

**THE CORPORATION OF THE**

**TOWNSHIP OF WAINFLEET**

**BYLAW NO. 022-2009**

Being a bylaw to prohibit and regulate public nuisances within the Township of Wainfleet.

**NOW THEREFORE** the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

**WHEREAS** 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 purpose for exercising its authority and that it may do so by law;

**AND WHEREAS** 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.

**AND WHEREAS** It is, in the opinion of the Council for the Corporation of the Township of Wainfleet that certain actions outlined in this bylaw constitute public nuisances.

**AND WHEREAS** Section 425 of the *Municipal Act* establishes that any person who contravenes any bylaw of a municipality is guilty of an offence.

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

**1. DEFINITIONS**

1.1 In this bylaw,

"Defecate" means to discharge waste material 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;

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

“Township” means the Corporation of the Township of Wainfleet;

“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, blue box or garbage container lawfully located in a public place. This section shall not apply to Township employees or any person under contract with the Township or the Regional Municipality of Niagara acting under the Region’s Waste Management Bylaw.
- 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 person shall refuse to identify themselves when requested to do so by a police officer or municipal bylaw enforcement officer.

## **3. PENALTY**

- 3.1 Every person who contravenes any provision of this bylaw 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 bylaw 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 bylaw remain valid and enforceable.
- 4.2 Nothing in this bylaw relieves any person from complying with any provision of a federal or provincial regulation or municipal bylaw or any requirement of a lawful permit, order or licence.

4.3 The provisions of this bylaw may be enforced by a police officer or a municipal bylaw enforcement officer or other individual duly appointed for the purpose of enforcing this bylaw.

**5. SHORT TITLE OF BYLAW**

5.1 This bylaw may be referred to as the "Public Nuisance Bylaw".

**6. FORCE AND EFFECT**


6.1 The Provisions of the bylaw shall take effect on the date of the final passing by Council

BYLAW READ A FIRST TIME THIS 26<sup>TH</sup> DAY OF MAY, 2009.

BYLAW READ A SECOND TIME THIS 26<sup>TH</sup> DAY OF MAY, 2009.

BYLAW READ A THIRD TIME AND FINALLY PASSED THIS 26<sup>TH</sup> DAY OF MAY, 2009.

  
B. Henderson, MAYOR

  
T. Lamb, CLERK

**PART I PROVINCIAL OFFENCES ACT**

**Township of Wainfleet**

**Schedule "A" to Bylaw No. 022-2009: Public Nuisances**

**Set Fine Schedule**

| <u>Item</u> | <u>Column 1</u><br>Short Form Wording  | <u>Column 2</u><br>Offence creating provision or defining offence | <u>Column 3</u><br>Set Fine |
|-------------|--|---|-----------------------------|
| 1.          | Urinate, Defecate, Vomit or Spit in a Public Place   | Section 2.1   | \$300.00                    |
| 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 in a public place. | Section 2.2.  | \$300.00                    |
| 3.          | Participate in a Fight in any Public Place.  | Section 2.4   | \$300.00                    |
| 4.          | Mark or apply Graffiti on any Public Place, including signs or private property.   | Section 2.5   | \$300.00                    |
| 5.          | Leave, throw or deposit any bottles, glasses or material on public or private property.  | Section 2.6   | \$300.00                    |
| 6.          | Refuse to identify themselves when requested to do so by a police officer or municipal bylaw enforcement officer.  | Section 2.7   | \$300.00                    |

**Note: The general penalty provision for the offences listed above is Section 3.1 of Bylaw No. 022-2009, a certified copy of which has been filed.**