

PROTECTION  
Chapter 556  
PUBLIC NUISANCE

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## **Article 1**

### **Short Title**

#### **556.1.1 Short Title**

The short title of this Chapter is the “Public Nuisance By-law”.

## **Article 2**

### **Interpretation**

#### **556.2.1 Carcass - Defined**

“Carcass” means the body or any part thereof of a dead animal.

#### **556.2.2 City - Defined**

“City” means The Corporation of the City of Brantford.

#### **556.2.3 Defecate - Defined**

“Defecate” means to discharge excrement from the human body.

#### **556.2.4 Disorderly Conduct - Defined**

“Disorderly Conduct” means causing a public disturbance and, without limiting the generality of the foregoing, includes yelling, screaming, shouting, singing, and/or swearing that is likely to disturb and interferes with the reasonable enjoyment of someone else in a public place.

#### **556.2.5 Feeding - Defined**

“Feeding” means furnishing or making food available and shall include leaving food outdoors in such a manner as to attract or to be accessible to animals, but does not include baiting during lawful activities or the growing of food for human consumption.

#### **556.2.6 Fight - Defined**

“Fight” means any confrontation involving physical contact between two or more people.

**556.2.7 Graffiti – Defined**

“Graffiti” means an unauthorized and deliberate defacement of property and includes markings, of one or more letters, symbol, marks, designs or drawings placed on any structure, place or thing without the consent of the property owner, excluding all signs as permitted in the Outdoor Sign By-law. By-law 44-2021, 23 February, 2021

**556.2.8 Litter– Defined**

“Litter” means throwing, dropping, placing, or otherwise depositing or permitting to be deposited any garbage, paper, plastic, paper products, plastic products, cans, rubbish, other debris or objects on public or private property unless so authorized by the property owner.

**556.2.9 Loitering - Defined**

“Loitering” means the lingering or hanging about in a public place with no purposeful activity or obstructing or making difficult the passage of persons in a public place or failing to move on after having been requested to do so.

**556.2.10 *Municipal Act* - Defined**

“*Municipal Act*” means the *Municipal Act, 2001*, S.O. 2001 c.25, as amended from time to time.

**556.2.11 Noxious Odour - Defined**

“Noxious Odour” means an odour that is likely to disturb and interferes with the reasonable enjoyment of a Public Place by any person.

**556.2.12 Officer - Defined**

“Officer” means a Municipal By-law Enforcement Officer appointed by City Council or a member of the Brantford Police Service.

**556.2.13 Pedestrian-way - Defined**

“Pedestrian-way” means, without limiting the generality of the foregoing, any sidewalk, trail, or walkway designed for passage by pedestrians.

**556.2.14 Public Nuisance - Defined**

“Public Nuisance” means an action or activity that creates a disturbance, damages property or impacts the safety of residents of the City and includes all activities set out in Article 3 herein.

**556.2.15 Public Place - Defined**

“Public Place” means:

- (a) A place outdoors to which the public is ordinarily invited or permitted access, and shall include but not be limited to sidewalks, streets, any portion of a road allowance, parking lots, swimming pools, conservation areas, trails, parks and playgrounds;
- (b) School grounds; and
- (c) Land, premises or buildings owned, managed or maintained by the City.

**556.2.16 Public Property - Defined**

“Public Property” means property owned by the City.

**556.2.17 Urinate - Defined**

“Urinate” means to discharge urine from the human body.

**556.2.18 Unsafe Disposal - Defined**

“Unsafe Disposal” means throwing, dropping, placing, or otherwise depositing or permitting to be deposited needles or syringes, or any part thereof, in a manner other than in needle disposal containers or in accordance with the process prescribed by the Brant County Health Unit. By-law 210-2020, 15 Dec, 2020;

**556.2.19 Vomit - Defined**

“Vomit” means to throw up the contents of the stomach by the mouth.

**556.2.20 Interpretation – *Legislation Act***

The provisions of Part VI of the *Legislation Act, 2006*, S.O. 2006, c. 21, Schedule F shall apply to this Chapter.

## **Article 3**

### **General – Prohibitions**

#### **556.3.1 Impeding Passage – Prohibition**

No person shall block, interfere with or otherwise impede the passage of any pedestrian on any City sidewalk or other City pedestrian-way, or portion thereof unless authorized by the City.

#### **556.3.2 Loitering – Prohibition**

No person shall Loiter in any Public Place.

#### **556.3.3 Urinate, Defecate, Vomit – Prohibition**

No person shall Urinate, Defecate or Vomit in a Public Place.

#### **556.3.4 Open Alcohol, Intoxication – Prohibition**

No person shall carry open alcohol or be intoxicated in a Public Place.

#### **556.3.5 Fight – Prohibition**

No person shall participate in a Fight in any Public Place.

#### **556.3.6 Litter – Prohibition**

No person shall Litter in any Public Place or on private property without authorization from the owner.

#### **556.3.7 Disorderly Conduct – Prohibition**

No person shall engage in any type of Disorderly Conduct in any Public Place.

#### **556.3.8 Damage, Destroy Public Property – Prohibition**

No person shall damage or destroy or attempt to damage or destroy any Public Property.

#### **556.3.9 Public Display – Carcass – Prohibition**

No person shall publicly display a Carcass.

**556.3.10 Feeding Wildlife – Prohibition**

No person shall engage in Feeding of wildlife that causes animals to congregate in a manner that causes property damage.

**556.3.11 Noxious Odours – Cannabis – Prohibition**

No person shall cause the emission of a Noxious Odour from cannabis in any Public Place.

**556.3.12 Obstruction – Prohibition**

No person shall obstruct, hinder or otherwise interfere with an Officer while carrying out an investigation, making inquiries or performing an inspection for the purposes of enforcing this Chapter.

**556.3.13 Unsafe Disposal – Needles and Syringes – Prohibition**

No person shall engage in or permit the Unsafe Disposal of needles and syringes. By-law 210-2020, 15 Dec, 2020;

**556.3.14 Graffiti – Prohibition**

No person shall apply or place graffiti or cause or permit graffiti to be applied or placed on any property. By-law 44-2021, 23 February, 2021

**Article 4  
Exemption**

**556.4.1 Exemption**

This Chapter shall not apply to:

- (a) The City and its employees, agents with authorization of the City, or contractors carrying out their duties on behalf of the City; or
- (b) Any Police Officer carrying out police activities.

**Article 5  
Officers**

**556.5.1 Enforcement – By Officer**

The provisions of this Chapter shall be enforced by an Officer.



### **556.5.2 Request for Identification**

An Officer who has reasonable grounds to believe that a person has contravened any provision of this Chapter may require that person to provide identification of themselves.

### **556.5.3 Identification - Obstruction**

Every person who is required by an Officer to provide identification of him or herself under Section 556.5.2 shall identify themselves to the Officer. Giving their correct name, date of birth and address shall constitute sufficient identification. Failure to do so shall constitute obstruction of the Officer as per Section 556.3.11 of this Chapter.

## **Article 6**

### **Enforcement**

#### **556.6.1 Fine for Contravention**

Every person who contravenes any provision of this Chapter is guilty of an offence and upon conviction is liable to pay such fines and penalties as are prescribed pursuant to the *Provincial Offences Act*, R.S.O. 1990 c. P.33.

#### **556.6.2 Continuation, Repetition Prohibited by Order**

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

#### **556.6.3 Civil Enforcement**

Where a fine is in default, the City of Brantford may proceed with civil enforcement against the person upon whom the fine has been imposed, pursuant to the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33.

#### **556.6.4 Fine in Default – Add to Tax Roll**

The City of Brantford may make a request to the treasurer of a local municipality to add any part of a fine that is in default to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the fine, and collect it in the same manner as municipal taxes.

### **Article 7**

#### **Validity, Severability and Interpretation**

##### **556.7.1 Severability**

Should a court of competent jurisdiction declare a part or the whole of any provision of this Chapter to be invalid, or of no force and effect, the provision or part is deemed severable from this Chapter and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.

##### **556.7.2 Statutes**

Whenever any reference is made in this Chapter to a statute or regulation of the Province of Ontario, such reference shall be deemed to include all subsequent amendment to such statute or regulation and all successor legislation.

##### **556.7.3 Singular and Plural Inclusions**

Words importing the singular number shall include the plural and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the Chapter requires otherwise.

## **Article 8**

### **Enactment**

#### **556.8.1 Enactment**

This Chapter shall come into full force and effect on the date of final passage hereof.