

The City of **BARRIE**

By-Law 88-260

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Municipal Code Part One

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1.0.0.0.0 **PART 1 - GENERAL PROVISIONS**

Authority: Municipal Act, R.S.O. 1990, C. M.45
S 104

ADOPTION AND NAMING

1.1.0.0.0 This document, as it is amended from time to time, referring to those matters of jurisdiction of the Council of the Corporation of the City of Barrie, which may, from time to time, be included herein, is hereby adopted and shall be known as "THE CITY OF BARRIE MUNICIPAL CODE"

DEFINITIONS

1.2.0.0.0 For the purpose of this Code:

1.2.1.0.0 **ALDERMAN** - means an alderman elected in a ward of the City of Barrie to represent the electors of that ward on the Council of the City of Barrie.

1.2.2.0.0 **BY-LAWS** - means any by-law passed by the which Council, affects the contents of this Code, except special by-laws, shall constitute an amendment to the Code and be incorporated therein.

1.2.3.0.0 **CITY** - means the Corporation of the City of Barrie;

1.2.4.0.0 **CITY EMPLOYEE** - means an officer, servant or other employee of the City, but does not include;

1.2.4.1.0 a) a member of Council

1.2.4.2.0 b) a Council appointee to a local board and whose remuneration from the City results from his/her membership on such local board or other body

1.2.4.3.0 c) an employee of a local board or other body

1.2.4.4.0 d) the municipal auditor

1.2.5.0.0 **CODE** - means the City of Barrie Municipal Code.

1.2.6.0.0 **COUNCIL** - means the Council of the Corporation of the City of Barrie.

1.2.7.0.0 **OFFICER** - means the Municipal Law Enforcement Officer or other law enforcement officer as

appointed by the Council of the Corporation of the City of Barrie, the Barrie Board of Police Commissioners, or a Provincial Offences Officer.

- 1.2.8.0.0 **PERSON** - includes 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 wherein the context requires. Wherever the word "he" or "him" is used, it shall mean and include the feminine or neuter gender wherever the context so requires.
- 1.2.9.0.0 **SHALL** - is mandatory and not directory; words in the singular include the plural; words in the plural include the singular; words in the present tense include future or past tense.
- 1.2.10.0.0 **SPECIAL BY-LAW** - means a by-law which is temporary in character or related to a special purpose, and includes, but shall not be limited to, by-laws relating to a particular matter such as the granting of a specific licence.
- 1.2.10.1.0 The Council may determine that any special by-law of general significance to the City shall constitute an amendment to the Code and be incorporated therein.
- 1.2.10.2.0 Notwithstanding the definition of a special by-law in Section 1.2.10.0.0, the classification of a by-law as a special by-law shall be at the direction of the Council.
- 1.2.10.3.0 Every by-law constituting an amendment to the Code shall specifically state the part and section of the Code that the by-law affects.

CONTENTS

1.3.0.0.0 The Code shall be divided into the following parts and sections relating to the following subjects:

1.3.1.0.0	<u>PART</u>	<u>SUBJECT</u>	<u>SECTION</u>
	I	General Provisions	1.0.0.0.0
	II	Licensing	2.0.0.0.0
	III	Regulatory Matters	4.0.0.0.0
	IV	Penalties	5.0.0.0.0
	V	Schedules	6.0.0.0.0
	VI	Addendum	7.0.0.0.0

MAINTENANCE

1.4.0.0.0 The Municipal Code will be updated in a consolidated version on a biennial basis.

ULTRA VIRES

1.5.0.0.0 Should any section of this Code be declared by a Court of competent jurisdiction to be 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.

EXEMPTIONS

1.6.0.0.0 The Clerk of The Corporation of the City of Barrie, 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.