

THE CORPORATION OF CITY OF PORT COLBORNE

BY-LAW NO. 5256/11/09

BEING A BY-LAW TO PROHIBIT AND REGULATE
PUBLIC NUISANCES WITHIN THE CITY OF PORT COLBORNE

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 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 Port Colborne 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 PORT COLBORNE ENACTS AS FOLLOWS:

1. DEFINITIONS:

- 1.1 "City" means The Corporation of the City of Port Colborne;
- 1.2 "Defecate" means to discharge waste material matter from the bowels;
- 1.3 "Fight" means any confrontation involving violent physical contact between two or more people;
- 1.4 "Graffiti" means images or lettering scratched, scrawled, painted or any form of marking on property that does not belong to the artist;
- 1.5 "Public Place" includes a highway, sidewalk, pedestrian walkway or trail, property 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 but does not include a washroom facility;
- 1.6 "Spit" means to eject phlegm, saliva, chewing tobacco, and liquid, or any other substance from the mouth;
- 1.7 "Urinate" means to discharge urine from the body;
- 1.8 "Vomit" means to eject matter from 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 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 leave, throw or deposit any bottles, glasses or other materials on public or private property.

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 as provide for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended, and regulations thereof.

4. GENERAL PROVISIONS:

- 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 a person from complying with any provision of any federal or provincial law or regulation, other by-law, or any requirement of any lawful permit, order or license.

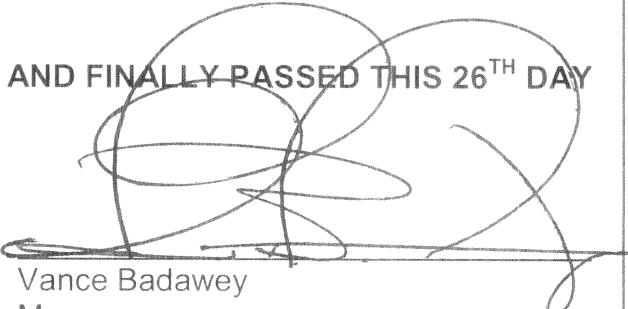
5. SHORT TITLE OF BY-LAW:

- 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.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26TH DAY OF JANUARY 2009.



Vance Badawey
Mayor



Janet Beckett
City Clerk