



BY- LAW NUMBER

A By-law of the Corporation of the City of Barrie to amend By-law 2019-059 Parks Use By-law to regulate and govern use and activities permitted within City parks, environmentally protected land, and open space in the City of Barrie

WHEREAS Section 8 of *the Municipal Act, 2001, c25*, as amended provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS Section 10 (2) of *the Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may pass by-laws in the interest of the health, safety and well-being of its residents;

AND WHEREAS Section 128 of *the Municipal Act, S.O. 2001, c. 25*, as amended, provides that Council may 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 Section 425 of *the Municipal Act, S.O. 2001, c. 25*, establishes that any person who contravenes any by-law of the municipality or of a police services board, as the case may be, passed under the Act, is guilty of an offence;

AND WHEREAS The Corporation of the City of Barrie deems it necessary to regulate certain activities within the community which are deemed to be or potentially may become public nuisances and further to regulate certain activities within public parks, environmentally protected lands or open space owned or operated by the City of Barrie;

AND WHEREAS by motion 23-A-052, the Council of The Corporation of the City of Barrie deems it expedient to pass such a by-law.

NOW THEREFORE the Council of the Corporation of the City of Barrie hereby enacts as follows:

THAT By-law 2019-059 be amended as follows:

1. **THAT** Section 10.12.0.0.0 be repealed and replaced with the following:
 “10.12.0.0.0 No person shall display, set up, sell or offer for sale or provide any good, product, service, item, activity or literature within a public park whether an exchange or funds has taken place or not unless authorized to do so.”

2. **THAT** Section 10.0.0.0.0 be amended by adding the following:
 “10.12.1.0.0 Notwithstanding section 10.12.0.0.0.no person shall give away, exchange or otherwise provide at no charge, items, products, samples of items or products, or any other similar item including but not limited to food, clothing, tents, tarps or other similar item used as a shelter, to assist with sleeping or protection from the elements to members of the public from any public park unless authorized to do so.”

3. **THAT** Section 10.0.0.0.0 be amended to add following:
 “10.32.0.0.0 No person shall use a tent or sunshade within a public park unless such tent or sunshade is solely supported by no more than one pole and having no more than one wall or side or unless authorized to do so.”

4. **THAT** Section 11.6.0.0.0 be repealed and replaced with the following:
 “11.6.0.0.00 For the purpose of this section, sections 10.0.0.0.0 thru to 10.32.0.0.0 (General Provisions) shall also apply to Waterfront Parks.”

5. **THAT** Section 11.16.1.0.0 be deleted.

6. **THAT** Section 12.3.0.0.0 be repealed and replaced with the following:

“12.3.0.0.0 For the purpose of this section, sections 10.0.0.0.0 thru to 10.32.0.0.0 (General Provisions) shall also apply to Dog Off Leash Recreational Areas.”

7. **THAT** Section 13.2.0.0.0 be repealed and replaced with the following:

“13.2.0.0.0 For the purpose of this section, sections 10.0.0.0.0 thru to 10.32.0.0.0 (General Provisions) shall also apply to Meridian Place / Memorial Square.”

8. **FORCE AND EFFECT**

That this By-law shall come into force and effect on the passing thereof.

READ a first and second time this 21st day of June 2023

READ a third time and finally passed this 21st day of June 2023

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – ALEX NUTTALL

CITY CLERK – WENDY COOKE