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BY-LAW 2025-110 – NUISANCE BY-LAW

A By-law of The Corporation of the City of Barrie to regulate and govern the use of and activities permitted upon City property, environmentally protected land, and open space and to repeal Use of City Property (Nuisance) By-law 2004-142.

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Bill No. 110

BY-LAW NUMBER 2025-110

A By-law of The Corporation of the City of Barrie to regulate and govern the use of and activities permitted upon City property, environmentally protected land, and open space and to repeal Use of City Property (Nuisance) By-law 2004-142.

WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 8, shall be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and, enhance their ability to respond to municipal issues;

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 9, and 11 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 10 (2), provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein including the health, safety and wellbeing of persons;

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

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

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

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 425 establishes that any person who contravenes any by-law of the municipality or of a police services board, as the case may be, passed under the Act, is guilty of an offence;

AND WHEREAS, the Trespass to Property Act, R.S.O. 1990, c. T.21, allows the City of Barrie as "occupier" to prohibit entry by notice to that effect;

AND WHEREAS, the Trespass to Property Act, R.S.O. 1990, c. T.21 provides a broad authority to the Municipality to post signs prohibiting activities within an area, as is deemed appropriate by the City;

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

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

AND WHEREAS by resolution 25-A-099 the Council of The Corporation of the City of Barrie deems it expedient to regulate certain activities within the community which are deemed to be or potentially may become public nuisances and further to regulate certain activities within the City of Barrie;

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

DEFINITIONS:

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

ACT OF SMOKING – means the inhaling or exhaling of a lighted tobacco or lighted cannabis product or any other lighted paraphernalia or product commonly used for or has the intended purpose of the act of smoking and shall include the holding of a tobacco or cannabis product or any paraphernalia or product whether or not the product is lighted. For the purpose of this definition, Vape or Vaping shall mean inhaling or exhaling the vapor produced by a lighted Electronic Cigarette or similar device regardless of the product or substance being vaped or vaporized and shall include the holding of an Electronic Cigarette or similar device whether or not such device is lighted.

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

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

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

CITY – shall mean The Corporation of the City of Barrie.

CITY PROPERTY – shall mean all vacant or other lands owned or managed by the City of Barrie and shall include but is not limited to a highway, roadway, sidewalk, pedestrian way, boulevard, or watercourse.

FOUL or FOULING – shall mean and includes spitting, urinating, defecating or other act of defacing property.

HIGHWAY – includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

MOBILITY DEVICE – shall mean a device that is primarily designed for use by people with a mobility limitation.

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

MUSCULARLY POWERED VEHICLE – shall mean and includes a vehicle propelled or driven by muscular power but does not include a non-motorized mobility device.

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

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

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

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

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.

TENT/TEMPORARY STRUCTURE - means a shelter, covering or structure supported by poles or other items to create distance above ground level allowing or designed for the entry of persons, storage of items or protection from the elements.

PROVISIONS:

- 2.0.0.0 No person shall throw, drop, place, or otherwise deposit garbage, paper, paper or plastic products, cans, rubbish, or other debris on any City property, unless authorized by the City.
- 3.0.0.0 No person shall throw, drop, place, or otherwise deposit garbage, paper, paper or plastic products, cans, rubbish, or other debris on any private property not owned by such person, unless authorized by the private property owner.
- 4.0.0.0 No person shall pick over, interfere with, disturb, remove or scatter any material placed out for City refuse collection, or placed in a garbage or other refuse receptacle placed by the City intended for the collection of garbage, paper, cans, rubbish, or similar items of refuse.
- 5.0.0.0 No person shall block access to municipal infrastructure (e.g. water, wastewater access, light poles, traffic lights) or fire hydrants
- 5.1.0.0 No person shall erect, set up, stand or otherwise place a tent, shade structure other temporary structure other similar item on any City property unless authorized by the City.
- 6.0.0.0 No person shall foul or permit the fouling of any City property.
- 7.0.0.0 No person shall sell, or offer for sale, any product or service from any City property, unless authorized by the City.
- 8.0.0.0 No person shall give away or otherwise provide at no charge, items, products, samples of items or products, or any other similar item to members of the public from any City property, unless authorized by the City. Notwithstanding the provisions of this section, any federally, provincially or municipally funded organization or any registered charitable organization or any individual that is giving away or otherwise providing food, water, clothing or medical attention, at no charge to members of the public shall not be deemed to be in contravention of this section.
- 9.0.0.0 No person shall busk on any City property within the Downtown Business Improvement Area, unless authorized by the City. Notwithstanding the provisions of this section, busking or other performances and entertainment performed in conjunction with the Farmer's Market, and on City property within the Downtown Business Improvement Area as part of community events authorized by the City shall not be deemed to be a contravention of this section.
- 10.0.0.0 No person shall block, interfere with or otherwise impede the passage of any pedestrian on any City property, or portion thereof, unless authorized by the City.
- 11.0.0.0 No person shall ride a bicycle, skateboard and other muscularly powered vehicle on or over any sidewalk or pedestrian way within the Downtown Business Improvement Area as defined by by-law from time to time, except as may be authorized by the City, unless such person is under 16 years of age and accompanied by a parent or adult custodian.
- 12.0.0.0 No person shall ride a bicycle, skateboard of other muscularly powered vehicles on or over the property of the Barrie Public Library, municipally known as 60 Worsley Street, Barrie unless such person is under 16 years of age and accompanied by a parent or adult custodian.
- 13.0.0.0 No person shall ride or otherwise operate any motorized vehicle on or over any sidewalk or pedestrian way within the City unless for the purpose of maintaining such sidewalk or pedestrian way and as authorized by the City or other Provincial legislation as may be applicable to such motorized vehicle. Notwithstanding the provisions of this section, the operation of a mobility device shall not be restricted when such device is operated for the purpose of aiding individuals with mobility limitations.
- 14.0.0.0 No person shall interfere with the passage of individuals into or from the main entrance of any City Facility or the Barrie Public Library branches.

- 15.0.0.0 No person shall smoke or vape at any Barrie Public Library Branch location whether or not a no smoking or vaping sign is posted.
- 16.0.0.0 No person shall engage in boisterous or aggressive behaviour including but not limited to yelling, screaming, fighting, wrestling or similar activity on the City Property or any Barrie Public Library Branches.
- 17.0.0.0 No person shall use profanity or language which is offensive or is likely to be offensive to another individual while attending any Barrie Public Library Branch location.
- 18.0.0.0 No person shall engage in any activity or action which is likely to be intimidating to, or otherwise interfere with, any individual on City property or Barrie Public Library branch locations.
- 19.0.0.0 No person shall deposit or cause to be deposited snow on any City property.

EXEMPTIONS:

- 20.0.0.0 The Clerk of The Corporation of the City of Barrie, may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

ENFORCEMENT:

- 21.0.0.0 The provisions of this by-law shall be enforced by a Municipal Law Enforcement Officer, Police Officer, Peace Officer, or other individual duly appointed for the purpose of enforcing this by-law.
- 22.0.0.0 No person shall obstruct, hinder, or otherwise interfere with an Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

PENALTY:

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

SEVERABILITY:

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

REPEAL:

- 25.0.0.0 Upon the passing of this by-law, the following by-law shall be deemed to be repealed:
- a) By-law 2004-142 (Use of City Property)

FORCE AND EFFECT:

- 26.0.0.0 This By-law shall come into force and effect on the final passing thereof.

READ a first and second time this 1st day of October, 2025.

READ a third time and finally passed this 1st day of October, 2025.

THE CORPORATION OF THE CITY OF BARRIE

‘ORIGINAL SIGNED”

MAYOR – ALEX NUTTALL

“ORIGINAL SIGNED”

CITY CLERK – WENDY COOKE