THE TOWN OF EAST GWILLIMBURY

BY-LAW NO. 2001- 97

BEING A BY-LAW TO PROHIBIT LOITERING AND THE CAUSING OF A DISTURBANCE OR A PUBLIC NUISANCE UPON HIGHWAYS AND OTHER PUBLIC PLACES.

WHEREAS Section 201 of the Municipal Act R.S.O. 1990, c. M. 45, as amended provides that Council may pass such by-laws and make such regulations 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:

AND WHEREAS Subsection 210 (140) of the said Act provides that by-laws may be passed by Council for prohibiting and abating public nuisances:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY ENACTS AS FOLLOWS:

1. **DEFINITIONS** for the purpose of this By-Law:

   a) **"Council"** means the elected Council of the Corporation of the Town of East Gwillimbury.

   b) **"Disturbance"** means the interruption of the peace, quiet and good order of a neighbourhood or community, particularly by unnecessary and distracting noises.

   c) **"Highway"** includes a common or public highway, street, avenue, boulevard, parkway, driveway, island, square, place, bridge, viaduct, trestle and any sidewalk, pathway or footpath, located thereon designed and intended for or used by pedestrians or designed and intended for or used by the general public for the passage of motor vehicles.

   d) **"Loiter"** means hang about; linger idly.

   e) **"Person"** means a natural person.

   f) **"Police"** means the York Regional Police.

   g) **"Public Nuisance"** means any activity, undertaking or conduct, which annoys or disturbs or may annoy or disturb persons in a public place or on a highway.

   h) **"Public Place"** means a place to which the general public has a right to resort or has access whether as of right or by the express or implied consent of the owner of any particular property and includes a place where the public gathers or passes to and from.

   i) **"Town"** means the Corporation of the Town of East Gwillimbury.

2. **GENERAL PROVISIONS**

   That no person in the Town shall:

   a) By himself/herself or with other persons loiter upon any sidewalk or segment thereof so as to impede the movement of any other pedestrian.

   b) Loiter on any part of any highway.

   c) By himself/herself or with other persons use any highway or sidewalk so as to obstruct or impede access to the front of the entrance to any premises, unless permission is granted for a special event.

   d) Loiter on any property owned by the Town.

3. No person shall loiter or cause a disturbance or public nuisance upon a highway within the Town of East Gwillimbury.

4. No person shall loiter or cause a disturbance or public nuisance upon or within a public place within the Town of East Gwillimbury.

5. Any person shall be deemed to be loitering within the meaning of this by-law when he or she is standing or sitting on any highway, including, without limiting the generality of the foregoing any sidewalk located thereon or within three feet of any highway and fails to move on when requested to do so by a Police Officer or a By-Law Enforcement Officer.

6. (a) Any person shall be deemed to be causing a disturbance within the meaning of this by-law when he or she is drunk, screaming or swearing in a public place or on a highway.

   (b) Any person shall be deemed to be causing a disturbance within the meaning of this by-law when he or she is shouting or singing in a public place or on a highway except when such person is shouting or singing in pursuance of a lawfully sanctioned activity.

7. **Enforcement**

When a Police Officer or By-Law Officer or other person appointed for the purpose of enforcing this By-Law finds any person loitering on any highway, sidewalk, or municipal property in the Town contrary to the General Provisions section 2 through 6 herein, he/she may direct such person to cease such loitering and move on, and any person so directed shall forthwith cease such loitering and move on. No prosecution shall be commenced for a contravention of the General Provisions section 2 through 6 of this By-Law unless a warning has first been given.

8. **Penalty**

Every person who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

9. **Repeal Section**

That By-Law 81-19 of the Town of East Gwillimbury is repealed.

10. **Short Title**

This By-Law shall be cited as the Loitering By-Law.

11. **Force and Effect**

This By-Law shall come into full force and effect upon the day of final passage thereof.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 17th **DAY OF** September **, 2001.**

James Young, Mayor

Stephen McDonald, Clerk