

THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. 4397-10

A BY-LAW TO ADDRESS PUBLIC NUISANCES

**WHEREAS** the Municipal Act 2001, S.O. 2001, c.25 as amended 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 WHEREAS** Section 128 of the said 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 a public nuisance;

**AND WHEREAS** it is the opinion of the Council of the Corporation of the Town of Niagara-on-the-Lake that certain actions as outlined in this by-law do constitute a public nuisance.

**NOW THEREFORE** the Council of the Corporation of the Town of Niagara-on-the-Lake enacts as follows:

**1. Definitions**

- 1.1 "Town" means the Corporation of the Town of Niagara-on-the-Lake.
- 1.2 "Defecate" means to discharge waste matter from the bowels.
- 1.3 "Fight" means any confrontation involving violent physical contact between two or more people.
- 1.4 "Graffiti" shall mean images or lettering scratched, scrawled, painted or any form of marking, on property that does not belong to the person marking the property.
- 1.5 "Loiter" shall mean lingering on the way, to travel indolently with frequent pauses without any apparent destination.
- 1.6 "Public place" includes any highway, sidewalk, pedestrian walkway or trail, public property and any place to which the public have access as of right or by invitation, expressed or implied, and any private property that is exposed to public view but does not include a washroom facility.
- 1.7 "Spit" means to eject phlegm, saliva, chewing tobacco juice or any other substance, from the mouth.
- 1.8 "Urinate" means to discharge urine from the body.
- 1.9 "Vomit" means to eject matter from the stomach through the mouth.

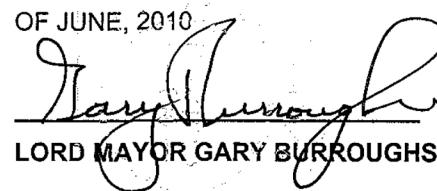
**2. Prohibitions**

- 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, 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 those acting under the direction of the Town or with the Town's permission.
- 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 in any public place or on any private property, including but not limited to signs and walls.
- 2.6 No person shall refuse to identify themselves when requested to do so by any Police Officer or Municipal Law Enforcement Officer.

**3. General Provisions**

- 3.1 Each provision of this by-law is independent of all the other provisions, and if any provision should be declared to be invalid for any reason by a court of competent jurisdiction, all other provisions of this by-law shall remain valid and enforceable.
- 3.2 The provisions of this by-law may be enforced by any Police Officer or Municipal Law Enforcement Officer.
- 3.3 Any person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33.
- 3.4 This by-law shall come into force and take effect on the day of its passing.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 7<sup>TH</sup> DAY  
OF JUNE, 2010

  
LORD MAYOR GARY BURROUGHS

  
TOWN CLERK HOLLY DOWD

THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO.

## PART 1 PROVINCIAL OFFENCES ACT

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**“NOTE:** The penalty provision for the offences indicated above is section 3.3 of By-law No. , a certified copy of which has been filed. “