

**THE CORPORATION OF THE**

**TOWNSHIP OF WAINFLEET**

**BY-LAW NO. 022-2009**

**AS AMENDED BY BY-LAW NO. 042-2019**

Being a by-law 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 by-law constitute public nuisances.

**AND WHEREAS** 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 WAINFLEET ENACTS AS FOLLOWS:**

**1. DEFINITIONS**

1.1 In this by-law,

"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, portable washroom 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 By-law (*As Amended by By-law No. 042-2019*)
- 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 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.
- 3.2 An Officer may issue a penalty notice immediately upon evidence of a violation to the owner of the property in accordance with the AMPS By-law for Non-Parking Offences No. 027-2019 (*As Amended by By-law No. 042-2019*)

**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 valid and enforceable.
- 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 licence.
- 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**

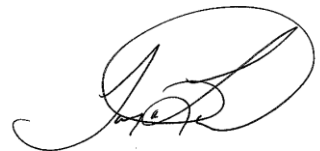
- 6.1 The Provisions of the by-law shall take effect on the date of the final passing by Council

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

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

BY-LAW 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 By-law No. 022-2009: Public Nuisances**

**Set Fine Schedule**

<u>Item</u>	<u>Column 1</u> Short Form Wording	<u>Column 2</u> Offence creating provision or defining offence	<u>Column 3</u> 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 by-law enforcement officer.	Section 2.7	\$300.00

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

## SCHEDULE "B" TO BY-LAW NO. 022-2009

Short Form Wording and Administrative Penalties.

Section	Short Form Wording	Penalty
2.1	Urinate, Defecate, Vomit or Spit in a Public Place	\$300.00
2.2	Knock over or attempt to knock over a Canada Post mail box, Canada Post relay box, Newspaper box, blue/grey box, portable washroom, garbage container lawfully located in a Public Place	\$300.00
2.3	Loiter in a Public Place	\$300.00
2.4	Participate in a Fight in any Public Place	\$300.00
2.5	Mark or apply Graffiti on any Public Place, including signs on private property	\$300.00
2.6	Leave, throw or deposit any bottles, glasses or material on public or private property	\$300.00
2.7	Refuse to identify themselves when requested to do so by a Police Officer or municipal by-law enforcement officer	\$300.00