

TOWNSHIP OF WOOLWICH

BY-LAW NUMBER 76-2006

A BY-LAW TO REGULATE THE USE OF TOWNSHIP PROPERTY

WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 8, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising authority under the Act;

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 9, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 126, provides that Council may regulate cultural, recreational and educational events including public fairs;

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 127, provides that council may prohibit the depositing of refuse or debris from the land without the consent of the owner or occupant of the land;

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 128, provides that Council may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the council are or could become or cause public nuisances;

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 150, provides that Council may regulate matters not specifically provided for by this Act or any other Act for the purposes related to the health, safety, and well-being of the inhabitants of the municipality;

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 425 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 Township of Woolwich 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 Township;

AND WHEREAS, the Trespass to Property Act, R.S.O. 1990, c. T.21, Section 2 makes it an offence for every person who is not acting under right or authority conferred by law and who, without the express permission of the occupier, the proof of which rests on the defendant, enters on premises when entry is prohibited under the Act or further engages in an activity on the premises when the entry or activity is prohibited under the Act;

AND WHEREAS, the Provincial Offences Act, R.S.O. 1990, c. P33, Section 93 sets out special provisions for dealing with offences that are committed by a young person within the definition of the Act;

NOW THEREFORE, the Council of The Corporation of the Township of Woolwich enacts as follows:

SHORT TITLE

1. This by-law may be referred to as "Use of Township Property By-law".

DEFINITIONS:

2. For the purpose of this By-law, the following definitions shall apply:

ADULT CUSTODIAN - shall mean a person 18 years of age or older, who has been authorized by the parent or legal guardian to provide care and control of the person under 16 years of age.

BICYCLE – shall mean and includes a tricycle and unicycle but does not include a motor assisted bicycle.

BUSK or BUSKING - shall mean and includes performances by street singers or other itinerant entertainers.

DESIGNATE – shall mean a person employed by the Township of Woolwich who is authorized by Council to grant exceptions which permit activities prohibited in this by-law.

FOUL or FOULING - shall mean and includes spitting, urinating, defecating, allowing an animal to defecate, or other act of defacing Township property unless authorized by the Township.

GRAFFITI – shall mean a drawing, inscription, one or more letters, symbols or marks, howsoever made, on any structure or thing owned or belonging to the Township of Woolwich or any other such item authorized by a Township or Regional by-law or as authorized by Provincial or Federal legislation.

HIGHWAY – shall mean a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof. Shall also include a sidewalk located within the specified area intended or used by the general public for the passage of persons, or a boulevard.

MOTORIZED VEHICLE – shall mean and includes an automobile, motorcycle, motor assisted bicycle or any other vehicle propelled or driven otherwise than by muscular power, but does not include a motor assisted wheelchair.

MUSCULARLY POWERED VEHICLE - shall mean and includes a vehicle propelled or driven by muscular power, but does not include a wheelchair.

PARENT or LEGAL GUARDIAN - shall mean a person who has demonstrated a settled intention to treat a person less than 16 years of age as a member of his or her family.

PEDESTRIAN WAY – shall mean that portion of the highway designed for the passage of persons and includes that part of the road where pedestrians have priority over traffic.

PERSON – shall mean and include any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organization and shall include the plural where in the context requires. Wherever the word “he” or “him” is used, it shall mean and include the feminine or neuter gender whenever the context so requires.

REFUSE OR DEBRIS – shall mean but is not limited to, garbage, ashes, rubbish, cans, paper, paper or plastic products, builder’s and building contractors refuse, other industrial waste, inoperative vehicles, motor vehicle parts and accessories or other similar items.

ROADWAY – shall mean the part of the highway that is improved, designed and ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway has two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively.

TOWNSHIP - shall mean The Corporation of the Township of Woolwich.

TOWNSHIP PROPERTY – Includes but is not limited to vacant or other lands owned by the Township, a highway, roadway, sidewalk, pedestrian way, boulevard, watercourse, building, or structure.

3. No person shall throw, drop, place, or otherwise deposit refuse or debris, or any other similar items on any Township property unless authorized by the Township.
4. No person shall pick over, interfere with, disturb, remove or scatter any material placed in garbage or other refuse receptacle placed by the Township intended for the collection of garbage, paper, cans, rubbish, or similar items of refuse.
5. No person shall foul or permit the fouling Township property.
6. No person shall busk on any Township property unless authorized by the Township. Notwithstanding the provisions of this section, busking or other performances and entertainment on Township property as part of community events authorized by the Township shall not be deemed to be a contravention of this section.
7. No person shall block, interfere with or otherwise impede the passage of any pedestrian on any Township sidewalk or other Township pedestrian-way, or portion thereof, unless authorized by the Township.

8. No person shall ride a bicycle having a wheel or wheels more than 50 centimeters in diameter; ride a skateboard; or other muscularly powered vehicle on any sidewalk or pedestrian way except as may be authorized by the Township, unless such person is less than 16 years of age and accompanied by a parent or adult custodian.
9. No person shall ride or otherwise operate any motorized vehicle on any sidewalk or pedestrian way within the Township unless for the purpose of maintaining such sidewalk or pedestrian way and as authorized by the Township or other Provincial legislation as may be applicable to such motorized vehicle.
10. No person shall, without written permission from Council, Clerk or designate, use Township property including any portion of a highway, for use other than as authorized by any legislation, the proof of which lies on the defendant.
11. No person shall, without written permission from Council, Clerk or designate, place, cause, or allow to be placed graffiti on any structure or property owned or belonging to the Township of Woolwich.

EXEMPTIONS:

12. The Clerk of The Corporation of the Township of Woolwich may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.
13. Notwithstanding Section 15 and without limiting the general scope of this by-law;
 - (a) sections three (3) and five (5) do not apply to the droppings including urine left by a horse that is part of a horse-drawn vehicle that is being drawn, driven, led or ridden by a person whose religious convictions or beliefs conflict with those provisions; or where it is the opinion of Council is that there is grounds for an exemption as provided for in section 12 of this By-law;
 - (b) Exemptions may also be granted to any person whose *bona fide* medical condition prevents compliance of this by-law.

ENFORCEMENT:

14. 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.

PENALTY:

15. Every person who contravenes the provisions of this By-law established and passed by the Township, pursuant to the authority contained in the Municipal Act or any other General or specific Act, is guilty of an offence and liable upon conviction to a penalty not exceeding \$5,000.00 exclusive of costs and the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

- (a) Short form wordings and set fine amounts for this by-law are set out in Schedule "A" of this by-law.

REPEAL:

16. By-law number 103-90 (Refuse and Recycling By-law) of the Township of Woolwich, and all by-laws amending the same and any other by-law inconsistent with the provisions of this By-law are hereby repealed on the date this by-law shall come into force and effect.

SEVERABILITY:

17. Should any section of this By-law be declared by a Court of competent jurisdiction as ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

FORCE AND EFFECT:

18. This by-law shall come into force and effect on the date that the fines set out in Schedule 'A' are approved by the Regional Senior Judge for the Central South Region of Provincial Offences Court.

PASSED this 14th day of November, 2006



Mayor



Acting Clerk

Schedule "A"

Part I Provincial Offences Act

Corporation of the Township of Woolwich By-law 76-2006
 Being a by-law of The Corporation of the Township of Woolwich
 To regulate the use of Township property

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Set Fine
1	Throw refuse or debris on Township property	3	\$125.00
2	Drop refuse or debris on Township property	3	\$125.00
3	Place refuse or debris on Township property	3	\$125.00
4	Otherwise deposit refuse or debris on township property	3	\$125.00
5	Interfere with material placed for refuse collection	4	\$125.00
6	Disturb material placed for refuse collection	4	\$125.00
7	Remove material placed for refuse collection	4	\$125.00
8	Scatter material placed for refuse collection	4	\$125.00
9	Foul Township property	5	\$345.00
10	Permit the fouling of Township property	5	\$345.00
11	Busk on Township property - not authorized	6	\$125.00
12	Block passage of pedestrian on sidewalk	7	\$125.00
13	Block passage of pedestrian on pedestrian way	7	\$125.00
14	Interfere with passage of pedestrian on sidewalk	7	\$125.00
15	Interfere with passage of pedestrian on pedestrian way	7	\$125.00
16	Impede passage of pedestrian on sidewalk	7	\$125.00
17	Impede passage of pedestrian on pedestrian way	7	\$125.00
18	Ride bicycle on sidewalk	8	\$125.00
19	Ride bicycle on pedestrian way	8	\$125.00
20	Ride skateboard on sidewalk	8	\$125.00

21	Ride skateboard on pedestrian way	8	\$125.00
22	Ride muscularly powered vehicle on sidewalk	8	\$125.00
23	Ride muscularly powered vehicle on pedestrian way	8	\$125.00
24	Ride motorized vehicle on sidewalk	9	\$125.00
25	Ride motorized vehicle on pedestrian way	9	\$125.00
26	Operate motorized vehicle on sidewalk	9	\$245.00
27	Operate motorized vehicle on pedestrian way	9	\$245.00
28	Use Township property for other than intended purpose	10	\$125.00
29	Place graffiti on Township property	11	\$495.00
30	Cause graffiti to be placed on Township property	11	\$495.00
31	Allow graffiti to be placed on Township property	11	\$495.00
32	Place graffiti on property owned by Township	11	\$495.00
33	Cause graffiti to be placed on property owned by Township	11	\$495.00
34	Allow graffiti to be placed on property owned by Township	11	\$495.00

Note: Penalty provisions for the offences indicated above are section 15 of By-law 76-2006,
a certified copy of which has been filed.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

COURT HOUSE
15TH FLOOR, UNIT "G"
80 DUNDAS STREET
LONDON, ONTARIO
N6A 6B3

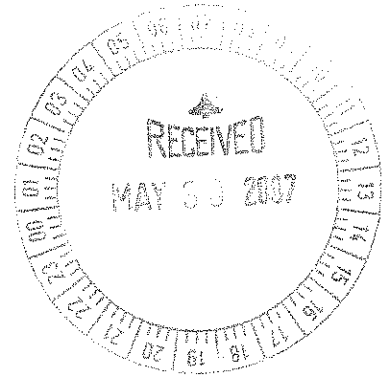


CABINET DU JUGE PRINCIPAL REGIONAL
COUR DE JUSTICE DE L'ONTARIO
REGION DE L'OUEST

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3248

May 25, 2007

Ms. Megan Standring, By-law Enforcement
The Township of Woolwich
Box 158, 69 Arthur Street South
Elmira, ON N3B 2Z6



Dear Ms. Standring:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 76-2006, As Amended, of the Township of Woolwich**

Enclosed herewith is a copy of an Order, and a copy of a schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedule of set fines to the Provincial Offences Court in Kitchener, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read "Alexander M. Graham".

Alexander M. Graham
Regional Senior Justice
West Region

Enclosures
/ec
cc:
Manager, Provincial Offences Court


ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 76-2006, As Amended, of the Township of Woolwich, attached hereto are the set fines for those offences. This Order is to take effect May 25, 2007.

Dated at London this 25th day of May, 2007.



Alexander M. Graham
Regional Senior Justice
West Region

Schedule "A"

Part I Provincial Offences Act

Corporation of the Township of Woolwich By-law 76-2006
 Being a by-law of The Corporation of the Township of Woolwich
 To regulate the use of Township property

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1	Throw refuse or debris on Township property	3	\$125.00
2	Drop refuse or debris on Township property	3	\$125.00
3	Place refuse or debris on Township property	3	\$125.00
4	Otherwise deposit refuse or debris on township property	3	\$125.00
5	Interfere with material placed for refuse collection	4	\$125.00
6	Disturb material placed for refuse collection	4	\$125.00
7	Remove material placed for refuse collection	4	\$125.00
8	Scatter material placed for refuse collection	4	\$125.00
9	Foul Township property	5	\$345.00
10	Permit the fouling of Township property	5	\$345.00
11	Busk on Township property - not authorized	6	\$125.00
12	Block passage of pedestrian on sidewalk	7	\$125.00
13	Block passage of pedestrian on pedestrian way	7	\$125.00
14	Interfere with passage of pedestrian on sidewalk	7	\$125.00
15	Interfere with passage of pedestrian on pedestrian way	7	\$125.00
16	Impede passage of pedestrian on sidewalk	7	\$125.00
17	Impede passage of pedestrian on pedestrian way	7	\$125.00
18	Ride bicycle on sidewalk	8	\$125.00
19	Ride bicycle on pedestrian way	8	\$125.00
20	Ride skateboard on sidewalk	8	\$125.00

21	Ride skateboard on pedestrian way	8	\$125.00
22	Ride muscularly powered vehicle on sidewalk	8	\$125.00
23	Ride muscularly powered vehicle on pedestrian way	8	\$125.00
24	Ride motorized vehicle on sidewalk	9	\$125.00
25	Ride motorized vehicle on pedestrian way	9	\$125.00
26	Operate motorized vehicle on sidewalk	9	\$245.00
27	Operate motorized vehicle on pedestrian way	9	\$245.00
28	Use Township property for other than intended purpose	10	\$125.00
29	Place graffiti on Township property	11	\$495.00
30	Cause graffiti to be placed on Township property	11	\$495.00
31	Allow graffiti to be placed on Township property	11	\$495.00
32	Place graffiti on property owned by Township	11	\$495.00
33	Cause graffiti to be placed on property owned by Township	11	\$495.00
34	Allow graffiti to be placed on property owned by Township	11	\$495.00

Note: Penally provisions for the offences indicated above are section 15 of By-law 76-2006, a certified copy of which has been filed.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

October 7, 2013

Ms. Kiera Schlueter, Administrative Assistant
Enforcement Division
Council and Information Services
Township of Woolwich
Box 158, 24 Church Street West
Elmira, Ontario N3B 2Z6

Dear Ms. Schlueter:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 76-2006 of the Township of Woolwich**

Enclosed herewith is the Order, and the schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The set fines for By-law #76-2006, item #'s 9 and 10 have been reduced to \$500. This is in keeping with the proper principles of sentence. While general deterrence is an appropriate consideration in setting the range of set fines, the primary focus should be on encouraging out of court settlements. As well, this is more consistent with fines in other communities in this region and elsewhere in the province.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded copies of the Order and the schedule of set fines to the Provincial Offences Court in Kitchener, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read 'Kathleen E. McGowan'.

Kathleen E. McGowan
Regional Senior Justice
West Region

Enclosures
/es

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 76-2006, of the Township of Woolwich, attached hereto are the set fines for those offences. This Order is to take effect October 7, 2013.

Dated at London this 7th day of October 2013.

A handwritten signature in black ink, appearing to read 'K. McGowan', with a long horizontal flourish extending to the right.

Kathleen E. McGowan
Regional Senior Justice
West Region

Part I Provincial Offences Act

Corporation of the Township of Woolwich By-law 76-2006
 Being a by-law of The Corporation of the Township of Woolwich
 To regulate the use of Township property

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Set Fine
1	Throw refuse or debris on Township property	3	\$175.00
2	Drop refuse or debris on Township property	3	\$175.00
3	Place refuse or debris on Township property	3	\$175.00
4	Otherwise deposit refuse or debris on township property	3	\$175.00
5	Interfere with material placed for refuse collection	4	\$175.00
6	Disturb material placed for refuse collection	4	\$175.00
7	Remove material placed for refuse collection	4	\$175.00
8	Scatter material placed for refuse collection	4	\$175.00
9	Foul Township property	5	\$1000.00
10	Permit the fouling of Township property	5	\$1000.00
11	Busk on Township property - not authorized	6	\$125.00
12	Block passage of pedestrian on sidewalk	7	\$125.00
13	Block passage of pedestrian on pedestrian way	7	\$125.00
14	Interfere with passage of pedestrian on sidewalk	7	\$125.00
15	Interfere with passage of pedestrian on pedestrian way	7	\$125.00
16	Impede passage of pedestrian on sidewalk	7	\$125.00
17	Impede passage of pedestrian on pedestrian way	7	\$125.00
18	Ride bicycle on sidewalk	8	\$125.00
19	Ride bicycle on pedestrian way	8	\$125.00
20	Ride skateboard on sidewalk	8	\$125.00

Handwritten notes:
 \$100.
 \$500

21	Ride skateboard on pedestrian way	8	\$125.00
22	Ride muscularly powered vehicle on sidewalk	8	\$125.00
23	Ride muscularly powered vehicle on pedestrian way	8	\$125.00
24	Ride motorized vehicle on sidewalk	9	\$125.00
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Note: Penalty provisions for the offences indicated above are section 15 of By-law 76-2006, a certified copy of which has been filed.