

## **The Corporation of the City of Peterborough**

### **By-Law Number 15-144**

Being a By-law to repeal Chapter 696 of the City of Peterborough Municipal Code – Public Nuisances, By-law 1988-58, and enact City of Peterborough - Public Nuisance By-law Number 15-144

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**Whereas** subsection 10(2) of the *Municipal Act, 2001, S.O. 2001, c.25* as amended (the “Act”), provides that a municipality may enact By-laws for the health, safety and well-being of persons and for the protection of persons and property;

**And Whereas** section 128 of the *Act* provides that a municipality may prohibit and regulate public nuisances in the municipality;

**And Whereas** the Council of the Corporation of the City of Peterborough considers it desirable to repeal Chapter 696 of the City of Peterborough Municipal Code - Public Nuisances and By-law 1988-58 and replace them with this Public Nuisance By-law;

**Now Therefore**, The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

#### **Article 1 - Definitions**

- 1.1 City, City of Peterborough or Peterborough** – means, as the context requires, The Corporation of the City of Peterborough or the municipal boundary of the City of Peterborough;
- 1.2 Defecate** – means to discharge waste matter from the bowels;
- 1.3 Disturbance** – means to disturb the peace and quiet by disorderly conduct, fighting, loitering or nuisance, and in any way obstructs the public in the exercise or enjoyment of any right that is common to all persons within the City of Peterborough;
- 1.4 EMS Staff (Emergency Medical Services Staff)** – means a person employed as a Fire Fighter, Police Officer or Paramedic who is engaged in performing their duties in the City of Peterborough;
- 1.5 Fight** – means any physical altercation between two or more persons, whether consensual or not, that could cause a reasonable person to have concern for injury to the participants or disturbance to the public, but shall not include:
  - a. a boxing match, wrestling match or other competition organized by a recognized sporting organization;
  - b. a physical altercation between participants of a sporting activity, ceremonial event, historical display or educational program, under the supervision of trained officials when the officials have the authority to sanction the altercation;
  - c. a physical altercation between participants for the purposes of an authorized theatrical, film or television production.

- 1.6 Highway** – means an avenue, bridge, common and public highway, driveway, parkway, place, square, street, trestle or viaduct, any part of which is designed for or used by the general public for the passage of pedestrians or vehicles;
- 1.7 Loitering** – means:
- a. remaining in a Public Place after being asked to leave by an Occupier; or
  - b. obstructing by rendering impassable any street, road, sidewalk or any other area of public passage after being asked to leave by a Police Officer;
- 1.8 Occupier** – has the same meaning as contained in the *Trespass to Property Act*;
- 1.9 Nuisance** – means interfering, without legal cause, the ordinary or customary use of a Highway, a Public Place by a member or members of the public by:
- a. Causing a Disturbance;
  - b. Loitering;
  - c. Obstructing EMS staff;
  - d. Urinating or Defecating;
  - e. Obstructing the free flow of traffic on a Highway;
  - f. Fighting;
  - g. Remaining in or refusing to leave a Public Place after being ordered to leave by EMS Staff, for crowd control purposes;
  - h. Throwing stones, balls of snow or ice, or using any projectile in any manner, which is dangerous to the public.
- 1.10 Police Officer** – has the same meaning as contained in the *Police Services Act*;
- 1.11 Public Place** – includes a Highway and any place to which the public has access as of right or invitation, express or implied, and private property that is exposed to public view, but does not include a washroom facility;
- 1.12 Urinate** – means to discharge urine from the body.

## **Article 2 – General Prohibition**

- 2.1** No person shall cause a Nuisance in a Public Place within the City of Peterborough.

## **Article 3 - Enforcement**

- 3.1** This By-law may be enforced by a Police Officer.

## **Article 4 – Penalty**

- 4.1** Every person who contravenes any provision of this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, and the *Municipal Act*, 2001, as each may be amended from time to time.

## **Article 5 – Short Title**

- 5.1** This By-law may be referred to as the Public Nuisance By-Law.

## **Article 6 – Effective Date and Repeal**

- 6.1** This By-law comes into effect on the day it receives third reading.
- 6.2** Chapter 696 of the Peterborough Municipal Code and By-law 1988-58 are repealed on the date this By-law is read for a third time.

By-law read a first, second and third time this 28th day of September, 2015.

(Sgd.) Daryl Bennett, Mayor

(Sgd.) John Kennedy, City Clerk

## The Corporation of the City of Peterborough

### Part I *Provincial Offences Act*

#### By-law Number 15-144, – being a By-Law respecting Public Nuisances in the City of Peterborough

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Cause a Nuisance –Public disturbance	Section 2.1	\$300.00
2	Cause a Nuisance – Loitering	Section 2.1	\$250.00
3	Cause a Nuisance – Obstruct EMS Staff	Section 2.1	\$300.00
4	Cause a Nuisance – Urinate in public	Section 2.1	\$250.00
5	Cause a Nuisance – Defecate in public	Section 2.1	\$250.00
6	Cause a Nuisance – Obstruct flow of traffic	Section 2.1	\$300.00
7	Cause a Nuisance – Unlawfully fighting	Section 2.1	\$300.00
8	Cause a Nuisance – Refuse to leave a public place	Section 2.1	\$300.00
9	Cause a Nuisance – Throwing objects	Section 2.1	\$300.00

#### NOTE:

The penalty provisions for the offences indicated above is Section 4.1 of By-law 15-144, a certified copy of which has been filed and Section 61 of the *Provincial Offences Act*, R.S.O. 1990, c.P.33.