

**THE CORPORATION OF THE CITY OF BELLEVILLE**

**BY-LAW NUMBER 2012-41**

**BEING A BY-LAW FOR THE PROHIBITION AND ABATEMENT OF CERTAIN PUBLIC NUISANCES IN THE CITY OF BELLEVILLE**

**WHEREAS** Section 8 of the Municipal Act, .S.O. 2001, c. 25, provides that a council may pass by-laws for governing their affairs as they consider appropriate;

**AND WHEREAS** Section 128 of the Municipal Act, S.O. 2001, c.25, provides that a municipality may prohibit and regulate public nuisances, including matters that, in the opinion of council are or could become or cause public nuisances;

**AND WHEREAS** the Council of the Corporation of the City of Belleville deems it expedient to pass a by-law for this purpose;

**NOW THEREFORE BE IT ENACTED BY THE COUNCIL FOR THE CORPORATION OF THE CITY OF BELLEVILLE AS FOLLOWS:**

**1. TITLE**

This By-law may be cited as the “**Nuisances By-law**”.

**2. DEFINITIONS**

In this By-law, the terms in the following lettered paragraphs shall have meanings as indicated in this section. Words printed in capital letters are used as defined in this section. Words printed in upper and lower case letters should be read in the context of their ordinary, everyday meanings:

- (a) To “**SOLICIT**” means to request, in person, immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using the spoken, written or printed word, a gesture or other means.
- (b) The “**CITY**” means The Corporation of the City of Belleville and, where the context so implies, members of its staff and council.
- (c) “**FIGHT**” means any confrontation involving violent physical contact between two or more people.

- (d) "LOITER" means to remain or linger in an area aimlessly and for no obvious reason.
- (e) "OFFICER" means a police OFFICER or a municipal by-law enforcement officer assigned the responsibility of enforcing this by-law.
- (f) "PERSON" includes an individual, sole proprietorship, partnership, unincorporated association, trust, or a body corporate.
- (g) "PEDESTRIAN" means a person on any part of a STREET who is on foot, or a person in a wheelchair, baby carriage, or any similar, legally operated, ambulatory device.
- (h) "PUBLIC NUISANCE" means an activity or activities, intentional or otherwise, which have a detrimental impact on the use and enjoyment of property in the vicinity of the premises.
- (i) "PUBLIC PLACE" includes a sidewalk, pedestrian walkway or trail, and any place to which the public have access as of right or by invitation, express or implied and private property that is exposed to public view but does not include a washroom facility.
- (j) "SIDEWALK" means any municipal walkway or any road works for the accommodation of pedestrians on that portion of a STREET between the curb line and the adjacent abutting property.
- (k) "STREET" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles or PERSONS, , and includes any surface, grassed area, boulevard, ditch, curb, gutter, and sidewalk within the lateral property lines of the STREET.

### **3. PROHIBITION AGAINST CERTAIN PUBLIC NUISANCES**

- (a) No PERSON shall SOLICIT, either from door to door, or on any STREET or in any other PUBLIC PLACE, except as provided for in any other By-law passed by the CITY.

- (b) No PERSON shall on any STREET or in any PUBLIC PLACE solicit any other PERSON for any commercial purpose, except as provided for in any other By-law passed by the CITY.
- (c) No PERSON shall form part of a group of persons congregated on a STREET in such a manner as to obstruct the free passage of PEDESTRIANS or vehicles.
- (d) No PERSON shall on any STREET, or on any PEDESTRIAN walkways, or in any other PUBLIC PLACE, crowd or jostle PEDESTRIANS or create discomfort, disturbance or confusion for PEDESTRIANS.
- (e) No PERSON shall conduct any activity which interferes with travel or other lawful use of a STREET or PUBLIC PLACE.
- (f) No PERSON shall loiter on any STREET or in any PUBLIC PLACE.
- (g) No PERSON shall deface or damage any property owned by the CITY.
- (h) No PERSON shall cause or permit any PUBLIC NUISANCE.
- (i) No PERSON shall mark or apply graffiti on any STREET, PUBLIC PLACE or CITY property.
- (j) No owner or occupant of property shall fail to maintain the property free of graffiti.
- (k) No PERSON shall obstruct an OFFICER by refusing to identify themselves when requested to do so by an OFFICER in the performance of his/her duties in the enforcement of this By-law.
- (l) No PERSON shall urinate, defecate, vomit or spit in a PUBLIC PLACE or on a STREET.
- (m) 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.
- (n) No PERSON shall participate in a FIGHT in any Public Place or STREET.
- (o) No PERSON shall operate, or permit others to operate, a motor vehicle or bicycle on a sidewalk. This section shall not apply to a person who,

- i) operates a wheelchair, scooter or other device power by an electric propulsion system designed to transport a person with a disability;
- ii) operates a motor vehicle or bicycle across a portion of a sidewalk which intersects with a lawful private entrance; or
- iii) operates a bicycle on that portion of a sidewalk which connects a bicycle path with a roadway.

#### **4. EXCEPTIONS**

Sections 3(a) and 3(b) of this by-law shall not apply to:

- (a) the authorized solicitation of donations on behalf of registered charities, or
- (b) solicitation performed in accordance with a licence issued under any other By-law passed by the City.

#### **5. PROSECUTION**

Prosecution under this by-law with respect to these offences shall not preclude any other legal actions required to recover damages required to repair, replace or restore damaged real or personal property, as the case may be.

#### **6. ENFORCEMENT**

The provisions of this By-law may be enforced by a municipal law enforcement officer, police officer or other individual duly appointed for the purpose of enforcing this by-law.

#### **7. PENALTIES**

Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction shall be liable to such fines and penalties as are prescribed by the Provincial Offences Act, R.S.O. 1990, c.P.33 as amended.

**8. INTERPRETATION**

All words and personal pronouns relating to words contained in this by-law shall be read and construed with the number and gender of the person or persons referred to in each case. Paragraph headings are inserted solely for ease of reference.

**9. SEVERABILITY**

If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention of Council for the City that all remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof may have been declared invalid.

**10. REPEAL**

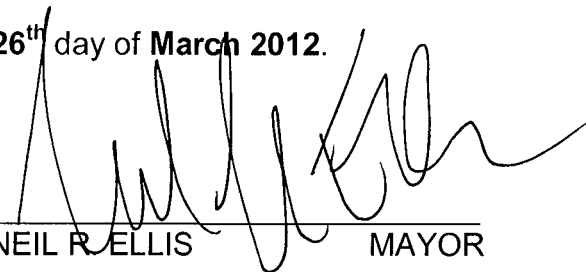
By-law Number 13858 is hereby repealed.

**THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT IMMEDIATELY ON AND AFTER THE PASSING THEREOF.**

Read a first time this **26<sup>th</sup>** day of **March 2012**.

Read a second time this **26<sup>th</sup>** day of **March 2012**.

Read a third time and finally passed this **26<sup>th</sup>** day of **March 2012**.

  
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NEIL R. ELLIS                      MAYOR

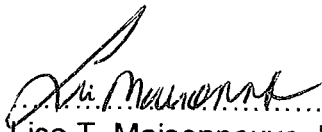
  
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JULIE C. ORAM                      CITY CLERK

**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. 2012-41 of the Corporation of the City of Belleville, attached hereto is the set fine for that offence. This Order is to take effect on May 30<sup>th</sup>, 2012

Dated at Ottawa this 30<sup>th</sup> day of May 2012.



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Lise T. Maisonneuve, Regional Senior Justice  
Ontario Court of Justice  
East Region

SET FINE SCHEDULE

THE CORPORATION OF THE CITY OF BELLEVILLE  
PART 1, PROVINCIAL OFFENCES ACT

By-law #2012-41, Being a By-law for the prohibition and abatement of certain public nuisances in the City of Belleville

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Solicit from door to door	S.3(a)	\$ 200
2	Solicit on street/public place	S.3(a)	\$ 200
3	Solicit on street/public place for commercial purpose	S.3(b)	\$ 200
4	Obstruct free passage of pedestrians or vehicles	S.3(c)	\$ 150
5	Crowd/jostle/disturb pedestrians on street/pedestrian walkway	S.3(d)	\$ 50
6	Conduct activity interfering with lawful use of street/public place	S.3(e)	\$ 100
7	Loiter on street/public place	S.3(f)	\$ 50
8	Deface/damage property owned by City	S.3(g)	<del>\$ 200</del> 200.00
9	Cause/permit public nuisance	S.3(h)	\$ 150
10	Apply graffiti on street/public place/City property	S.3(i)	<del>\$ 300</del> 200.00
11	Owner/occupant fail to maintain property free of graffiti	S.3(j)	<del>\$ 200</del> 100.00
12	Obstruct officer by refusing to identify self when requested	S.3(k)	\$ 150
13	Urinate/defecate/vomit/spit in public place or street	S.3(l)	\$ 100
14	Attempt to knock over structure located in public place	S.3(m)	\$ 100
15	Participate in fight in public place/street	S.3(n)	\$ 100
16	Operate bicycle on sidewalk	S.3(o)	\$ 50
17	Operate motor vehicle on sidewalk	S.3(o)	\$ 100

**Note:** The penalty provision(s) for offences indicated above is contained in Section 7 of By-law 2012-41, a certified copy of which has been filed.