THE CORPORATION OF THE MUNICIPALITY OF GREENSTONE

BY-LAW 26-08

A By-Law to Regulate the use of Municipal Property within the Municipality of Greenstone.

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

AND WHEREAS the *Municipal Act, 2001*, Section 8, provides that the powers of the municipality shall be interpreted broadly so as to confer broad authority on municipality to govern their affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS the *Municipal Act, 2001*, Section 127, provides that a local municipality may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;

AND WHEREAS the *Municipal Act, 2001*, Section 128, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the council, are or could become or cause public nuisances;

AND WHEREAS the *Municipal Act, 2001*, Section 10 (6), provides that a single-tier municipality may provide any service or thing that municipality considers necessary or desirable for the public and may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS the *Municipal Act, 2001*, 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;

NOW THEREFORE the Council of the Corporation of the Municipality of Greenstone **ENACTS AS FOLLOWS**:

Short Title

1. This By-Law may be referred to as "Use of Municipal Property By-Law".

Definitions

2. For the purpose of this By-Law, the following definitions shall apply:

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

Council – shall mean the Council for the Corporation of the Municipality of Greenstone.

Foul or Fouling - shall mean and includes causing damage to, or defacing Municipal Property.

Graffiti – shall mean a drawing, inscription, one or more letters, symbols or marks, howsoever made, on any structure or thing owned or belonging to

the Municipality of Greenstone or any other such item as authorized by Provincial or Federal legislation.

Highway – shall mean 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 boulevard and any area between the lateral property lines thereof.

Litter – shall mean trash, rubbish or waste products, including but not limited to, plastic or glass bottles, or food or beverage packaging.

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 motor assisted wheelchair.

Municipality - shall mean The Corporation of the Municipality of Greenstone.

Municipal Property – Includes but is not limited to vacant or other lands owned, under the jurisdiction of or managed by the Municipality, a highway, roadway, sidewalk, pedestrian way, boulevard, watercourse, and includes any buildings or structures thereon.

Muscularly Powered Vehicle - shall mean and includes a vehicle propelled or driven by muscular power, but does not include a wheelchair.

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. Whenever the word "he" or "him" is used, it shall mean and include the feminine or neuter gender whenever the context so requires.

Refuse or Debris – shall mean, but is not limited to, garbage, ashes, rubbish, yard waste, cans, paper, paper or plastic products, household furniture or appliances, construction material and refuse, other industrial waste, inoperative vehicles, motor vehicle parts and accessories or other similar items.

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.

Sidewalk – shall mean the area within a highway that has been improved and maintained by the Municipality, and is intended or used by the general public for the passage of persons.

Vehicle – means a vehicle as defined in the *Highway Traffic Act, R.S.O. 1990, Chapter H.8*, and includes a motorized snow vehicle.

General Provisions

3. No person shall dump throw, drop, place, or otherwise deposit refuse or debris, or any other similar items on any Municipal property unless authorized by the Municipality.

4. No person shall throw, deposit or place litter on Municipal property.

5. No person shall pick over, interfere with, disturb, remove or scatter any material placed in garbage or other refuse receptacle placed by the Municipality intended for the collection of garbage, paper, cans, rubbish, or similar items of refuse.

6. No person shall foul or permit the fouling of Municipal property.

7. No person shall place, keep, store or allow to remain, any type of object, structure or vehicle, on Municipal Property, unless authorized by the Municipality.

8. No person shall block, interfere with or otherwise impede the passage of any pedestrian on any Municipal sidewalk or other Municipal pedestrian-way, or portion thereof, unless authorized by the Municipality.

9. No person shall place or deposit, or allow to place or deposit, snow on a Roadway or municipal sidewalk within the Municipality.

10. No person shall ride a bicycle having a wheel or wheels more than 50 centimeters in diameter; ride a skateboard; or other muscularly powered vehicle on any sidewalk or pedestrian way except as may be authorized by the Municipality.

11. No person shall ride or otherwise operate any motorized vehicle on any sidewalk or pedestrian way within the Municipality unless for the purpose of maintaining such sidewalk or pedestrian way and as authorized by the Municipality or other Provincial legislation as may be applicable to such motorized vehicle.

12. No person shall, without authorization by the Municipality, use Municipal Property including any portion of a highway, for use other than as authorized by any legislation.

13. No person shall, without authorization from the Municipality, place, cause, or allow to be placed graffiti on any structure or property owned or belonging to the Municipality.

14. No person shall plant any form of vegetation, including but not limited to, plants trees, hedges or shrubs, on Municipal property unless authorized by the Municipality.

Authorization Process

15.

a. Any person wishing to obtain authorization from the Municipality to undertake an action not permitted in this By-Law, shall apply in writing to the Clerk, requesting such authorization.

b. Upon receiving the request referred to subsection (a) the Clerk shall consider the request and may grant such authorization and impose conditions for such authorization, as may be considered reasonable and necessary, provided such authorization does not interfere with the general integrity of this By-Law.

Enforcement

16. The provisions of this By-Law may be enforced by a Municipal Law Enforcement Officer or Police Officer.

Penalty

17. Every person who contravenes the provisions of this By-Law, 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.

Severability

18. 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.

Force and Effect

19. This By-Law shall come into force and effect on the date of passing.

PASSED AND ENACTED this 9th day of March 2026.

Kristina Miousse, Clerk

James McPherson, Mayor