

CORPORATION OF THE MUNICIPALITY OF SOUTHWEST MIDDLESEX
BY-LAW NO. 2019/031
NUISANCE BY-LAW

**Being a By-law to Regulate Matters Related to the
Health, Safety and Well-being of the Inhabitants of
the Municipality of Southwest Middlesex**

WHEREAS section 5(3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended (“the Municipal Act, 2001”) provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the Municipal Act, 2001 provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 8 of the Municipal Act, 2001 provides that the powers of a Municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS section 11 of the Municipal Act, 2001 provides that a Municipality may pass by-laws respecting: Economic, social and environmental wellbeing of the Municipality; Health, safety and well-being of persons; Protection of persons and property; Structures, including fences and signs;

AND WHEREAS section 128 of the Municipal Act, 2001 provides that, without limiting sections 9 and 10, a local Municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances, and the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS section 425 of the Municipal Act, 2001 establishes that any person who contravenes any by-law of the Municipality is guilty of an offence;

AND WHEREAS section 435 of the Municipal Act, 2001 provide for the exercise of powers of entry by municipal law enforcement officers and police officers;

AND WHEREAS section 444 of the Municipal Act, 2001 provides that a municipality may make an order requiring a person who contravened a 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;

NOW THEREFORE the Municipal Council of The Corporation of the Municipality of Southwest Middlesex enacts as follows

SECTION 1 – DEFINITIONS

In this by-law:

“Disturb the Peace” – means offensive acts to include but not limited to shouting, yelling including profanities, writing graffiti and profanities

“Lewd Activities” – means lustful and/or indecent acts

“Loitering” – means to hang about idly

“Nuisance” - means something or someone harmful, offensive, annoying or disagreeable.

“Public Health and Safety” – means the health and safety of residents and public of the Municipality of Southwest Middlesex

SECTION 2 – PROHIBITED MATTERS

No person shall disturb the Health and Safety of the Public within the Municipality of Southwest Middlesex

- 2.1 No person shall disturb the peace by shouting or yelling including profanities within the Municipality of Southwest Middlesex
- 2.2 No person shall urinate in a public place
- 2.3 No person shall commit lewd activities in a public place
- 2.4 No person shall loiter on the streets or sidewalks or public place in the municipality
- 2.5 No person shall create a nuisance to residents of the municipality

SECTION 3 – PENALTY SECTION

3.1 Every person who contravenes any provision of this By-law is guilty of an offense and on conviction may be subject to a fine as provided for in the Provincial Offences Act. (See Set Fine Schedule)

SECTION 4 -ENFORCEMENT

4.1 The following persons are appointed to enforce this by-law are and not limited to Ontario Provincial Police, By-law (MLEO)/Provincial Offenses Officer, and or persons appointed by the Municipality.

SECTION 5 – FORCE and EFFECT

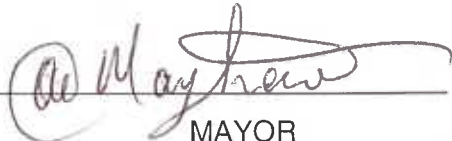
5.1 Should any section, clause or provision of this by-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the by-law shall not be altered

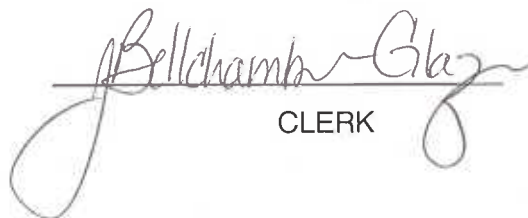
5.2 This By-law to go into force upon the final passing thereof and approved by the Chief Judge of the Provincial Court.

READ A **FIRST** TIME ON THIS 20th DAY OF MARCH, 2019.

READ A **SECOND** TIME ON THIS 20th DAY OF MARCH, 2019.

READ A **THIRD** TIME AND **FINALLY PASSED** ON THIS 20th DAY OF MARCH, 2019.


MAYOR


CLERK

Municipality of Southwest Middlesex

Schedule "A" to

By-law 2019/031

Public Nuisance

Part 1 – Provincial Offences Act

Set Fine Schedule

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Disturb the Peace	Sec. 2.1	\$250.00
2	Urinate in Public Place	Sec. 2.2	\$250.00
3	Lewd Activities in a Public Place	Sec. 2.3	\$350.00
4	Loitering in a Public Place	Sec. 2.4	\$250.00
5	Creating a Nuisance	Sec. 2.5	\$350.00

NOTE: The general penalty provision for the offences listed about is Section 3.1 of By-law No. 2019/031 a certified copy of which has been filed.

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2019/031 of the Municipality of Southwest Middlesex, attached hereto are the set fines for those offences. This Order is to take effect July 8, 2019.

Dated at London this 8th day of July, 2019.



Jeanine LeRoy
Regional Senior Justice
West Region

Municipality of Southwest Middlesex

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