

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2003 - 71 - RE

(being a By-law to prohibit and abate public nuisances on public land or in public buildings within the Town of Whitchurch-Stouffville)

WHEREAS it is deemed advisable to prohibit and abate public nuisances on public land or in public buildings within the Town of Whitchurch-Stouffville pursuant to The Municipal Act, 2001, S.O. 2001, c 25 as amended;

AND WHEREAS SECTION 128 (1) of the Municipal Act, 2001 authorizes the Council to pass by-laws for prohibiting and abating public nuisances;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

PART 1. DEFINITIONS

Definitions:

- 1.1 **"Nuisance"** includes shouting, screaming, unusual noises, ringing of bells, sounding of horns, blowing of whistles, squealing of tires, revving of engines; the idling of vehicles longer than five (5) minutes; the playing of music or any other noise that disturbs or is likely to disturb persons or the occupants of a dwelling, drawings or the writing of words which are offensive on public land, buildings or structures; expectorating, urinating or defecating in any public place or highway other than a washroom facility; obstructing the passage of pedestrians on a walkway or highway in a public place rendering passage impassable or difficult; the creation of discomfort, disturbance or confusion for pedestrians or the occupants of a dwelling or to passing motorists; loitering in a public place after being instructed to move by a Peace Officer; loitering, remaining in or refusing to leave a public building after it is closed and/or when ordered to do so by a Peace Officer; the use of offensive language or gestures; the harassment or the intimidation of another person or persons on public lands or in public facilities; willfully causing damage to public property; the use of a public facility or public lands for other than their lawful intended use; soliciting for illegal activities; the carrying of open liquor on public lands or in a public building.
- 1.2 **"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 or the passage of vehicles or persons, whether under the jurisdiction of the Town of Whitchurch-Stouffville or the Region of York, and including any surface, grassed area, boulevard ditch, curb gutter, and sidewalk.
- 1.3 **"Peace Officer"** means a police constable, police officer, and a person employed the Town of Whitchurch-Stouffville for the preservation and maintenance of the public peace or for the service or execution of civil process; and includes a person assigned the responsibility of administering and enforcing this by-law, and all persons acting under his or her instructions.
- 1.4 **"loitering"** means the lingering or hanging about on public lands or in public buildings with no purposeful activity or obstructing or making difficult the passage of persons on public lands or in public buildings.
- 1.5 **"A public place"** means any municipal building and any municipal or public lands within the Town of Whitchurch-Stouffville.

Part II, Prohibitions Against Certain Public Nuisances

- 2.1 No person shall cause a nuisance on any public land or in any public building or on any highway within the Town of Whitchurch-Stouffville.
- 2.2 No person shall loiter on any public land or in any public place or on any public highway within the Town of Whitchurch-Stouffville.

Part III, Penalties:

- 3.1 Any person who commits an offence pursuant to the provisions of this by-law shall be liable, upon conviction, to the penalties by the Provincial Offences Act, R.S.O., 1990, c.P.33, as amended.

Part IV, Severability:

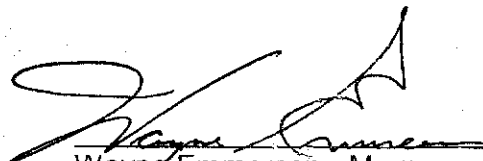
- 4.1 Should any paragraph, clause or phrase in this by-law be declared inoperative by a court of competent jurisdiction, the remainder of the by-law shall remain in full force and effect.

Part V, Effective Date:

- 5.1 This by-law shall come into force and take effect on the date of its enactment.
- 6.1 By-law 78-12, being a By-law to Prohibit Loitering, is hereby repealed.

READ a first and second time this 20th day of May, 2003.

READ a third time and passed this 20th day of May, 2003.


Wayne Emmerson - Mayor


Dianne Barnes, Council Co-ordinator