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The Corporation of the Municipality of Clarington By-Law 2011-099 Office Consolidation

Being a by-law to regulate and prohibit public nuisances.

Passed, by Council, on: December 19, 2011

Consolidated as of: February 13, 2023

Amendments:

Amending By-law	Date	Amendment Details
2014-032	March 24, 2014	Amend Section 1(d)
2023-010	February 13, 2023	Add section 8 and renumber accordingly

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THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

BY-LAW NO. 2011-099

A By-law to regulate and prohibit public nuisances

WHEREAS Section 128 of the Municipal Act, 2001 provides that a 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;

NOW THEREFORE the Council of The Corporation of the Municipality of Clarington enacts as follows:

Part 1 - Interpretation

Definitions

1. In this by-law,

“defecate” means to discharge excrement from the human body;

“highway” has the same meaning as in the *Highway Traffic Act*, R.S.O. 1990 c. H. 8;

“Municipality” means The Corporation of the Municipality of Clarington or the geographic area of Clarington, as the context requires;

“nuisance” includes,

- (a) soliciting;
- (b) fighting, screaming, yelling or using profane or abusive language or gestures;
- (c) defacing, damaging or vandalizing public or private property;
- (d) expectorating, defecating, vomiting or urinating;
- (e) anything which is injurious to the health, or indecent, or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property; and
- (f) any other activity or conduct that is disorderly, annoying, unpleasant or obnoxious;

“officer” means any employee, officer or agent of the Municipality whose duties include the enforcement of this by-law and any police officer as defined in section 2 of the *Police Services Act*, R.S.O. 1990, c. P.15;

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

“public place” includes a highway and any place to which the public has access as of right or invitation, express or implied, and private property that is exposed to public view, whether or not the property is owned by the person contravening the by-law;

“solicit” means to request, in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using spoken, written or printed word, a gesture or other means;

“urinate” means to discharge urine from the human body; and

“vomit” means to throw up the contents of the stomach.

References

2. In this by-law, reference to any Act is reference to that Act as it is amended or re-enacted from time to time.
3. Unless otherwise specified, references in this by-law to sections and subsections are references to sections and subsections in this by-law.

Word Usage

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

Application

6. This by-law applies to all land within the Municipality unless specifically exempted by this By-law.

Part 2 - Prohibited Activities

7. (a) No person shall cause, create or permit a nuisance in any public place without reasonable excuse.
- (b) For the purposes of this section, “reasonable excuse” means,
 - (i) the contravention of this by-law must be inevitable, unavoidable and afford no reasonable opportunity for an alternative course of action that does not contravene this by-law; and
 - (ii) where the contravention of this by-law is the consequence of illness, the person did not contemplate or, acting reasonably ought not to have contemplated, that the person’s actions would likely cause the illness or give rise to the contravention of this by-law.
8. No person shall create, cause or permit an intrusion of light of an unusual intensity or type onto adjacent property so as to be or to cause a nuisance.
9. No person shall knock over, attempt to knock over, deface, attempt to deface, remove or attempt to remove a Canada Post mailbox, relay box, newspaper box, Blue Box, garbage container, traffic or street sign, utility pole or any other public or private property.

Order to Discontinue Activity

10. (1) Where an officer is satisfied that a person has contravened this by-law, the officer may make an order requiring the person who contravened the 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.
- (2) An order under this section 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.
11. No person shall fail to comply with an order issued under this by-law.

Obstruction

12. No person shall hinder or obstruct, or attempt to hinder or obstruct, an officer who is exercising a power or performing a duty under this by-law.

Offence and Penalty

13. Every person who contravenes any provision of this by-law guilty of an offence upon conviction is liable to a fine pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

Part 3 - General Provisions

Conflict

14. If there is a conflict between a provision of this by-law and a provision of any other Municipal by-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy condition on land shall apply.

Short Title

15. The short title of this by-law is the "Nuisance By-law".

Effective Date

16. This by-law shall be effective on the date of its passing.

BY-LAW approved this 19th day of December, 2011

ORIGINAL BY-LAW SIGNED