

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA
LAKES BY-LAW NUMBER 2022-021

As amended by By-law 2023-078

As amended by By-law 2025-032

A By-Law To Regulate the Alteration, Encroachment Upon, Fouling,
Obstruction, Use and Care Of Public Lands

WHEREAS the Township of Muskoka Lakes wishes to regulate the alteration, encroachments, fouling, obstruction, use and care of public lands within the Township of Muskoka Lakes;

AND WHEREAS the Municipal Act, 2001 S.O. 2001, c.25, as amended, provides that a municipality may pass By-laws within the following spheres of jurisdiction: Highways, including parking and traffic on highways at Section 11 (3) 1: Culture, parks, recreation and heritage at Section 11 (3) 5 and Structures, including fences and signs at Section 11(3)7;

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

AND WHEREAS Section 9(1) of the Municipal Act, 2001 S.O. 2001, c.25, as amended, provides that Section 8 and Section 11 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and enhance their ability to respond to municipal issues;

AND WHEREAS Section 391 (c) of the Municipal Act, 2001 S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws imposing fees or charges on any class of persons for the use of its property including property under its control;

AND WHEREAS Section 446(1) of the Municipal Act, 2001 S.O. 2001, c.25, as amended, provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do under a By-law or otherwise but has failed to do:

AND WHEREAS Section 446(3) of the Municipal Act, 2001 S.O. 2001, c.25, as amended, provides that the costs incurred by a municipality in doing a thing or matter under Section 446(1) may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes:

NOW THEREFORE The Council of The Township of Muskoka Lakes hereby enacts as follows:

SHORT TITLE

This Bylaw may be referred to as the "Public Lands Alteration and Encroachment By- law".

PART 1 - INTERPRETATION

I. DEFINITIONS

In this By-law:

"alteration" means to means to change in any manner and includes to restore, renovate, repair or disturb:

"Appeals Committee" means the Appeal Committee established pursuant to By-law 2025-007, as may be amended, established for the purposes of considering and deciding upon appeals;

"boulevard" means all parts of a highway save and except the roadway, shoulder or sidewalk;

"By-law Enforcement Officer" means a member of any police service with jurisdiction in the Township, or any person appointed by the Council for the Township of Muskoka Lakes for the enforcement of municipal by-laws, including this By-law;

"damage" includes without limitation, harm, injury, disturbance, cracking, cutting, gouging or displacement of or to the pavement, curb, sidewalk, open or contained culvert, boulevard, landscaping, light poles, retaining walls, street signs, street furniture or other objects within the highway.

"Director" means the Director of Public Works and includes his or her authorized representative or representatives:

"encroachment" means any type of vegetation, man-made object or item of personal property of a Person which exists wholly on public lands or which extends onto public lands from adjacent privately owned lands;

"expenses", means all expenses incurred by the Municipality with regard to removing or otherwise rectifying an encroachment, storing any seized thing and shall include, without limitation, all charges, costs, administrative fees, taxes, legal fees, Goods and Services Tax, and any incurred interest on such outstanding expenses;

"highway" means a common and public highway, street, avenue, parkway, laneway, driveway, square, place, and includes any bridge, trestle, viaduct or other structure forming part of the highway, including the area between the lateral property lines thereof and includes unopened and unassumed road allowances;

"material" includes gravel, soil, sod, bricks, paving stones, landscaping rocks, wooden planks or boards, and other similar items.

"Order" means a mandatory requirement for action within a specified time period specifically issued by an Officer or other authorized personnel to address issues of non-compliance with any section of this by-law which includes a Stop Work Order or an Order to Remedy;

"owner" includes the person holding registered title to land and the person for the time being managing or receiving the rent or paying the municipal taxes on the land in question, whether on his, her or its own account or as agent or trustee of any other person or who would so receive the rent if such were let, and shall also include a lessee or occupant of the land. Where the person holding registered title to land is a condominium corporation, the owner is the corporation and not its members;

"obstruct" includes encumber or impede public part thereof, and without limiting the generality of the foregoing includes:

- a) the allowance of a crane boom or any portion of a stationary tower crane to travel over, hoist, or otherwise occupy the space above public part thereof; or,
- b) the temporary parking or storage of equipment, vehicles, containers, or any material on public part thereof;

"person" includes any individual, firm, partnership, association, corporation, company or organization of any kind;

"private entrance" means an improved surface within a highway used or intended for use for vehicular access to and from private property adjacent to the highway;

"public land, lands" means lands owned by or leased or licensed to or under the management of the Township, municipal easements, and shall include but not be limited to any road, lane, highway, road allowance, right of way, park, woodland, storm water management facility, wharf, dock, open space, municipal cemetery and lands in which the Township holds any real property interest, and all parts thereof, including any surface, grassed area, boulevard, ditch, curb, gutter, and sidewalk.

"roadway" means that part of a highway that is improved, designed or intended for vehicular traffic, but does not include the shoulder;

"shoulder" means that part of a highway immediately adjacent to the roadway and having a surface which has been improved for the use of vehicles with asphalt, concrete or gravel;

"sidewalk" means all parts of a highway set aside by the Township for the use of pedestrians or used by the general public for the passage of pedestrians;

"Township" means the municipal corporation of the Township of Muskoka Lakes or the geographic area within the limits of the Township of Muskoka Lakes, as the context requires; and

"vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

2. INTERPRETATION

- (1) Whenever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (2) References to items in the plural include the singular, as applicable.
- (3) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that proceed them.
- (4) Headings are inserted for ease of reference only and are not to be used as interpretation aids.
- (5) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By-law was enacted, as they are amended from time to time.
- (6) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first business day after a Sunday or Statutory holiday if the expiration of the time period occurs on a Sunday or Statutory holiday.
- (7) The obligations imposed by this By-law are in addition to obligation otherwise imposed by law or by contract.

3. SEVERABILITY / CONFLICT

- (1) If any section, subsection, part or parts of this By-law is declared by any court of law to be illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- (2) Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other By-law of the Township.
- (3) Where a provision of this By-law conflicts with the provisions of another By-law in force in the Township, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

4. APPLICATION/ LIMITATION/ ADMINISTRATION

- (1) This By-law shall apply to all public lands that are under the jurisdiction and ownership of the Township and to all persons using those public lands.
- (2) Despite Subsection 4(1), nothing in this By-law shall prohibit any activity:
 - (a) which is expressly permitted under the authority of any other By-law in effect in the Township and conducted in accordance with that By-law; or
 - (b) undertaken by Township employees, contractors or agents in the course of an authorized Township activity; or
 - (c) authorized by agreement with the Township including the

maintenance of private roads on public lands, and conducted in accordance with the agreement; or

- (d) permitted under a form of License of Occupation, Road Closure Permit or Private Entrance Permit issued by the Township and undertaken or

conducted in accordance with the Road Occupancy Permit, Road Closure Permit or Private Entrance Permit as the case may be.

- (3) Nothing in this By-law prohibits an owner, at his or her own risk:

- {a) from planting and maintaining a grassed area upon public land that is not occupied by roadworks, which abuts their property and not intended for the passage of vehicles and persons; or

- (b) from maintaining and caring for the grassy portion of a boulevard contiguous to their property provided the activities on the boulevard do not in the opinion of the Director obstruct or pose a danger to the safety of persons using the boulevard or other parts of the highway or interfere with the activities or adversely affect the condition or operation of the equipment or facilities of the Township, its contractors, agents or utility companies.

- (4) This By-law shall be administered by the Director of Public Works who is delegated the authority to make decisions, set conditions, sign agreements on behalf of the Township and take such other steps as are assigned to the Director by this By-law.

PART 2 • FOULING

5. EARTH, DIRT, GRAVEL, BUILDING MATERIAL ETC.

- (1) No person shall throw, place or deposit on a public lands by any means whatsoever, any earth, dirt, gravel, stone, wood, building material, or other substance, material or object.

- (2) Subsection 5(1) shall not apply to a person placing sand or salt on the icy portions of roadway or a sidewalk.

- (3) Subsection 5(1) shall not apply to any wood, soil, construction material or other object, thing or material, deposited on public lands provided:

- (a) it is deposited for the purpose of having it immediately delivered to and abutting property: and

- (b) it is deposited in a location which does not obstruct the roadway or sidewalk; and

- (c) it is removed from the highway as soon as practicable after being delivered.

- (4) No owner of property shall fail to have any wood, soil, construction materials or other object, thing or material delivered or deposited on the highway abutting the owner's property pursuant to subsection 5(3) removed onto the owner's property any longer than 8 hours after the depositing onto the highway.

6. NO LITTER

- (1) No person shall throw, place or deposit on public lands or cause to be thrown, placed or deposited on public lands by any means whatsoever any: paper; containers, whether made of cardboard, paper or plastic; rubbish; refuse; or garbage.

- (2) Subsection 6(1) shall not apply to a person depositing any rubbish, refuse, garbage, paper or containers in a waste receptacle which was provided for this purpose on a sidewalk or boulevard by or with the authorization of the Director.

7. FOULING-ANIMAL, VEHICLE, ETC.

No person shall damage, pollute or foul public lands by a vehicle, by an animal or by any other means.

8. ICE OR SNOW- GENERAL

No person shall throw, push, plow, dump or otherwise deposit any snow or ice on any public lands or part thereof, by any means whatsoever, regardless of whether the snow or ice has been removed from an adjoining property, a private entrance, or sidewalk.

- (1) Despite Subsections 8(1), if so authorized in writing by the Director of Public Works, a person may deposit snow or ice in such location and in such manner on a sidewalk, boulevard or shoulder as may be authorized or directed by the Director.
- (2) No person shall move snow within the highway such that the snow:
 - (a) encroaches on the cleared portion of the roadway or the sidewalk;
 - (b) interferes with sight lines of vehicles entering the roadway from a private driveway or at an intersection;
 - (c) interferes with the safe movement of vehicular and pedestrian traffic on the highway;
 - (d) obstructs a fire hydrant; or
 - (e) is moved from one side of the cleared portion of the highway to the other side of the highway.

PART 3 - ALTERATIONS/ OBSTRUCTIONS/ ENCROACHMENTS / PROJECTIONS

9. ACTIVITY - INTERFERES WITH TRAVEL /USE/ SAFETY

- (1) No person shall engage in or conduct an activity which:
 - (a) alters, obstructs or interferes with public travel on a roadway;
 - (b) alters, obstructs or interferes with the use of a sidewalk by pedestrians;
 - (c) alters, obstructs or interferes with the use of public lands or any part thereof for its intended purpose; or
 - (d) poses a danger to the safety of a person or persons using the highway or lands or any part thereof.
- (2) No person shall place or erect any object, thing or structure on public lands or any part thereof which:
 - (a) obstructs or interferes with public travel on a roadway;
 - (b) obstructs or interferes with the use of the public lands or any part thereof for its intended purpose; or
 - (c) poses a danger to the safety of persons using the public lands or any part thereof.

10. ENCROACHMENT/ PROTECTIONS ETC.

- (1) Subject to 10(3), no owner of land abutting public lands shall place, erect or construct of any fence, wall, retaining wall, light fixture, awning, name post, sign, reflector, door, gate, steps, landscaping feature, shed or other such structure or thing in a location which:
 - (a) is in whole or in part on public lands or any part thereof;
 - (b) encroaches onto or over public lands or any part thereof;
 - (c) projects over public lands or any part thereof; or
 - (d) swings or opens over a sidewalk or roadway or part thereof.
- (2) The owner of land abutting a highway may place a mail box and a garbage bin within the road allowance. Mail boxes shall be placed in accordance with the requirements of Canada Post. Garbage bins shall be placed as far as practical away from and in no case any closer than 1.5 m from the back of the shoulder of the road. Owners of mailboxes and garbage bins accept all risks associated with their placement in the road allowance. The Township will not be responsible for damages howsoever caused
- (3) The owner of land abutting public lands may apply to the Township for

approval of an existing or future encroachment of the type described in Subsection 10(1), by application in writing, which is signed by the applicant and supported by such information and supporting documents as the Township may require to investigate the request and make a determination.

- (4) Upon receipt of a fully complete application, where the Township in their discretion determines that the encroachment otherwise prohibited under Subsection 10(1) may occur safely and does not unduly interfere with the use of the highway or part affected, the Director of Public Works is delegated the authority to approve the encroachment on terms and conditions established by the Director and may execute on behalf of the Township, an agreement with the applicant, setting out the extent of variance from this By-law and the terms on which the variance from Subsection 10(1) of this By-law is authorized by the agreement.
- (5) While the agreement entered into pursuant to Subsection 10(3) is in effect and the applicant is in compliance with the terms of the agreement, the applicant shall not be subject to prosecution for non-compliance with this By-law to the extent of the variance authorized in the agreement.
- (6) Whether or not set out in the written agreement, all such agreements shall be subject to each of the following conditions:
 - (a) that the encroachment not exceed that described in the agreement;
 - (b) the applicant shall remove the structure or other encroachment at his or her own cost, upon written request of the Director;
 - (c) that if the applicant fails to remove the structure or other encroachment in accordance with the direction of the Director, the Township's authorized employees, contractors or agents may remove same, all at the cost of the applicant and without liability to the Township, its employees, agents or contractors;
 - (d) that the applicant use public lands or part thereof at their own risk;
 - (e) that the owner is liable to any person who consequently suffers injury or loss and shall indemnify the Township from all such claims and actions;
 - (f) that the agreement may be terminated by the Director on 30 days notice; and
 - (g) such other terms and conditions as the Director may deem prudent in the circumstances.
- (7) No owner of land abutting a highway who has written consent of the Director, or entered into an agreement pursuant to Section 10 shall:
 - (a) fail to comply with the written consent or agreement; or
 - (b) fail to produce the written consent or agreement upon request of the By-law Enforcement Officer.

PART 4-CARE OF PUBLIC LANDS

11 GRASS/PLANTS

No person shall damage, destroy, dig up or remove any grass, turf, sod, earth, plant, shrub, tree or rock from any part of public lands or from any planter located on or above public lands.

12. POLES, HIGHWAY SIGNS, LIGHTS, ETC

- (1) No person shall damage, pull down, destroy, remove, deface or in any way interfere with:
 - (a) any sign affixed or placed on public lands under the authority of a Township By-law or provincial or federal legislation including without limitation, any highway name

sign, regulatory sign, information sign or traffic sign;

- (b) any traffic control device affixed or placed on a highway, including without limitation, any traffic signal, traffic cone or barricade;
 - (c) any evidence of the limit of public lands any part thereof, including without limitation, any post, surveyor's peg or bench mark;
 - (d) any pole, light standard, hydrant or other object lawfully on public lands;
 - (e) any retaining wall, fence or other structure lawfully on public lands; or
 - (f) any authorized street furniture located on any part of public lands.
- (2) No owner of a property abutting a highway shall permit any flood light to directly or indirectly illuminate a highway without the written approval of the Director.
- (3) Every person who acts contrary to Subsection 12(1) or 12(2) shall, in addition to any other remedy or offence hereunder, be liable for any damage or injury occasioned by or resulting from that person's action.

13. SIDEWALKS - DAMAGE

- (1) No person shall walk or run upon, over or across a newly constructed sidewalk before it has been opened for use by the public.
- (2) No person shall alter damage, dig up, or destroy a sidewalk or part thereof.

14. BOULEVARDS, ETC

- (1) No person shall break damage, dig up, destroy or remove:
- a) the asphalt, concrete or other hard surface of a boulevard;
 - b) a fence or a railing erected and maintained for the protection of a boulevard; or
 - c) a curb.
- (2) Nothing contained in this By-law shall prevent the Director from altering, opening or otherwise using any boulevard for any civic purpose.

15. VEHICLES WITH CLEATS ETC

- (1) No person shall move a vehicle equipped with cleats, flanges, or tracks on its wheels or rollers, or any of them, on or along the roadway except:
- a) by means of a float, trailer or other similar device; or
 - b) directly across the highway and over a protective mat laid on the surface of the portion of the highway being crossed; or
 - c) where the vehicle is equipped with protective pads over the cleats, flanges or tracks and the protective pads are of a type designed to prevent damage to the surface of highway.
- (2) Despite Subsection 15(1) a person may apply to the Director of Public Works for consent to operate a vehicle contrary to Subsection 15(1) by submitting a written request in the form required by the Director and providing such information and supporting documents as the Director may require to investigate the request and make a determination.
- (3) The Director is delegated the authority to:
- a) refuse the application for consent, where in the opinion of the Director, the roadway cannot be adequately protected from damage; or
 - b) issue a written consent to permit an applicant to operate one or more specified vehicles equipped with cleats, flanges, or tracks on its wheels rollers, on a specified portion of a highway during a specified period of time, and on such conditions as are set out in the written consent of the Director.

- (4) No person who has written consent of the Director to move or cause a vehicle to be moved on a highway contrary to Subsection 15(1), shall fail to:
 - a) move the vehicle in accordance with the written consent; or
 - b) produce the written permission upon request of a By-law Enforcement Officer.
 - (5) A person who has written consent of the Director to operate a vehicle contrary to Subsection 15(1) is nevertheless responsible for all damages of whatsoever nature that may be caused by reason of the driving, operating or moving of any such vehicle.
16. DEBRIS FROM TRUCKS
- (1) No person operating a vehicle to haul earth, sand, stone, snow, ice, rubbish or other substances on a highway shall:
 - (a) load the vehicle in a manner which permits the contents or any part thereof to fall, spill or be deposited on a highway; or
 - (b) fail to cover the load in a manner which prevents the escape of any part of the contents from the box of the vehicle onto a highway.
 - (2) No person operating a vehicle shall bring the vehicle upon a highway unless the person has removed, as completely as reasonably practicable in the circumstances, all mud, clay, lime, oil, sand, gravel, fertilizer, manure or other such material from the wheels of the vehicle.
 - (3) No person operating a vehicle, shall fail to forthwith remove from the highway, any contents which may fall from the vehicle or any mud, clay, lime, oil, sand, gravel, fertilizer, manure or other material which falls from the wheels of the vehicle, which may cause or result in:
 - (a) an obstruction, dangerous condition or nuisance on the highway; or
 - (b) damage to the surface of the highway.
 - (4) Subsection 16(3) shall not relieve the person from any obligation to secure any necessary Road Occupancy Permit or Road Closure Permit which may be required under the Township's By-law to Regulate Road Occupancy, Including Road Cuts, Temporary Closure and Sidewalk Cafes then in effect.
17. NO WATER, OIL ETC. TO DRAIN ON HIGHWAY
- (1) No person shall cause, permit or authorize any liquid from a motor vehicle to escape upon, overflow or run across or upon public part thereof.
 - (2) No owner of property shall cause or permit oil, chemicals or other substances to drain or escape or overflow from the owner's property or from a vehicle on the owner's property onto or upon or across public lands or part thereof.

PART 5 - DRAIN

18. FOR THE PURPOSES OF THIS SECTION 18:

"alter" means any act that has the effect of changing the grade of the land including, but not limited to the placement or removal of fill, topsoil, gravel, crushed stone, pavement, interlock, fencing or a retaining wall;

"drain" means a culvert, open ditch, rain water leader, watercourse, sewer, swale or storm sewer within a highway, designed or intended to carry and/or accept rain, ground, surface or subsurface water or any of them, or parts thereof, and includes appurtenances such as manholes and catch basins;

"obstruct" means any act or inaction that has the effect of preventing or hindering the proper function of a drain including, but not limited to the placement, dumping or removal of fill or topsoil, or altering the grade of the land by any means including but not limited to, landscaping, pavement, interlock, fencing, or retaining wall; and

"obstruction" means any object which prevents or hinders proper functioning of a drain including, but not limited to the placement, dumping or removal of fill or topsoil, or altering the grade of the land by any means including, but not limited to, landscaping, pavement, interlock, fencing or retaining wall.

- (1) No owner of property shall alter the drainage patterns on the property so as to concentrate or increase the drainage of water from the owner's property into a drain within the limits of a highway, unless they have entered into an agreement with the Township to do so and in accordance with an approved drainage easement or approved drainage plan.
- (2) No owner of property shall, or shall permit or authorize any person to alter, fill, block, interfere with, obstruct a drain within the limits of a highway, or to the lot grade such that the flow of storm rain, ground, surface or subsurface water is increased, impaired or deviates from the existing drainage pattern or approved grading and drainage pattern.
- (3) No person shall place or cause to be placed, a plank or other material or object in or over any ditch for the purposes of making a crossing except for a period of not more than 24 hours.
- (4) No person shall fill in, cover in or cover over any drain or cause any drain to be filled in, covered in or covered over except in accordance with written authorization of the Director of Public Works.

PART 6 - ORDERS AND REMEDIAL ACTION

19. ORDER TO DISCONTINUE ACTIVITY/ WORK ORDER/ REMEDIATION

- (1) If the Director is satisfied that a contravention of this By-law has occurred, the Director may make an order requiring the person who contravened this By-law or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity. The order shall set out reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred and the date by which there must be compliance with the order.
- (2) If the Director is satisfied that a contravention of this By-law has occurred, the Director may make an order requiring the person to do work to correct the contravention. The order shall set out reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred, the date by which the work must be done and provide that where the requirements of the Order have not been complied with, the Township may cause the work to be done at the person's expense.
- (3) Pursuant to subsection 445(3) of the Municipal Act, 2001, as amended, an order pursuant to subsection 19(2) may require the work to be done even though the facts which constitute the contravention of the by-law were present before this By-law making them a contravention came into force.
- (4) Where an Order has been sent requiring a person to do a matter or thing and where the requirements of the notice have not been complied with, the Director may cause the work to be done at the expense of the person so directed.
- (5) The Township may enter upon the land of an owner in default at any reasonable time for the purposes of Subsection 19(4).
- (6) The Township may recover all costs of doing a matter or thing from the person directed or required to do it by adding to the tax roll for the property and collecting the costs in the same manner as property taxes.
- (7) The costs include interest calculated at a rate of 15% calculated for the period commencing on the day the Township incurs the costs and ending on the day the costs, including the interest are paid in full.

- (8) Every person who is served with an order under this By-law shall comply with the requirements of the order within the time period specified in the order.
- (9) An Order made under Subsection 19(1) or 19(2) may be delivered in person or in the case of an owner, mailed to the person at the address shown for the owner in the assessment tax roll for the property.
- (10) If a Person is not satisfied with the terms of an Order they may request an appeal to be heard by the Township Appeals Committee by submitting an appeal form within 30 calendar days of receiving the Order upon paying the prescribed fee as set out in the Township of Muskoka Lakes Fees and Charges By-law.
- (11) Matters subject to an appeal, as outlined in this by-law, shall be heard in compliance with the rules and regulations as set out for them, by the Township Appeals Committee.

PART 7 - ENFORCEMENT

20. ENFORCEMENT - NO OBSTRUCTION

- (1) This By-law may be enforced by any By-law Enforcement Officer.
- (2) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.

21. OFFENCE

- (1) Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.
- (2) For the purposes of Subsection 21(1), each day on which a person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence under this By-law.
- (3) The levying and payment of any fine as provided for under the Provincial Offences Act shall not relieve a person from the necessity of paying any costs or charges for which such person is liable under this By-law.
- (4) The making of a false or intentionally misleading statement or representation in any agreement or request for permission provided for by this By-law shall be deemed to be a violation of the provisions of this By-law.
- (5) An offence and subsequent conviction under this By-law pursuant to the Provincial Offences Act, R.S.O. 1990, c. P. 33 or the Municipal Act, 2001, shall not be deemed in any way to preclude the Township from issuing a separate legal proceeding to recover charges, costs and expenses incurred by the Township and which may be recovered in a Court of competent jurisdiction.

- (6) Every person who contravenes any section of this By-law shall, upon issuance of a penalty notice in accordance with the Township's Administrative Monetary Penalty System By-law, be liable to pay the Township an Administrative Monetary Penalty.

22. PROHIBITION ORDER

When a person has been convicted of an offence under this By-law, the Ontario Court (Provincial Division), or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation of the offence or doing of any act or thing by the person convicted directed towards the continuation of the offence.

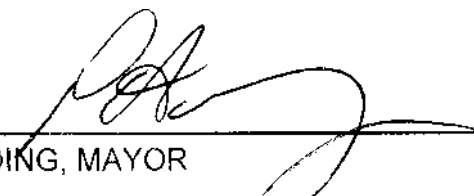
23. CONFIDENTIAL INFORMATION

- (1) All information submitted to and collected by the Township, will, except as otherwise provided in this Section, be available for disclosure to the public in accordance with *the Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 (MFIPPA).
- (2) In the event that any person in submitting information to the Township or to the Director in any form, as required under this By-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the MFIPPA, the person submitting the information shall so identify that information upon its submission to the Township or the Director and shall provide sufficient details as to the reason for its purported exemption from disclosure.

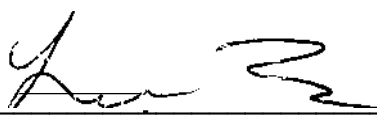
EFFECTIVE DATE

This by-law shall come into force and take effect on the date of passage thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16th DAY OF FEBRUARY, 2022



PHIL HARDING, MAYOR



LAUREN TARASUK, TOWNSHIP CLERK