THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA

BY-LAW NUMBER 26-2012

A By-law to Regulate the use of Properties located within the Town of South Bruce Peninsula relative to Public Nuisance

WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 8, 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 9, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) 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 those lands which are not covered by water.

(b) “Bicycle” shall mean and includes a tricycle and unicycle but does not include a motor assisted bicycle.

(c) “Foul” or “Fouling” shall mean and includes spitting, urinating, defecating or other act of defacing property.

(d) “Highway” shall mean a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
(e) "Motorized Vehicle" shall mean and includes any automobile, motorcycle, snowmobile, motor assisted bicycle or any other vehicle propelled or driven otherwise than by muscular power, but does not include a motor assisted wheelchair.

(f) "Nuisance" shall mean any action or activity that is annoying, unpleasant or obnoxious.

(g) "Pedestrian Way" shall mean that portion of the highway designed for the passage of persons and includes that part of the road where pedestrians have priority over traffic.

(h) "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.

(i) "Roadway" shall mean that part of the highway that is improved, designed and ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway has two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively.

(j) "Sidewalk" shall mean that portion of the city right-of-way that is intended or used by the general public for the passage of persons, including a boulevard.

(k) "Town" shall be the Corporation of the Town of South Bruce Peninsula.

(l) "Water feature" includes rivers, lakes, streams, creeks, storm water management ponds, locks, reservoirs, estuaries, swales, man made or natural streams, man made ditches, and other geographical features containing water at some time during the year but does not include private or municipal swimming pools or decorative man made, self-contained garden ponds on private residential property.

2. GENERAL PROVISIONS

2.1 No person shall throw, drop, place, or otherwise deposit garbage, paper, paper or plastic products, cans, rubbish, or other debris on any Town property including but not limited to vacant or other lands owned by the Town, a highway, roadway, sidewalk, pedestrian way, water feature, beach or boulevard, unless authorized by the Town.

2.2 No person shall throw, drop, place or otherwise deposit garbage, paper, paper or plastic products, cans, rubbish, or other debris on any private property not owned by such person, unless so authorized by the private property owner.

2.3 No person shall pick over, interfere with, disturb, remove or scatter any material placed out for refuse collection, or placed in garbage or other refuse receptacle placed by the Town intended for the collection of garbage, paper, cans, rubbish, or similar items of refuse.
2.4 No person shall foul or permit the fouling of any vacant or other lands owned by the Town, a highway, roadway, sidewalk, pedestrian way, water feature, beach or boulevard.

2.5 No person shall foul or permit the fouling of any vacant or other lands owned privately.

2.6 No person shall block, interfere with or otherwise impede the passage of any pedestrian on any sidewalk or other pedestrian-way, or portion thereof, unless they are the owner or driver of an emergency vehicle as defined within the Highway Traffic Act and/or a vehicle engaged in works undertaken for or on behalf of the Town, area municipalities, public utilities and an ambulance as defined within Section 61 of the Highway Traffic Act.

2.7 No person shall ride a bicycle or other muscularly powered vehicle not including a muscular powered wheelchair on a sidewalk that would block, interfere with or otherwise impede the passage of any pedestrian on any sidewalk or pedestrian crosswalk.

2.8 No person shall ride or otherwise operate any motorized vehicle on or over any sidewalk or pedestrian way within the Town unless for the purpose of maintaining such sidewalk or pedestrian way and as authorized by the Town or other Provincial legislation as may be applicable to such motorized vehicle.

3. **ENFORCEMENT**

3.1 The provisions of this by-law shall be enforced by the Municipal Law Enforcement Officer, Police Officer, Peace Officer, or other individual duly appointed for the purpose of enforcing this by-law.

4. **PENALTY**

4.1 No person(s) shall interfere with an officer while performing their duty pursuant to this by-law.

4.2 Every person who contravenes the provisions of this by-law is guilty of an offence and the provisions of the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, shall apply to the said fine.

5. **FORCE AND EFFECT**

5.1 This by-law shall come into force and effect on the final passing thereof.

5.2 Any by-law inconsistent with this by-law is hereby rescinded.
READ a FIRST and SECOND time this 21\textsuperscript{ST} day of February, 2012.

READ a THIRD time and FINALLY PASSED this 21\textsuperscript{ST} day of February, 2012.
<table>
<thead>
<tr>
<th>ITEM</th>
<th>COLUMN 1 SHORT FORM WORDING</th>
<th>COLUMN 2 OFFENCE CREATING PROVISIONS</th>
<th>COLUMN 3 SET FINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Throw, drop place or deposit garbage on Town property no authorization</td>
<td>Section 2 sub 2.1</td>
<td>150.00</td>
</tr>
<tr>
<td>2</td>
<td>Throw, drop place or deposit garbage on private property no authorization</td>
<td>Section 2 sub 2.2</td>
<td>150.00</td>
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<tr>
<td>3</td>
<td>Foul or fouling on Town property no authorization</td>
<td>Section 2 sub 2.4</td>
<td>150.00</td>
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<tr>
<td>4</td>
<td>Foul or fouling on private property no authorization</td>
<td>Section 2 sub 2.5</td>
<td>150.00</td>
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<tr>
<td>5</td>
<td>Block or interfere with passage on any sidewalk</td>
<td>Section 2 sub 2.6</td>
<td>150.00</td>
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<tr>
<td>6</td>
<td>Block or interfere with passage in a crosswalk</td>
<td>Section 2 sub 2.6</td>
<td>150.00</td>
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<tr>
<td>7</td>
<td>Operate a motorized vehicle on any Town sidewalk</td>
<td>Section 2 sub 2.8</td>
<td>150.00</td>
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<tr>
<td>8</td>
<td>Operate a motorized vehicle in any pedestrian way within the Town</td>
<td>Section 2 sub 2.8</td>
<td>150.00</td>
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</tbody>
</table>

NOTE: THE PENALTY PROVISIONS FOR THE OFFENCE(S) INDICATED ABOVE IS /ARE SECTION 4 OF BY-LAW NUMBER 26-2012 OF WHICH A CERTIFIED COPY HAS BEEN FILED.