

CITY OF QUINTE WEST

BY-LAW NO. 07-129

BEING A BY-LAW FOR THE PROHIBITION AND ABATEMENT OF CERTAIN PUBLIC NUISANCES IN THE CITY OF QUINTE WEST.

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 Quinte West 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 QUINTE WEST AS FOLLOWS:

1. TITLE

This By-law shall be entitled 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 Quinte West and, where the context so implies, members of its staff and council.
- (c) **“HIGHWAY”** 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 **HIGHWAY**.
- (d) **“PERSON”** includes an individual, sole proprietorship, partnership, unincorporated association, trust, or a body corporate.
- (e) A **“PEDESTRIAN”** is a **PERSON** on any part of a **HIGHWAY** who is on foot, or a **PERSON** in a wheelchair, baby carriage, or any similar, legally operated, ambulatory device.

3. PROHIBITION AGAINST CERTAIN PUBLIC NUISANCES

- (a) No **PERSON** shall **SOLICIT**, either from door to door, or on any **HIGHWAY** or in any other public place.
- (b) No **PERSON** shall on any **HIGHWAY** 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 **HIGHWAY** in such a manner as to obstruct the free passage of **PEDESTRIANS** or vehicles.
- (d) No **PERSON** shall on any **HIGHWAY**, 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 cause a disturbance on any HIGHWAY or on any other public place by screaming, yelling, or using profane or abusive language in a manner which is audible to passersby.
- (f) No PERSON shall conduct any activity which interferes with travel or other lawful use of a HIGHWAY, a PEDESTRIAN walkway, or any other public place.
- (g) No PERSON shall loiter on any HIGHWAY or in any other public place.
- (h) No PERSON shall deface or damage any real or personal property which is owned by the CITY.

4. EXCLUSION

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 by the City Clerk.

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. 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.

7. 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.

8. 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.

9. EFFECTIVE DATE

This By-law shall become effective upon the date of final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY
PASSED THIS 1ST DAY OF OCTOBER, 2007.**



John R. Williams, Mayor



Gary W. Dyke, Deputy City Clerk

SET FINE SCHEDULE

THE CORPORATION OF THE CITY OF QUINTE WEST

PART 1, PROVINCIAL OFFENCES ACT

**By-law #07- Being a By-law for the prohibition and abatement of certain
public nuisances In the City of Quinte West.**

| ITEM | COLUMN 1 Short Form Wording | COLUMN 2 Offence Creating Provision | COLUMN 3 Set Fine |
|------|--|---|----------------------|
| 1 | Solicit, door to door | 3(a) | \$100.00 |
| 2 | Solicit, on highway | 3(a) | \$100.00 |
| 3 | Solicit, in public place | 3(a) | \$100.00 |
| 4 | Solicit for commercial purposes | 3(b) | \$200.00 |
| 5 | Obstruct highway | 3(c) | \$ 25.00 |
| 6 | Create disturbance for pedestrians | 3(d) | \$ 25.00 |
| 7 | Cause disturbance, yelling or abusive language | 3(e) | \$ 25.00 |
| 8 | Conduct activity interfering with lawful use of highway | 3(f) | \$ 25.00 |
| 9 | Conduct activity interfering with lawful use of public place | 3(f) | \$ 25.00 |
| 10 | Loitering | 3(g) | \$ 25.00 |
| 11 | Damage City property | 3(h) | \$200.00 |

Note: The penalty provision(s) for offences indicated above is contained in Section 6 of By-law 07- , a certified copy of which has been filed.