

The Corporation of the Town of South Bruce Peninsula

By-Law Number 35-2026

Being a By-Law to Prohibit and Regulate Public Nuisance

Whereas subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "***Municipal Act, 2001***"), provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and enhance their ability to respond to municipal issues;

And whereas subsection 8(2) of the *Municipal Act, S.O. 2001* provides that, in the event of ambiguity in whether or not a municipality has the authority under the *Municipal Act, 2001* or any other Act to pass a by-law or to take any other action, the ambiguity shall be resolved so as to include, rather than exclude, powers the municipality had on the day before the *Municipal Act, 2001* came into force;

And whereas subsection 11(2)(6) of the *Municipal Act, S.O. 2001* provides that the Town may pass by-laws respecting the health, safety and well-being of persons;

And whereas subsection 127(c) of the *Municipal Act, S.O. 2001* provides that the Town may prohibit the depositing of refuse or debris on the land without the consent of the owner or occupant of the land;

And whereas subsection 128(1) of the *Municipal Act, S.O. 2001* provides that the Town 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 subsection 128(2) of the *Municipal Act, S.O. 2001* provides that the opinion of council under section 128 of the *Municipal Act, S.O. 2001*, if arrived at in good faith, is not subject to review by any court;

And whereas it is the opinion of Council that the issues, matters or things outlined in section 2 of this by-law are, or could become, public nuisances, which include, but are not limited to, Disorderly Conduct, Fighting, Fouling, Graffiti, Littering, and Soliciting (all terms that are hereinafter defined);

And whereas subsection 129(1) of the *Municipal Act, S.O. 2001* provides that the Town may prohibit and regulated with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors.

Now therefore the Council of The Corporation of the Town of South Bruce Peninsula enacts as follows:

1. Definitions

1.1 For the purpose of this by-law, the following definitions shall apply:

- (a) **“Bicycle”** includes a tricycle, a unicycle and a power-assisted bicycle but does not include a motor assisted bicycle;
- (b) **“County”** means The Corporation of the County of Bruce, its Council, employees, agents, contractors, representatives and assigns;
- (c) **“Disorderly Conduct”** means causing a public disturbance that interferes with a person’s reasonable use and enjoyment of Public Property and, without limiting the generality of the foregoing, includes: i) engaging in riotous, violent, threatening, and/or illegal conduct; and ii) excessive yelling, screaming, shouting, or swearing.
- (d) **“Feed”** means furnishing or making items available as a food source;
- (e) **“Fighting”** means any confrontation involving physical contact between two or more people and includes shoving, pushing and rough-housing, and **“Fight”** shall have a corresponding meaning;
- (f) **“Fouling”** means spitting, urinating, defecating, vomiting, excreting and/or other discharge from a body, and **“Foul”** shall have a corresponding meaning;
- (g) **“Graffiti”** means images or lettering etched, scratched, scrawled, inscribed, stained, painted, or otherwise made on, or affixed to, a property that does not belong to the person undertaking such activity or where the person undertaking such activity has not received express permission from the relevant property owner;
- (h) **“Highway”** means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway;
- (i) **“Littering”** means throwing, scattering, dropping, placing, and/or otherwise depositing garbage, rubbish, refuse, debris and/or any other substance or material, except for in a garbage or recycling container intended for such use, and **“Litter”** shall have a corresponding meaning;
- (j) **“Motor Assisted Bicycle”** means a bicycle:
 - i. that is fitted with pedals that are operable at all times to propel the bicycle;
 - ii. that weighs not more than fifty-five kilograms;
 - iii. that has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel;

- iv. that has an attached motor driven by electricity or having a piston displacement of not more than fifty cubic centimetres; and
 - v. that does not have sufficient power to enable the bicycle to attain a speed greater than 50 kilometres per hour on level ground within a distance of 2 kilometres from a standing start.
- (k) **“Officer”** means a Provincial Offences Officer as defined by section 1 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33;
- (l) **“Public Property”** means any property that is owned, occupied, or under the custody and control of the Town;
- (m) **“Sidewalk”** means the part of the Highway specifically set aside or commonly understood to be for pedestrian use, typically consisting of a paved surface but does not include crosswalks, medians, boulevards, shoulders or any part of the sidewalk where cleared snow has been deposited;
- (n) **“Soliciting”** means asking for money, selling a product, or otherwise seeking to give something to or obtain something from a person without their consent or invitation, and **“Solicit”** shall have a corresponding meaning;
- (o) **“Town”** means The Corporation of the Town of South Bruce Peninsula, its Council, employees, agents, contractors, representatives and assigns; and,
- (p) **“Wiarthon Willie”** means a groundhog designated by the Town as “Wiarthon Willie”.

2. Prohibition or Regulation of Public Nuisances

- 2.1 No person shall Litter, or cause Littering to occur, in or on any Public Property.
- 2.2 No person shall Foul, or permit the Fouling of, any Public Property.
- 2.3 No person shall block, interfere with, or otherwise impede the passage of any pedestrian on any Sidewalk, or portion thereof, in the Town, unless they are doing so on behalf of the Town or the County or are otherwise permitted to do so by the Town or County.
- 2.4 No person shall ride a Bicycle or a Motor Assisted Bicycle on any Sidewalk.
- 2.5 No person shall ride a Bicycle or a Motor Assisted Bicycle, use a skateboard, or wear or use roller skates or in-line skates in or on any Public Property which is not expressly and specifically meant for such use.
- 2.6 No person shall Fight in or on any Public Property.

- 2.7 No person shall Feed Wiarion Willie without the express permission of the Town.
- 2.8 No person shall engage in Disorderly Conduct in or on any Public Property.
- 2.9 No person shall be in or on any Public Property which has been closed by the Town, or for which access has been restricted or prohibited, for any reason whatsoever, where signage indicating the closure or the access restriction or prohibition has been erected, posted, or is otherwise visible.
- 2.10 No person shall Graffiti, or cause Graffiti to occur, in or on any Public Property.
- 2.11 No person shall Solicit in or on Public Property without the express permission of the Town.
- 2.12 No person shall use any Public Property for anything other than its intended purpose or as otherwise directed or indicated by the Town.
- 2.13 No person shall use, or cause to be used, any utilities accessible on or from Public Property, such as electrical outlets, telephones, internet connections, or water connections, without the express permission of the Town.

3. Enforcement and Inspection

- 3.1 The provisions of this by-law may be enforced by an Officer.
- 3.2 Pursuant to subsection 436(1) of the *Municipal Act, 2001*, an Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - (a) This by-law; or,
 - (b) An order made under this by-law.
- 3.3 Pursuant to subsection 436(2)(c) of the *Municipal Act, S.O. 2001*, for the purposes of an inspection, an Officer may require information from any person concerning the matter related to the inspection.
- 3.4 Pursuant to subsection 426(1) of the *Municipal Act, S.O. 2001*, no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.
- 3.5 Pursuant to subsection 426(3) of the *Municipal Act, S.O. 2001*, any person who contravenes section 3.4 of this by-law is guilty of an offence.

4. Order to Discontinue Activity

- 4.1 Pursuant to subsection 444(1) of the *Municipal Act, S.O. 2001*, if an Officer is satisfied that a contravention of this by-law has occurred, the Officer may make an order requiring the person who contravened this by-law, or who caused or

permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.

4.2 Pursuant to subsection 444(2) of the *Municipal Act, S.O. 2001*, an order under section 4.1 shall set out:

(a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and

(b) the date by which there must be compliance with the order.

4.3 Pursuant to subsection 444(3) of the *Municipal Act, S.O. 2001*, a person who contravenes an order under section 4.1 is guilty of an offence.

5. Offence & Penalty

5.1 Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is liable to a fine, and such other penalties, as provided for by the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as amended.

6. Short Title

6.1 This by-law shall be known as the "Nuisance By-Law".

7. Severability

7.1 Should a court of competent jurisdiction declare any section or part of a section of this by-law to be invalid, or of no force and effect, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

8. Repeal

8.1 By-Law 46-2020 of the Town is hereby repealed.

9. Coming Into Force

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

Read a first and second time this 5th day of May, 2026.

_____ Mayor

_____ Clerk

Read a third time and finally passed this 5th day of May, 2026.

_____ **Mayor**

_____ **Clerk**

**Set Fine Schedule
Part 1 of Provincial Offences Act**

**The Corporation of the Town of South Bruce Peninsula
By-Law Number 35-2026: Nuisance By-Law**

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Litter or cause littering to occur in or on any Public Property	Section 2.1	\$400
2	Foul or permit the fouling of any Public Property	Section 2.2	\$400
3	Block, interfere with or otherwise impede the passage of any pedestrian on any Sidewalk or portion thereof	Section 2.3	\$200
4	Ride a Bicycle or Motor Assisted Bicycle on a Sidewalk	Section 2.4	\$200
5	Ride a Bicycle or a Motor Assisted Bicycle, use a skateboard, or wear or use roller skates or in-line skates in or on any Public Property not specifically meant for such use	Section 2.5	\$200
6	Fight in or on any Public Property	Section 2.6	\$200
7	Feed Warton Willie without the express permission of the Town	Section 2.7	\$750
8	Engaging in Disorderly Conduct in or on any Public Property	Section 2.8	\$750
9	Be in or on any Public Property which has been closed or where access has been restricted or prohibited	Section 2.9	\$750
10	Graffiti on Public Property	Section 2.10	\$750
11	Solicit in or on Public Property	Section 2.11	\$400
12	Use Public Property for other than for its intended purpose	Section 2.12	\$400
13	Use utility on or from Public Property without permission	Section 2.13	\$400
14	Obstruction or attempted obstruction of an Officer in the performance of their duties	Section 3.4	\$800

15	Hinder or attempted hinderance of an Officer in the performance of their duties	Section 3.4	\$800
16	Contravening an order to discontinue activity	Section 4.3	\$800

Note: The penalty provisions for the offence(s) indicated above is/are in Section 5.1 of By-Law Number 35-2026 of which a certified copy has been filed.