

THE CORPORATION OF THE TOWN OF NEWMARKET

BYLAW NUMBER 1997- 113

A BYLAW TO PROHIBIT LOITERING AND TO PROHIBIT THE CAUSING OF A DISTURBANCE OR A PUBLIC NUISANCE UPON HIGHWAYS AND OTHER PUBLIC PLACE.

WHEREAS Section 102 of the Municipal Act, R.S.O. 1990, c.M.45, as amended, provides that Council may pass such bylaws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act as may be deemed expedient and are not contrary to law;

AND WHEREAS Subsection 210(140) of the said Act provides that bylaws may be passed by Council for prohibiting and abating public nuisances;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NEWMARKET ENACTS AS FOLLOWS:

Definitions

1. In this Bylaw,

(a) "Bylaw Enforcement Officer" means a Bylaw Enforcement Officer appointed as such by the Corporation of the Town of Newmarket;

(b) "loiter" means to linger or to stand around idle or to move slowly about;

(c) "disturbance" means the interruption of the peace, quiet and good order of a neighbourhood or community, particularly by unnecessary and distracting noises;

(d) "highway" includes a common or public highway, street, avenue, boulevard, parkway, driveway, island, square, place, bridge, viaduct, trestle and any sidewalk, pathway or footpath, located thereon designed and intended for or used by pedestrians or designed and intended for or used by the general public for the passage of motor vehicles;

(e) "public nuisance" means any activity, undertaking or conduct which annoys or disturbs or may annoy or disturb persons in a public place or on a highway;

(f) "public place" means a place to which the general public has a right to resort or has access, whether as of right or by the express or implied consent of the owner of any particular property and includes a place where the public gathers or passes to and from.

2. No person shall loiter or cause a disturbance or public nuisance upon a highway with the Town of Newmarket.

3. No person shall loiter or cause a disturbance or public nuisance upon or within a public place within the Town of Newmarket.

4. Any person shall be deemed to be loitering within the meaning of this Bylaw when he or she is standing or sitting on any highway, including, without limiting the generality of the foregoing, any sidewalk located thereon, or within three feet of any highway and fails to move on when requested to do so by a Police Officer or a Bylaw Enforcement Officer.

5. (a) Any person shall be deemed to be causing a disturbance within the meaning of this Bylaw when he or she is drunk, screaming or swearing in a public place or on a highway.

(b) Any person shall be deemed to be causing a disturbance within the meaning of this Bylaw when he or she is shouting or singing in a public place or on a highway except when such person is shouting or singing in pursuance of a lawfully sanctioned activity.

6. Any person shall be deemed to be causing a public nuisance within the meaning of this Bylaw when he or she impedes the movement of persons in a public place or on a sidewalk situated within a highway.

7. Every person who contravenes any of the provisions of this Bylaw is guilty of an offence and, on conviction is liable to a minimum fine of one hundred dollars (\$100.00) and a maximum fine as established pursuant to the Provincial Offences Act.

8. Bylaws 676, 1268 and 1269-46 are hereby repealed.

READ A FIRST AND SECOND TIME THIS 11 DAY OF AUG.  
1997

READ A THIRD TIME AND PASSED THIS 11 DAY OF AUG.  
1997

  
\_\_\_\_\_  
John Cole, Mayor

  
\_\_\_\_\_  
R.M. Prentice, Clerk