



The Corporation of the Town of Orangeville

By-law Number 2024-035

A by-law to regulate the use of certain public property within the Town of Orangeville for the protection of persons and property and to promote safe use and enjoyment

Whereas *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act*"), provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority and that it may do so by by-law;

And whereas Section 10(2) of the *Municipal Act* provides that the Town may pass by-laws respecting, among other things, the health, safety and well-being of persons and the protection of persons and property;

And whereas Section 8(1) of the *Municipal Act* provides that the power of the Town shall be interpreted broadly so as to confer broad authority on the Town to enhance the City's ability to respond to municipal issues;

And whereas Section 8(3) of the *Municipal Act* provides that a by-law may regulate or prohibit and may require persons to do things respecting the matter;

And whereas Section 125 of the *Municipal Act* provides that a municipality may regulate the use and installation of heating and cooking appliances and the storage of fuel for use in heating and cooking appliances;

And whereas Section 127 of the *Municipal Act* provides that a municipality may prohibit the depositing of refuse or debris on land without consent of the owner or occupant of the lands, and may define "refuse" for such purpose;

And whereas Section 128 of the *Municipal Act* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of its council, are or could become or cause public nuisances, and further that the municipal council's determination of what constitutes a public nuisance is not subject to review;

And whereas Section 425 of the *Municipal Act* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act* is guilty of an offence;

And whereas Section 444 of the Municipal Act provides that, if a municipality is satisfied that a contravention of a by-law of the municipality has occurred, the municipality may make an order requiring the person who contravened the by-law, or who caused or permitted the contravention, to discontinue the contravening activity;

Be it therefore enacted by the municipal Council of the Corporation of the Town of Orangeville as follows:

1. Definitions

1.1. In addition to the terms defined parenthetically herein, in this by-law:

“Appurtenances” means all structures, surfaces, equipment and other objects affixed to or an integral physical feature of a particular public property or space;

“Town” means The Corporation of the Town of Orangeville and any of its designated representatives;

“Council” means the municipal council of The Corporation of the Town of Orangeville;

“Designated Area” means outdoor open space, lands and facilities owned by, leased by, licensed to, or under the management of the Town defined, constructed or utilized for a special purpose or sensitive land use, and includes but is not limited to, highways, fire routes or areas surrounding a fire hydrant, storm water management facilities and infrastructure, municipal easements, wellhead protection areas, municipal wells and water collection areas, watercourses, potable water sources, areas susceptible to erosion or flooding, environmentally sensitive areas, and all Appurtenances;

“General Public Space” means outdoor open space lands and facilities owned by, leased by, licensed to, or under the management of the Town that are publicly accessible and intended for general public access and use, and all Appurtenances, and includes but is not limited to public squares, outdoor or semi-enclosed waiting areas, building perimeters sidewalks, pathways or accessibility routes and ramps, entrances, exits, or doorways, municipal cemeteries, community gardens and fountains;

“Noxious Materials” includes tires, plastics, rubber products, drywall, demolition waste, construction waste, paint, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, pressure-treated wood, creosote-treated wood, and painted wood;

“Officer” means a Police Officer, Special Constable, Municipal Law Enforcement Officer, the General Manager – Community Services or their designate;

“Parks and Open Space” means any park, woodland, field, trail, green space owned by, leased by, licensed to, or under the management of the Town that is

available for non-exclusive public recreational use, and all Appurtenances, including but not limited to playgrounds, waterparks and splash pads, woodlots, off-leash dog areas, sidewalks, pathways or recreational trails;

“Public Space” means all General Public Space, Parks and Open Space and Designated Areas;

“Refuse” means waste which appears to have been abandoned;

2. Purpose

- 2.1. The purpose of this By-law is to regulate the use of specified Public Spaces within the jurisdiction of the Town of Orangeville to ensure the protection of persons and property and promote safe use and enjoyment.

3. General Prohibitions on Use of Public Space

- 3.1. No person shall do, or cause to do, any of the following activities in any **Public Space**:

- a) in any way destroy, damage, foul, injure or impair any feature of the natural environment, real property, personal property, or any Appurtenance;
- b) gather, accumulate, or store household, yard, or commercial goods, building supplies, waste or refuse;
- c) dispose of or dump household, yard, or commercial goods, building supplies, waste or refuse, except if deposited into receptacles provided by the Town for such purpose and in compliance with applicable laws;
- d) make unauthorized use of utilities, including, but not limited to electrical, gas, or water, or obstruct any utility owner from access and use;
- e) obstruct ingress or egress to any property;
- f) in any way obstruct the Town or its employees, contractors, agents and representatives from access and use of any Public Space;
- g) burn any Noxious Materials;
- h) store propane cylinder in an enclosed space, in direct sunlight, or near a heat source;
- i) use any propane fixture, appliance, apparatus or other device that uses propane as a source of fuel;
- j) use any fixture, appliance, apparatus or other heating, cooking or incineration device;

- k) Place, install, erect, or cause to be placed, installed erected, or occupy a temporary or permanent tent, structure or shelter;
- l) dwell, camp or lodge in a Public Space;
- m) obstruct the safe use and enjoyment of all Public Spaces by another person.

4. Enforcement and Penalty Provisions

- 4.1. The enforcement of this By-Law shall be conducted by an Officer.
- 4.2. An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law or an Order issued pursuant to this by-law is complied with.
- 4.3. No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-Law.
- 4.4. Every person who is alleged to have contravened any of the provisions of this By-law, shall identify themselves to an Officer upon request, failure to do so shall be deemed to have hindered or obstructed an Officer in the execution of such Officer's duties.
- 4.5. An Officer may issue an order to any person in contravention of this By-law.
- 4.6. An Officer may order that person to dismantle and remove any building or structure erected or improvement made in contravention of this By-law within such time as specified in the order.
- 4.7. Every person who contravenes any provision of this By-law, including failing to comply with an order made under this By-law, is guilty of an offence and is liable to such penalties as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended (the "*Provincial Offences Act*") and the Municipal Act.
- 4.8. Every **person** who is issued a Part 1 offence notice or summons upon conviction is guilty of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 4.9. A director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, including failing to comply with an order made under this By-law, is guilty of an offence and is liable to such penalties as provided for in the *Provincial Offences Act* and the *Municipal Act*.
- 4.10. A
person who is required to vacate a Public Space for contravention with this By-law shall remove from the lands, at the person's own expense, any building, structure or thing that the person erected or placed on the lands or that the

person was using on the lands on or before the date on which the person is required to vacate the lands. If the person subject to the order fails to comply with the order, the Town may cause the building, structure, structure or thing to be dismantled and removed and any cost or expense incurred thereby is a debt due the Town and may be recovered by the Town in a court of competent jurisdiction in an action against the person.

- 4.11. If a person is convicted of an offence under this By-law, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

5. General

- 5.1. This by-law shall be referred to and may be cited as the "Public Space Use By-law".

6. Severability

- 6.1. If any provision or part of a provision of this By-law is declared by any court or tribunal or any provincial or federal legislation or regulation to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law or its application in any other circumstance shall not be affected and shall continue to be in full force and effect.

7. Reserved

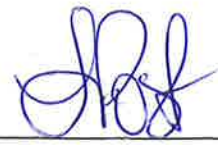
8. Interpretation

- 8.1. References in this By-law to any statute or statutory provision include references to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.
- 8.2. In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

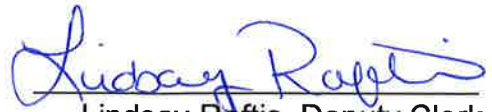
9. Effective Date

- 9.1. This By-law shall come into force and take effect on May 13, 2024.

Read three times and finally passed in open Council this 13th day of May, 2024.



Lisa Post, Mayor



Lindsay Raftis, Deputy Clerk