

# Public Nuisance By-law

PH-13 – Enacted February 20, 2006

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Bill No. 115  
2006

By-law No. PH-13

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

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

AND WHEREAS section 8 of the *Municipal Act*, S.O. 2001, c.25 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 9 of the *Municipal Act*, S.O. 2001, c.25 provides that section 8 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 128 of the *Municipal Act*, S.O. 2001, c.25 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 London, 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 London, the act of knocking over mailboxes, relay boxes, newspaper boxes, recycling boxes and garbage containers located on highways is or could become a public nuisance;

AND WHEREAS section 130 of the *Municipal Act*, S.O. 2001, c.25 provides that Council may regulate matters not specifically provided for by this Act or any other Act for the purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS section 425 of the *Municipal Act*, S.O. 2001, c.25 establishes that any person who contravenes any by-law of the municipality is guilty of an offence;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

## 1. DEFINITIONS

### 1.1 In this by-law,

“**City**” means The Corporation of the City of London;

“**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 persons, and includes the area between the lateral property lines thereof, including sidewalks and boulevards; and

“**Public Place**” includes a Highway and any place to which the public have 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.

## 2. PROHIBITIONS

2.1 No person shall urinate or defecate in a Public Place.

2.2 No person shall knock over or attempt to knock over a Canada Post mailbox, Canada Post relay box, newspaper box, Blue Box, or garbage container, lawfully located on a Highway. This section shall not apply to City employees, or any person under contract with the City, acting under the City’s Waste Management By-law.

## 3. ENFORCEMENT

3.1 The provisions of this by-law may be enforced by a Municipal Law Enforcement Officer, Police Officer, or other individual duly appointed for the purpose of enforcing this by-law.

**4. PENALTY**

- 4.1 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, as amended.

**5. SHORT TITLE OF BY-LAW**

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

**6. FORCE AND EFFECT**

- 6.1 This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on February 20, 2006.

Anne Marie DeCicco  
Mayor

Kevin Bain  
City Clerk