

Authority: Item 1, Committee of the Whole
Report 09-015 (PED09127)
CM: May 27, 2009

Bill No. 110

CITY OF HAMILTON

BY-LAW NO. 09-110

A By-law to prohibit and regulate certain public nuisances within the City of Hamilton

WHEREAS sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, Chapter 25 (the "Municipal Act, 2001") authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of subsection 10(2) authorize by-laws respecting the economic social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

AND 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 for the City of Hamilton the act of urinating or defecating in public places is or could become a public nuisance;

AND WHEREAS in the opinion of Council for the City of Hamilton, the act of knocking over mailboxes, relay boxes, newspaper boxes, recycling boxes and other waste containers located on highways is or could become a public nuisance;

AND WHEREAS Section 425 of the Municipal Act, 2001 authorizes the City of Hamilton to pass by-laws providing that a person who contravenes a by-law of the City of Hamilton passed under that Act is guilty of an offence;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

Definitions

1. In this By-law:
 - (a) "City" means the geographical area of the City of Hamilton or the municipal corporation as the context requires;
 - (b) "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles or person, and includes the area between the lateral property lines thereof, including sidewalks and boulevards; and
 - (c) "public place" includes a highway and any place to which the public has access as of right or by invitation, express or implied, and private property that is exposed to public view, but does not include a washroom facility.

Prohibitions

- 2.(1) No person shall urinate or defecate in a public place.
- (2) No person shall knock over or attempt to knock over a Canada Post mailbox, Canada Post relay box, newspaper box, blue box or other waste container located on a highway. This subsection shall not apply to City employees or any person under contract to the City who is acting under the City's Solid Waste Management By-law.

Enforcement

3. The provisions of this By-law may be enforced by a police officer or a Municipal Law Enforcement Officer appointed under any City by-law or any other person assigned or appointed by Council of the City of Hamilton to administer or enforce this By-law and includes a person employed by the City of Hamilton whose duties are to enforce this By-law.

Penalty

4. Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33.

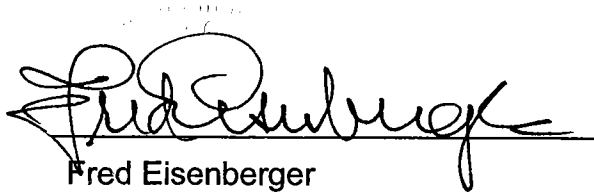
Short Title of By-law

5. This By-law may be referred to as the "Public Nuisance By-law".

Comes into Force

6. This By-law comes into force on the day it is passed.

PASSED and ENACTED this 27th day of May, 2009.



Fred Eisenberger
Mayor



Rose Caterini
Acting City Clerk