

THE CORPORATION OF THE TOWN OF
NEW TECUMSETH

BY-LAW

93-82

"LOITERING BY-LAW"

A by-law to prohibit loitering in the
Town of New Tecumseth.

WHEREAS Section 210 Subsection 140 of the Municipal Act R.S.O. 1990, Chapter M.45 provides for the passing of by-laws by the councils of local municipalities for prohibiting and abating public nuisances;

AND WHEREAS the Council of the Corporation of the Town of New Tecumseth deems it necessary and expedient to prohibit loitering as a public nuisance within the Town of New Tecumseth;

NOW THEREFORE the Council of the Town of New Tecumseth enacts as follows:

1. DEFINITIONS

1.1 In this by-law the following definitions shall apply:

1.1.1 "**Loiter**" shall mean to hang around, stay, or wander in and around the same place for an excessive and unreasonable amount of time and wherein there is no adequate reason for remaining in that place for such a long duration;

1.1.2 "**Officer**" shall mean a Municipal By-law Enforcement Officer appointed by the Council of the Town of New Tecumseth, or any authorized member of the Ontario Provincial Police serving the Town of New Tecumseth;

1.1.3 "**Sidewalk**" shall mean that portion of a street as is set aside by the Town for the use of pedestrians;

1.1.4 "**Street**" includes a common and public highway, road, avenue, parkway, lane, alley, sidewalk, roadway, square, place, thoroughfare, bridge, viaduct or way; and

1.1.5 "**Town**" shall mean the Corporation of the Town of New Tecumseth.

2. GENERAL REGULATIONS

2.1 No person by himself or with another or others shall loiter on a street or sidewalk so as to occupy more than one half of the width of any such street or sidewalk, or segment thereof, or so as to occupy more than one half of that part of a sidewalk in front of the entrance to any premises.

2.2 No person shall so use any such street or sidewalk so as to wilfully crowd, interfere with, physically or verbally harass, obstruct or jostle any other person thereon.

2.3 No person shall loiter on any property owned, controlled or managed by the Town including, but not limited to, any street or segment thereof.

2.4 When an officer finds any person(s) loitering on a street or sidewalk in the Town, contrary to Section 2 of this by-law, he may verbally direct such person(s) to cease such loitering and move on, and any such person(s) so directed shall forthwith cease such loitering and move on.

3. PENALTY

3.1 That every person who contravenes any of the provisions 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.

3.2 No person shall be so prosecuted for a contravention of Section 2 of this by-law unless a warning has first been given as herein provided.

4. VOLUNTARY PAYMENT

4.1 Notwithstanding all other provisions of this by-law in respect of penalties for violations, any person may, upon presentation of a violation tag issued alleging commission of such an offence under this by-law, pay out of Court at the Administration Centre of the Town of New Tecumseth, in person or by mail, within fifteen (15) days from the date of said tag, a penalty of a set fine of twenty five dollars (\$25.00), and upon such payment no further proceedings shall be taken under this by-law in respect of the said offence alleged in the violation tag.

5. CITING

5.1 That this by-law shall be cited as the "Loitering By-law".

6. ENACTMENT

6.1 That this by-law shall come into force and take effect upon passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 20TH DAY OF JULY, 1993.

MAYOR

CLERK