

The Corporation of the City of Pickering

By-law No. 7773/20

Being a by-law to prohibit and regulate public nuisances within the City of Pickering.

Whereas section 128 of the *Municipal Act, 2001* 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, in the opinion of Council, the act of urinating, defecating, spitting or vomiting in a public place is a public nuisance; and

Whereas, in the opinion of Council, the act of knocking over or damaging mailboxes, relay boxes, newspaper boxes, recycling boxes, garbage containers, permitted signs or other public fixtures is a public nuisance; and

Whereas, in the opinion of Council, the act of throwing, placing or depositing refuse on property without permission from the owner or occupant of such property is a public nuisance; and

Whereas, in the opinion of Council, the act of depositing certain liquids or materials into municipal storm sewers is a public nuisance.

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

Part I - Interpretation

Definitions

1. In this by-law,

"City" means The Corporation of the City of Pickering or the geographical area of the City of Pickering, as the context requires;

"Council" means the Council of the City;

"fixture" means any structure that the City permits to be located within a boulevard including a utility box, newspaper vending box, bench, transit shelter, telephone box, telephone booth, transformer box or vault, telephone pole, hydro pole, streetlight, stoplight pole, recycling waste module, mailbox, street sign, a Canada Post relay mailbox, permitted signs, or a blue box, green bin or other garbage container;

"highway" has the same meaning as in subsection 1 (1) of the Highway Traffic Act' and includes unopened and unassumed road allowances;

“officer” means a municipal law enforcement officer employed by the City, or a police officer pursuant to subsection 42(1)(h) of the *Police Services Act*;

"owner" includes the person or persons registered as the owner of a subject property in the most recent municipal tax records and/or on the deed in accordance with the records of the land registry office;

“person” includes an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and also includes the heirs, executors or legal representatives of the person;

"public place" includes a highway and any other place to which the public has access as of right or by invitation, expressed or implied, and any private property that is exposed to public view, but does not include a washroom facility;

"refuse" includes garbage or debris of any kind and, without limiting the generality of the foregoing, includes a vehicle that appears by reason of its appearance, mechanical condition or lack of current licence plates to be inoperative, inoperative mechanical equipment, automotive and mechanical parts, appliances, furnaces, heater or fuel tanks, disused furniture, table waste, paper, cartons, crockery, glassware, cans, garden refuse, earth or rock fill, old or decayed lumber, material from construction or demolition projects, and old clothing; and

"storm sewer" means a pipe, conduit, drain, open channel or ditch for the collection and transmission of storm water, drainage from land, or from a watercourse, or any combination thereof.

References

2. In this by-law, references to any Act, regulation or by-law is a reference to that Act, regulation or by-law as it is amended or re-enacted from time to time.

Word Usage

3. This by-law shall be read with all changes in gender or number as the context may require.
4. A grammatical variation of a word or expression defined has a corresponding meaning.

Conflicts

5. If a provision of this by-law conflicts with a provision of any applicable Act, regulation or by-law, the provision that establishes the higher or more restrictive standard to protect the health, safety and welfare of the general public shall prevail.

Severability

6. Each section of this by-law is an independent section, and the holding of any section or part of any section of this by-law to be void or ineffective for any reason shall not be deemed to affect the validity of any other section or parts of sections of this by-law.

Part II – Regulations

General Prohibitions

7. No person shall urinate, defecate or spit in a public place.
8. No person shall vomit by reason of being intoxicated in a public place.

Fixtures

9. No person shall knock over, attempt to knock over or otherwise attempt to damage a fixture.
10. No person shall alter or deface a fixture.

Swimming Pools

11. No owner shall permit or allow the discharging of any water, from swimming pools, hot tubs, wading pools or ornamental ponds to drain or migrate onto adjacent property, other than a municipal storm sewer.
12. No owner shall permit or allow any sump pump to be discharged directly onto any neighbouring property.

Storm Sewers

13. No person shall deposit or cause or permit to be deposited any liquids (other than storm water) or materials into a municipal storm sewer.

Exceptions

14. Sections 11, 12 and 13 shall not apply to a person who drains water from a swimming pool, hot tub, ornamental pond, downspout, eaves trough or sump pump directly into a municipal storm sewer.

Littering & Illegal Dumping

15. No person shall throw, place or deposit or cause or permit to be thrown, placed or deposited any refuse on any property without permission from the owner or occupant of such property.

Part III - Enforcement

Enforcement

16. This by-law may be enforced by any officer.
17. An officer may, at any reasonable time, enter upon any property for the purpose of determining whether or not the provisions of this by-law have been complied with.
18. No person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an officer.
19. Where an officer has reasonable grounds to believe that an offence has been committed by a person, the officer may require the name, address, and proof of identity of that person, and no person shall fail to provide the requested information.

Offences and Penalties

20. Every person who contravenes any provision of this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and, subject to subsection (2), upon conviction is liable to a fine not exceeding \$25,000.
21. Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed on the corporation is \$100,000.

Part IV – General

Short Title

22. This by-law may be cited as the "Nuisance By-law".

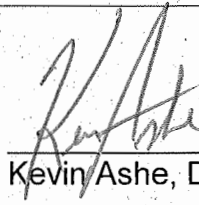
Repeal

23. By-Law No. 5330/98 is hereby repealed.

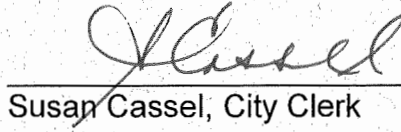
Effective Date

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

By-law passed this 27th day of July, 2020.



Kevin Ashe, Deputy Mayor



Susan Cassel, City Clerk