

**THE CORPORATION OF THE MUNICIPALITY OF BLUEWATER
BY-LAW NUMBER 119-2019**

Being a By-law to Regulate Public Nuisances and Matters Related to the Health, Safety and Well-being of the Inhabitants of the Municipality of Bluewater

WHEREAS Section 11(2) of the *Municipal Act*, 2001, c.25, as amended, provides that a municipality may pass by-laws respecting: economic, social and environmental well-being of the municipality; health, safety and well-being of persons; protection of persons and property; structures including fences and signs;

WHEREAS Section 23.1 of the *Municipal Act*, 2001, c.25, as amended, provides that a municipality may delegate its powers and duties under that Act;

WHEREAS Section 128 of the *Municipal Act*, 2001, c.25, as amended, provides that without limiting sections 9 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;

WHEREAS Section 425 of the *Municipal Act*, 2001, c.25, as amended, provides that any person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS the Council for the Municipality of Bluewater deems it appropriate to prohibit or regulate matters that are or could become or cause public nuisances;

NOW THEREFORE The Council of the Corporation of the Municipality of Bluewater enacts as follows:

1. This By-law may be referred to as the "Public Nuisance By-law".
2. **Definitions in this By-law:**
 - 2.1 "Disturb the Peace" means offensive acts to include but not limited to shouting, yelling including profanities, writing graffiti and profanities and other activities which disturb the peace of residents in the municipality.
 - 2.2 "Lewd Activities" means lustful and/or indecent acts.
 - 2.3 "Loitering" means to hang about idly.
 - 2.4 "Nuisance" means something or someone harmful, offensive, annoying or disagreeable.
 - 2.5 "Public Health and Safety" means the health and safety of residents and public of the Municipality of Bluewater.
 - 2.6 "Public Place" means the following:
 - a. A place outdoors to which the public is ordinarily invited or permitted access and, for greater certainty, shall include highways, sidewalks, streets, any portion of a road allowance, parking lots, public swimming pools, conservation area, parks and playgrounds;

- b. School grounds;
- c. Land, premises or buildings owned, managed or maintained by the Municipality; and,
- d. Yards appurtenant to a building or dwelling or vacant lands but does not include a building or dwelling.

3. Prohibited Matters

3.1 No person shall disturb the peace which includes yelling or shouting profanities and any other activity which may disturb the peace within the Municipality of Bluewater.

3.2 No person shall urinate in a public place.

3.3 No person shall commit lewd activities in a public place.

3.4 No person shall loiter on the streets or sidewalks or public place in the Municipality of Bluewater.

3.5 No person shall create a nuisance to residents of the Municipality of Bluewater.

4. Penalty of Offence

4.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction and is liable to a fine as prescribed in Schedule "A" of this by-law or as prescribed by a judge pursuant to the *Provincial Offences Act*.

4.2 That the list of offences and applicable fines are attached in Schedule "A".

5. Enforcement

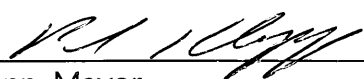
The following persons are appointed to enforce this by-law and are not limited to Ontario Provincial Police, By-law/Municipal Law Enforcement Officer/Provincial Offences Officer, and/or persons appointed by the Municipality of Bluewater.

6. Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be altered.

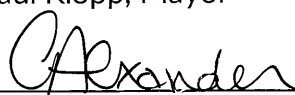
7. This By-law shall come into full force and take effect upon the final passage thereof.

By-law read a first and second time this 18th day of November, 2019.

By-law read a third time and finally passed this 18th day of November, 2019.



Paul Klopp, Mayor



Chandra Alexander, Clerk

SCHEDULE 'A' TO BY-LAW NUMBER 119-2019

PART 1 – Provincial Offences Act

Set Fine Schedule

ITEM:	COLUMN 1 – Short form wording	COLUMN 2 – Offence Creating Provision	COLUMN 3 – Set Fine
1.	Disturb peace or Disorderly Conduct	Sec. 3.1	\$350.00
2.	Urinate in a public place	Sec. 3.2	\$350.00
3.	Commit lewd activities in a public place	Sec. 3.3	\$350.00
4.	Loiter on streets, sidewalks or public place	Sec. 3.4	\$350.00
5.	Create a nuisance to residents	Sec. 3.5	\$350.00

NOTE: The general penalty section for the offences cited above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P. 33