



The Corporation of Norfolk County

By-Law 2019-85

Being a By-Law to amend By-Law 2004-60 Being a By-Law To Regulate, Protect and Govern the Use of Public Parks.

Whereas, Section 5 (3) of the *Municipal Act, S.O. 2001, c.25* provides that municipal powers shall be exercised by by-law; and

Whereas, Section 8 of said Act provides municipalities with broad authority to legislate on matters outlined in Section 10; and

Whereas, Section 128 of the *Municipal Act* provides that a local municipality 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, Section 91.1 (1) of the *Provincial Offences Act, R.S.O. 1990, c. P.33* allows municipalities to make application for 'set fines' for Part I or II proceedings.

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

PART 1: AMENDMENTS

1. THAT By-Law 2004-60 be amended through the addition of Definition (l) and the renumbering of the balance of definitions:

"(l) "Officer" means a Municipal Law Enforcement Officer as appointed by the Council of the Corporation of Norfolk County or an OPP Officer, or a Provincial Offences Officer or other duly appointed individual."

2. THAT By-Law 2004-60 be amended through the deletion of Section 47 in its entirety and replacement therein of the following:

"Enforcement

47. a) An Officer shall enforce the provision of this By-Law.
b) No person shall obstruct, hinder, or otherwise interfere with a duly appointed Officer exercising any power, authority, or performing a duty as permitted under the provisions of this By-Law."

3. THAT By-Law 2004-60 be amended through the deletion of Section 48 in its entirety and replacement therein of the following:

“Penalties

48. a) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, c. P. 33*, as amended.
- b) Persons committing an offence as defined in this by-law may be prosecuted under the *Trespass to Property Act*.”

4. THAT By-Law 2004-60 be amended through the addition of “Schedule A” attached hereto respecting the establishment of ‘set fines’.

PART 2: ENACTMENT

5. The effective date of this By-Law shall be the date of passage thereof.

ENACTED AND PASSED this 22nd Day of August 2019.



Mayor



County Clerk

SET FINE

ITEM	SHORT FORM WORDING	PROVISION CREATING OF DEFINING OFFENCE	SET FINE
1.	Unlawful camping in park or designated parking area	Section 16.	\$100.00
2.	Feeding of waterfowl in public park where prohibition posted	Section 10.	\$100.00