\$400.00
2.	Knock over or attempt to knock over a Canada Post mailbox, Canada Post relay box, newspaper box, blue box or garbage container lawfully located on a highway.	Section 2.2	\$400.00
3.	Loiter in a Public Place.	Section 2.3	\$400.00
4.	Participate in a Fight in any Public Place.	Section 2.4	\$400.00
5.	Mark or apply Graffiti on any Public Place, including signs or private property.	Section 2.5	\$400.00
6.	Leave, throw or deposit any bottles, glasses or material on public or private property.	Section 2.6	\$400.00
7.	Refuse to identify themselves when requested to do so by a police officer or municipal by-law enforcement officer.	Section 2.8	\$400.00

NOTE: The penalty provision for the offences listed above is in Section 3 of By-law No 2013-51 a certified copy of which has been filed.