

BY - LAW NUMBER 37-2004

A BY-LAW TO PROHIBIT FIGHTING IN
PUBLIC PLACES IN THE CITY OF WINDSOR

Passed the 9th day of February, 2004.

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, section 128 empowers a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c. 25, section 130 empowers a municipality to regulate matters not specifically provided for by the *Municipal Act, 2001*, or any other act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS the Council of the City of Windsor had determined that fighting in public places, whether consensual or otherwise, subject to the exclusions as are identified in this by-law, is a public nuisance or could become or cause public nuisances and is detrimental to the safety and well-being of the inhabitants of the City of Windsor;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

PART 1 – DEFINITIONS

1.01 This By-Law may be cited as “The Prohibition of Fighting in Public Places By-Law”

1.02 In this By-Law, unless the context otherwise requires, the work, term or expression:

- (1) “fight” or “physical confrontation” means any one or more of the following:
 - (a) to apply force to another person;
 - (b) to threaten, by act or gesture, to apply force to another person;
 - (c) to spit at, punch at, kick at, or slap at another person;
 - (d) to threaten to spit at, punch at, kick at, or slap another person.
- (2) “organized sporting event” means any activity involving physical exertion which is supervised by coaches, referees or umpires or any one of them;
- (3) “Law Enforcement Officer” includes:
 - (i) a Police Officer as defined in Section 2 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;
 - (ii) a Municipal Law Enforcement Officer appointed pursuant to subsection 15(1) of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended;
 - (iii) the Chief Building Official, or designates;
 - (iv) an Inspector appointed under subsection 3(2) of the *Building Code Act, 1992*, as amended,
 - (v) a Fire Inspector, the Fire Marshall, an assistant to the Fire Marshall, or the Fire Chief appointed under the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended;
 - (vi) an Officer appointed pursuant to section 15.1 of the *Building Code Act, 1992*, as amended.

PART 2 - PROHIBITION

2.01 No person shall participate in a fight or physical confrontation in any public place or in any place to which the public reasonably has access.

PART 3 – EXCLUSION

3.01 This By-Law does not apply to:

- (a) any boxing contest held with the permission or authority of an athletic board or commission or similar body established by or under the authority of the legislature of the Province of Ontario;
- (b) any consensual activity that takes place in the course of an organized sporting event;
- (c) a Law Enforcement Officer acting in the course of his or her duties or who reasonably believe he or she is acting in the course of his or her duties.

PART 4 – PENALTY

4.01 Every person who contravenes any of the provisions of this by-law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000), exclusive of costs and every such fine is recoverable under the Provincial Offences Act.

PART 5 – COMING INTO FORCE AND EFFECT

5.01 This by-law shall come into force and take effect on the day of the final passing thereof.

MAYOR

CLERK

First Reading - February 9, 2004
Second Reading - February 9, 2004
Third Reading - February 9, 2004