

THE CORPORATION OF THE TOWN OF PELHAM

BY-LAW NO. 2970 (2008)

Being a by-law to address Public Nuisances.

WHEREAS the Municipal Act 2001, S.O. 2001, c.25 as amended, now 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 nuisances, 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 of The Corporation of the Town 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 TOWN OF PELHAM enacts as follows:

1. DEFINITIONS:

- 1.1 "Town" means the Corporation of The Town of Pelham;
- 1.2 "Defecate" means to discharge waste matter from the bowels;
- 1.3 "Fight" means any confrontation involving violent physical contact between two or more people;
- 1.4 "Graffiti" means images, lettering, wording or any other form of marking which is scratched, scrawled, etched, painted or otherwise made to any property without the consent of the owner;
- 1.5 "Loiter" shall mean and include lingering on the way, standing idly about or travelling indolently with frequent pauses without any apparent destination;

1.6 "Public Place" includes a highway, sidewalk, pedestrian walkway or trail, property or any other place to which the public have access as of right or by invitation, expressed or implied and includes private property that is exposed to public view;

1.7 "Spit" means to eject phlegm, saliva, chewing tobacco juice, or any other substance from the mouth or nose;

1.8 "Urinate" means to discharge urine from the body;

1.9 "Vomit" means to eject matter from the 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;

2.3 No person shall loiter in a public place;

2.4 No person shall participate in a fight in any public place;

2.5 No person shall mark or apply graffiti on any public place;

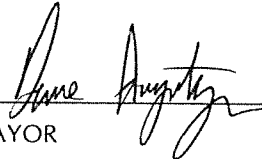
2.6 No person shall leave, throw or deposit any bottles, glasses or other materials or debris in or on a public place except in garbage or trash receptacles placed there for such purposes;

3. 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.

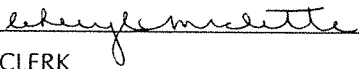
4. Nothing in this by-law relieves a person from complying with any provision of any federal or provincial law or regulation, other by-law, or any requirement of any lawful permit, order or licence.

5. 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.
6. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, as amended, and regulations thereof.
7. This by-law shall come into force and effect on the day it is passed.

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
21st DAY OF July, 2008 A.D.



MAYOR



CLERK

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

COURT HOUSE
45 MAIN STREET EAST, SUITE 762
HAMILTON, ONTARIO L8N 2B7

August 15, 2008
21/ Oct 2,

Ernie Cronier
Director
Building & Enforcement Services
Town of Pelham
P.O. Box 400
Fonthill, ON L0S 1E0

Dear Mr. Cronier:

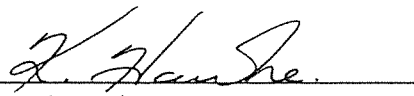
Re: Set Fines - Provincial Offences Act - Part I, Town of Pelham

Enclosed herewith is an order, schedule of Set Fines and a certified copy of By-law Number 2970 (2008), 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.

I have forwarded the original of the Order and the schedule of the set fines to the Provincial Offences Court in St. Catharines, together with a certified copy of the By-law.

Yours truly,

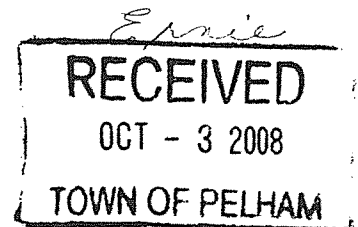

Kathryn Hawke
A/Regional Senior Justice
Central South Region

Enclosures



CABINET DU JUGE PRINCIPAL RÉGIONAL
DE LA COUR DE L'ONTARIO
RÉGION DE CENTRE-OUEST

PALAIS DE JUSTICE
45 RUE MAIN EST, PIÈCE 762
HAMILTON (ONTARIO) L8N 2B7
TELEPHONE/TÉLÉPHONE (905) 645-5344
FAX/TÉLÉCOPIEUR (905) 645-5377




COPY

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. 2970 (2008), of the Corporation of the Town of Pelham, attached hereto is the set fine for that offence. This Order is to take effect ^{October 2nd} ~~August~~ 15, 2008. *Z.S.*

Dated at Hamilton this ^{2nd} ~~15th~~ day of ^{October} ~~August~~ 2008. *Z.S.*



Kathryn Hawke
A/Regional Senior Justice
Central South Region