

BY-LAW NO. 165-08

of the

CORPORATION OF THE CITY OF CAMBRIDGE

Being a by-law of the Corporation of the City of Cambridge to regulate the use of properties relative to public nuisance, and to repeal By-law No. 82-08.

WHEREAS, the *Municipal Act*, S.O. 2001, c 25, as amended, Section 8(1), provides that the powers of a municipality under any Act shall be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and enhance their ability to respond to municipal issues;

AND WHEREAS, the *Municipal Act*, S.O. 2001, c. 25, Section 9, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS, the *Municipal Act*, S.O. 2001, c 25, Section 127(c), as amended, provides that Council may prohibit the depositing of refuse or debris on the land without the consent of the owner or occupant of the land;

AND WHEREAS, the *Municipal Act*, S.O.2001, c. 25, Section 128(1), as amended, 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;

NOW THEREFORE the Council of the Corporation of the City of Cambridge enacts as follows:

DEFINITIONS

1. For the purpose of this By-law:
 - (a) **“City”** shall mean the Corporation of the City of Cambridge;
 - (b) **“Foul”** or **“Fouling”** shall mean and includes spitting, urinating, defecating or any other act of defacing property;
 - (c) **“Highway”** shall include a common and public highway, common and public walkway, 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 and includes the area between the lateral property lines thereof;

- (d) **“Litter”** shall mean to throw, drop, place, or otherwise deposit or permit to be deposited any garbage, paper, plastic, paper products, plastic products, cans, rubbish, or other debris on property;
- (e) **“Nuisance”** shall mean:
 - (i) littering by a person on any City property, including but not limited to vacant or other lands owned by the City, a highway, roadway, sidewalk, water feature, or boulevard, unless so authorized by the City or By-Law Number 02-011 of the Regional Municipality of Waterloo, as amended;
 - (ii) littering by a person on any private property not owned by such person, unless so authorized by the private property owner or By-Law Number 02-011 of the Regional Municipality of Waterloo, as amended;
 - (iii) the picking over, interference with, disturbing, removing or scattering of any material placed on property or in a receptacle for the purpose of the collection of refuse or recyclable materials, unless so authorized by By-Law Number 02-011 of the Regional Municipality of Waterloo, as amended;
 - (iv) fouling or permitting the fouling of any property; or
 - (v) blocking, interfering with or otherwise impeding the passage of any pedestrian on any City sidewalk or portion thereof, unless he or she is the driver of an emergency vehicle as defined within the Highway Traffic Act, R.S.O. 1990, c.H.8, as amended, or a vehicle otherwise engaged in works undertaken for or on behalf of the City of Cambridge, area municipalities, or public utilities.
- (f) **“Person”** shall mean and include any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; and shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires, but shall not include the Corporation of the City of Cambridge or the Waterloo Regional Police (or someone working on their behalf) ;
- (g) **“Sidewalk”** shall mean that portion of the city’s right-of way that is intended or used by the general public for the passage of persons, including a boulevard;

- (h) **“Water feature”** includes rivers, lakes, streams, creeks, storm water management ponds, locks, reservoirs, estuaries, swales, man made or natural streams, man made ditches, and other geographical features containing water at some time during the year but does not include private or municipal swimming pools or decorative man made, self-contained garden ponds on private residential property.

GENERAL PROVISIONS

2. No person shall cause a nuisance.

ENFORCEMENT

3. The provisions of this by-law shall be enforced by a By-Law Enforcement Officer, Police Officer, Peace Officer, or other individual duly appointed for the purpose of enforcing this by-law.

SEVERABILITY

4. Should any part of this by-law be declared by a court to be invalid, the remaining provisions shall remain in full force and effect, and the by-law shall be read as if the offending section has been struck out.

PENALTY

5. Every person or owner who contravenes any provision of this by-law is upon conviction guilty of an offence and is liable to a fine recoverable under the *Provincial Offences Act*, R.S.O, 1990, c. P.33, as amended, or any successor legislation.

SHORT TITLE

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

REPEAL

7. By-law No. 82-08 is hereby repealed.

FORCE AND EFFECT

8. This by-law shall come into force and effect on the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME.

ENACTED AND PASSED, THIS 27TH DAY OF OCTOBER, 2008

MAYOR

CLERK