



By-law No. 1989-138

A By-law to Regulate the Use of the Streets and for the Preservation of Order and The Suppression of Nuisances Thereon

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Consolidated Version

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Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk’s Department.

BY-LAW NO. 1989-138

THE CORPORATION OF THE CITY OF OWEN SOUND

**A BY-LAW TO REGULATE THE USE OF THE STREETS
AND FOR THE PRESERVATION OF ORDER AND THE
SUPPRESSION OF NUISANCES THEREON**

WHEREAS by resolution dated July 17, 1989, City Council deems it desirable to regulate the use of the streets and preserve order and suppress nuisances thereon.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

PART 1 - DEFINITIONS

1. For the purpose of this By-law:
- 1.1 **City** shall mean The Corporation of The City of Owen Sound.
- 1.2 **Enforcing Officer** shall mean a Police Officer who is a member of the Owen Sound Police Force or a Municipal By-law Enforcement Officer who shall mean anyone appointed for the City of Owen Sound to enforce the provisions of this By-law.

By-law 2003-101

- 1.2.1 **Loiter** shall include: *to be slow in movement, to stand around or move slowly about, to stand idly around, or to saunter.*
- 1.2.2 **Obstruct or obstruction** includes *to interfere with or make difficult the passage of pedestrians or vehicles on a street or sidewalk.*
- 1.3 **Person** shall mean any person, firm or corporation.
- 1.4 **Street** shall mean a road allowance and/or highways, thoroughfares, roads, lanes, alleys, avenues, streets, bridges, courts, court yards, common and public squares, public places, sidewalks, and any other structure constructed thereon by the City or within the City's approval.
- 1.4.1 *Section 1.4.1 is repealed by By-law 2008-121.*
- 1.5 **Vehicle** shall mean any mode of conveyance drawn, propelled or driven by any kind of power, including muscular power.

By-law 2008-121

- 1.6 **Outdoor patio:** *shall mean an outdoor area used on a seasonal basis in conjunction with a dine in or take out restaurant where seating accommodation is provided and where meals or refreshments are served to the public for consumption on the premises and which is located within the street.*
- 1.7 **Signage:** *shall mean a device or surface on which is displayed a message directing attention to a business, profession, commodity, subject, service or entertainment.*
- 1.8 **Street furnishings:** *shall mean materials which are associated with a permitted use which are placed within the street and are offered for sale, display or use and may include items such as, but not limited to, sales displays and merchandise.*

PART 2 - REGULATIONS

- 2.1 No persons shall run swiftly or race on the streets or crowd or jostle other foot-passengers so as to incommode them or create discomfort, disturbance or confusion.
- 2.2 No person shall do any act which shall result in the obstruction, encumbering, injuring or fouling of streets or bridges within the City of Owen Sound except with the prior written consent of the City.
- 2.3 No person shall run, draw or push any carriage, cart, handcart, truck, wagon, hand wagon, sleigh or other vehicle, or ride a bicycle along a sidewalk. This clause shall not apply to a child's carriage, hand wagon, hand sleigh or a disabled persons wheel chair or scooter.

- 2.4 Without the express written approval of City Council by resolution, no person shall place any goods, wares, merchandise or other article of any kind upon any street or sidewalk or handle or expose any goods, wares, merchandise or other articles outside of any shop, house, warehouse or other building so as to project over or encroach upon any portion of a street or sidewalk. This section shall not be construed so as to interfere with the use of a portion of a street or sidewalk for a reasonable time during the reception or delivery of merchandise or other articles as long as the same does not obstruct public traffic.
- 2.4.1 *Section 2.4.1 is repealed by By-law 2008-121.*
- 2.5 No person shall deface or disfigure or otherwise injure any public or private building, wall, fence, railing, signpost, tree, sidewalk, boulevard, or other property by cutting, breaking, daubing, placing a notice or advertisement thereon, or otherwise injuring or disfiguring the same.
- 2.6 No person shall damage or climb on, or over, any lamp post, railing fence or tree along or in any street, or, upon or enclosing any public property.
- 2.7 *Section 2.7 is repealed by By-law 1997-075.*
- 2.8 No person shall drive through or enter any street, or portion of a street, temporarily roped or barricaded by the City for the purpose of repairing the same or other lawful purpose of the City, or where it is indicated by signs and words in writing that the use of the street or portion of the street is prohibited.
- 2.9 No person shall place, leave or throw on any street or riverfront, any sweepings from shops or stores or other dirt, filth or rubbish of any kind.
- 2.10 No person shall place, leave or throw on any street, anything that might injure tires of automobiles or bicycles.
- 2.11 No person shall coast or toboggan or operate a skateboard on a street.
- 2.11.1 *Section 2.11.1 is not effective after October 31, 1996 by By-law 1996-117.*
- 2.12 No person shall operate a cart, wagon, sleigh, truck or other vehicle conveying manure, mud, earth or anything else through the streets without protecting and covering the same so that the contents thereof cannot spill or fall upon the street.
- 2.13 No person shall throw dirt, filth, glass, handbills, paper or other rubbish or offensive material, or the carcass of any animal upon any street and no person shall cast, eject or spit any expectorated matter, or any tobacco juice upon any street.

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- 2.14 *No person shall loiter on any highway, street or other public place including a park, after being requested by an Enforcing Officer to move on and cease loitering.*
- 2.15 *No person shall cause a disturbance on a highway, street or other public place including a park by screaming, yelling, or using profane or abusive language in such a way which is audible to passers by, being either pedestrians, or passers by in vehicles.*
- 2.16 *Any of the prohibited activities described in sections 2.1, 2.2, 2.3, 2.4, 2.5, 2.7, 2.13, 2.14, and 2.15 of this By-law constitute a public nuisance, and are prohibited.*

By-law 2003-158

- 2.17 *Rollerblading anywhere within the limits of the City is permitted, subject to persons who rollerblade abiding by any and all Provincial and Federal laws and regulations.*

By-law 2008-121

- 2.18 *Within the lands described in "schedule A" of this By-law, no person shall locate signage, outdoor patios and other street furnishings as defined by this Bylaw within the street except in accordance with the following general provisions as illustrated in "Schedule B":*

- 2.18.1 *An outdoor patio is only permitted where the minimum sidewalk width is 3.0 metres;*
- 2.18.2 *Signage, street furnishings and outdoor patios shall be located:*
- By-law 2011-128*
- 2.18.2.1 *A maximum of 0.9 metres from the front face of the building into the municipal sidewalk*
- By-law 2008-121*
- 2.18.2.2 *A maximum of 1.2 metres from the top face of the curb into the sidewalk;*
- 2.18.3 *A minimum pedestrian path of 1.2 metres shall be maintained;*
- 2.18.4 *Any object protruding 100 mm or more into the right of way from the front face of a building with their leading edge between 680 mm and 1980 mm requires a guardrail or detectable stand up edge;*
- 2.18.5 *Patios that are not enclosed and other street furnishings shall be delineated at the border with colored tactile tape;*
- 2.18.6 *Any person who uses the street for the placement of an outdoor patio, shall in addition to the requirements of this By-Law require an agreement with the City for the use of the area and pay the requisite fee.*
- 2.18.7 *Notwithstanding the provisions of this Bylaw, no signage shall be placed except in accordance with the provisions of the City's Sign Bylaw 1986-193, as amended.*

PART 3 - PENALTIES

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3. *Any person who contravenes the provisions of this By-law is guilty of an offence and upon conviction therefor is subject to the penalty set out in the Provincial Offences Act.*

PART 4 - ENFORCEMENT

- 4.1 This By-law shall be enforced by Enforcement Officers appointed by the Council of The Corporation of The City of Owen Sound and Officers of the Owen Sound Police Force.
- 4.2 By-law numbers 935, 937 and 1018 of the Town of Owen Sound and amendments thereto and By-law numbers 65, 291 and 462 of The City of Owen Sound, and amendments thereto, being By-law numbers 1212, 1566, 2332 and 1975-108 are hereby repealed.
- 4.3 The provisions of this By-law shall not apply to persons authorized in writing by the City, to do, perform or undertake any authorized activity.

PART 5 - HEADINGS NOT PART OF THIS BY-LAW

5. The headings in the body of this By-law form no part of the By-law but are inserted for convenience of reference only.
6. This By-law shall come into full force and effect upon the final passing thereof.

PASSED this 31st day of July, 1989.

1st reading July 31, 1989.

2nd reading July 31, 1989.

3rd reading July 31, 1989.

Signature on file

Mayor

Signature on file

Clerk

SCHEDULE A – MAP



SCHEDULE B – RIGHT-OF-WAY REQUIREMENTS

