

A BYLAW TO REGULATE “NUISANCE OFFENCES” IN THE TOWN OF KENSINGTON

BE IT ENACTED AS FOLLOWS:

A Bylaw to Regulate “Nuisance Offences” in The Town of Kensington

PART I: DEFINITIONS

IN THIS BYLAW:

- 1.1 **“Town Administrator”** means the Administrator and/or includes the Manager of the Town of Kensington or his/her duly appointed representative;
- 1.2 **“Town”** means the Corporation of the Town of Kensington and includes the area within the Town where the context requires;
- 1.3 **“Common Area”** means any entrances, halls, corridors, washrooms, parking areas, driveways, roads, streets, sidewalks or alleys of any shopping centre, shopping mall or other shopping complex and includes the Kensington Train Station Complex;
- 1.4 **“Council”** means the Town Council of the Town of Kensington;
- 1.5 **“Firearm”** means a rifle, shotgun, air rifle, air pistol, revolver, pistol, or other mechanical device capable of firing a loaded shell, cartridge or projectile;
- 1.6 **“Enforcement Officer”** for the purposes of this BYLAW means shall be any duly qualified Police Officer of the Kensington Police Service and/or the Administrator of the Town of Kensington if designated as a Justice of the Peace for the administration of BYLAWS, or such other person who may be lawfully appointed by the Town for purposes of bylaw enforcement.
- 1.7 In this BYLAW words expressing the singular shall include the plural.

PART 2: GENERAL PROVISIONS

DISTURBANCE:

- 2.1 Any person who, willfully or wantonly rings any doorbell or knocks at any door, building or fence with the intention of disturbing or annoying any person in his/her dwelling, place of business or meeting place, is guilty of an offense.

DISORDERLY CONDUCT:

- 2.2 Any person who permits or engages in shouting, fighting, screaming, uttering of profanities, or making of any loud noise including the inappropriate blaring of music and television programs, setting off of fire crackers or like devices, or any other improper or disorderly conduct in the house or premises occupied by such person, that is reasonably capable of disturbing the neighbours or passers-by, is guilty of an offense.
- 2.3 Any person who permits or engages in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood, is guilty of an offense.

FALSE FIRE ALARMS:

- 2.4 Any person who knowingly gives or makes any false alarm of fire by the ringing of any fire bell or fire alarm or by shouting or calling out or by other means is guilty of an offense.

OBSTRUCTING THROUGH PLAY ACTIVITIES:

- 2.5 Any person who by coasting, skateboarding or roller blading or skating, or by throwing or propelling stones, balls, snowballs or other things, or by playing any game undertakes such actions which, by any reasonable standards can be judged to be taking place for the purposes of molesting, harassing, or obstructing vehicular traffic or pedestrians in the Town, is guilty of an offense.

LOITERING:

- 2.6 Any person who disobeys a non-loitering sign, or when asked to refrain from loitering, continues to loiter on or about the doorways, steps or entrances of buildings, school property, or on any roads, streets, sidewalks, walkways or alleys, or in the common areas of shopping centres, shopping malls, shopping complexes, or individual shops or stores, or in any way obstructs or annoys vehicular traffic or pedestrians by standing across any sidewalk, crossing or foot walk, or by improperly accosting such vehicular traffic or pedestrians in the Town is guilty of an offense.
- 2.7 No person shall be convicted of an offense under this section where the individual establishes that he or she was standing or loitering in a prohibited place for the purpose of obtaining lawful access to such place or for some other lawful purpose requiring his/her presence in that place.

DEFACING AND DAMAGING:

- 2.8 Any person who willfully or wantonly defaces, damages or injures any public or private building, fence, refuse container, sign, heritage structure or attraction, or other structure or any property of any nature by any means howsoever, without permission of the owner, or who defaces, alters or destroys any public notice issuing from the Federal or Provincial Governments or from the Town, or any private notices placed by the authority of the Town on public property before the time mentioned in such notice for the happening of any event stated therein, is guilty of an offense.
- 2.9 Where any person has caused to be erected or has erected any public notice issuing from the Federal or Provincial Governments, or from the Town, or any private notices whether placed by the

authority of the Town on public property or not, the Town has the power to remove any such notice upon the happening of any events stated therein or after the time mentioned therein for the happening of any event.

FIREARMS:

- 2.10 Any person who without lawful excuse, fires or discharges any firearm within the Town, is guilty of creating a nuisance offense within the meaning of this bylaw.
- 2.11 The provisions of this bylaw do not apply to:
- (i) A peace officer discharging a firearm in the course of duty;
 - (ii) A game or animal control officer or veterinarian discharging a firearm in the course of duty;
 - (iii) A person discharging a flare in the case of an emergency;
 - (iv) A person destroying a farm animal, or nuisance animal or nuisance bird on a bona fide farm;

FIRES AND FIREWORKS:

- 2.12 Any person who makes or lights any fire in any street, or who sets fire to any fireworks within the Town unless specially authorized by Town officials is guilty of an offense.

ANIMAL AND BIRDS:

- 2.13 Any person who keeps, owns, or harbours animals or birds that make or cause noises or sounds that unreasonably disturb or tend to disturb the quiet, peace, rest, enjoyment or comfort of the neighbourhood or of persons who inhabit any dwelling, apartment or other type of residence in the vicinity, or of persons in the vicinity, is guilty of an offence.

2.14 Any person who keeps, owns, or harbours animals or birds that, as a result of being allowed to escape or run at large, damage chattels, personal property, gardens, lawns, trees or shrubs or buildings within the Town is guilty of an offence.

EXCESSIVE NOISE:

2.15 Any person in the Town who uses his/her motor vehicle, lawn mower, chain saw or any other gas-powered or electrical tool or machine in such manner that causes unreasonable and excessive noise between the hours of 11:00 p.m. and 7:00 a.m. is guilty of an offence. This includes the screeching of motor vehicle tires and loud motor vehicle exhaust systems. These provisions do not apply to equipment utilized for snow removal, or to any motor vehicle, lawn mower, chain saw or any other gas-powered or electrical tool or machine used or operated by, or on behalf of the Town.

2.16 Any person who operates or causes or permits to be operated any sound system within the Town that, by reasonable community standards, is judged to be causing a disturbance or interfering with the public peace is guilty of an offence.

UNWIELDY LOADS:

2.17 Any person who draws or causes to be drawn any unwieldy or heavy thing upon any of the streets of the Town without having adequate and ready means of safely guiding the same thing, or who drives or causes to be driven anything in the streets which may be reasonably capable of thereby injuring the said streets, is guilty of an offence.

WIDE LOADS:

2.18 The moving of wide loads in excess of 8.6 feet on Town of Kensington roads and streets shall be done only after the issuance of a Permit given by the Town Administrator's Office. The applicant for such a Permit shall provide detailed information including the course to be followed and, where applicable, the place the wide load vehicle is to be occupied overnight. A fee of \$15.00, or such other fee as may be set from time to time, shall be payable to the Town upon the granting of a Permit.

2.19 Any person who moves or causes to be moved any wide load on any of the streets or squares of the Town without a Permit is guilty of an offence. Any person in so moving or causing to be moved any such wide load allows the vehicle to stand on any street at night without being sufficiently lit to prevent danger to passengers and traffic generally is guilty of an offence.

LITTER:

2.20 Any person who throws, puts, places, or lets fall any litter or trash (paper or otherwise) dirt, rocks, filth, or other nuisance matter on any street, square, lane, sidewalk, board-walk or other public area of the Town, or from any street, square, lane, sidewalk, board-walk or other public area upon any adjoining property, is guilty of an offence. Likewise, Any person who throws, puts, places, or lets fall grass cuttings and other lawn or garden materials on any street, square, lane, sidewalk, board-walk or other public area of the Town and who does not remove the said grass cuttings and other lawn or garden materials when requested to do so is guilty of an offence.

TRANSPORT OF RUBBISH:

2.21 Any person who carries in or on any vehicle any rubbish or other liquid or solid material whatsoever unless such rubbish or material is securely covered or otherwise prevented from falling, leaking or being shaken or blown onto any street, sidewalk, square, lane, board-walk, or onto any adjacent property is guilty of an offence.

HALLOWEEN CURFEW:

2.22 Unless accompanied by a person over the age of 18 years, no person under the age of 16 years shall be in a public place within the Town of Kensington between 8:00 p.m. October 31st and 7:00 a.m. on November 1st. In a year that October 31st falls on a Sunday, the restrictions provided herein shall also apply from 8:00 p.m. October 30th to 7:00 a.m. October 31st.

INJURING TREES:

2.23 Unless otherwise authorized, any person who cuts down, de-barks, lops or otherwise injures any tree or planted shrub on property owned by the Town or on the Confederation Trail property within the Town, or who cuts down, breaks or otherwise injures the boxes, supports or other appendages to or around any such tree or planted shrub is guilty of an offence.

GENERAL:

2.24 Any person who commits a nuisance or permits or causes any nuisance to be committed is guilty of an offence. The Police Service of the Town of Kensington is responsible for responding to reports of alleged bylaw offenses and for the laying of charges on behalf of the Town.

PART 3: PENALTIES

3.1 Every person who commits an offense under this Bylaw is guilty of an offense, punishable on summary conviction and liable to a minimum fine of not less than \$100 and not more than \$500 for a first offence plus court costs and a minimum fine of not less than \$250 and not more than \$500 plus court costs for any subsequent offence, or to imprisonment for a term not exceeding 90 days; or to both. In default of payment of any fine imposed, the punishment shall be to a further term of imprisonment not exceeding 90 days.

3.2 The Town, its employees or its duly authorized agents are exempt from prosecution for any act done or performed in good faith while engaged in their course of duties as authorized by this Bylaw.

3.3 Enforcement Officer, for the purpose of this BY-LAW, shall be any duly qualified Police Officer of the Kensington Police Service and/or the Administrator of the Town of Kensington, or such other person who may be lawfully appointed by the Town for purposes of BYLAW enforcement.

This BYLAW has been approved by Resolution of the Kensington Town Council effective October 11, 2005.

