

**THE CORPORATION OF THE
TOWNSHIP OF EAST ZORRA-TAVISTOCK
COUNTY OF OXFORD
BY-LAW # 2008-37**

BEING a By-law to prohibit nuisances in the Township of East Zorra-Tavistock.

WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 8, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS, the Municipal Act, S.O. 2001, c25, Section 9, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 127, provides that Council may prohibit the depositing of refuse or debris on the land without the consent of the owner or occupant of the land;

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 128, 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 public nuisances;

AND WHEREAS Council deems the items set out in this by-law to be or could become public nuisances;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST ZORRA-TAVISTOCK ENACTS AS FOLLOWS:

1. DEFINITIONS

1.1 For the purposes of this By-law, the following definitions shall apply:

- 1.1.1. "Township" shall mean the Corporation of the Township of East Zorra-Tavistock.

- 1.1.2. "Shall" is mandatory and not directory; words in the singular include the plural; words in the plural include the singular; words in the present tense include the future, or past tense.
- 1.1.3. "Foul" or "Fouling" shall mean and includes spitting, urinating, defecating or other act of defacing property.
- 1.1.4. "Highway" shall mean a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- 1.1.5. "Nuisance" shall mean any action or activity that creates a disturbance to residents of the Township and shall include activities such as spitting, defecating, urinating, fighting, swearing, using profane or obscene language, impeding or molesting persons, obstructing the movement of persons, causing or allowing excessive noise and damaging, defacing or vandalizing property.
- 1.1.6. "Pedestrian Way" shall mean that portion of the highway designed for the passage of persons and includes that part of the road where pedestrians have priority over traffic.
- 1.1.7. "Person" shall mean and include any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires.
- 1.1.8. "Roadway" shall mean that part of the highway that is improved, designed and ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway has two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively.
- 1.1.9. "Sidewalk" shall mean that portion of the Township right-of-way that is intended or used by the general public for the passage of persons, including a boulevard.
- 1.1.10. "Water feature" includes rivers, lakes, streams, creeks, storm water management ponds, locks, reservoirs, estuaries, swales, man made or natural streams, man made ditches, and other geographical features containing water at some time during the year but does not include private or municipal swimming pools or decorative man made, self-contained garden ponds on private residential property.

2. NUISANCE

2.1 No person shall commit any act defined as a nuisance as set out in "Schedule A" attached hereto and forming part of this by-law.

3. ENFORCEMENT

3.1 The provisions of this by-law shall be enforced by a Township By-law Enforcement Officer, Police Officer, Peace Officer, or other individual duly appointed for the purpose of enforcing this by-law.

4. PENALTY

4.1 Any person who contravenes any of the provision of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act, R.S.O. 1990, c. P33 and included within Schedule "B" forming part of this by-law.

4.2 Each day of contravention shall be a separate offence.

5. GENERAL PROVISIONS

5.1 This by-law shall be called "The Public Nuisance By-law".

5.2 This by-law shall come into force and effect on the final passing thereof.

5.3 Bylaw #27-77 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 6th DAY OF AUGUST, 2008.



Don McKay, Mayor

seal



Jeff Carswell, Clerk

Schedule A

Acts defined as a nuisance:

1. Causing, creating or permitting a nuisance to exist or occur on public or private land.
2. The throwing, dropping, placing, or otherwise depositing of garbage, paper, paper or plastic products, cans, rubbish, or other debris on any Township property including but not limited to vacant or other lands owned by the Township, highways, roadways, sidewalks, pedestrian ways, water features, or boulevards, unless authorized by the Township.
3. The throwing, dropping, placing, or otherwise depositing of garbage, paper, paper or plastic products, cans, rubbish, or other debris on any private property not owned by such person, unless so authorized by the private property owner.
4. The fouling or permitting of the fouling any vacant or other lands owned by the Township, a highway, roadway, sidewalk, pedestrian way, water feature or boulevard by any person.
5. The fouling or permitting the fouling any vacant or other lands owned privately, committed by any person.
6. The blocking, interference with or otherwise causing impediment the passage of any pedestrian on any Township sidewalk or other Township pedestrian-way, or portion thereof, unless they are the owner or driver of an emergency vehicle as defined within the Highway Traffic Act and/or a vehicle engaged in works undertaken for or on behalf of the Township of East Zorra-Tavistock, area municipalities, public utilities and an ambulance as defined within Section 61 of the Highway Traffic Act.
7. Place graffiti on walls, fences or elsewhere, or on adjacent to, a highway or other public place.

Schedule B

Part I Provincial Offences Act

Item	Short form wording	Provision Creating or Defining Offence	Set Fine
1.	Causing, creating or permitting a nuisance to exist or occur on public or private land.	S. 2.1 Sch. A(1)	\$50
2.	Depositing garbage on Township property unless authorized.	S. 2.1 Sch. A(2)	\$50
3.	Depositing garbage on private property unless authorized.	S. 2.1 Sch. A(3)	\$50
4.	Fouling lands owned by the Township.	S. 2.1 Sch. A(4)	\$50
5.	Fouling vacant or other lands owned privately.	S. 2.1 Sch. A(5)	\$50
6.	Interference with the passage of any pedestrian.	S. 2.1 Sch. A(6)	\$50
7.	Placing graffiti on walls, fences or elsewhere.	S. 2.1 Sch. A(7)	\$50

Note: The general penalty provision for the offences cited above is Section 4.1 of By-law #2008-37, as amended, a certified copy of which has been filed.

**Set Fines approved September 23, 2008 by
Ontario Court of Justice.**