

THE CORPORATION OF THE CITY OF BROCKVILLE
By-law No. 044-2011

A By-law to address Public Nuisances

WHEREAS the Municipal Act 2001, S.O. 2001, c.25 as amended, now provides that a municipality has the capacity, rights and powers and privileges of a natural person for the purpose of exercising its authority and that it may do so by by-law; and further that Section 128 of the said Municipal Act, provides that a local municipality may prohibit and regulate with respect to public nuisance, including matters that in the opinion of Council, are or could become, or cause public nuisances; and

WHEREAS it is the opinion of the Council for the Corporation of the City of Brockville that certain actions outlined in this by-law do constitute a public nuisance; and

WHEREAS section 425 of the Municipal Act, establishes that any person who contravenes any by-law of the municipality is guilty of an offence.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE enacts as follows:

1.0 DEFINITIONS:

- 1.1 "City" shall mean the Corporation of the City of Brockville;
- 1.2 "Defecate" shall mean to discharge waste matter from the bowels;
- 1.3 "Fight" shall mean any confrontation involving violent physical contact between two or more people;
- 1.4 "Fouling" shall mean and includes spitting, urinating, vomit, defecating or any other act of defacing property;
- 1.5 "Graffiti" shall mean images or lettering scratched, scrawled, painted or any form of marking on property that does not belong to the artist;
- 1.6 "Public place" includes a highway, sidewalk, pedestrian walkway or trail, property and any place to which the public have access as of right or by invitation, expressed or implied and private property that is exposed to public view; and

If the intended use of the aforementioned "public place" is for washroom use and includes a toilet and/or urinal, it will be exempt from the public nuisance provisions.
- 1.7 "Spit" shall mean to eject phlegm, saliva, chewing tobacco juice, or any other substance from the mouth;
- 1.8 "Urinate" shall mean to discharge urine from the body;
- 1.9 "Vomit" shall mean to eject matter from stomach through the mouth;

2.0 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, newspaper box, bench, fence, blue box or garbage container, or any other structure or object, located in a public place. This section shall not apply to City employees or persons under contract with the City, acting under the jurisdiction of the City.
- 2.3 No person shall participate in a fight in any public place.
- 2.4 No person shall mark or apply graffiti on any public place, including signs, or private property.
- 2.5 No person shall block, interfere with or otherwise impede the passage of any pedestrian on any City sidewalk or portion thereof, unless he or she is the driver of an emergency vehicle as defined within the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended, or a vehicle otherwise engaged in works undertaken for or on behalf of the City

3.0 ENFORCEMENT:

- 3.1 The provisions of this by-law may be enforced by a municipal law enforcement officer, police officer, or other individual duly appointed for the purpose of enforcing this by-law.
- 3.2 No person shall obstruct, hinder or otherwise interfere with any by-law enforcement officer, Police Officer, Peace officer, or other individual duly appointed while carrying out an investigation, making inquiries, or performing their duties for the purposes of enforcing this by-law.

4.0 OFFENCE AND PENALTY PROVISIONS

- 4.1 Any person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the *Provincial Offences Act*, as amended, and to any other applicable penalties.
- 4.2 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

5.0 **VALIDITY**

5.1 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 valid and enforceable.

5.2 The short title of this By-law is the "Public Nuisance By-law".

6.0 **COMMENCEMENT**

6.1 This By-law shall come into force and take effect on the date of its passing.

Given under the Seal of the Corporation
of the City of Brockville and passed this
10th day of May, 2011.



Mayor



City Clerk

THE CORPORATION OF THE CITY OF BROCKVILLE
By-Law Number 044-2011

Being a By-law to address Public Nuisances

Part I Provincial Offences Act
Set Fine Schedule

| <i>Item</i> | <i>COLUMN 1 Short Form Wording</i> | <i>COLUMN 2 Provision Creating or Defining Offence</i> | <i>COLUMN 3 Set Fine</i> |
|-------------|--|--|------------------------------|
| 1. | Urinated, defecated, vomited or spit in a public place | 2.1 | \$180.00 |
| 2. | Knocked over or attempted to knock over a container, other structure or object | 2.2 | \$180.00 |
| 3. | Participated in a fight | 2.3 | \$300.00 |
| 4. | Marked or applied graffiti | 2.4 | \$180.00 |
| 5. | Blocked, interfered with or other impede the passage of pedestrian | 2.5 | \$180.00 |