

CITY OF NIAGARA FALLS

By-law No. 2009 - 73

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 nuisance, 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 for The Corporation of the City of Niagara Falls 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.

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. Definitions:

- 1.1 "City" mean The Corporation of the City of Niagara Falls.
- 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 "Loiter" shall mean lingering on the way, to travel indolently with frequent pauses without any apparent destination.
- 1.5 "Public place" includes a highway, sidewalk, pedestrian walkway or trail, property and any place to which the public have access as of right or by invitation, expressed or implied and private property that is exposed to public view but does not include a washroom facility.
- 1.6 "Spit" means to eject phlegm, saliva, chewing tobacco juice, or any other substance from the mouth.
- 1.7 "Urinate" means to discharge urine from the body.
- 1.8 "Vomit" means to eject matter from 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. This section shall not apply to City employees or persons under contract with the City, acting under the jurisdiction of the City.
- 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, including signs, or private property.
- 2.6 No person shall leave, throw or deposit any bottles, glasses or other materials on public or private property.
- 2.7 No owner, occupant or tenant of any premises serving alcohol, fitted with large doors or garage type doors, shall cause, permit or allow the said doors to remain open after 11 p.m.
- 2.8 No person shall refuse to identify themselves when requested to do so by a police officer or a municipal law enforcement officer.

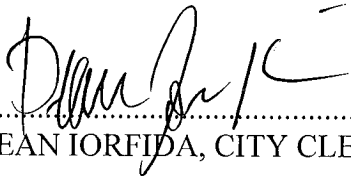
3. General:

- 3.1 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.
- 3.2 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 license.
- 3.3 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.
- 3.4 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of up to \$10,000.00.

3.5 This by-law shall come into force and effect on the day it is passed.

4. By-law 2008-126 is hereby repealed.

Passed this fourth day of May, 2009.


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DEAN IORFIDA, CITY CLERK


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R.T. (TED) SALCI, MAYOR

First Reading: May 4, 2009.

Second Reading: May 4, 2009.

Third Reading: May 4, 2009.