

THE CORPORATION OF THE TOWN OF GEORGINA

IN THE

REGIONAL MUNICIPALITY OF YORK

BY-LAW NO. 95-56 (REG-1)

BEING A BY-LAW FOR THE PROHIBITION AND
ABATEMENT OF CERTAIN PUBLIC NUISANCES
WITHIN THE MUNICIPALITY

WHEREAS section 210(140) of the Municipal Act, R.S.O. 1990 c. M.45 permits Councils of local municipalities to pass by-laws to prohibit and abate public nuisances.

AND WHEREAS section 102 of the Municipal Act, R.S.O. 1990 c. M.45, permits every council to pass such by-laws 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.

NOW THEREFORE the Council of the Town of Georgina enacts as follows:

DEFINITIONS:

1. (a) "BEG" shall mean to go from place to place or to remain stationary and, while there, to solicit donations for oneself or another person. To "BEG", however shall not include to solicit donations on behalf of a bona fide charity;
- (b) "BONA FIDE CHARITY" shall mean a charity organization whether or not it has been incorporated, all the resources of which are devoted to charitable activities carried on by the organization itself and no part of the income of which was payable to, or was otherwise available for, the personal benefit of any proprietor, member or shareholder thereof;
- (c) "MUNICIPALITY" shall mean the Corporation of the Town of Georgina and where the context so implies, members of its staff and council;
- (d) "HIGHWAY" shall mean a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed or intended for or used by the general public for the passage of vehicles or persons, whether under the jurisdiction of the Regional Municipality of YORK or the MUNICIPALITY, and including any surface, grassed area, boulevard, ditch, curb, gutter and sidewalk within the lateral property lines of the HIGHWAY;

- (e) "OFFICER" shall include a police officer or police constable or other person employed for the preservation and maintenance of the public peace or for the service or execution of civil process; and includes a person assigned the responsibility of administering and enforcing this By-law, and all persons acting under his or her instructions;
- (f) "PERSON" shall include the individual, sole proprietorship, partnership, unincorporated association, trust, or a body corporate;
- (g) "PEDESTRIAN" shall mean a person on any part of a highway who is on foot or a person in a wheelchair, baby carriage or any similar, legally operated, ambulatory device.

PROHIBITION ON CERTAIN PUBLIC NUISANCES:

2. No person shall beg, either from door to door, or on any highway or in any other public place.
3. No person shall solicit any other person on any highway or in any other public place, for any commercial purpose, except for donations on behalf of a bona fide charity.
4. No group of three or more persons shall gather together and stand in a group or near each other on any highway, or on any pedestrian walkway, or in any other public place, in such a manner as to obstruct a free passageway for pedestrians or vehicular traffic after having been requested to move on by an officer.
5. No person shall use any highway, pedestrian walkway or any other public place in a manner to crowd or jostle pedestrians or to create discomfort, disturbance or confusion for pedestrians. Without limiting the generality of the foregoing, it shall constitute an offence for a person to cause a disturbance on any highway or on a pedestrian walkway or in any public place by screaming, yelling or using profane or abusive language in a manner which is audible to passersby.
6. No person shall conduct any activity which interferes with travel or other lawful use of the highway, pedestrian walkway or other public place, by pedestrians or otherwise.
7. No person shall loiter on any highway, pedestrian walkway or other public place after having been requested by an officer to move on.

5. No person shall deface or damage any real or personal property which is owned by the Municipality. Prosecution with respect to this offence shall not preclude any other legal actions required to recover damages required to repair, replace or restore damaged real or personal property, as the case may be.

PENALTIES


9. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a maximum fine as provided for pursuant to the Provincial Offences Act.

GENERAL PROVISIONS:

10. All words and personal pronouns relating to words contained in this By-law shall be read and construed with the number and gender of the person or persons referred to in each case.
11. Should any paragraph, cause or phrase in this By-law be declared by a court of competent jurisdiction to be invalid in whole or in part, the validity of the other provisions of the By-law shall not be affected thereby, the intent of Council being that each provision of the By-law shall be determined to be separately valid and enforceable to the fullest extent permitted by law.
12. This By-law shall come into full force and effect as of the date of its passing.

READ a first and second time this 23 day of
May, 1995.

READ a third time and finally passed this 23
day of May, 1995.


Robert A. Grossi, Mayor


Larry Simpson, Town Clerk