

Highway - Street

Chapter 509 Public Nuisance

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WHEREAS it is expedient to amend the City of Woodstock Municipal Code adopted by By-law Number 6790-90 by adding thereto a Chapter entitled the "Public Nuisance By-law;"

AND WHEREAS subsection 5 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipal power shall be exercised by by-law;

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

AND WHEREAS section 128 of the *Municipal Act, 2001*, S.O. 2001, c. 25 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;

AND WHEREAS it is the opinion of Council for The Corporation of the City of Woodstock the act of draining water or fluids from a swimming pool, wading pool, hot tub or any other source is a matter that is or could become a public nuisance;

AND WHEREAS, in the opinion of Council for The Corporation of the City of Woodstock, the act of riding a bicycle on municipal sidewalks is or could become a public nuisance;

AND WHEREAS section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25 establishes that any person who contravenes any by-law of the municipality is guilty of an offence.

Article 1 - Short Title

509.1.1 Citation

This Chapter may be referred to as the "Public Nuisance By-law."

Article 2 - Interpretation

509.2.1 City - defined

"City" means The Corporation of the City of Woodstock.

509.2.2 Person - defined

"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. By-law 8349-07, May 3, 2007.

509.2.2.1 Public place - defined

“public place” includes a highway and any place to which the public have access as of right or by invitation, express or implied, and private property that is exposed to public view, but does not include a washroom facility. By-law 8508-08, December 11, 2008.

509.2.3 Sidewalk - defined

“sidewalk” means a walk or raised path within the road allowance between the curb line or edge of asphalt and adjacent property line intended for the use of pedestrians or a pedestrian walkway connecting two streets.

Article 3 - Prohibitions

509.3.1 Swimming pool - hot tub - drainage - adjacent property

No person shall cause or permit the drainage of any fluid from a privately owned outdoor swimming pool or hot tub, which includes but is not limited to a backwash cycle or a winterization, to be directed to any adjacent or nearby property. By-law 8349-07, 3 May, 2007. (See Set Fine)

509.3.2 Drainage - on sidewalk - adjacent property

No person shall cause or permit the drainage of any fluid from a roof or sump pump to be discharged onto a sidewalk, stairs, or an adjacent or nearby property. By-law 8349-07, 3 May, 2007; By-law 8628-10, July 15, 2010. (See Set Fine)

509.3.3 Urination - public place

No person shall urinate or defecate in a public place. (See Set Fine)

509.3.4 Damage - knock over - mailbox - boxes – containers

No person shall damage, knock over or attempt to knock over a Canada Post mailbox, Canada Post relay box, newspaper box, blue box, or garbage container, lawfully located on a highway. By-law 8508-08, December 11, 2008.

Article 4 - Bicycle - Regulation

509.4.1 Use - right hand side of roadway - both directions

A person operating a bicycle on a highway designed for traffic to move in both directions shall drive as near to the right hand side of the roadway as is practicable.

509.4.2 Use - one way - left - right - side of highway

A person operating a bicycle on a highway designed for traffic to move in one direction only:

- a) shall, when driving on the right hand side of the highway, drive as near to the right hand side of the roadway as is practicable;

- b) shall, when driving on the left hand side of the highway, drive as near to the left hand side of the roadway as is practicable.

509.4.3 Riding - single file - only

Persons operating bicycles upon a highway shall ride in single file.

509.4.4 Riding - with packages - restrictions

No person operating a bicycle upon a highway shall carry any package, bundle or article which prevents the rider from keeping both hands on the handle bars.

509.4.5 Riding - on sidewalk - prohibited - exception

No person shall ride a bicycle on or over any sidewalk or pedestrian way within the City, except as may be authorized by the City, unless such person is under twelve years of age and accompanied by a parent or adult custodian. By-law 8349-07, May 3, 2007. (See Set Fine)

509.4.6 Riding - on sidewalk - Dundas Street – prohibited

Despite the exception provided in Section 509.4.5, no person shall ride a bicycle on any portion of sidewalk or pedestrian way on either side of Dundas Street between Huron Street and Vansittart Avenue. By-law 8524-09, April 16, 2009.

Article 5 - Pedestrian Use of Highways - Sidewalks

509.5.1 Games - sports - on highway - prohibited

No person shall play in or take part in any game or sport upon a highway in such a manner as to obstruct traffic.

509.5.2 Skateboards - use - highway - sidewalk – prohibited

No person shall ride or be in motion upon a skateboard on any sidewalk, street, highway or any land between any sidewalk or street within the City of Woodstock. (See Set Fine)

509.5.3 Roller skates - other devices - highway – prohibited

No person upon roller skates or riding in or by means of a coaster, toy vehicle or similar device, other than a skateboard, shall go upon a roadway except for the purpose of crossing the roadway and, when so crossing, such person shall have the rights and be subject to the obligations of a pedestrian.

Article 6 - Enforcement

509.6.1 Enforcement - authority

The provisions of this Chapter may be enforced by a Municipal Law Enforcement Officer, Police Officer, or other individual duly appointed for the purpose of enforcing this Chapter by the City.

509.6.2 Fine - for contravention

Every person who contravenes any provision of this Chapter is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, as amended.

Article 7 - Repeal - Enactment

509.7.1 By-law - previous

Section 745.3.11 and Section 745.3.16 of the City of Woodstock Municipal Code Chapter 745, Sections 16 (a) to (f) inclusive of Part V of Traffic By-law 8021-04 and Section 2 (a) to (c) inclusive of Part VI of Traffic By-law 8021-04 are hereby repealed.

509.7.2 Effective date

This Chapter shall come into force and effect on the day of the passing of the enabling by-law. By-law 8349-07, May 3, 2007.