

THE CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW NUMBER 2007-06

BEING a by-law to prohibit loitering on any highways, sidewalks, public places and parks.

WHEREAS section 128.(1) of the Municipal Act S.O. 2001, C.25, provides authority for a local municipality to prohibit and regulate with respect to public nuisances, including matters that in the opinion of council, are or could become public nuisances.

AND WHEREAS the Council of the Corporation of the City of Clarence-Rockland deems it necessary and desirable to pass a by-law to prohibit loitering and like practices on highways, sidewalks, on any public places or parks of the Corporation;

NOW THEREFORE the Council of the Corporation of the City of Clarence-Rockland hereby enacts as follows;

1. DEFINITION AND INTERPRETATION

In this By-law:

1. “Child” means a person who is or, in the absence of evidence to the contrary, appears to be under the age of (12) twelve years old.
2. “Corporation” means the Corporation of the City of Clarence-Rockland.
3. “Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
4. “Loiter” means to pause idly, loaf, linger around to pass time or hang out.
5. “Municipal Law Enforcement Officer” means a peace officer for the purpose of enforcing municipal By-laws, as defined for under the Police Services Act.

6. “Parent” includes, in respect of another person, any person who is under a legal duty to provide for that other person or any person who has, in law or in fact, the custody or control of that other person.
7. “Park” means an area consisting largely of open space, which may include a recreational area, play ground, play field or similar use but does not include a mobile home park, a campground or trailer park.
8. “Young Person” means a person who is or in the absence of evidence to the contrary, appears to be twelve years of age or more, but under (18) eighteen years of age.

GENERAL INTERPRETATION

1.
 - (a) No person shall lounge, loaf, loiter or stand as an idler on any public sidewalk or any highway or any public place.
 - (b) No person shall loiter, stand as an idler or remain in a park of the corporation without due cause in excess of ten (10) minutes.
 - (c) No person shall loiter, stand as an idler or remain in a park of the corporation without due cause between the hours of 10 p.m. until 6 a.m.
2.
 - (a) No person (16) sixteen years of age or less shall loiter in a public place between the hours of 12 a.m. (midnight) and 6 a.m.; or
 - (b) be in a place of public entertainment between the hours of 12 a.m. (midnight) and 6 a.m., unless accompanied by a parent or a specified individual authorized by the parent who is (18) eighteen years of age or older to accompany the child or young person.
3. No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer in the lawful performance of their duties.
4. Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1999, Chap. P.33 as amended.

5. If declared that if any section, subsection or part or parts thereof be declared by any Court or Law to be bad, or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
6. That by-law Number 1999-49 is hereby repealed.
7. That this by-law shall come into force on the day it is adopted by Council.

READ, DONE AND PASSED IN OPEN COUNCIL THIS 15TH DAY OF JANUARY 2007.

Original signed by

Richard Lalonde, Mayor

Original signed by

Daniel Gatien, Clerk