

The City of **BARRIE**

By-Law 88-260

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Municipal Code Part Four

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4.0.0.0.0 **PART 4 - REGULATORY MATTERS**

DEFINITIONS

4.1.0.0.0 For the purpose of this section:

4.1.1.0.0 **AMPLIFYING SOUND SYSTEM** - means any electronic or mechanical device used for the purpose of reproducing sound.

4.1.2.0.0 **ANIMAL CONTROL OFFICER** - means any person(s) appointed by the City or any other agent utilized by the City for the purpose of animal control.

4.1.3.0.0 **DOMESTIC FOWL** - means any feathered vertebrate animal living in or near the habitations of humans and not being wild; shall include, but shall not be limited to hens, chickens, ducks, geese, and turkeys.

4.1.4.0.0 **EXOTIC ANIMALS** - means and includes venomous or poisonous snakes, venomous or poison spiders and venomous or poisonous lizards.

4.1.4.1.0 **POISONOUS** - means containing or of the nature of, or having the properties of a poison; venomous.

4.1.4.2.0 **VENOMOUS** - means having the power or property of communicating venom by means of bites or stings; such bite or sting being harmful or injurious to life.

4.1.5.0.0 **FIREARM** - means a weapon from which missiles are propelled by means of an explosive (gunpowder).

4.1.6.0.0 **FIREWORKS** - means any article of the class of fireworks that is prepared for the purpose of producing a visual show or effect, whether or not preceded by, accompanied with, or followed by, an explosion or audible sound.

4.1.7.0.0 **HIGHWAY** - means and includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles.

4.1.8.0.0 **LAW ENFORCEMENT OFFICER** - means and includes a municipal law enforcement officer, a police officer, police constable or any other person employed and authorized to preserve and maintain the law.

4.1.9.0.0 **LIVESTOCK VALUER** - means an individual(s) appointed by a by-law of the City for the purpose of assessing a value to livestock.

4.1.10.0.0 Deleted.

4.1.11.0.0 **MOTOR VEHICLE** - means an automobile, motorcycle or any other vehicle propelled or driven otherwise than by muscular power.

4.1.12.0.0 **MOTORIZED SNOW VEHICLES** - means a self-propelled vehicle designed to be driven primarily on snow.

4.1.13.0.0 **PARK(ING)** - means the standing of a vehicle whether occupied or not.

4.1.14.0.0 **PEACE OFFICER** - means and includes a police officer, police constable, bailiff, or other person employed for the preservation and maintenance of public peace or for the service or execution of the civil process.

4.1.15.0.0 **PYROTECHNIST** - means an individual who has attained the age of 18 years and who is skilled in the setting off of fireworks and who licensed by Ministry of Energy, Mines & Resources.

4.1.16.0.0 **SELL** - means to expose, sell, or offer for sale any goods, wares or merchandise, or samples thereof.

4.2.0.0.0 **ANIMALS** - REPEALED - SEE SECTION 4.14.0.0.0

(BY-LAW 95-92)

4.3.0.0.0 **EXOTIC ANIMALS** - REPEALED - SEE SECTION 4.14.0.0.0
(BY-LAW 95-92)

4.4.0.0.0 **FIREARMS**

Authority - Municipal Act, R.S.O. 1990, C. M.45,
S 210(36)

4.4.1.0.0 No person shall discharge any gun or firearm or any class or type thereof within the City with the exception of the following:

- 4.4.1.1.0 a) a peace officer discharging a gun or other firearm in the course of carrying out his duties as a peace officer.
- 4.4.1.2.0 b) an animal control officer of the City carrying out his duties of destroying animals.
- 4.4.1.3.0 c) those authorized individuals utilizing premises known as the "Barrie Gun Club" located at 131 Miller Drive, Barrie, Ontario.
- 4.4.1.4.0 d) a shooting competition, provided Council has by resolution, given its consent to the holding of such competition.
- 4.4.1.5.0 e) the premises commonly known as the "Armouries" utilized by the Department of National Defence and located at 37 Parkside Drive, Barrie, Ontario.

4.4.2.0.0 Notwithstanding the provisions set out in Section 4.4.1.0.0 no person shall discharge any firearm, either for gain or in such a manner or in such places as to disturb other persons.

4.5.0.0.0

FIREWORKS, SELLING AND SETTING OFF

Authority - Municipal Act R.S.O. 1990, C. M.45,
S 210(37)(38) and the Explosives Act

4.5.1.0.0

For the purpose of this section, the following definitions shall apply:

4.5.1.1.0

a) **Firework Class 7:2:1 and 7:2:2** - shall be defined as follows:

4.5.1.1.1

- i) **Firework Class 7: (a) High Hazard Fireworks**
- means those Division 2 fireworks that, in the opinion of the chief inspector, present a special hazard to persons and;

4.5.1.1.2

- (b) Low Hazard Fireworks**
- means those Division 2 fireworks that, in the opinion of the chief inspector, are relatively innocuous in themselves and are not liable to explode violently or all at once.

4.5.1.1.3

- ii) **Division 2** - comprises manufactured fireworks and has 5 subdivisions.

4.5.1.1.4

- iii) **Subdivision 1** - comprises low hazard fireworks generally used for recreation such as fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman Candles, volcanoes, sparklers, Christmas Crackers and caps for toy guns.

4.5.1.1.5

- iv) **Subdivision 2** - comprises high hazard fireworks generally used for recreation such as rockets, serpents, shells, bombshells, tourbillons, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons and fire crackers.

4.5.1.2.0

Family Fireworks Class 7:2:1 - means a pyrotechnic device producing quantities or effects of light, sound or smoke by the combustion of explosive or flammable composition and defined as a Class 7:2:1, Low Hazard Firework.

4.5.1.3.0

Free Zone area - means an area of clear distance between the point of launch and an occupied area.

SALE

- 4.5.2.0.0 No person shall knowingly sell any fireworks of any kind or description to a person who is under the age of 18 years. No person shall sell any fireworks to a person who appears to be under the age of 18 years and who does not produce evidence that he is of the age of 18 years or over.
- 4.5.3.0.0 No person shall display, offer for sale, or sell fireworks within the limits of the City except for a period of 5 calendar days prior to and the Victoria Day holiday, and 5 calendar days prior to and the Canada Day holiday.

SETTING OFF

- 4.5.4.0.0 No person shall discharge or set off any fireworks of any kind or description within the City save and except during a period of 5 calendar days prior to and the Victoria Day holiday, and 5 calendar days prior to and the Canada Day holiday.
- 4.5.5.0.0 Subject to Section 4.5.4.0.0, a person 18 years of age or over may discharge and/or hold a display of family fireworks (Class 7.2.1) or supervise or control such discharge or display on any land belonging to him or on any other privately owned land where the owner has given permission for such display or discharge of fireworks.
- 4.5.6.0.0 No person shall use, set off, or allow to be used or set off any firework(s) in such a place or in such a manner as might create danger to any person or property, or to do or cause to allow any unsafe act or omission at the time and place of setting off fireworks.
- 4.5.7.0.0 No person shall set off any firework(s) in or on or into any highway, street, lane, square or other public place or in or on or into any other private property for which permission has not been granted, provided that this shall not be deemed to prohibit a display of exhibition fireworks in a public place in accordance with the provisions of this Code.
- 4.5.8.0.0 Notwithstanding the foregoing, any individual or organization wishing to display Class 7.2.2. Fireworks shall make written application, to Council, a minimum of one month in advance, to hold such fireworks display at a special event or celebration on private property or on City property. Such application shall contain all details of the name and address of the applicant, the associated organization(s), date(s), location, and time of the proposed event, the type/class of fireworks to be displayed, the name and address of the pyrotechnist and proof of his qualifications, as well as any other information deemed necessary by the City to process such application. Where at any time such an event is proposed on City property, the applicant shall also provide at the time of application appropriate liability insurance in the amount of \$1,000,000 saving the City harmless and in a form as approved by the City of Barrie. Such insurance shall provide a minimum (30) thirty days written notification to the City of any change, expiration or cancellation of such policy.
- 4.5.9.0.0 No permission shall be granted by Council for fireworks displays on City property until such liability insurance has been received and approved by the City.
- 4.5.10.0.0 The applicant shall be provided with a form by the City and the applicant shall ensure that all authorizations required on this form are obtained prior to the commencement of any fireworks display.
- 4.5.11.0.0 No fireworks display shall take place until all approvals of the City have been obtained and permission of Council has been granted, where applicable.
- 4.5.12.0.0 The applicant or person supervising the fireworks display shall not authorize, allow or permit any incompetent person to assist in the fireworks display.
- 4.5.13.0.0 No person shall set off fireworks on any public street or roadway within the City at any time.
- 4.5.14.0.0 Class 7.2.2. Fireworks may only be displayed by a qualified pyrotechnist as defined in this Code.
- 4.5.15.0.0 Where fireworks have been set up on a site, in preparation of a display, the site must not be left unattended. The supervisor of such fireworks display shall be responsible for the safe disposal of all refuse left as a result of such fireworks display within 12 hours of such display.

- 4.5.16.0.0 The following minimum free zone areas shall be complied with:
- 4.5.16.1.0 a) **High Level Explosives:** a 300 feet free zone area must exist from point of launch in front of the display in the direction of the flight. 100 feet of free zone area must exist on each flank. The explosive must not cross over or burst above an area occupied by people.
 - 4.5.16.2.0 b) **Low Level Displays:** a 150 foot free zone area must exist on all sides of the display.
 - 4.5.16.3.0 c) **Ground Level Displays:** 75 feet free zone area combination displays; see high level explosives.

4.5.17.0.0 No fireworks shall be ignited inside of or closer than 25 feet to any building, tent, trailer, camp or shelter or motor vehicle.

4.5.18.0.0 No fireworks shall be ignited within 600 feet of any place where explosives, gasoline or other highly flammable substances are manufactured or stored in bulk.

4.5.19.0.0 No fireworks shall be set off within 600 feet of a hospital, nursing home, health lodge, home for the aged, school or church unless the consent of the municipality and the owner or his agent is obtained.

4.5.20.0.0 That the City Clerk be permitted to authorize the purchase, storage and discharge of Class 7:2:2 fireworks at any time in conjunction with festivals or special events, subject to all other current conditions.

4.6.0.0.0 **LIVESTOCK & POULTRY PROTECTION**

Authority: Livestock, Poultry and Honey Bee Act, R.S.O. 1990, C. L.24

4.6.1.0.0 Where the injury or killing of livestock or poultry is believed to have taken place, a claim may be filed with the City in accordance with the procedures and conditions established in the Livestock, Poultry and Honey Bee Act, R.S.O. 1990, C. L.24.

4.6.2.0.0 Where a dog or wolf kills or injures livestock or poultry and, in the case of injury by dog(s), whether the owner of the dog is known or not, the municipality is liable to the owner of the livestock or poultry for the amount of damage to be determined by a livestock valuer, as appointed by Council, and the City shall pay such amount to the owner of the livestock within 30 days after the amount has been determined. Such damage shall be limited to market value of the livestock or poultry and in accordance with Section 4.6.0.0.0 of this Code.

4.6.3.0.0 Notwithstanding Section 4.6.2.0.0, the municipality shall not be responsible or liable for damages incurred under the following circumstances:

- 4.6.3.1.0 a) any livestock or poultry that was not killed or injured or injured by a dog or a wolf.
- 4.6.3.2.0 b) the killing was caused by a dog owned or habitually kept on the premises of the owner of the livestock or poultry.
- 4.6.3.3.0 c) the owner did not take reasonable care to prevent the killing or injuring of his livestock or poultry by dogs or wolves.
- 4.6.3.4.0 d) livestock or poultry is killed or injured while running at large on any highway or unenclosed land.
- 4.6.3.5.0 e) in the case of poultry, the weight of the poultry killed or injured is less than 25 kilograms (55 lbs.).

4.6.4.0.0 The following amounts are prescribed as maximum amounts for the purposes of the Livestock, Poultry and Honey Bee Act, R.S.O. 1990, C. L.24.

- 4.6.4.1.0 a) Head of Cattle \$1000
- 4.6.4.2.0 b) Furbearing Animal \$ 100

4.7.0.0.0 **PUBLIC GAMES AND SPORTS ON SUNDAY**

Repealed by By-law 88-279, Oct. 11, 1988

4.7.1.0.0 Deleted.

4.7.2.0.0 Deleted.

4.7.3.0.0 Deleted.

4.7.4.0.0 Deleted.

4.7.5.0.0 Deleted.

4.7.6.0.0 Deleted.

4.7.7.0.0 Deleted.

4.7.8.0.0 Deleted.

4.7.9.0.0 Deleted.

4.8.0.0.0

PARKS

Authority: Municipal Act, R.S.O. 1990, C. M.45,
S 207(52) and Public Parks Act, R.S.O. 1990,
C. P.46

4.8.1.0.0

For the purpose of this section:

4.8.1.1.0

PUBLIC PARK - means all lands owned by or belonging to the City and as otherwise may be designated for use as a public park.

4.8.1.1.0

SERVICE VEHICLE - means any municipal vehicle used in the maintenance of a park.

4.8.2.0.0

Unless expressly authorized writing by the City Clerk, no person shall within any public park:

4.8.2.1.0

a) **DAMAGE**: Cut, break, injure, deface or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, apparatus or property or pull up, cut, take or remove any shrub, bush, plant or flower; injure any grass or write or mark upon any building, monument, fence, bench or other structure.

4.8.2.2.0

b) **REMOVAL OF TURF, WOOD, ETC.**: Cut or remove any wood, turf, grass, soil, rock, sand or gravel.

4.8.2.3.0

c) **ANIMALS**: Lead or let loose animals of any kind within any City park.

4.8.2.3.1

REPEALED - SEE SECTION 4.14.0.0.0 (BY-LAW 95-92)

4.8.2.4.0

d) **MOTOR DRIVEN VEHICLES**: Operate any motor driven vehicle within a park, except for service vehicles.

4.8.2.5.0

e) **SNOW VEHICLES**: Motorized snow vehicles are prohibited in all public parks within the City except:

4.8.2.5.1

i) That the Nordic Ski Club be exempted this Section in order to groom the trails in Sunnidale Park for cross country skiing.

4.8.2.5.2

ii) In the event of an emergency involving personal injury, motorized snow vehicles shall be permitted in public parks.

4.8.2.5.3

iii) as otherwise authorized by the City.

4.8.2.6.0

f) **POLLUTING FOUNTAINS, ETC.**: Swim, bathe, wade in or pollute the waters of any fountain, pond, lake or stream, except where designated for such purposes by the City.

4.8.2.7.0

g) **FOULING OF RESERVOIRS, ETC.**: Throw or deposit any injurious, noisum or offensive matter into or cause any dog or other animal to swim in the water in any reservoir, lake, pond or other receptacle or water connected with any such park, or upon the ice in case the water is frozen, or in any way foul the water, or commit any unlawful damage or injury to the works, pipes or water, or encourage the same to be done.

4.8.2.8.0

h) **WASTING WATER**: Willfully or maliciously let off or discharge any water so that it runs waste or useless from or out of any reservoir, pond, lake or other receptacle for water connected with any such park.

4.8.2.9.0

i) **FIRES**: Make or kindle a fire for any purpose, except in places provided therefore.

4.8.2.10.0

j) **AIRGUNS, FIREARMS, FIREWORKS**: Carry or discharge any firearms, firecrackers, rockets, torpedoes, bows and arrows, cross bows, airgun, catapults, or fireworks.

4.8.2.11.0

k) **CAMPING AND PICNICS**: Camp or lodge therein, or hold any picnic at a place not designated by the City for such purpose.

- 4.8.2.12.0 l) **SLEEPING IN PARKS:** Use a park for the purpose of overnight sleeping between the hours of 6:00 o'clock in the afternoon and 9:00 o'clock in the forenoon.
- 4.8.2.13.0 m) **SALE OF MERCHANDISE:** Sell, or offer for sale, or expose any merchandise, article or anything for immediate or future delivery, or any art, skill or service exercised or performed immediately or in the future.
- 4.8.2.14.0 n) **TRADE OR BUSINESS:** Practice, carry on, conduct or solicit for any trade, occupation, business, or profession.
- 4.8.2.15.0 o) **GAMBLING:** Play or bet at or against any game conducted dealt or carried on with cards, dice or other device for money, chips, shells, credit or any other representative of value, or maintain or exhibit any gambling table or other instrument for gambling or gaming.
- 4.8.2.16.0 p) **POSTING NOTICES, ADVERTISING, ETC.:** Distribute any handbills or circulars, or post, place or erect any bills, notice or paper, or advertising device or matter of any kind.
- 4.8.2.17.0 q) **BIRDS, FOUL AND ANIMALS:** Disturb, molest, wound, attempt to kill, or kill any bird, fowl or animal upon park property except by the authority of the City and no person shall remove or injure any bird's nest or eggs.
- 4.8.2.18.0 r) **NO ADMITTANCE SIGNS:** Enter any place or location where the sign "No Admittance" is displayed.
- 4.8.2.19.0 s) **VEHICLES FOR HIRE AND SOLICITING:** Stand or park a vehicle in any part of a park for the purpose of hire, or solicit passengers for any vehicle for hire in the parks.
- 4.8.2.20.0 t) **DISORDERLY CONDUCT:** Indulge in riotous, boisterous, threatening, or indecent conduct or abusive, threatening, profane language.
- 4.8.2.21.0 u) **NUISANCE:** Create a nuisance by loitering, spying, frightening, annoying or generally making himself/herself or themselves objectionable to other persons peaceably and circumspectly enjoying park privileges.
- 4.8.2.22.0 v) **MATCHED GAMES:** Engage in the playing of any baseball, cricket, shinny, football, tennis, croquet, or any other game with a ball and bat; nor shall any foot races or horse races be permitted within the limits of the parks, except on grounds especially designated for such purpose, and under no circumstances within 20 feet of any driveway.
- 4.8.2.23.0 w) **DISPOSAL OF REFUSE, BOTTLES, ETC.:** Scatter, drop, or leave in any portion of the parks, except in receptacles provided for the deposit of refuse therein, any piece of paper, rag, garbage, empty container or other bottle or any glass articles or broken glass articles or rubbish of any kind.
- 4.8.2.24.0 x) **STRIKING OF GOLF BALLS:** Play or practice golf or in any way strike, hit, or otherwise propel a golf ball.
- 4.8.2.25.0 y) **AMPLIFICATION SYSTEM:** Operate or use any apparatus, mechanism or device for the amplification of the human voice, music or sound.

- 4.8.2.26.0 z) **BICYCLES**: Operate a bicycle, except on designated bicycle paths.
- 4.8.2.26.1 i) every bicycle shall be provided with a bell or horn, so arranged that it shall be under the complete control of the rider.
- 4.8.2.26.2 ii) bicycles, while in motion after dark, must have a front white light and a red light in the rear.
- 4.8.2.26.3 iii) not more than two bicycles shall be ridden abreast at any time and such shall not impede the pedestrian traffic in any park.
- 4.8.2.27.0 aa) **NATURAL ICE RINKS**:
- 4.8.2.27.1 i) **RACING SKATES**: No person using any skating rink, under the management of the City, shall use a long nosed racing skate unless the same is protected by a toe guard of a type approved by the City.
- 4.8.2.27.2 ii) **SKATE RACING**: Race or speed so as to endanger or interfere with any other person using a rink.
- 4.8.2.27.3 iii) **HOCKEY STICKS**: No person shall carry a cane or stick of any kind on the ice except upon rinks provided for the playing of hockey.
- 4.8.3.0.0 Deleted.
- 4.8.4.0.0 The City Clerk may grant an exemption to Section 4.8.0.0.0 or any part thereof for any Special Event and may require compliance with requirements of the Parks & Recreation Department, Fire Department, Municipal Works, Simcoe County District Health Unit, Ontario Hydro or any other department or agency as deemed necessary.
- 4.8.4.1.0 For the purpose of Section 4.8.4.0.0, Special Events may include, but are not limited to:
- Kempenfest
 - Winterfest
 - Canada Day Celebrations
 - Balloon Festival
 - Tour de la Barrie Bicycle Race
 - Promenade Days
 - Harvest Moon Festival
 - Tree Lighting Ceremonies
 - Corporate Fun Run
- 4.8.4.2.0 Deleted.
- 4.8.4.3.0 Deleted.
- 4.8.4.4.0 Deleted.
- 4.9.0.0.0 Retail Sales on City Streets and Property** (repealed under By-law 2002-292)

4.10.0.0.0 **SIGNS (Repealed and Replaced with By-law 2005-93)**

Authority: **Municipal Act**, R.S.O. 1990, c. M. 45, paragraphs 210.146, 210.148 and 210.149.

4.10.1.0.0. This section shall apply to the whole of the geographical limits of the City of Barrie. The intent of this section is to prohibit and regulate certain signs within the limits of the City of Barrie, especially in relation to community appearance and safety.

4.10.2.0.0. Definitions

In this section:

4.10.2.1.0. **Alter, Altered or Alteration:** means any change to the sign with the exception of:

- a) a change in the message displayed on a sign;
- b) the re-arrangement of numerals, letters or copy applied directly to the face of a sign specifically designed and intended to be periodically re-arranged;
- c) repair and maintenance, including replacement with identical components, as required by this section.

4.10.2.2.0. **Ground Sign:** means a sign in a fixed location, wholly supported by one or more uprights, poles, braces or located on a structural base placed in or upon the ground, and includes soft landscape treatment at the base of the sign or supporting structure. For the purposes of this by-law, a pylon sign is considered to be a ground sign.

4.10.2.3.0. **Mobile Sign:** means any mounted sign on a trailer or on a supporting frame which is designed to be transported from one site to another and includes mobile signs with changeable copy and/or illumination

4.10.2.4.0. **Municipal Lands:** means any lands owned by The Corporation of the City of Barrie or the Barrie Public Utilities Commission and includes Streets, Highways and Road Allowances

4.10.2.5.0. **Poster Panel Sign:** means a sign that advertises goods, products, services or facilities that are not available at the location where the sign is situated or that directs persons to a location different from that where the sign is located, and shall include free standing structures and signs attached in any manner to the wall of a building or structure and includes a standardized sign structure erected and maintained by a business engaged in the sale or rental of space upon which advertising copy is displayed advertising goods or services that are not necessarily conducted within or upon the lot upon which the sign is located.

4.10.2.6.0. **Poster Sign:** means any notice, bulletin, placard, leaflet, bill or handbill which is temporarily posted, attached, erected or displayed publicly for any purpose whatsoever, including the purpose of advertising, announcing, directing or promoting any event, show performance, entertainment, meeting, gathering, business, product or idea.

4.10.2.7.0. **Setback:** means the measurement from the outermost point of the sign.

4.10.2.8.0. **Sign Area:** means the number of square metres on the surface of a sign including the border and/or frame, and where there is no border, shall include all the areas of the surface lying within the extremities of the smallest geometric form which can wholly enclose the surface area of the sign.

4.10.2.9.0. **Sign:** means an advertisement, identification, promotion, direction, decoration or information by means of printing on or attaching bills, letters, colours, or numerals to any structure, canopy surface or device on which the advertisement, identification, promotion, direction or information is painted, placed, or attached. For purposes of this section, any structure, excluding buildings, commonly used for the purpose of supporting a sign shall, itself, be considered a separate and distinct sign. Canopies, marquees and posters are also considered as signs for the purposes of this section.

- 4.10.2.10.0. **Street Line:** means the limit of the street or highway allowance and is the dividing line between a lot and a street.
- 4.10.2.11.0. **Street or Highway:** means a common and public walkway, lane, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and pedestrians and includes the untravelled portion of a road allowance.
- 4.10.2.12.0 **Wall Sign:** means any sign attached by any part to the wall of a building.
- 4.10.2.13.0 **Vehicle:** includes any means of transportation powered by any type of motor or human power.
- 4.10.2.14.0 **Lot:** means a piece of land to which the title may be legally conveyed and which has continuous frontage on a street and which has an assessment roll number.
- 4.10.2.15.0 **Vacant Lot:** means a lot upon which there are no permanent buildings or structures.
- 4.10.2.16.0 **Roofline:** means the intersection of roof and the wall of a building or structure.
- 4.10.3.0.0. Administration
- 4.10.3.1.0. Applications
- 4.10.3.1.1. Subject to the provisions of this section, no person or persons shall erect, display or alter or cause to be erected, displayed or altered or permit to be erected, displayed or altered, any mobile or poster panel sign without first having obtained a Sign Permit from the Clerk of The Corporation of the City of Barrie and, before issuance of the Sign Permit, all fees shall be paid and the plans and specifications shall be inspected and approved for conformity to this section and the **Ontario Building Code Act** and regulations pertaining thereto, as may be amended. Before issuance of a building permit, for any sign, all fees shall be paid and the plans and specifications shall be inspected and approved for conformity to this by-law in the opinion of the City Clerk.
- 4.10.3.1.2. Neither the granting of a permit nor the review of the plans and specifications nor inspections made by Barrie shall in any way relieve the owner of a mobile or poster panel sign or the owner of the land upon which the mobile or poster panel sign is located or any other person from full responsibility for carrying out the work or causing or permitting the work to be carried out to erect, display or alter mobile or poster panel signs in complete accordance with the requirements of this section and other by-laws or legislation applicable to such sign.
- 4.10.3.1.3. No person shall make application for a Sign Permit who is not the owner of the land upon which the sign is to be erected or displayed, or a tenant of the land, who shall provide written permission from the owner of the land, or an agent of the owner or tenant, who shall provide the written permission of the owner and the tenant of the land. No person shall submit false or misleading information or documents or make omissions that may mislead in connection with any application for a Sign Permit, including detail in plans and specifications.
- 4.10.3.1.4. No person shall work or authorize or permit work to proceed on mobile or poster panel signs for which a permit is required and which was not obtained.
- 4.10.3.1.5. An applicant for a Sign Permit shall be responsible for ensuring that the application for the Sign Permit is made in sufficient time to allow a thorough examination of the submitted documents and to permit any necessary amendments or the approval of all governing authorities prior to the date intended for the commencement of the work to erect, display or alter the mobile or poster panel sign.
- 4.10.3.1.6. Every application for a Sign Permit shall:
- a) Identify and describe in detail the mobile or poster panel sign to be erected, displayed or altered;
 - b) Describe the land, including assessment roll number, upon which the mobile or poster panel sign is to be erected, displayed or altered, by street address or other equivalent

description which will readily identify and specifically locate the lands upon which such sign is to be erected or displayed;

- c) Be accompanied by plans and specifications, in duplicate, of sufficient detail and quality as is necessary to ascertain whether or not the mobile or poster panel sign will be in compliance with this section and the **Building Code Act, 1977**, S.O. 1997, c. 23 and regulations pertaining thereto, as may be amended, and any other applicable legislation;
- d) State the full names, addresses and telephone numbers of the owner of the land upon which the mobile or poster panel sign is to be erected, displayed or altered, and any tenant or occupant of the lands, the applicant, the owner of the sign (if the owner is not the owner of the lands), the designer of the sign, the contractor, if applicable, including the addresses of any head offices for any corporate entities, and the names, addresses and phone numbers for such corporate entities;
- e) Be accompanied by payment of the required fee pursuant to the provisions of this section;
- f) Be accompanied by any required approvals from any other required authorities.

4.10.3.1.7. The permit referred to above shall expire if the work to erect, display or alter the mobile or poster panel sign is not completed within 180 days from the date of issuance of the Sign Permit.

4.10.3.1.8. A change in the message displayed on the sign does not in itself constitute an alteration so as to require a permit.

4.10.3.2.0. Issuance of Permit

A Sign Permit will be issued once the Clerk is satisfied that:

- a) The application has been received properly completed and fully executed;
- b) The required fees have been paid; and,
- c) The plans and specifications for the mobile or poster panel sign for which the application has been made comply in all respects with this section and all other by-laws and legislation enforceable in the City of Barrie.

4.10.3.3.0. Fees

The following fees are required to be paid prior to the issuance of any Sign Permit:

- **Mobile Signs:** \$50.00 per each 30 day occasion, \$100.00 per each ninety (90) day occasion. Notwithstanding the above, the fee required to be paid prior to the issuance of a sign permit for a non-profit organization is \$25.00 for each 30 day occasion.
- **Poster Panel Signs:** \$50.00 per application, plus \$20.00 per square metre or part thereof of the area of each sign face.

4.10.3.4.0. Revocation of Permit

A permit may be revoked by the Clerk of The Corporation of the City of Barrie under the following circumstances:

- Where the sign does not conform to this section; or,
- Where the sign does not conform to any regulation, law or requirement of any governmental authority having jurisdiction in the area where the sign is situated; or,
- Where the permit has been issued as the result of false or misleading statements or undertakings in the application for permit; or,
- Where the sign erected does not conform with the application, plans or specifications upon which the permit was issued.

4.10.3.5.0 Inspection

It is a condition of issuance of the Sign Permit that the applicant, the owner and occupant of the lands upon which any sign is erected or placed according to an issued Sign Permit shall allow any inspector of The Corporation of the City of Barrie to enter onto the lands for the purpose of inspecting the construction, erection, maintenance, display, alternation, repair or removal of the sign in order to ensure compliance with this section and any other applicable legislation.

4.10.3.6.0. Approvals from other Authorities

No sign may be placed in such a position that any part of it is nearer than three (3) metres to any fire hydrant, telephone, telegraph or electric wire other than those to illuminate or operate the sign, without the applicant for the sign first obtaining permission in writing from the authority having jurisdiction over same.

No sign may be placed in such a position that such sign would contravene any other applicable legislation.

4.10.3.7.0. Indemnity

The applicant for a Sign Permit and the owner and occupant of lands upon which any sign is erected or placed shall, as a condition of the issuance of the Sign Permit, be jointly and severally responsible to indemnify The Corporation of the City of Barrie and its officers, employees, servants, agents, contractors and sub-contractors from all loss, damage, cost, expense, claim, demand, action, suit or other proceeding of every nature and kind arising from and in consequence of the construction, erection, maintenance, display, alteration, repair or removal of any sign.

4.10.3.8.0.

Liability

The provisions of this section shall not be construed as relieving or limiting the responsibility or liability of any person who erects or displays or causes or permits to be erected or displayed any sign, for personal injury including injury resulting in death or property damage resulting from such sign or from the acts or omissions of such person, such person's agents, servants, employees, contractors or sub-contractors, in the construction, erection, maintenance, display, alteration, repair or removal of any sign erected in accordance with a permit which is issued hereunder. Likewise, the provisions of this section shall not be construed as imposing on The Corporation of the City of Barrie, its officers, employees, servants, agents and contractors any responsibility or liability (whatsoever) by reason of the approval of or issuance of a permit for any sign or removal of any sign.

4.10.4.0.0.

Prohibited Signs

No person shall erect, or cause or allow to be erected on any lands or premises any of the following types of signs, except as may otherwise be allowed herein:

- Signs which include electronic display that incorporates in any manner any flashing or moving illumination which varies in intensity or which varies in colour and signs which have any visible moving parts or visible mechanical movement of any description, with the exception of signs which indicate time or temperature, provided that such sign is not prohibited by any other provisions of this section; or,
- Signs which, by reason of size, location, or illumination, obstruct the vision of drivers or pedestrians, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads or which are located in a sight triangle; or,
- Signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, lights or characters in such manner as to tend to interfere with, mislead, or confuse traffic; or,
- Signs located so as to obstruct or impede any required fire escape, fire exit, door, window *etc.*, or so as to prevent or impede access of firefighters to any part of a building; or,
- Signs on or over a public right-of-way other than official signs, unless erected or placed in accordance with this section; or,
- Signs painted on, attached to or supported by a tree, stone or other natural object; or,
- Signs painted on, attached to or supported by a utility pole unless placed in accordance with this section; or,
- Signs which are obsolete and no longer advertise a business conducted or a product sold; or,
- Signs erected in part or entirely above the surface of the roof of a building or structure with the exception of a wall sign attached to a parapet wall or cupola that may extend above the roof line provided that such sign does not extend above the limits of the parapet wall or cupola; or,
- Signs erected or painted on a vehicle or trailer where the vehicle or trailer is not in weekly operation for transportation and is parked or located in a manner so as to make the sign visible from a street for the purpose of functioning as an identification, information or advertising sign; or,
- Signs erected, placed or attached on a wall of a building that advertises, identifies or provides information on goods, products, service or facilities that are not available at the location where the sign is situated.

4.10.5.0.0.

General Provisions

4.10.5.1.0.

Poster Panel Signs

4.10.5.1.1.

Areas where Poster Panel Signs are permitted

Poster panel signs are permitted in all vacant undeveloped lots zoned Commercial or Industrial and on all lands zoned Agricultural, according to Barrie By-law 85-95.

4.10.5.1.2. Number of Poster Panel Signs Permitted

No more than one (1) poster panel sign is permitted to be located on any vacant lot zoned Commercial or Industrial according to Barrie By-law 85-95. One poster panel sign is permitted to be located on any lot zoned Agricultural according to Barrie By-law 85-95.

4.10.5.1.3. Maximum Height and Area for Poster Panel Signs

No poster panel sign shall:

- Exceed 7.5m in height measured from the finished level at the base of the supporting structure;
- Exceed a maximum sign area of 20.0 square metres for any single face or exceed a total area of 40.0 square metres for all faces combined.

4.10.5.1.4. Setbacks for Poster Panel Signs

Every poster panel sign shall be set back a minimum of:

- 15.0m from all street lines;
- 15.0m from any common lot boundary with an adjacent lot;
- 3.0m from any driveway;
- 500.0m from any other poster panel sign located on the same side of the street;
- 100.0m from any land zoned residential.

4.10.5.1.5. Exemption for Third Party Poster Panel Signs for Subdivisions

Third party poster panel signs indicating new subdivisions are exempt from poster panel provisions of this By-law, but remain subject to the remaining provisions of this By-law and to any other applicable legislation. Such signs shall be removed forthwith upon completion of construction of the subdivision.

4.10.5.2.0. Mobile Signs

4.10.5.2.1. General

Every mobile sign shall bear, in a visible location on such sign, the name, address and telephone number of the owner of the sign. In addition, the lettering on every mobile sign shall be limited to a maximum of two colours on a single colour background, provided that all letters within each single word displayed on the mobile sign are of one colour.

No mobile sign shall require either inspection or approval for conformity with the **Building Code Act, 1997**, S.O. 1997, c.23; and,

No third party mobile signs are permitted to be located on any lands.

4.10.5.2.2. Areas where Mobile Signs are permitted

Mobile signs are permitted in all areas zoned Commercial, Industrial and Institutional, according to Barrie By-law 85-95.

4.10.5.2.3. Number of Mobile Signs Permitted

No more than one (1) mobile sign is permitted to be located on any lot zoned Commercial, Industrial or Institutional according to Barrie By-law 85-95.

Notwithstanding the above,

- a) one (1) additional mobile sign may be erected on a lot having a street frontage of greater than 125.0m;

- b) where a lot abuts two or more streets, one (1) mobile sign may be erected on each street frontage provided that the said street frontage is greater than 15.0m;
- c) one (1) additional mobile sign may be erected on a lot containing more than 20 business premises ; and,
- d) notwithstanding a), b), and c), above, no more than three (3) mobile signs shall be permitted on a lot at any one time.

4.10.5.2.4. Maximum Height and Area for Mobile Signs

No mobile sign shall:

- exceed 2.5 m in height measured from the finished level at the base of the sign;
- exceed a maximum sign area of 4.7 square metres for any single face or exceed a total area of 9.4 square metres for all faces combined.

4.10.5.2.5. Setbacks and locations for Mobile Signs

Every mobile sign shall be located entirely on private property and shall be set back a minimum of:

- 15.0m from any other mobile sign located on the same or adjacent lot;
- 1.5m from a driveway, aisle, walkway or parking space;
- 1.0m from the street line;
- 1.5m from any common lot boundary with an adjacent lot;
- 1.5m from any permanent sign;

and shall:

- not be located in a sight triangle;
- not be located within a planting bed.

4.10.5.2.6. Time Limits for Mobile Signs

Sign permits for mobile signs shall be issued in time increments of thirty (30) or ninety (90) days ("occasions").

The owner applicant or tenant, as the case may be, of lands zoned commercial, industrial or institutional, otherwise entitled to a Sign Permit under this Section, shall be permitted to display a mobile sign to a maximum of 180 days in any calendar year. Each occasion requires a separate permit and there shall be a minimum of 30 days between the expiration of one permit and the issuance of the next.

4.10.5.3.0. Ground Signs

4.10.5.3.1. Maximum Height for Ground Signs

No ground sign shall:

- exceed 7.5 m in height measured from the finished level at the base of the supporting structure;

4.10.5.3.2. Setbacks for Ground Signs

Every ground sign shall be set back a minimum of:

- 1.0m from any street line;
- 1.5m from any common lot boundary with an adjacent lot;
- 1.5m from any driveway, aisle or walkway or parking space;
- 1.5 m from any other ground sign located on the same side of the street;
- 6.0m from the common lot boundary where an adjacent lot contains a residential use.

No ground sign shall be located within the sight triangle of a corner lot.

4.10.5.3.3. Landscape Treatment for Ground Signs

Ground signs shall include soft landscape treatment at the base of the sign or supporting structure. The boundaries of such sign shall be defined by a line measuring a minimum of 1.0m from all sides of the sign or supporting structure.

4.10.5.4.0. A-Frame Signs

4.10.5.4.1. General

Every commercial, industrial and institutional premise is permitted to erect a maximum of one A-Frame sign. No A-Frame sign shall require either a permit or inspection or approval for conformity with the **Building Code Act, 1997**, S.O. 1997, c.23. No third party A-Frame signs shall be permitted to be erected on any lands.

Every A-Frame sign must be removed to an indoor location no later than the time of closing of the business in each day and not replaced until the opening of the business the next day.

4.10.5.4.2. Maximum Height and Sign Face Area

Each A-Frame sign shall have a maximum height of 1.25m above grade and a maximum single sign face area of .77 square metres and a maximum total sign face area of 1.54 square metres.

4.10.5.4.3. Location and Setback

Every A-Frame sign shall be:

- Located entirely on private property;
- Not permitted within an entrance, parking space or aisle, or within a planting bed;
- Set back a minimum of 1.0m from any property line;
- When located on a sidewalk on private property, be placed in such a way as to allow a minimum clearance of 1.2m to allow pedestrians to pass.

4.10.5.4.4. Exceptions to Prohibitions for A-Frame Signs

Notwithstanding 4.10.5.4.3. Bullet 1 (regarding location on private property), and Bullet 3 (minimum setback) and 4.10.5.4.1. (regarding no third party signs), and 4.10.7.10., A-Frame signs are permitted on the untravelled portion of a street or highway for businesses located within the Downtown Business Improvement Area Special Sign District, subject to the following:

- One (1) A-Frame sign only is permitted per business premise;
- The business premise must be located in a building whose main front wall is located immediately adjacent to or within 1.5m of the municipal road allowance upon which the A-Frame sign is to be located;
- Such sign shall be located flush or parallel with the main front wall of the building and shall not be located where it would obstruct the view of drivers of vehicles on the street or highway or the movement of pedestrians on a sidewalk. Where such sign is located on a sidewalk, there shall be a minimum clearance of 1.2m to allow pedestrians to pass.

4.10.6.0.0. Maintenance of Signs

The owner, lessee or agent of the land upon which any mobile, or poster panel or ground sign is located and the owner and lessee of the sign, if different, shall maintain, or cause such sign to be maintained in a proper state of repair so that such sign or advertising device does not become unsafe, unsightly, dangerous or defective and so that such sign shall be completely operative at all times.

4.10.7.0.0. Signs on Municipal Property

4.10.7.1.0. General Prohibition, with Exceptions

No sign is permitted to be placed on any municipal lands, including on any streets or highways, without the consent of the Clerk of The Corporation of the City of Barrie except the following:

- Signs erected by The Corporation of the City of Barrie, the Province of Ontario, the Government of Canada and any signs erected under any municipal by-law pursuant to the **Municipal Act**, R.S.O. 1990, c. M. 45, except those regulated under Section 354(1), 126, 126.a, 126.b and 126c. shall be exempt from this section;
- Signs located or painted on what are commonly known as bus shelters, park benches or waste receptacles located on a public highway, subject to the approval of The Corporation of the City of Barrie;
- Signs fastened to Community Bulletin Boards, as described 4.10.7.3.1.
- Temporary private signs associated with special events sponsored or approved by the Clerk of The Corporation of the City of Barrie in Barrie parks, subject to the following:
 - A maximum of two (2) special event signs advertising an upcoming Barrie sponsored or Barrie approved event shall be permitted per park. Each such sign shall have a maximum sign area of 5.0 square metres and a maximum total sign area of 10.0 square metres, all sides combined. No such sign shall be placed earlier than three weeks prior to the special event and shall be removed within 48 hours following the event. Such signs shall be placed in a location approved by Barrie's Clerk, but shall not be located in a parking space, aisle, driveway or sight triangle or within 3.0m of a driveway or within 1.0m of a municipal road allowance.
 - Any additional signage associated with the special event is permitted provided that such signage is erected no sooner than 48 hours prior to commencement of the special event and is removed no later than 48 hours following the end of the special event. Only signage directly related to the event, its sponsors, participants or exhibitors is permitted.
 - Newspaper, magazine and periodical dispensing boxes, subject to the relevant licensing provisions of this by-law.

No sign shall be attached to a tree or utility or other pole or post on a highway and no sign except highway information or bus information signs shall be attached to any utility pole or standard except as may be provided elsewhere in this section.

4.10.7.2.0. Pulling Down and Removal of Unlawful Signs

Where a sign is erected or displayed or altered in contravention of this By-law such sign may be pulled down or removed by the City in a manner stated in this section.

4.10.7.2.1. Removal of Unlawful Signs Placed on or Over Municipal Land

The City may remove any sign placed, in contravention of Section 4.10.0.0.0 on or over municipal lands, immediately without notification to the owner or apparent owner of the sign.

4.10.7.2.2. Removal of Unlawful Signs From Private Property

Where a sign is erected or displayed or altered in contravention of any provision of this By-law the City may forward a Notice by personal service or regular post, in which case the Notice shall be deemed to have been received on the seventh day following the date the Notice was mailed, to the applicant, the owner of the sign, the owner of the place at which the sign is located or the tenant of the place at which the sign is located, requiring that the illegal sign be permanently removed and thereafter not to be replaced with any sign in contravention of this By-law, or be made to comply with this By-law not later than the time stipulated in the Notice. In the event that a Notice is sent and the sign indicated in the Notice is not removed, repaired or altered to comply with the provisions of this By-law, the City, its employees or agents may enter upon the property and remove the sign immediately without further notification.

4.10.7.2.3. Storage and Disposal

Where the City removes a sign, a Notice shall be forwarded by personal service or regular post, in which case the Notice shall be deemed to have been received on the seventh day following the date the Notice was mailed, to the applicant, the owner of the sign, the owner of the place at which the sign is located or the tenant of the place at which the sign is located indicating that the illegal sign has been removed by the City and that said sign will be stored and disposed of by the City in accordance to the provisions of Section 4.10.7.2.4. The Notice shall further indicate that the sign may be reclaimed by the owner within the time period prescribed and upon payment to the City the cost of pulling down, removal and storage of the sign.

4.10.7.2.4. Storage and Disposal By the City of Unlawful Signs Removed

Any sign removed by the City shall be stored for a minimum period of thirty (30) days from the date of removal, after which the sign may be disposed of without further notification or obligation to the owner or apparent owner of the sign. The owner of such sign may, within thirty (30) days of such sign being removed, and upon payment to the City the costs related to pulling down the sign, removing the sign, storing the sign and transporting the sign, reclaim such sign.

4.10.7.2.5 Where a sign has been removed by the City and stored for a period of Thirty (30) days and the sign has not been redeemed, the sign may be forthwith destroyed or otherwise disposed of by the City.

4.10.7.2.7 Notwithstanding the provisions of By-law 97-24 being a bylaw to establish fees, and in particular Schedule "B" to Bylaw 97-24, specifically "Signs – Retrieval of Signs, where a sign is erected or displayed on private or public property in contravention of this By-law and such sign is of such a design or erected or displayed in such a manner that the cost of pulling down and removing the sign exceeds a cost set out in By-law 97-24 to the municipality, such costs shall be paid by the owner of the sign whether or not such sign is reclaimed. For the purpose of portable "A"-frame type signs, the recover fee of as set out in By-law 97-24 shall continue to be applied.

4.10.7.3.1. Community Bulletin Boards

4.10.7.3.2. Regulations Regarding Fastening of Poster Signs

The Corporation of the City of Barrie shall maintain Community Bulletin Boards at locations authorized from time to time by the Clerk of The Corporation of the City of Barrie, within the City of Barrie for the purpose of placement of poster signs subject to the following conditions:

- No poster sign shall be printed on material other than paper;
- No poster sign shall exceed .36m in width or .54m in length;

- Every poster sign shall clearly display on its face, the date that it was first erected and the name and telephone number of the person erecting the poster or causing it to be erected;
- No poster sign shall remain posted for more than 30 days after the date it was first displayed or erected;
- Despite the above, where the poster sign refers to a specific event, the poster sign shall be removed by the person who erected it or caused it to be erected, within 72 hours following the date of the event to which the poster sign refers;
- No more than one (1) poster sign for each event shall be fastened per Community Bulletin Board.

4.10.7.3.3. Removal of Offensive, Inappropriate or Unlawful Poster Signs

The Corporation of the City of Barrie may, at its sole discretion remove, without notice, a poster sign which the Clerk of The Corporation of the City of Barrie determines is for an unlawful activity, or contains profanity or obscenity or is otherwise posted contrary to the provisions of this section.

4.10.8.0.0. Non-Conforming or Unsafe Signs

4.10.8.1.0. Unsafe Signs:

Where, in the opinion of the Chief Building Official or a Barrie Municipal Law Enforcement Officer, a sign is deemed to be unsafe, notice shall be sent by registered mail to the last known address of the owner of the lands upon which the sign is located, or to the owner of the sign, if known, or to the occupants of the premises at which the sign is located, specifying the unsafe nature of the sign and directing that the sign be repaired to the satisfaction of the Chief Building Official or a Municipal Law Enforcement Officer or be removed from the lands, and shall include time limits for taking such action.

Upon receipt of such notice, the owner of the lands, the owner of the sign, or the occupant of the premises at which the sign is located shall either repair the sign in accordance with the notice, or remove the sign within the time limit set out in the notice. If the owner of the lands, or the owner of the sign, or the occupant of the premises at which the sign is located fails to comply with the requirements of such notice, then the Chief Building Official or a Municipal Law Enforcement Officer may order such removal or repair to be carried out and the cost of such work may be recovered from the owner of the land in a like manner as municipal taxes.

4.10.8.2.0. Non-Conforming Signs:

4.10.8.2.1. Prior to the passage of this Section

Any sign legally located, in accordance with all other by-laws and legislation enforceable in the City of Barrie on or before the day of the enactment of this Section may remain and continue to be used and maintained notwithstanding that it does not conform with the applicable provisions of this section provided that such sign shall not be altered or relocated for any reason whatsoever, unless such sign is then brought into conformity with the provisions of this section in all respects.

If any such sign is not brought into conformity with the provisions of this section in all respects, such sign shall then become a sign which shall be subject to the provisions of this section.

4.10.9.0.0. Miscellaneous Provisions

4.10.9.1.0. Community service signs are restricted to a maximum size of 0.25 square meters. These signs must be located within the building, being placed on the inside of a window. Every dwelling unit, as defined in the City's Zoning By-law, shall be permitted to display a maximum of two community Service Signs.

4.10.9.1.1 Signs not exceeding 0.5 square meters in sign face area, being political signs and real estate signs which offer for sale, lease or rent the property upon which they are erected, are permitted on lands zoned residential.

- 4.10.9.1.2 A single non-illuminated, non motion sign with a maximum face area of 0.2 square meters shall be permitted to be located only on the main building, as defined in the City of Barrie's Zoning By-law containing a municipally licenced and approved home occupation.
- 4.10.9.2.0 Minimum Standards
- The standards contained in this section are minimum standards only and in no way reduce the more stringent standards which may be contained in any Site Plan Agreement executed in accordance with the provisions of s. 41 of the **Planning Act**, R.S.O. 1990, c. P.13.
- 4.10.9.3.0 Conflicts
- Where there is a conflict between the provisions of this section and any by-law of The Corporation of the City of Barrie regulating signage, the provisions of the more restrictive enactment shall prevail.
- 4.10.10.0.0 Special Sign Districts
- 4.10.10.1.0 Downtown Business Improvement Area Special Sign District

4.10.10.2.0.

Waterfront Area Special Sign District”

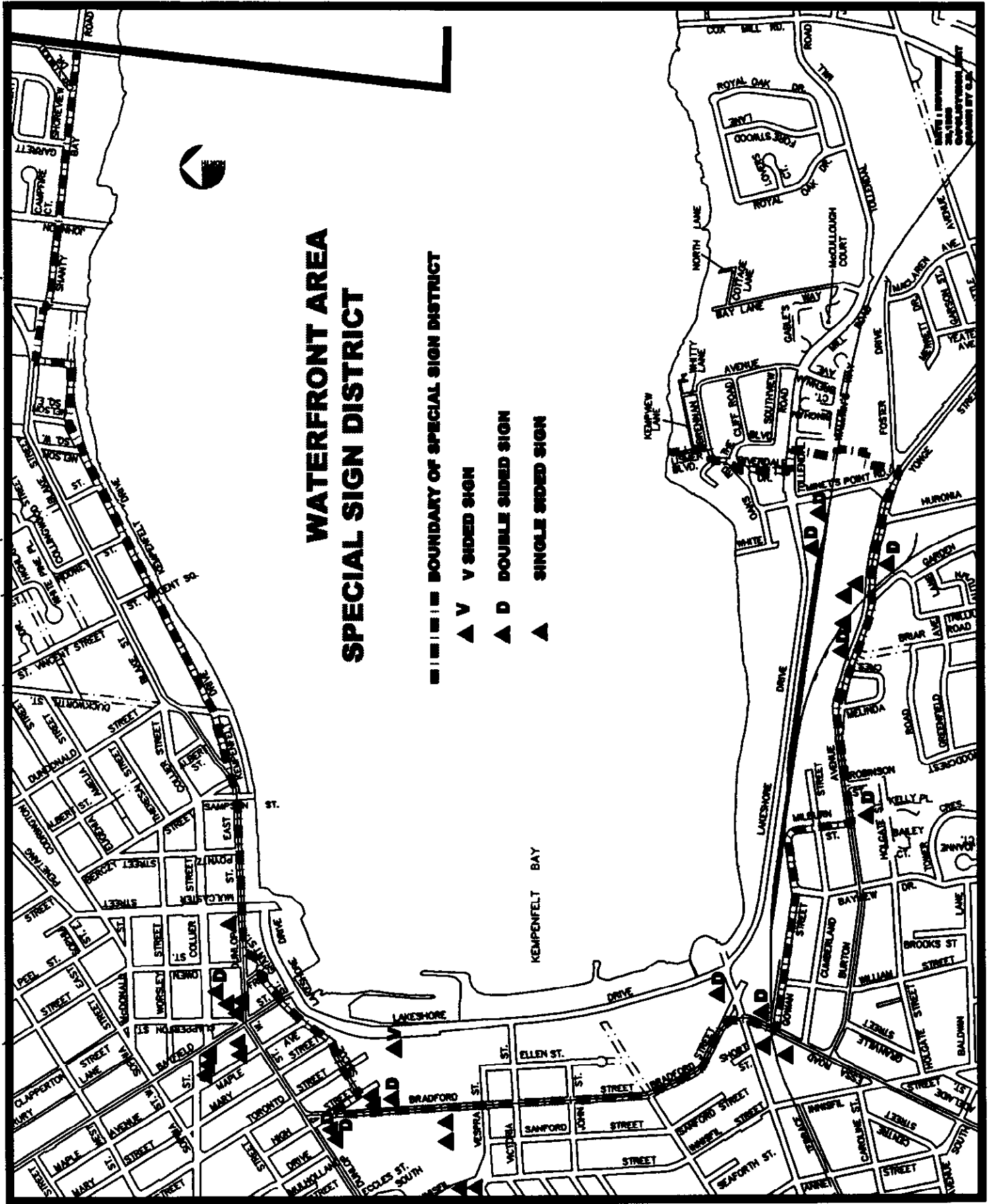
WATERFRONT AREA SPECIAL SIGN DISTRICT

— — — — — BOUNDARY OF SPECIAL SIGN DISTRICT

▲ V V SIDED SIGN

▲ D DOUBLE SIDED SIGN

▲ SINGLE SIDED SIGN



4.11.0.0.0 **SMOKING IN PUBLIC PLACES AND WORKPLACES**

4.11.1.0.0 Definitions:

4.11.1.1.0 "ashtray" means a receptacle of any type used for tobacco ashes and for cigar and cigarette butts;

4.11.1.2.0 "bingo hall" means any building, location or premises licensed by the Province to conduct charity bingo events;

4.11.1.3.0 "City" means the City of Barrie;

4.11.1.4.0 "City Clerk" means the City Clerk of the City of Barrie;

4.11.1.5.0 "Council" means the City Council of The Corporation of the City of Barrie;

4.11.1.6.0 "dwelling unit" means any building or part thereof used as the home, residence, or sleeping place of a family or individual either continuously, permanently, temporarily, or transiently;

4.11.1.7.0 "employee" includes a person who, being paid or unpaid,

4.11.1.7.1 performs any work for or supplies any services to an employer; or

4.11.1.7.2 receives any instructions or training in the activity, business, work, trade, occupation or profession of the employer or his agent and includes a volunteer and a person who is self-employed and "employment" has a corresponding meaning;

4.11.1.8.0 "employer" includes any person who as the owner, proprietor, manager, superintendent or overseer of any activity, business, premises, work, trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of a person therein;

4.11.1.9.0 "officer" means a person appointed by Council as a Municipal Law Enforcement Officer, a Police Officer, or other individual duly appointed to enforce this by-law;

4.11.1.10.0 "outdoor patio" means an area that:

4.11.1.10.1 is not covered by a temporary or permanent roof; or

4.11.1.10.2 if covered by a temporary or permanent roof, has one or more unobstructed exterior openings in the walls surrounding the roofed area to provide at least 40% of the perimeter enclosed walls to be open to the movement of outdoor air at all times;

4.11.1.10.3 does not share open windows with a public place;

4.11.1.10.4 does not share open doors with a public place, except when doors are being opened by individuals to enter or exit the outdoor patio;

4.11.1.10.5 does not share thermostat controlled heating or air conditioning system with a public place; and

4.11.1.10.6 has a circulation of outdoor air throughout the outdoor patio.

4.11.1.11.0 "non-smoking policy" means a written policy that prohibits smoking in the workplace in accordance with this by-law;

4.11.1.12.0 "person" includes an individual or corporation 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;

4.11.1.13.0 "private club" means the whole or part an indoor area to which the general public is not invited or permitted access.

For greater clarification and for the purpose of enforcement of the by-law, a facility is considered to be a private club when the following criteria is met:

- i) The club must have a fixed membership;
- ii) The club requires each member to pay an annual or periodic membership fee;
- iii) The club must have an executive/leadership that is elected by all the members on an annual or periodic basis;
- iv) The club must have a constitution or by-laws that provide the governing rules for the membership, executive, fees, etc.;
- v) The club must be not-for-profit;
- vi) The club has profits and losses borne by its members;
- vii) The club has publicity and advertisements directed exclusively to members for their information and guidance and does not solicit business from the general public; and
- viii) The club does not permit a non-member to enter the premises to consume food or alcohol unless accompanied by a member.

4.11.1.14.0 "proprietor" or "other person in charge" means the person who controls, governs or directs the activity carried on within the premises designated as prohibited areas under this by-law and includes the person who is actually in charge of the premises at any particular time;

4.11.1.15.0 "public place" means any building, structure, vessel, vehicle or conveyance, or part thereof, whether covered by a roof or not, to which the public has access as of right or by invitation, expressed or implied, whether or not a fee is charged for entry but does not include an outdoor patio, or a street, road, or highway;

4.11.1.16.0 "smoke" or "smoking" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment or product but does not include smoke or smoking where smoke or smoking is used in a stage production of a theatrical performance;

4.11.1.17.0 "workplace" means a building, structure, vessel, vehicle or conveyance of part thereof, to which the public may or may not have access either express or implied, in which one or more employees work, including any other area in the building, structure, vessel, vehicle or conveyance utilized by employees, but does not include an outdoor patio.

4.11.2.0.0 PUBLIC PLACE

4.11.2.1.0 No person shall smoke in any public place within the City whether or not a No Smoking sign is posted.

4.11.2.2.0 No proprietor or other person in charge of a public place shall permit smoking where smoking is prohibited under this by-law.

4.11.2.3.0 Every proprietor or other person in charge of a public place shall:

4.11.2.3.1 ensure compliance with this by-law;

4.11.2.3.2 prohibit smoking in the public place;

4.11.2.3.3 post No Smoking signs in accordance with Section 4.11.5.0.0 of this by-law in conspicuous locations at every entrance and public restrooms indicating that smoking is prohibited in the public place;

4.11.2.3.4 ensure that no ashtrays or like paraphernalia are placed or permitted to remain in the public place.

4.11.2.4.0 No person shall hinder or obstruct a person lawfully carrying out the enforcement of this by-law.

4.11.3.0.0 Bingo Halls - Transition

4.11.3.1.0 Notwithstanding any other provision of this by-law to the contrary, the transition period for bingo halls shall commence June 1, 2003 and end December 31, 2006, following which the Public Place and Work Place provisions of this by-law shall apply.

4.11.3.2.0 During the transition period every proprietor or other person in charge of a bingo hall shall ensure that:

4.11.3.2.1 at least 50% of the total seating area is reserved for non-smoking, and that such non-smoking area is contiguous and clearly identified; and

4.11.3.2.2 a sufficient number of signs as prescribed in Section 4.11.5.0.0 are conspicuously posted so as to clearly identify that smoking is prohibited in the non-smoking area.

4.11.3.2.3 During the transition period, no person shall smoke in any area reserved for non-smoking in a bingo hall.

4.11.3.2.4 During the transition period, no person shall hinder or obstruct a person lawfully carrying out the enforcement of this by-law.

4.11.4.0.0 Offences – Bingo Halls

4.11.4.1.0 Any person who contravenes any provision of Section 4.11.3.0.0 is guilty of an offence.

4.11.4.2.0 Any person who hinders or obstructs a person lawfully carrying out the enforcement of Section 4.11.3.0.0 of this by-law is guilty of an offence.

4.11.5.0.0 Signs Requirements - Public Place

4.11.5.1.0 The proprietor or other person in charge of any public place designated or regulated under this by-law shall ensure that a sufficient number of signs as prescribed by Section 4.11.5.0.0 are conspicuously posted so as to clearly identify that smoking is prohibited.

4.11.5.2.0 Despite Section 4.11.5.1.0, the proprietor or other person in charge of a public place shall ensure that:

4.11.5.2.1 signs are posted in accordance with Sections 4.11.5.3.0 to 4.11.5.9.0 in every public place;

4.11.5.2.2 signs are posted at every entrance to the public place and are visible and in sufficient numbers, clearly indicating in that smoking is prohibited in the public place.

4.11.5.3.0 The signs referred to in this by-law shall consist of graphic symbols that comply with the provisions of this Section.

4.11.5.4.0 The following graphic symbol shall be used to indicate the areas where smoking is prohibited pursuant to this by-law: on a white background with the circle and the interdictory stroke in red.



- 4.11.5.5.0 The graphic symbol referred to in Section 4.11.5.4.0 shall include the text "City of Barrie By-law" in letters and figures at least five (5%) percent of the diameter of the circle in the symbol.
- 4.11.5.6.0 To the symbols referred to in Section 4.11.5.4.0, there may be added additional appropriate symbols such as directional arrows.
- 4.11.5.7.0 Despite the fact that the symbol referred to in Section 4.11.5.4.0 is a cigarette, it shall include a lighted cigar, cigarette, pipe or any other lighted smoking equipment or product.
- 4.11.5.8.0 With respect to size of the graphic symbol, the diameter of the circle in the symbol referred to in this section shall be not less than ten (10 cm) centimetres.
- 4.11.5.9.0 Deviations from the colour or content of the signs prescribed by this section that do not affect the substance or that are not calculated to mislead do not vitiate the signs.

4.11.6.0.0 Public Place Offences

- 4.11.6.1.0 Any person who contravenes any of the provisions of this by-law is guilty of an offence.
- 4.11.6.2.0 Any person who smokes in a public place in contravention of this by-law is guilty of an offence.
- 4.11.6.3.0 Any proprietor who permits smoking in a public place in contravention of this by-law is guilty of an offence.
- 4.11.6.4.0 Any person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.

4.11.7.0.0 WORKPLACE

- 4.11.7.1.0 Every employer shall, no later than June 1st, 2003, adopt and implement a non-smoking policy that prohibits smoking in respect of each workplace in the City under the control, supervision or ownership of the employer.
- 4.11.7.2.0 Where after June 1st, 2003, a workplace is created or comes into existence, the employer of such workplace shall within seven (7) days after such workplace is created or comes into existence, adopt and implement a non-smoking policy that prohibits smoking in respect of each such workplace under the control, supervision or ownership of the employer.
- 4.11.7.3.0 Every employer required by the by-law to adopt and implement a non-smoking policy shall:
- 4.11.7.3.1 maintain the non-smoking policy in the workplace for which it was adopted;
- 4.11.7.3.2 provide a copy of the non-smoking policy to each employee in the workplace within seven (7) days after the day upon which the non-smoking policy in respect of that workplace was adopted;
- 4.11.7.3.3 post and keep continuously displayed a copy of the non-smoking policy in a prominent place accessible to all employees in the workplace; and
- 4.11.7.3.4 erect signs in accordance with Section 4.11.8.0.0 at every entrance to the workplace indicating that smoking is prohibited in the workplace.
- 4.11.7.4.0 No person shall smoke in the workplace within the City whether or not a No Smoking sign is posted.
- 4.11.7.5.0 No employer or other person in charge of a workplace shall permit smoking where smoking is prohibited under this by-law.
- 4.11.7.6.0 Every employer or other person in charge of a workplace shall:
- 4.11.7.6.1 ensure compliance with this by-law;
- 4.11.7.6.2 prohibit smoking in the workplace;

- 4.11.7.6.3 inform each employee in the workplace that smoking is prohibited in the workplace;
- 4.11.7.6.4 post No Smoking signs in accordance with Section 4.11.8.0.0 of this by-law in conspicuous locations at every entrance and washrooms in the workplace indicating that smoking is prohibited in the workplace; and
- 4.11.7.6.5 ensure that no ashtrays or like paraphernalia are placed or permitted to remain in any part of the workplace.

4.11.7.7.0 No person shall hinder or obstruct a person lawfully carrying out the enforcement of this by-law.

4.11.8.0.0 Sign Requirements - Workplace

4.11.8.1.0 The employer or other person in charge of any workplace designated or regulated under this by-law shall ensure that a sufficient number of signs as prescribed by Section 4.11.8.0.0 are conspicuously posted so as to clearly identify that smoking is prohibited.

4.11.8.2.0 Despite Section 4.11.8.1.0, the employer or other person in charge of a workplace shall ensure that:

4.11.8.2.1 signs are posted in accordance with Sections 4.11.8.3.0 to 4.11.8.9.0 in every workplace;

4.11.8.2.2 signs are posted at every entrance to the workplace and are visible and in sufficient numbers, clearly indicating that smoking is prohibited in the workplace.

4.11.8.3.0 The signs referred to in this by-law shall consist of graphic symbols that comply with the provisions of this section.

4.11.8.4.0 The following graphic symbol shall be used to indicate that smoking is prohibited in the workplace: on a white background with the circle and the interdictory stroke in red.



4.11.8.5.0 The graphic symbol referred to in Section 4.11.8.4.0, shall include the text "City of Barrie By-law" in letters and figures at least five (5%) percent of the diameter of the circle in the symbol.

4.11.8.6.0 To the symbols referred to in Section 4.11.8.4.0, there may be added additional appropriate symbols such as directional arrows.

4.11.8.7.0 Despite the fact that the symbol referred to in Section 4.11.8.4.0 is a cigarette, it shall include a lighted cigar, cigarette, pipe or any other lighted smoking equipment or product.

4.11.8.8.0 With respect to size of the graphic symbol, the diameter of the circle in the symbol referred to in this section shall be not less than ten (10 cm) centimetres.

4.11.8.9.0 Deviations from the colour or content of the signs prescribed by this section that do not affect the substance or that are not calculated to mislead do not vitiate the signs.

4.11.9.0.0 Workplace Offences

4.11.9.1.0 Any person who contravenes any provision of this by-law is guilty of an offence.

4.11.9.2.0 Any person who smokes in a workplace in contravention of this by-law is guilty of an offence.

- 4.11.9.3.0 Any employer who fails to adopt and implement a non-smoking policy is guilty of an offence.
- 4.11.9.4.0 Any employer who permits smoking in the workplace in contravention of this by-law is guilty of an offence.
- 4.11.9.5.0 Any person who hinders or obstructs an Officer lawfully carrying out the enforcement of this by-law is guilty of an offence.

4.11.10.0.0 ENFORCEMENT

- 4.11.10.1.0 The provisions of this by-law respecting the designation of non-smoking areas, the posting of signs and the duties imposed on the proprietor, employer or other person in charge of a public place or workplace shall be enforced by Officers.
- 4.11.10.2.0 An Officer may, at any reasonable time, enter any designated public place for the purposes of determining compliance with this by-law.
- 4.11.10.3.0 For the enforcement of this by-law, an Officer, upon producing proper identification, may, at all reasonable hours, enter any workplace or any building or structure in which a workplace is situate and may make examinations, investigations and inquiries.
- 4.11.10.4.0 No Officer may enter a workplace that is also a dwelling without the consent of the occupant or without first obtaining and producing a warrant.

4.11.11.0.0 EXEMPTIONS

- 4.11.11.1.0 This by-law shall not apply to any part of a workplace that is used as a private dwelling unit.
- 4.11.11.2.0 This by-law shall not apply to any part of a Private Club that is not a public place or a workplace.
- 4.11.11.3.0 This by-law shall not apply to an outdoor patio.

4.11.12.0.0 CONFLICTS

- 4.11.12.1.0 If a provision of this by-law conflicts with an Act or a regulation or another by-law, the provision that is the most restrictive of smoking shall prevail.

4.11.13.0.0 EFFECTIVE DATE

- 4.11.13.1.0 This by-law shall come into effect on 1st day of June, 2003.
- 4.11.37.0.0 Deleted.

4.12.0.0.0

SNOW, REFUSE, DEBRIS, FOULING, ETC.

Authority: Municipal Act, R.S.O. 1990, C. M.45, S 314(1)(5)

4.12.1.0.0

No person shall deposit, or cause to suffer to be deposited, upon any highway or bridge or other City property within the limits of the City, any dirt, filth, rubbish, refuse, snow, or ice, unless otherwise authorized by the City Clerk.

4.12.2.0.0

No person shall foul or cause to permit the fouling of any street, which for the purpose of this section shall mean and include any public highway, road, street, lane, alley, square, place, thoroughfare or way within the City of Barrie.

4.13.0.0.0

SNOW VEHICLES

Authority: Motorized Snow Vehicles Act,
R.S.O 1990, C. M.44, S 7(2)

4.13.1.0.0

For the purpose of this section:

4.13.1.1.0

MOTORIZED SNOW VEHICLES - means a self propelled vehicle designed to be driven primarily on snow but shall not include snow clearing equipment.

4.13.1.2.0

PUBLIC PARK - means all lands owned by or belonging to the City otherwise designated for use as public parks.

4.13.1.3.0

SIDEWALK - means any sidewalk, pathway, or foot path used by or set apart for the use of pedestrians and forming part of any highway or bridge, boulevard, or other means of public communication, or being in or upon any highway, boulevard, park, park lot, garden or other place set apart for ornament or embellishment or for public recreation.

4.13.2.0.0

Motorized snow vehicles are prohibited on all sidewalks, public parks, environmental protection areas and other lands owned by the City unless otherwise permitted by the City.

4.13.3.0.0

No person shall operate a motorized snow vehicle in the city of Barrie between the hours of 12:00 a.m. and 6:00 a.m., except when necessary for emergency purposes.

4.13.4.0.0

No person shall drive a motorized snow vehicle in the City of Barrie at a greater rate of speed than 30 kilometres per hour.

4.14.0.0.0

ANIMAL CONTROL

Authority: Municipal Act, R.S.O. 1990, c. M.45, s. 210, the Animals for Research Act, R.S.O., 1990, c. A.22, the Dog Owner's Liability Act, R.S.O. 1990, c. D.16 and the Health Protection and Promotion Act, R.S.O. 1990, c. H.7, Part IV, and the Ontario S.P.C.A. Act, R.S.O. 1990, c. O.36.

4.14.1.0.0

DEFINITIONS

4.14.1.1.0

For the purpose of this Section:

4.14.1.2.0

BLIND PERSON - means a person that possesses vision of less than 6/60 on a Snellen Acuity Test in his better eye after the best possible correction or has a field vision of acuity of less than 20 degrees

4.14.1.3.0

CITY - means The Corporation of the City of Barrie

4.14.1.4.0

DOG - means any member of the species Canis Familiaris

4.14.1.4.1

AGGRESSIVE DOG – means a dog which, in the opinion of the City Clerk or his designate, has demonstrated excessive and/or unprovoked aggression, or is of a threatening disposition.

4.14.1.5.0

DOMESTIC FOWL - means any feathered vertebrate animal living in or near the habitations of humans and not being wild; shall include, but shall not be limited to hens, chickens, ducks, geese and turkeys

4.14.1.6.0

GUIDE DOG - means a dog that is trained to aid a blind person and actively in use for such purposes

4.14.1.7.0

IMPOUND - means to confiscate, confine, hold or take possession

4.14.1.8.0

NEUTERED MALE - means a dog which has been altered by castration and for which the owner produces satisfactory evidence of its being neutered

4.14.1.9.0

KENNEL - means a place or confine where purebred dogs are bred and/or raised and registered in the Register for the Canadian Kennel Club

4.14.1.10.0

LICENCE - means a dog tag issued pursuant to the requirements of this by-law

4.14.1.11.0

NEW LICENCE FEE - means a fee charged by the City for a dog tag where such dog has not previously been licensed and registered by the current owner in the City of Barrie

4.14.1.12.0

OWNER - means any person who owns, possesses, harbours or has custody of an animal and, where the owner is a minor, the person responsible for the custody of the minor. Shall also include a person who is temporarily the keeper of the animal

4.14.1.13.0

PHYSICALLY DISABLED PERSON - means a person who is permanently confined to or restricted to the use of a mobility aid such as a wheelchair, crutches or braces

4.14.1.14.0

POLICE WORK DOG - means a dog trained to aid law enforcement officers and is actually being used for police work purposes

4.14.1.15.0

POUND - means premises that are used for the confinement, maintenance or disposal of animals that have been impounded pursuant to this by-law

4.14.1.16.0

POUNDKEEPER - means such person, service or agency designated or appointed to maintain and administer the premises and facilities operated as a pound

4.14.1.17.0

PUREBRED DOG - means a dog bred from stock having no admixture as certified by the Canadian Kennel Club or other competent authority

- 4.14.1.18.0 RENEWAL LICENCE FEE - means a fee charged by the City for a dog tag where such dog has been licensed and registered by the current owner within the City of Barrie during the previous licence period
- 4.14.1.19.0 RESIDENTIAL DWELLING UNIT - means a room or suite of rooms used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities
- 4.14.1.20.0 RUNNING AT LARGE - means an animal found in any place other than the premises of the owner or person having care, custody or control of the animal and not secured by a leash, such leash having a maximum length of 6 feet, and not under the control of a competent person
- 4.14.1.21.0 SOCIETY - means the Ontario Society for the Prevention of Cruelty to Animals
- 4.14.1.22.0 SPAYED FEMALE - means any female dog which has been altered by the removal of the ovaries and for which the owner produces satisfactory evidence of its being spayed
- 4.14.1.23.0 GRANDFATHERED – means the lawful keeping of any animal, currently prohibited under the provisions of this by-law, provided such animal was lawfully kept prior to the prohibition and where the keeping of such animal has been uninterrupted for any period of time since the prohibition.
- 4.14.1.23.1 UNINTERRUPTED – means that the animal has not been sold, has not expired, has not been given away, has not been away from the applicant owner within the limits of the City, or has not resided together with the applicant owner or otherwise outside the limits of the City for a period of time exceeding 60 days.
- 4.14.1.23.2 PROOF – means documentation signed by a qualified veterinarian attesting to the age of the animal together with purchase documents, such purchase documents being in an original form and identifying the animal, the name and address of the pet store or person from whom the animal was purchased, the date the animal was purchased, the purchase price, and the name and address of the purchaser, or medical records identifying the animal, the name and address of the qualified veterinarian administering such medical services and the dates such services were administered, including the date of commencement of such care of the animal. Such records must clearly establish that the applicant owned the animal in question prior to the date of passage of a by-law to otherwise prohibit the keeping of such animal and further that the owner and animal resided in the City at such time.
- 4.14.1.24.0 DOG OFF LEASH RECREATION AREA – means a specific confined area designated by Council, from time to time, where a dog owner is permitted to allow his dog to run at large, and is not required to leash such dog.
- 4.14.2.0.0 DOG LICENSING AND REGISTRATION
- 4.14.2.1.0 Every owner of a dog over the age of six months shall make application to licence and register the dog with the City, or its agent, and provide particulars pertaining to the dog and its owner in order to facilitate the registration of such dog, and shall further make application and provide such information annually to the City.
- 4.14.2.2.0 Every owner of a dog shall pay annually to the City a license fee in accordance with the Table of Fees as established and set out in Section 4.14.14.0.0 of this by-law.

- 4.14.2.3.0 An owner shall not attempt to register:
- a) an unspayed female dog as a spayed female dog
 - b) an unneutered male as a neutered male dog
- and shall upon application for a dog licence, or as otherwise required by the City, produce satisfactory evidence of the dog being spayed or neutered.
- 4.14.2.4.0 Every owner of a dog shall, upon application for a dog licence, or as otherwise required by the City, produce evidence that the dog has been inoculated with anti-rabies vaccine within a period of twelve (12) months immediately preceding the date of application for such dog licence.
- 4.14.2.5.0 The City shall not issue a dog licence until the applicable licence fee has been paid in full and evidence of inoculation and spaying or neutering has been provided to the satisfaction of the City.
- 4.14.2.6.0 Where proof of spaying or neutering and proof of inoculation has been provided, the licence fee has been paid, and necessary application information has been received for the registration of such dog, the City shall issue for each dog, a serially numbered licence tag and shall cause such information, as provided, to be recorded.
- 4.14.2.7.0 Every owner shall affix to his dog a current licence tag issued by the City in accordance with this by-law and shall keep such tag affixed on the dog at all times when the dog is not on the owner's property.
- 4.14.2.8.0 No licence tag or registration shall be transferable and the license tag shall expire and become void upon the sale, death or other means of disposal of the dog so registered and licensed.
- 4.14.2.9.0 Every licence issued by the City shall expire on the 31st day of December in the year in which it was issued.
- 4.14.2.10.0 No person other than the owner or his agent shall remove a licence tag from a dog.
- 4.14.2.11.0 The licence fees shall be in accordance with the Table of Fees established and set out in Section 4.14.14.0.0 of this by-law.
- 4.14.3.0.0 REPLACEMENT DOG LICENCE TAG
- 4.14.3.1.0 Every owner of a dog, having lost the dog licence tag for the current year, shall immediately make application to the City for the replacement of such tag, and shall, upon request provide any information as may be required by the City. The replacement fee for a replacement license tag shall be in accordance with the Table of Fees established and set out in Section 4.14.14.0.0 of this by-law.
- 4.14.4.0.0 NUMBER OF DOGS
- 4.14.4.1.0 No owner shall have more than two (2) dogs in any residential dwelling unit or any structure used for commercial, industrial or institutional purposes within the City.
- 4.14.4.2.0 Section 4.14.4.1.0 does not apply to:
- 4.14.4.2.1 a) the operation of a kennel licensed under the provisions of this by-law and operated for the purposes of breeding or boarding animals
 - 4.14.4.2.2 b) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association
 - 4.14.4.2.3 c) a pet store licensed in accordance with the provisions of municipal by-laws
 - 4.14.4.2.4 d) a shelter or pound of the Ontario Society for the Prevention of Cruelty to Animals
 - 4.14.4.2.5 e) dogs under the age of four (4) months.

- 4.14.6.0.0 CONTROL OF DOGS
- 4.14.6.1.0 No owner of a dog shall allow his dog to run at large.
- 4.14.6.1.1 Notwithstanding Section 4.8.2.3.0 and 4.14.6.1.0, no owner of any dog shall allow his dog to run at large in a Dog Off Leash Recreational Area as defined in this by-law, unless:
- a) a City of Barrie dog tag licence is affixed to the dog, or;
 - b) a current rabies vaccination tag is affixed to the dog
- 4.14.6.2.0 No owner of a dog shall allow his dog to trespass on private property even when on a leash.
- 4.14.6.3.0 No owner of a dog shall allow his dog in any waterfront park.
- 4.14.6.4.0 Notwithstanding Section 4.8.2.3.0 and 4.14.6.3.0 the owner of a dog may lead the dog, provided it is on a leash not exceeding 6 feet in length, on any signed walking path in Heritage Park, Allandale Station Park and Centennial Park. No owner shall leave a dog unattended within any permitted park area.
- 4.14.6.5.0 A dog shall not be considered to be running at large if it is a police dog as defined in this by-law.
- 4.14.6.6.0 Any dog found running at large pursuant to the provisions of this by-law may be impounded by any Municipal Law Enforcement Officer or other duly appointed officer and delivered to the Pound.
- 4.14.6.7.0 Any person may capture any dog running at large on his property and deliver the same to a Municipal Law Enforcement Officer or other duly appointed officer, who may impound the said dog.
- 4.14.6.8.0 A Municipal Law Enforcement Officer or other duly appointed officer, may enter on any public property, or on private property with the consent of the owner or tenant of the property, for the purpose of impounding or otherwise distraining and detaining any dog found running at large pursuant to the provisions of this by-law.
- 4.14.6.9.0 Every owner of a dog shall immediately remove any excrement left by such dog on public or private lands within the City, and shall dispose of such excrement in a sanitary manner.
- 4.14.6.10.0 Notwithstanding Section 4.14.6.9.0, proof that the owner is either a blind person or a physically disabled person shall constitute a defence to the prosecution of such an offence.
- 4.14.6.11.0 CONTROL OF AGGRESSIVE DOGS:
- 4.14.6.11.1 Where a dog has been declared an aggressive dog the owner of the dog shall restrain the dog.
- 4.14.6.11.2 Where an aggressive dog is on the property of the owner, the owner of the dog shall restrain such dog by ensuring that:
- a) the dog is secured so as to meet its environmental needs and in such a manner as to prevent the dog from leaving the owners property, and
 - b) such restraint prevents the dog from having contact with any person who has not consented to contact with the dog.
- 4.14.6.11.3 Where an aggressive dog is at a place other than the property of the owner, the owner of the dog shall restrain such dog by ensuring that:
- a) the dog is leashed in accordance with the provisions of this By-law, and
 - b) the dog is under the control of the owner at all times so as to prevent the dog from having any contact with any person who has not consented to contact with the dog.
- 4.14.7.0.0 DOG BITES OR ATTACKS

- 4.14.7.1.0 Where a dog has bitten or attacked any person or domestic animal, or is alleged to have bitten or attacked any person or domestic animal, the Municipal Law Enforcement Officer or other duly appointed officer may issue an Order to the owner of the dog requiring that the dog be kept muzzled at such times as are set out in the Order. Such Order shall set out the conditions of muzzling and the owner of the dog shall comply with all conditions of the Order. The Order shall remain in effect until an action under the provisions of the Dog Owners' Liability Act has concluded or until it is deemed by the Municipal Law Enforcement Officer or other duly appointed officer that the dog in question is otherwise innocent of such a bite or attack.
- 4.14.7.2.0 Where a dog has bitten or attacked any person or domestic animal, a proceeding may be commenced by the City against the owner of the dog to seek an Order of the Court necessary for the protection of the public under the provisions of the Dog Owners' Liability Act, R.S.O. 1990, c. D.16 and any amendments thereto.
- 4.14.8.0.0 SEIZING AND IMPOUNDING
- 4.14.8.1.0 A Pound shall be established which complies with the Animals for Research Act, R.S.O. 1990, c. A.22, the Ontario S.P.C.A. Act, R.S.O. 1990, c. O.36, as well as Regulations of the Ministry of Agriculture and Food, and under the care and control of the Poundkeeper, whose duty it shall be to impound all dogs found running at large contrary to this by-law which have not been returned to their owner and brought to him and to dispose of the same in accordance with the Animals for Research Act. The poundkeeper shall also keep a record and make return as required to the City Clerk of all dogs impounded and how disposed of, the amount collected for impound fees and the proceeds of sales.
- 4.14.8.2.0 It shall be the duty of the Municipal Law Enforcement Officer or other duly appointed officer, to impound or otherwise distraint and detain all dogs running at large pursuant to this by-law and,
- a) return the dog to the owner, if known, or;
 - b) impound the dog, subject to the right of the owner to redeem the dog.
- 4.14.8.3.0 The owner may:
- a) redeem the dog upon return of the dog to the owner, upon payment of any licence fee or other applicable fees, or;
 - b) redeem the dog from the pound, within three (3) days (exclusive of statutory holidays and Sundays) after the date of impound. Any owner redeeming a dog from the pound shall pay any applicable licence fees, impound fees, animal control service fees and maintenance fees as established and set out in section 4.14.14.0.0 and any other fees associated with the impounding of the dog, prior to the release of such dog.
- 4.14.8.4.0 If the dog is not redeemed from the pound within the time set out in Section 4.14.8.3.0, the dog shall become the property of the Poundkeeper who may sell the dog or dispose of it as he deems fit, and in either event aforesaid, no damages or compensation shall be recovered by the owner on account of the disposition of the dog.
- 4.14.8.5.0 It shall be the duty of the Poundkeeper to care for all animals after they have been impounded pursuant to the Animals for Research Act or any other applicable Act, as may be amended.
- 4.14.8.6.0 All impound fees and maintenance fees shall be retained by the Poundkeeper.
- 4.14.8.7.0 All licence fees and animal control service fees collected on behalf of the City by an authorized agent shall be remitted to the City monthly, along with a monthly report.

4.14.9.0.0 DOGS RUNNING AT LARGE - INJURED

4.14.9.1.0 Where an injured dog is impounded or otherwise distrained and detained for running at large and requires the immediate services of a qualified veterinarian or should be destroyed due to such injuries without delay for humane reasons, the Municipal Law Enforcement Officer may deliver the injured dog to a qualified veterinarian for care or to euthanize the dog as soon after impounding or otherwise distraining and detaining the dog as he thinks fit and shall notify the owner, if known. Where such injured dog has been delivered to a qualified veterinarian for care, the owner of the dog shall be responsible for any and all costs or charges associated with the services provided by the veterinarian. No damages or compensation shall be recoverable by the owner or any other person.

4.14.10.0.0 ANIMAL CONTROL SERVICE FEES

4.14.10.1.0 Where a Municipal Law Enforcement Officer or other duly appointed officer impounds or otherwise distrains and detains a dog found running at large, contrary to the provisions of this by-law, and the owner of such dog is known, the Municipal Law Enforcement Officer or other duly appointed officer may return the dog to the owner. Where the dog is returned to the owner, the Municipal Law Enforcement Officer or other duly appointed officer may issue an Animal Control Service Fee Notice to the owner of the dog and the owner of the dog shall pay an Animal Control Service Fee as established from time to time by the City Clerk. The Animal Control Service Fee shall be paid to the City within seven (7) days of the return of the dog to the owner.

4.14.10.2.0 In addition to any other requirement of this by-law, where a dog is found running at large and is impounded and delivered to the Pound, every owner redeeming or claiming possession of such dog from the Pound, shall pay an Animal Control Service Fee as established from time to time by the City Clerk to the Poundkeeper, in favour of the City, prior to the Poundkeeper releasing such dog to the owner.

4.14.11.0.0 RABIES

4.14.11.1.0 Where any animal is suspected of rabies, the Health Protection and Promotion Act, R.S.O. 1990, c. H.7 and any amendments shall apply.

4.14.11.2.0 Where a dog has bitten or attacked any person or animal, and where such dog, in the opinion of the Municipal Law Enforcement Officer or other duly appointed officer, is displaying symptoms of rabies and the dog is believed to be a danger or threat of danger to the safety of any person as a result of suspected rabies, the Municipal Law Enforcement Officer or other duly appointed officer may immediately kill the dog found running at large without notifying any person or without permitting any person to reclaim the dog or without offering it for sale. No damages or compensation shall be recovered by the owner or any person on account of its killing regardless of whether the results of any rabies tests are positive or not.

4.14.11.3.0 Where an animal other than a dog, is, in the opinion of the Municipal Law Enforcement Officer or other duly appointed officer, believed to be rabid and is believed to be a danger or threat of danger to the safety of any person as a result of suspected rabies, the Municipal Law Enforcement Officer or other duly appointed officer may immediately kill the animal without notifying any person or without permitting any person to reclaim the animal or without offering it for sale. No damages or compensation shall be recovered by the owner or any other person on account of its killing regardless of whether the results of any rabies tests are positive or not.

4.14.12.0.0 EXOTIC ANIMALS

4.14.12.1.0 No person shall own, harbour, possess, keep, sell or offer for sale any animal listed below as a pet or for any other purpose or for any period of time.

- 4.14.12.1.2 a) all non-human primates (such as gorillas and monkeys)
- 4.14.12.1.3 b) all felids, except the domestic cat
- 4.14.12.1.4 c) all canids, except the domestic dog
- 4.14.12.1.5 d) all mustelids (including but not limited to skunks, weasels, otters, badgers, etc. but not including the domestic ferret)
- 4.14.12.1.6 e) all marsupials (including but not limited to kangaroos and opossums)
- 4.14.12.1.7 f) all bats

- 4.14.12.1.8 g) all ursids (bear)
- 4.14.12.1.9 h) all hyaenas
- 4.14.12.1.10 i) all snapping turtles
- 4.14.12.1.11 j) all elephants
- 4.14.12.1.12 k) all snakes of the families pythonidae and boidae
- 4.14.12.1.13 l) all poisonous or venomous snakes
- 4.14.12.1.14 m) all poisonous or venomous arachnids (including but not limited to spiders)
- 4.14.12.1.15 n) all poisonous or venomous lizards
- 4.14.12.1.16 o) all crocodilians (including but not limited to alligators and crocodiles)
- 4.14.12.1.17 p) all endangered species as defined by the Canadian Wildlife Service

4.14.12.2.0 Notwithstanding Section 4.14.13.1.0, the prohibition shall not apply to:

- 4.14.12.2.1 a) circuses
- 4.14.12.2.2 b) premises operated by the Ontario Society for the Prevention of Cruelty to Animals
- 4.14.12.2.3 c) a veterinary hospital under the control of a licensed veterinarian
- 4.14.12.2.4 d) anyone holding a licence under any statute of the Legislature of Ontario or the Government of Canada, which permits the keeping of animals under stated conditions
- 4.14.12.2.5 e) any animal being displayed or exhibited for a set period of time in a municipally sanctioned event which is operated in accordance with all by-laws of the municipality
- 4.14.12.2.6 f) the premises of an Institution of Education where such animals are being kept for research, study or teaching purposes, or on premises registered as Research Facilities under the Animals for Research Act, R.S.O. 1990, c. A.22, as amended.

4.14.13.0.0 ANIMALS - OTHER

4.14.13.1.0 No person shall keep any fox(es) within the limits of the City, except in a licensed zoological park or menagerie.

4.14.13.2.0 No person shall keep any mink within the limits of the City, except in a licensed zoological park or menagerie.

4.14.13.3.0 DELETED.

4.14.13.4.0 No person shall keep any domestic fowl on any residential lot or in any residential dwelling unit within the City.

4.14.13.5.0 Notwithstanding the provisions of Section 4.14.13.4.0, any person may keep any number of domestic fowl on any lot in any area within the City which is zoned Agricultural, Residential Hold or Industrial.

4.14.13.6.0 No person shall keep any cattle, goats, sheep or swine within the limits of the City except on a lot exceeding 4.4685 hectares in any area zoned Agricultural, Residential Hold or Industrial.

4.14.13.7.0 No person shall keep more than twelve (12) rabbits with no more than two (2) over the age of six months, within any residential lot or in any residential dwelling unit within the City.

4.14.13.8.0 Domestic animals, not including dogs and cats and domestic fowl not including pigeons, must be contained, when not kept indoors, within the owner's property by means of fencing or other reasonable method.

4.14.13.9.0 REGISTRY OF GRANDFATHERED ANIMALS:

a) Any person, may seek 'grandfathered' status for such prohibited animal within 12 months of a prohibition of the keeping of an animal by making application and providing to the City, proof that the animal was owned prior to the prohibition and further that the keeping of such animal has not been interrupted for any period of time since the prohibition. Upon being satisfied that the animal was owned prior to the prohibition and that such ownership has continued uninterrupted since the prohibition, the City Clerk or his designate may deem the animal to be 'grandfathered' and enter such information pertaining to the animal and its owner into a registry of grandfathered animals.

b) Where any grandfathered animal is deemed to be dangerous and/or potentially jeopardizes the health or safety of any individual, the grandfathered status of that animal may be revoked by the City Clerk or designate.

c) The City may, at the discretion of the City clerk or his designate impose special conditions on the keeping of any grandfathered animal (e.g. housing).

4.14.14.0.0 NUMBER OF DOMESTIC CATS

4.14.14.1.0 For the purpose of this section:

4.14.14.1.1 DOMESTIC CAT - shall mean a feline which would customarily share human habitat and which would normally be considered dependent on humans for food and shelter. Shall not include a feline considered to be wild or indigenous to a species which would normally be considered to be wild.

4.14.14.2.0 No person shall have more than six (6) cats in any residential dwelling unit within the City.

4.14.14.3.0 Section 4.14.14.2.0 does not apply to:

4.14.14.3.1 a premises licensed under the provisions of municipal by-law and operated for the purpose of breeding or boarding such animals

4.14.14.3.2 an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinarian Association

4.14.14.3.3 a pet store licensed in accordance with the provisions of municipal by-laws

4.14.14.3.4 a shelter or pound of the Ontario Society for the Prevention of Cruelty to Animals

4.14.14.3.5 cats under the age of four (4) months.

CLASS OF LICENCE	NEW LICENCE FEE	RENEWAL LICENCE FEE	EXPIRY DATE	COMMENTS
Dog Licence Tag - Unspayed Female	\$35.00	\$30.00	December 31	<ul style="list-style-type: none"> • Proof of Rabies vaccination required annually
Dog Licence Tag - Unneutered Male	\$35.00	\$30.00	December 31	<ul style="list-style-type: none"> • Proof of Rabies vaccination required annually
Dog Licence Tag - Spayed Female	\$25.00	\$20.00	December 31	<ul style="list-style-type: none"> • Proof of Rabies vaccination required annually • Proof of Spaying required
Dog Licence Tag - Neutered Male	\$25.00	\$20.00	December 31	<ul style="list-style-type: none"> • Proof of Rabies vaccination required annually • Proof of Neutering required
Replacement Dog Licence Tag			December 31	<ul style="list-style-type: none"> • \$5.00
IMPOUNDING FEES	FIRST OCCURRENCE	EACH SUBSEQUENT OCCURRENCE	MAINTENANCE FEE PER DAY	COMMENTS
for each dog seized and impounded	\$50.00	\$50.00 + \$10.00 for each subsequent occurrence	\$10.00	<ul style="list-style-type: none"> • all licence fees, animal control service fees, impound fees, maintenance fees and any other applicable fee to be paid prior to the release of any impounded dog
ANIMAL CONTROL SERVICE FEES: In accordance with Section 4.14.10.0.0 as determined from time to time by the City Clerk				

4.15.0.0.0

LAWN WATERING RESTRICTIONS

Authority: Public Utilities Act, R.S.O. 1990, c. P52

4.15.1.0.0

DEFINITIONS:

4.15.1.1.0

CONSUMER: shall mean the person who is using water to water lawns

4.15.1.2.0

WATER LAWNS: shall mean the watering of any sod or grass by any means, be it mechanical or manual.

4.15.1.3.0

OWNER: shall mean the registered owner of specific lands or property, or his authorized agent in lawful control of the lands or property.

4.15.1.4.0

PREMISE: shall mean a specific property, private or public under registered ownership, and includes all buildings and structures.

4.15.2.0.0

LAWN WATERING LIMITATIONS:

4.15.2.1.0

No person being a consumer or owner of a premise, with an even numbered municipal street address, within the City of Barrie, shall water lawns on odd numbered calendar days.

4.15.2.2.0

No person being a consumer or owner of a premise, with an odd numbered municipal street address, within the City of Barrie, shall water lawns on even numbered calendar days.

4.15.2.3.0

Notwithstanding Sections 4.15.2.1.0 and 4.15.2.2.0 no person being a consumer or owner of a premise within the City of Barrie, shall water lawns between the hours of 8:00 a.m. and 6:00 p.m. of any day.

4.15.3.0.0

EXEMPTIONS:

4.15.3.1.0

Any person may water their lawn from a water source other than the municipal water supply system at any time.

4.15.3.2.0

Any person may water newly laid sod may at any time for a period not to exceed fourteen (14) days from the date the sod was installed."

4.16.0.0.0.

Skateboards, Scooters and Similar Conveyances (repealed under By-law 2004-142)