

Municipality of *Bluewater*

Public Nuisance By-Law Consolidation

This document is a consolidation of the Public Nuisance By-law 119-2019 and subsequent amendments to that By-law. This compilation is convenience for administrative purposes and does not represent true copies of the by-laws it contains. Any legal interpretation of this document should be verified with the Municipal Clerk.

This Public Nuisance By-law contains the following amendments:

- By-law 26-2022 – March 7, 2022

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THE CORPORATION OF THE MUNICIPALITY OF BLUEWATER

BY-LAW NUMBER 119-2019

(amended by By-law 26-2022)

Being a By-law to Regulate Public Nuisances and Matters Related to the Health, Safety and Well-being of the Inhabitants of the Municipality of Bluewater

WHEREAS Section 11(2) of the *Municipal Act, 2001, c.25*, as amended, provides that a municipality may pass by-laws respecting: economic, social and environmental well-being of the municipality; health, safety and well-being of persons; protection of persons and property; structures including fences and signs;

WHEREAS Section 23.1 of the *Municipal Act, 2001, c.25*, as amended, provides that a municipality may delegate its powers and duties under that Act;

WHEREAS Section 128 of the *Municipal Act, 2001, c.25*, as amended, provides that without limiting sections 9 and 11, 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;

WHEREAS Section 425 of the *Municipal Act, 2001, c.25*, as amended, provides that any person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS the Council for the Municipality of Bluewater deems it appropriate to prohibit or regulate matters that are or could become or cause public nuisances;

NOW THEREFORE The Council of the Corporation of the Municipality of Bluewater enacts as follows:

1. This By-law may be referred to as the "Public Nuisance By-law".
2. **Definitions in this By-law:**
 - 21 "Disturb the Peace" means offensive acts to include but not limited to shouting, yelling including profanities, writing graffiti and profanities and other activities which disturb the peace of residents in the municipality.
 - 22 "Lewd Activities" means lustful and/or indecent acts.
 - 23 "Loitering" means to hang about idly.
 - 24 "Nuisance" means a person who is engaging in activity or conduct that is harmful, offensive, annoying, disorderly or disagreeable, and includes:
 - i. loitering, after having been requested by an officer to move on;
 - ii. fighting, screaming, spitting, yelling or using profane or abusive language or gestures;
 - iii. carrying open liquor except while on private property that is owned or occupied by the person who is carrying the liquor or an invited guest of the owner or occupant;
 - iv. remaining in or refusing to leave a public place after it is closed and/or when ordered to leave by an officer;

- v. littering, defacing, damaging or vandalizing public or private property;
- vi. obstructing an officer in the course of his or her duties; and
- vii. being intoxicated in a public place.

25 Public Health and Safety” means the health and safety of residents and public of the Municipality of Bluewater.

26 “Public Place” means the following:

- a. A place outdoors to which the public is ordinarily invited or permitted access and, for greater certainty, shall include highways, sidewalks, streets, any portion of a road allowance, parking lots, public swimming pools, conservation area, parks and playgrounds;
- b. School grounds;
- c. Land, premises or buildings owned, managed or maintained by the Municipality; and,
- d. Yards appurtenant to a building or dwelling or vacant lands but does not include a building or dwelling.

3. Prohibited Matters

31 No person shall disturb the peace which includes yelling or shouting profanities and any other activity which may disturb the peace within the Municipality of Bluewater.

32 No person shall urinate in a public place.

33 No person shall commit lewd activities in a public place.

34 No person shall loiter on the streets or sidewalks or public place in the Municipality of Bluewater.

35 No person shall create a nuisance to residents of the Municipality of Bluewater.

36 No person shall be intoxicated in a public place.

37 No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.

4. Penalty of Offence

41 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction and is liable to a fine as prescribed in Schedule “A” of this by-law or as prescribed by a judge pursuant to the *Provincial Offences Act*.

42 That the list of offences and applicable fines are attached in Schedule “A”.

5. Enforcement

The following persons are appointed to enforce this by-law are and not limited to Ontario Provincial Police, By-law/Municipal Law Enforcement Officer/Provincial Offenses Officer, and/or persons appointed by the Municipality of Bluewater.

- 6. Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be altered.
- 7. This By-law shall come into full force and take effect upon the final passage thereof.

By-law read a first and second time this 18th day of November, 2019.

By-law read a third time and finally passed this 18th day of November, 2019.

Original Signed

Paul Klopp, Mayor

Original Signed

Chandra Alexander, Clerk

The Corporation of the Municipality of Bluewater

Schedule "A" to By-Law Number 119-2019, as amended: Public Nuisances

PART 1 – Provincial Offences Act

Set Fine Schedule

ITEM	COLUMN 1 Short form wording	COLUMN 2 – Provision Creating or Defining Offence	COLUMN 3 – Set Fine
1.	Disturb the peace	Sec. 3.1	\$350.00
2.	Urinate in a public place	Sec. 3.2	\$350.00
3.	Commit lewd activities in a public place	Sec. 3.3	\$350.00
4.	Loiter on streets, sidewalks or public place	Sec. 3.4	\$350.00
5.	Create a nuisance to residents	Sec. 3.5	\$350.00
6.	Intoxication in a public place	Sec. 3.6	\$350.00
7.	Hinder/obstruct or attempt to hinder/obstruct officer	Sec. 3.7	\$350.00

Note: The general penalty section for the offences cited above is Section 3 of By-law 119-2019, as amended, a certified copy of which has been filed.