

THE CORPORATION OF THE MUNICIPALITY
OF NORTHERN BRUCE PENINSULA

BY-LAW NO. 2020-108

BEING A BY-LAW TO PROHIBIT AND REGULATE PUBLIC NUISANCE
WITHIN THE MUNICIPALITY OF NORTHERN BRUCE PENINSULA

WHEREAS Section 8(1) of the Municipal Act, 2001, R.S.O. 2001, c.25 as amended, confers upon a municipality broad authority to enable the municipality to govern its affairs as it considers appropriate and enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act, 2001, R.S.O. 2001, c.25 as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 10(1) of the Municipal Act, 2001, R.S.O. 2001, c.25 as amended, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 127 of the Municipal Act, 2001, R.S.O. 2001, c.25 provides that Council may prohibit the depositing of refuse or debris on the land without the consent of the owner or occupant of the land;

AND WHEREAS Section 128(1) of the Municipal Act, 2001 R.S.O. 2001, c.25 as amended, without limiting Section 9, 10 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;

NOW THEREFORE the Council of the Municipality of Northern Bruce Peninsula hereby enacts as follows:

SECTION 1: DEFINITIONS

For the purpose of this by-law the following definitions apply:

“Beach” means an area adjacent to a body of water which may be covered with sand, grass, stones and from time to time, water, which is used and identified as a recreational amenity area and shall mean and include any parking areas, boardwalk features and any structures.

“Bicycle” means and includes a quadricycle, tricycle, unicycle, skateboard, roller blades, roller skates or scooter, powered by muscular power, and shall include any trailer or attachment thereto.

“Camp” means a place with temporary accommodations of hut, tents, or other structures, typically used by travelers.

“Cook” means prepare (food, a dish, or a meal) by combining and heating the ingredients in various ways.

“Damage” means deface, alter and/or impair appearance, value, usefulness, soundness or alter.

“Disorderly Conduct” means causing a public disturbance and, without limiting the generality of the foregoing, includes yelling, screaming, shouting, singing, swearing, blocking aisles, blocking exits or blocking entrances, all which are likely to disturb and interfere with the reasonable enjoyment of someone else in a Public Place.

“Fight” means any confrontation involving physical contact between two or more people and includes shoving, pushing and rough-housing.

“Flower” means the blossom of a plant, the part of a seed plant comprising the reproductive organs and their envelopes if any, especially when such envelopes are more or less conspicuous in form and color. A plant considered with reference to its blossom or cultivated for its floral beauty.

“Foul or Fouling” means includes spitting, urinating, defecating, vomiting, excreting and other discharge from a body.

“Foliage” means the leaves of a plant, collectively; leafage, leaves in general, the representation of leaves, flowers, and branches in painting, architectural ornament, etc.

“Graffiti” means images or lettering scratched, scrawled, painted and/or any form of marking on property that does not belong to the artist.

“Highway” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

“Littering” means throwing, dropping, placing, or otherwise depositing garbage, paper, plastic, paper products, plastic products, cans, rubbish, metal, wood, brush, leaves, compost, animal feces, animal/fish/bird carcasses or other debris.

“Loitering” mean the lingering, hanging about and sleeping in a Public Place without permission from the Municipality, obstructing or making difficult the passage of persons or vehicles in a Public Place, or failing to move on after having been requested to do so.

“Motorized Vehicle” means any automobile, motorcycle, snowmobile, motor assisted bicycle or any other vehicle propelled or driven otherwise than by muscular power, but does not include a motor assisted wheelchair.

“Officer” means a By-law Enforcement Officer appointed by Council to enforce the provisions of this by-law.

“Municipality” means the Corporation of the Municipality of Northern Bruce Peninsula.

“Municipal Property” means any Municipal building, fixture, sign, street light and/or equipment located thereon.

“Municipal Land” means any property under the control of the Municipality, whether owned or leased, including road allowances, walkways or unopened roads.

“Nuisance” means any action or activity that is annoying, unpleasant, unwanted, disturbing, obnoxious, racist, abusive, threatening, creates a disturbance, damages property or impacts the safety of a person.

“Person” means any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of person comprising a society or other organization and shall include the plural wherein the context requires.

“Plant” means any member of the kingdom, Plantae, comprising multicellular organisms that typically produce their own food from inorganic matter by the process of photosynthesis and that have more or less rigid cell walls containing cellulose, including vascular plants, mosses, liverworts, and hornworts: some classification schemes may include fungi, algae, bacteria, blue-green algae, and certain single-celled eukaryotes that have plantlike qualities, as rigid cell walls or photosynthesis and including an herb

or other small vegetable growth, in contrast with a tree or a shrub, a seedling or a growing slip, especially one ready for transplanting.

“**Sidewalk**” means that portion of a highway that is designed for the passage of persons and shall include a trail or walkway which may or may not be included as a portion of a highway.

“**Solicit**” means to ask for money, sell a product, give, or exchange an idea or opinion; seek to obtain something from a person or give something to a person.

“**Tree**” means a perennial plant having a trunk, bole (trunk of a tree), or woody stem with branches or any plant resembling a tree and being all of or part of and/or living or dead.

SECTION 2: ADMINISTRATION AND ENFORCEMENT

- a) No person(s) shall remove any trees, flowers, sand, topsoil, quarry stone, fieldstone, foliage, and rockery from Municipal land without written authorization from the Municipality.
- b) No person(s) shall place any item which may include decks, docks, boats, trailers, vehicles, chairs, tables, trees, flowers, sand, topsoil, quarry stone, fieldstone, foliage, rockery, and snow on any Municipal land unless written permission has been granted by the Municipality.
- c) No person(s) shall throw, drop, place or otherwise deposit garbage, paper or plastic products, cans, rubbish, or other debris on Municipal land.
- d) No person(s) shall foul or permit the fouling on any Municipal land such as highway, roadway, sidewalk, and/or beach.
- e) No person(s) shall block, interfere with or otherwise impede the passage of any pedestrian on any sidewalk or other pedestrian-way or portion thereof unless he/she is the owner or driver of an emergency vehicle as defined within the Highway Traffic Act and/or a motorized vehicle engaged in works undertaken for or on behalf of the Municipality, area municipalities, public utilities, and an ambulance as defined within Section 61 of the Highway Traffic Act.
- f) No person(s) shall damage or cause to be damaged any Municipal land, Municipal properties, or highway within the Municipality.
- g) No person(s) shall camp, whether in a tent, camper, recreational vehicle, or any similar device for overnight accommodations on any Municipal land unless written permission has been granted by the Municipality.
- h) Where signs have been posted no person(s) shall cook, whether by campfire, propane barbecue, propane stove, or any other cooking device on any Municipal land unless written permission has been granted by the Municipality.
- i) No person(s) shall damage or cause to be damaged any Municipal property such as a building, fixture, sign, street light, or equipment located thereon.
- j) No person(s) shall block, interfere with or otherwise impede the passage of any Municipal land unless written permission has been granted by the Municipality.
- k) No person(s) shall mark or apply graffiti on Municipal property.
- l) No person(s) shall be in or on any Municipal Land which has been closed or deemed by the Municipality not to be occupied for any reason whatsoever.

- m) No person(s) shall solicit in or on a Municipal Land without the express permission of the Municipality.
- n) No person(s) shall use or cause to be used any utilities including hydro outlets, showers, telephone and internet connections, water, or sewage connections, without the express permission of the Municipality.

SECTION 3: PENALTIES

1. Any person(s) who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs and upon conviction is liable to a fine as set out in the Provincial Offences Act, R.S.O. 1990, Chapter P. 33
2. No person(s) shall willfully obstruct, hinder or otherwise interfere with an Officer in the performance of the Officer's duties, right, functions, powers, or authority under this By-law.
3. Where an Officer has reasonable grounds to believe that an offence under this By-law has been committed by a person(s), the Officer may require the name, address, and proof of identity of that person(s) and the person(s) shall supply the required information.
4. Any person causing damage to Municipal land, Municipal property or highway as set out in Section 2(f) & 2(i) shall pay actual costs associated in the repair.
5. (1) Every person who contravenes or who causes or permits a contravention of any provision of this By-law is guilty of an offence.
(2) Every director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law by the corporation is guilty of an offence.
6. (1) A person, other than a corporation, convicted of an offence under this by-law, is liable, on a first conviction, to a fine of not more than \$10,000 and, on any subsequent conviction, to a fine of not more than \$25,000.
(2) A corporation, convicted of an offence under this By-law, is liable, on a first conviction, to a fine of not more than \$50,000 and, on any subsequent conviction, to a fine of not more than \$100,000.
7. Where it is deemed appropriate by the Municipality and in addition to any other fine or penalty, the following corrective actions may be implemented:
 - 1) The person in violation will be removed from the Municipal Land but permitted re-entry later in the same day.
 - 2) Ther person in violation will be removed from the Municipal Lane but permitted re-entry at some point in the future, generally not to exceed a ban of more than one month.
 - 3) The person in violation will be removed from the Municipal Land and not permitted re-entry. A total ban will be dependent upon the nature of the violation and may include legal remedies to support a total ban.

SECTION 4: SHORT TITLE

This bylaw shall be known as the "Public Nuisance By-law"

SECTION 5: VALIDITY

If, for any reason, any section, clause or provision of this By-law is deemed by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof other than the part which was declared to be invalid.

SECTION 4: ENACTMENT

THAT this by-law shall come into force and take effect upon the final passing thereof.

SECTION 5: REPEAL

This by-law shall supersede and rescind any other by-law inconsistent with this by-law.

READ A FIRST AND SECOND TIME THIS 21ST DAY OF DECEMBER, 2020.

READ A THIRD TIME, FINALLY PASSED, SIGNED AND SEALED THIS 21ST DAY OF DECEMBER, 2020.

Original Signed by Mayor, Milt McIver and Clerk, Cathy Addison.

The signed By-law is available upon request.

PART I PROVINCIAL OFFENCES ACT
 THE CORPORATION OF THE MUNICIPALITY OF NORTHERN BRUCE PENINSULA
 BY-LAW NO. 2020-108: PUBLIC NUISANCE BY-LAW

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining Offence	Column 3 Set Fine
1	Remove trees, flowers, sand, topsoil, quarry stone, fieldstone, foliage and rockery from Municipal Lands no authorization	Section 2 (a)	\$750.00
2	Place decks, docks, boats, trailers, vehicles, chairs, tables, trees, flowers, sand, topsoil, quarry stone, fieldstone, foliage and rockery on Municipal Lands no authorization	Section 2 (b)	\$750.00
3	Throw, drop, place or otherwise deposit garbage, paper, or plastic products, cans, rubbish, or other debris on Municipal lands no authorization	Section 2 (c)	\$400.00
4	Foul or fouling on Municipal Lands no authorization	Section 2 (d)	\$400.00
5	Block or interfere with passage on any sidewalk	Section 2(e)	\$200.00
6	Obstruct or interfere with an Officer while performing his/her duties	Section 3 (2)	\$800.00
7	Camp on Municipal Land no authorization	Section 2 (g)	\$600.00
8	Cook on Municipal Lands no authorization	Section 2 (h)	\$300.00
9	Block, interfere with or otherwise impede the passage of any Municipal Land	Section 2(j)	\$600.00
10	Damage or cause to damage Municipal Properties	Section 2 (i)	\$750.00
11	Mark or apply graffiti on Municipal property	Section 2(k)	\$750.00
12	Be in or on any Municipal Land which has been closed or deemed by the Municipality not to be occupied for any reason whatsoever	Section 2(l)	\$750.00
13	Use or caused to be used any utilites including hydro outlets, showers, telephone and internet connections, water or sewage connections without the express permission of the Municipality	Section 2(n)	\$600.00

Note: The general penalty provisions for the offences indicated above are contained in Section 3 (1) of By-law 2020-108, a certified copy which has been filed.

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OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
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March 4, 2021

Carol Hopkins
Municipality of Northern Bruce Peninsula
56 Lindsay Road 5, RR 2
Lion's Head, ON N0H 1W0

bylaw@northernbruce.ca

Dear Ms. Hopkins:

Re: Set Fines - Provincial Offences Act - Part I
By-law Number 2020-108, of the Municipality of Northern Bruce Peninsula

Enclosed herewith are the original Order, and an original schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Offices in Owen Sound with a copy of the By-Law.

Yours truly,

A handwritten signature in cursive script, appearing to read "J. LeRoy".

Jeanine E. LeRoy
Regional Senior Justice
West Region

encl.
/jg

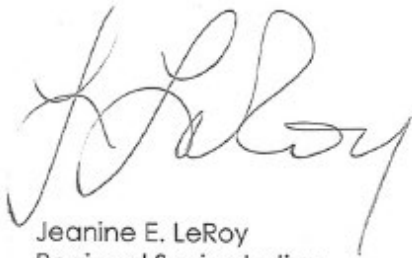
ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2020-108, of the Municipality of Northern Bruce Peninsula, attached hereto are the set fines for those offences. This Order is to take effect March 4, 2021.

Dated at London this 4th day of March 2021.

A handwritten signature in black ink, appearing to read 'J. LeRoy', is written over the typed name and title.

Jeanine E. LeRoy
Regional Senior Justice
West Region