BY-LAW No. 2013-021

OF THE

CORPORATION OF THE TOWN OF COLLINGWOOD

Being a By-law to prohibit and regulate public nuisances within the town of Collingwood.

WHEREAS Section 8.1 of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, provides that the powers of a municipality under this Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 128.1 of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, 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 Sections 425 and 429 of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, authorizes a Municipality to create offences and establish fines for offences under by-laws;

AND WHEREAS Council deems it expedient to broaden the existing Public Nuisance By-law No. 2010-052;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:

1.Short Title

This by-law may be cited as the "Public Nuisance By-law"

2.Definitions

"Council" means the Council of the Town of Collingwood;

"Disorderly Conduct" means causing a public disturbance and, without limiting the generality of the foregoing, includes yelling, screaming, shouting, singing, swearing

and interfering with the reasonable enjoyment of someone else at a public place;

"Fight" means any confrontation involving violent physical contact between two or more people;

"Graffiti" means images or lettering scratched, scrawled, painted or any form of marking on property that does not belong to the artist;

"Litter" means to throw, drop, place, or otherwise deposit or permit to be deposited any garbage, paper, plastic, paper products, plastic products, cans, rubbish, or other debris on property;

"Loiter" means lingering on the way, to travel indolently with frequent pauses without any apparent destination;

"Nuisance" shall mean an activity that causes an unsafe environment, affects the well-being of persons or the enjoyment of a public place, and shall be limited to the activities described in Section 3.0 of this by-law;

"Occupier" includes:

2.1. a person who is in physical possession of premises; or

2.2. a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises;

"Officer" means a Municipal Law Enforcement Officer appointed by the Town as a Municipal Law Enforcement Officer pursuant to S. 15 of the Police Services Act, R.S.O. 1990, c. P. 15, as amended, or an Ontario Provincial Police Officer;

"Public Place" means land owned or operated by the Town, and without limiting the generality of the foregoing, includes a highway, sidewalk, trail, pedestrian-way, park, boulevard and public square owned or operated by the Town, and includes any buildings, structures and equipment located thereon, intended for or used by the general public;

"Refuse" means any article, thing, matter, substance or effluent that has been cast aside, discharged or abandoned or is discarded from its usual and intended use or is used up, in whole or in part, or expended or worn out in whole or in part;

"Sidewalk" means that portion of the Town's right-of-way that is intended or used

by the general public for the passage of persons, including the boulevard;

"Town" means the Corporation of the Town of Collingwood;

3.General

3.1. No person shall solicit or sell or attempt to solicit or sell any items, including but not limited to funds, in any public place unless authorized to do so by the Town.

3.2. No person shall block, interfere with or otherwise impede the passage of any pedestrian on any Town sidewalk or other Town pedestrian-way, or portion thereof unless authorized by the Town**.**

3.3. 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 on any public place.

3.4. No person shall loiter in any public place.

3.5. No person shall participate in a fight in any public place.

3.6. No person shall mark or apply graffiti on any public place or private property without authorization from the owner of the property to which the graffiti is being applied.

3.7. No person shall leave, throw or deposit any refuse or litter on any public or private property without authorization from the owner.

3.8. No person shall engage in any type of conduct or activity in any public place when the activity is prohibited or restricted by a sign.

3.9. No person shall continue to engage in any type activity prohibited by this by-law when requested to stop by an Officer or the Occupier of the property.

3.10. No person shall engage in any type of disorderly conduct in any public place.

3.11. No person shall damage or destroy or attempt to damage or destroy any public property.

3.12. No person shall obstruct, hinder or otherwise interfere with an Officer while carrying out an investigation, making inquiries, or performing an inspection for the purposes of enforcing this By-law.

4.Exemptions

4.1. The Clerk of The Corporation of the Town of Collingwood may grant an exemption to any person from any provision of this by-law and impose

conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

4.2. This by-law shall not apply to:

a. The Town and its employees, agents or contractors carrying out their duties on behalf of the Town;

b. Any Police Officer carrying out police activities; or

c. Anyone who applied for and received an exemption from the Town.

5.Enforcement

5.1. The provisions of this By-law shall be enforced by a Municipal Law Enforcement Officer or a Police Officer.

5.2. An Officer who has reasonable grounds to believe that a person has contravened any provision of this By-law may require that person to provide identification of themselves; and

Every person who is required by an Officer to provide identification under Section 5.2 shall identify themselves to the Officer. Giving their correct name, date of birth and address shall constitute as being sufficient identification. Failure to do so shall constitute obstruction of the Officer as per Section 3.12 of this by-law.

6.Penalty

6.1. Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Municipal Act, 2001, S.O. 2001 c. 25, as amended and/or the Provincial Offences Act, R.S.O. 1990, c.P.33.

7.Validity, Severability and Interpretation

7.1. Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

7.2. Whenever any reference is made in this By-law to a statute or regulation of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute or regulation and all successor legislation to such legislation.

7.3. Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law otherwise requires.

8.Existing By-Law Repeal

8.1. THAT By-law No. 2010-052 be hereby repealed upon enactment of this by-law.

9.Enactment

9.1. THAT this by-law shall come into full force and effect on the date of final passage hereof at which time all by-laws that are inconsistent with the provisions of this by-law and the same are hereby amended insofar as it is necessary to give effect to the provisions of this by-law.

ENACTED AND PASSED this 11th day of March, 2013.

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Mayor's Signature

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Clerk's Signature