



**BY-LAW NUMBER 2023-**

**A By-law of the Corporation of the City of Barrie to amend By-law 2004-142 Use of Public Property (Nuisance) By-law to regulate the use of City Property.**

**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 *Trespass to Property Act*, R.S.O. 1990, c. T.21, allows the City of Barrie as "occupier" to prohibit entry by notice to that effect:

**AND WHEREAS** the *Trespass to Property Act*, R.S.O. 1990, c. T.21 provides a broad authority to the Municipality to post signs prohibiting activities within an area, as is deemed appropriate by the City;

**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 on highways within 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 2004-142 be amended as follows:

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 THAT** Section 6 be repealed and replaced with the following:

"6 No person shall sell, offer for sale, or provide due to or through the exchange of funds, any product, service or items from any City property, unless authorized by the City.

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 THAT** Section 7 be repealed and replaced with the following:

"7. 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 City property, unless authorized by the City.

**3. THAT** Section 20 be repealed and replaced with the following:

"20. The provisions of this by-law shall be enforced by a Municipal Law Enforcement Officer, Police Officer, Peace Officer, or other individual duly appointed for the purpose of enforcing this by-law."

"20.1 No person shall obstruct, hinder, or otherwise interfere with a Property Standards Officer, Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law."

**4. THAT** Section 21 be repealed and replaced with the following:

- “21. Every person who contravenes any provision of this By-law is guilty of an offence under the provisions of the *Provincial Offences Act, R.S.O 1990, c P.33*, as amended, and is liable on conviction to a penalty not exceeding \$5,000, exclusive of costs, subject to the provisions of the Act.
- 21.1 Every person who contravenes any of the provisions of this By-law, or who obstructs or attempts to obstruct an officer or an employee or agent of the City in carrying out his or her duties under this By-law is guilty of an offence and is liable, upon conviction to a maximum fine as established pursuant to the *Provincial Offences Act, R.S.O., 1990, c.P.33*.
- 21.2 Every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25 as amended*.
- 21.3 Every person who contravenes the provisions of any section of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25 as amended* and is liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25 as amended*.
- 21.4 For the purpose of continuous offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per day or part thereof, exclusive of costs, under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25 as amended*.  
7 By-law 2011-107 The Corporation of the City of Barrie Office Consolidation Yard Maintenance By-law
- 21.5 For the purpose of multiple offences, every person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, is guilty of an offence and is liable on conviction to a penalty not exceeding \$10,000 per offence, exclusive of costs under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25 as amended*.
- 21.6 Notwithstanding Section 21.5, and in accordance with the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25 as amended*, the total of all fines for the continuous offences or multiple offences is not limited to \$100,000.

## 5. FORCE AND EFFECT

That this By-law shall come into force and effect immediately upon passing thereof.

**READ** a first and second time this 21<sup>st</sup> day of June 2023

**READ** a third time and finally passed this 21<sup>st</sup> day of June 2023

**THE CORPORATION OF THE CITY OF BARRIE**

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**MAYOR – ALEX NUTTALL**

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**CITY CLERK – WENDY COOKE**

