



By-Law 2010-036

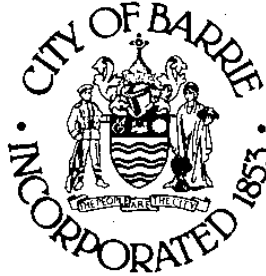
This by-law is printed under and by authority of the Council of the City of Barrie, Ontario, Canada.

A By-law of The Corporation of the City of Barrie to regulate and govern matters including but not limited to use of firearms, display of fireworks, lawn watering, and the use of snow vehicles within City and to repeal By-law 88-260, Part 4, Section 4.0.0.0.0 to 4.7.9.0.0 and Section 4.13.0.0.0 to 4.13.4.0.0, as amended.

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BY-LAW NUMBER 2010-036

A By-law of The Corporation of the City of Barrie to regulate and govern matters including but not limited to use of firearms, display of fireworks, lawn watering, and the use of snow vehicles within City and to repeal By-law 88-260, Part 4, Section 4.0.0.0.0 to 4.7.9.0.0 and Section 4.13.0.0.0 to 4.13.4.0.0, as amended.

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

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

AND WHEREAS Section 11 of the Municipal Act, 2001 provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS by resolution 09-G-466, the Council of The Corporation of the City of Barrie deems it expedient to enact a by-law to regulate and govern matters including but not limited to the use of firearms, display of fireworks, lawn watering, and the use of snow vehicles within the City and to repeal By-law 88-260, as amended, Part 4, Sections 4.0.0.0.0 to 4.7.9.0.0 and Section 4.13.0.0.0 to 4.13.4.0.0, as amended.

NOW THEREFORE, the Council of The Corporation of the City of Barrie enacts as follows:

1.0.0.0 **DEFINITIONS**

For the purpose of this by-law:

- 1.1.0.0.0 **ANIMAL** - means any non-human vertebrate or invertebrate, and includes but is not limited to reptiles, arachnids, domestic animal including but not limited to canines and felines, domestic fowl, an animal raised for commercial purposes, an animal kept as a working animal or for hobby purposes such as breeding, showing or sporting, a household pet, an exotic animal, livestock, pigeons, wild animals and birds, but excludes ducks, geese, swans or other animals that naturally inhabit a park, environmentally protected land or open space.
- 1.2.0.0.0 **CITY** - means The Corporation of the City of Barrie.
- 1.3.0.0.0 **CLERK** – means the City Clerk or Deputy City Clerk of the Corporation of the City of Barrie as appointed from time to time.
- 1.4.0.0.0 **FIREARM** - means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and for the purpose of this by-law shall also include an air gun, pellet gun, BB gun, paint ball marker, cross bow, long bow, traditional bow and compound bow or anything that can be adapted for use as a firearm.
- 1.5.0.0.0 **FIREWORKS/PYROTECHNICS** – means for the purpose of this by-law any Class Division 2 explosive with the exception of Christmas Crackers, caps utilized for purpose of toy guns, hand held sparklers not exceeding 6" in length and pyrotechnic distress signals or life saving devices.
- 1.6.0.0.0 **FIREWORKS/PYROTECHNIC DISPLAYS** - means a show or display in which a person ignites or sets off fireworks or pyrotechnics defined as Class 7.2.2 and/or Class 7.2.5 pyrotechnics under the Explosives Act.
- 1.7.0.0.0 **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.

- 1.8.0.0.0 **LIVESTOCK VALUER** – means an individual (s) appointed by by-law of the City for the purpose of assessing a value to livestock and for the purpose of this by-law shall include a Municipal Law Enforcement Officer.
- 1.9.0.0.0 **MUNICIPAL LAW ENFORCEMENT OFFICER** - means a person appointed under the authority of the Police Services Act for the purpose of enforcing City by-laws.
- 1.10.0.0.0 **MOTOR VEHICLE** - means any vehicle drawn, propelled or driven by any kind of power which includes but is not limited to a motor vehicle, trailer, traction engine, farm tractor, all-terrain vehicle or motorized snow vehicle but does not include a muscular powered bicycle, wheelchair or motor assisted scooter.
- 1.11.0.0.0 **MOTORIZED SNOW VEHICLE** – means a self-propelled vehicle designed to be driven primarily on snow.
- 1.12.0.0.0 **NUISANCE** - means any activity or action which disturbs or is likely to disturb any individual.
- 1.13.0.0.0 **OFFICER** - means a Municipal Law Enforcement Officer or other law enforcement officer as appointed by the Council of The Corporation of the City of Barrie, the Barrie Board of Police Commissioners, or a Provincial Offences Officer.
- 1.14.0.0.0 **PERSON** - means and includes any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organizations and shall include the plural wherein the context requires. Wherever the word he or him is used, it shall mean and include the feminine or neuter gender wherever the context so requires.
- 1.15.0.0.0 **PUBLIC PARK** - means all lands owned or operated by or belonging to the City or other public body such as school boards, Allandale Community Development Corporation or conservation authority which may be designated as Open Space or Environmental Protection Area and used by the public for active or passive recreational use including sporting activities and games, or as gathering places such as urban squares, or which may be left in their natural state for environmental reasons.
- 1.16.0.0.0 **SHALL** – is mandatory and not directory; words in the singular include the plural; words in the plural include the singular; words in the present tense include future or past tense.
- 2.0.0.0.0 FIREARMS**
- 2.1.0.0.0 No person shall discharge any firearm or any class or type thereof as defined under this by-law within the City with the exception of the following:
- 2.1.1.0.0 a peace officer discharging a firearm in the course of carrying out his duties as a peace officer;
- 2.1.2.0.0 a Municipal Law Enforcement Officer of the City in the course of carrying out his duties of destroying an animal;
- 2.1.3.0.0 a shooting competition or display, provided Council has, by resolution, given its consent to the holding of such competition or display;
- 2.1.4.0.0 activities carried on at the premises commonly known as the “Armouries” utilized by the Department of National Defense and located at 37 Parkside Drive, Barrie, Ontario.
- 2.2.5.0.0 Notwithstanding the provisions set out in Sections 2.1.0.0.0 to 2.1.4.0.0, no person shall discharge any firearm, either for gain or in such a manner or in such places as to disturb other persons.

3.0.0.0 FIREWORKS / PYROTECHNICS (Consumer class)

3.1.0.0 DEFINITIONS:

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

3.1.1.0.0 **FIREWORKS** – means any Class 7 Division 2 explosive within the Explosives Act Regulations generally comprised of low hazard fireworks such as but not limited to fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers not exceeding 6” in length, but shall not include Christmas Crackers, caps for toy guns and pyrotechnic distress signals or lifesaving devices.

3.1.2.0.0 **CONSUMER FIREWORKS** – means all fireworks known as Class 7.2.1 fireworks as defined under the Explosives Act and subsequent regulations.

3.1.3.0.0 **PYROTECHNICS** – means all fireworks known as Class 7.2.5 fireworks as defined under the Explosives Act and subsequent regulations.

3.1.4.0.0 **FREE ZONE AREA** - means an area of clear distance between the point of launch and an occupied area.

3.2.0.0 SELL or SALE of FIREWORKS

3.2.1.0.0 No person shall sell any fireworks within the City unless licensed to do so under the appropriate by-law or legislation.

3.3.0.0 SETTING OFF

3.3.1.0.0 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, and 5 calendar days prior to New Years Day, and 5 days prior to the day of Chinese New Year unless authorized to do so.

3.3.2.0.0 Subject to Section 3.3.1.0.0 a person 18 years of age or over may discharge and/or hold a display of Consumer fireworks 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 or pyrotechnics.

3.3.3.0.0 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.

3.3.4.0.0 No person shall set off any firework(s) in or on or into any highway or public park as defined by this by-law or on or into any other private property for which permission has not been granted.

3.3.5.0.0 No person shall ignite fireworks within 300 metres of a hospital, nursing home, health lodge, home for the aged, school or church unless the consent of the City and the owner or his agent is obtained.

3.3.6.0.0 No person shall set off fireworks when the surface wind speed at the time of the display exceeds 40 km/h (kilometers per hour).

3.3.7.0.0 No fireworks not including pyrotechnics shall be ignited inside of or closer than 8 metres to any building, tent, trailer, camp or shelter or motor vehicle.

3.3.8.0.0 No fireworks, not including pyrotechnics shall be ignited within 300 metres of any place where explosives, gasoline or other highly flammable substances are manufactured, stored or displayed in large quantities.

3.4.0.0 STORAGE

3.4.1.0.0 No person shall store more than 1000 kg (kilograms) gross weight of fireworks unless within a licensed factory or magazine as defined under the Explosive Act, R.S.O 1985 and any amendments thereto.

3.4.2.0.0 No person shall store fireworks unless the storage is in a building that is detached from a dwelling and provided the building or the portion used for the storage of the fireworks is closed to public access and used exclusively for fireworks or pyrotechnic storage. The storage facility shall display warning signs marked "FIREWORKS/PYROTECHNICS" and "NO SMOKING".

4.0.0.0.0 LAWN WATERING

4.1.0.0.0 DEFINITIONS:

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

4.1.1.0.0 **CONSUMER** - shall mean the person who is using water to water lawns.

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

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

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

4.2.0.0.0 LAWN WATERING LIMITATIONS

4.2.1.0.0 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.

4.2.2.0.0 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.

4.2.3.0.0 Notwithstanding Sections 4.2.1.0.0 and 4.2.2.0.0 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.

4.3.0.0.0 LAWN WATERING EXEMPTIONS

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

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

4.4.0.0.0 TEMPORARY OUTDOOR WATER USE BAN

4.4.1.0.0 The following water restriction levels will apply to outdoor water use:

4.4.1.1.0 Level Zero – Lawn watering restrictions be implemented to even and odd numbered calendar days for even and odd numbered municipal street addresses respectively, in accordance with 4.2.1.0.0, 4.2.2.0.0 and 4.2.3.0.0.

4.4.1.2.0 Level One – Voluntary Outdoor Water Restriction may be requested in certain circumstances deemed necessary at the discretion of the Operating Authority.

4.4.1.3.0 Level Two – Temporary Outdoor Water Restriction may be imposed in certain circumstances deemed necessary at the discretion of the Operating Authority.

4.4.2.0.0 While a Level One – Voluntary Outdoor Water Restriction is in effect the Level Zero restrictions shall remain in effect however the City strongly urges that outdoor water use be reduced wherever possible.

4.4.3.0.0 While a Level Two – Temporary Outdoor Water Restriction is in effect, the following restrictions shall apply:

4.4.4.0.0 No consumer, within the City of Barrie, shall use municipal water outdoors to water their lawn.

4.4.5.0.0 No consumer, within the City of Barrie, shall wash any vehicle on a property or any portion of a right-of-way or boulevard adjacent to the property.

4.4.6.0.0 No consumer, within the City of Barrie, shall use municipal water to fill any outside swimming pool, wading pool, outside hot tub, decorative fountain or garden pond.

- 4.4.7.0.0 No consumer, within the City of Barrie, shall use a sprinkler or splash pad for recreational use on a residentially zoned property.
- 4.4.8.0.0 No consumer, within the City of Barrie, shall wash down any outside areas such as driveways, parking lots, sidewalks or patios, unless failure to do so would lead to damage or unsafe conditions.
- 5.0.0.0 LIVESTOCK & POULTRY PROTECTION**
- 5.1.0.0.0 Where it is believed a dog, wolf or other wildlife has killed or injured livestock or poultry, 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 (LPHBA).
- 5.2.0.0.0 Where under the provisions of the LPHBA, 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 5.4.0.0.0 of this by-law.
- 5.3.0.0.0 Notwithstanding Section 5.4.0.0.0, the municipality shall not be responsible or liable for damages incurred under the following circumstances:
- 5.3.1.0.0 any livestock or poultry that was not killed or injured or injured by a dog;
- 5.3.2.0.0 the killing was caused by a dog owned or habitually kept on the premises of the owner of the livestock or poultry;
- 5.3.3.0.0 the owner did not take reasonable care to prevent the killing or injuring of his livestock or poultry by dogs;
- 5.3.4.0.0 livestock or poultry is killed or injured while running at large on any highway or unenclosed land; or,
- 5.3.5.0.0 in the case of poultry, the weight of the poultry killed or injured is less than 25 kilograms (55lbs.).
- 5.4.0.0.0 The following amounts are prescribed as maximum amounts for the purposes of this by-law and the provisions of the Livestock, Poultry and Honey Bee Act, R.S.O. 1990, C. L.24.
- 5.4.1.0.0 Head of Cattle \$1000
- 5.4.2.0.0 Furbearing Animal \$ 100
- 5.4.3.0.0 Goat \$ 200
- 5.4.4.0.0 Horse \$ 500
- 5.4.5.0.0 Poultry \$1000 (of one owner killed or injured in one year)
- 5.4.6.0.0 Rabbit \$ 20 (and for all rabbits of one owner killed or injured in any one year) \$1000
- 5.4.7.0.0 Head of Sheep \$ 200
- 5.4.8.0.0 Head of Swine \$ 200
- 5.5.0.0.0 RECOVERY OF DAMAGE**
- 5.5.1.0.0 The municipality may conduct an inquiry in order to ascertain the owner of the dog(s) in accordance with the provisions set out in the Livestock, Poultry and Honey Bee Act, R.S.O. 1990, C. L.24. Where the municipality has paid to the owner of the livestock or poultry the amount of the damage ascertained under Sections 5.4.1.0.0 to 5.4.8.0.0, and where the owner of such dog(s) has been ascertained, the municipality is entitled to recover the amount so paid from the owner of the dog that did the damage in any court of competent jurisdiction without proving that such dog was vicious or accustomed to worrying livestock or poultry.
- 5.5.2.0.0 All other provisions and conditions of the Livestock, Poultry and Honey Bee Act, R.S.O. 1990, C.L.24, shall apply.

- 5.5.3.0.0 The City shall appoint, from time to time, a livestock valuer for the purpose of livestock and poultry valuations.
- 6.0.0.0.0 SNOW VEHICLES**
- 6.1.0.0.0 **DEFINITIONS:**
- For the purpose of this section the following definition shall apply:
- 6.1.1.0.0 **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.
- 6.2.0.0.0 Motorized snow vehicles are prohibited on all sidewalks, in public parks, environmental protection areas and on other lands owned by the City unless otherwise permitted by the City.
- 6.3.0.0.0 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 or as otherwise authorized by the City.
- 6.4.0.0.0 No person shall drive a motorized snow vehicle in the City of Barrie at a greater rate of speed than 30 kilometres per hour.
- 6.5.0.0.0 Notwithstanding Section 6.2.0.0.0, Motorized snow vehicles continue to be prohibited in all public parks within the City except:
- 6.5.1.0.0 in the event of an emergency involving personal injury, motorized snow vehicles shall be permitted in public parks; or,
- 6.5.2.0.0 as otherwise authorized by the City.
- 7.0.0.0.0 EXEMPTIONS**
- 7.1.0.0.0 The Clerk may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.
- 8.0.0.0.0 ENFORCEMENT**
- 8.1.0.0.0 A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.
- 8.2.0.0.0 No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.
- 9.0.0.0.0 SEVERABILITY**
- 9.1.0.0.0 Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.
- 10.0.0.0.0 PENALTIES**
- 10.1.0.0.0 Every person who contravenes any provision of this by-law is guilty of an offence and liable on conviction to a penalty not exceeding \$5,000, exclusive of costs and the provisions of the Provincial Offences Act, R.S.O 1990, c P.33, as amended, shall apply to said fine.
- 10.2.0.0.0 Every person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation, who knowingly concurs in the contravention by the Corporation, is guilty of an offence under the provisions of the Municipal Act, S.O. 2001, c.25, s. 433(1.);

- 10.3.0.0.0 Every person who contravenes the provisions of any section of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contraventions by the Corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act 2001, s. 429 (1) (3) as amended.
- 10.4.0.0.0 For the purpose of continuous offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act 2001, s. 429 (1) (3) as amended. Despite paragraph 1, the total of all daily fines for the offence is not limited to \$100,000.
- 10.5.0.0.0 For the purpose of multiple offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act 2001, s. 429 (1) (3) as amended. Despite paragraph 1, the total of all daily fines for the offence is not limited to \$100,000.
- 11.0.0.0.0 REPEAL**
- 11.1.0.0.0 That By-law 88-260, Part 4, Section 4.0.0.0.0 to 4.7.9.0.0 and Section 4.13.0.0.0 to 4.13.4.0.0, as amended be repealed.
- 12.0.0.0.0 FORCE AND EFFECT**
- 12.1.0.0.0 **THAT** this By-law shall come into force and take effect immediately upon passing.

READ a first and second time this 22nd day of February, 2010.

READ a third time and finally passed this 22nd day of February, 2010.

THE CORPORATION OF THE CITY OF BARRIE

"ORIGINAL SIGNED"

MAYOR - DAVE ASPDEN

"ORIGINAL SIGNED"

CITY CLERK - DAWN A. MCALPINE

AMENDMENTS TO BY-LAW 2010-036

By-law 2010-073

Section 4.4.0.0.0

April 26, 2010

CONSOLIDATION