

THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW NUMBER 19-040

Being a By-law to protect, prohibit, regulate and control Cawaja Beach in the Township of Tiny and to repeal By-law 17-061

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 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 this or any other Act;

AND WHEREAS Section 11 (2) and (3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may pass by-laws, within the spheres of jurisdiction;

AND WHEREAS The Township of Tiny and the Cawaja Propertyowners Association entered into a Co-ownership Agreement;

AND WHEREAS Council deems it appropriate to enact a by-law to prohibit and regulate activities at Cawaja Beach and to protect these lands on behalf of the public interest;

NOW THEREFORE the Council for The Corporation of the Township of Tiny hereby ENACTS AS FOLLOWS:

TITLE

This By-law shall be known and may be cited as the "Cawaja Beach By-law".

1. DEFINITIONS

- 1.1 "Approval" means with the written consent of the Cawaja Propertyowners Association/Township of Tiny.
- 1.2 "Association" means the Cawaja Propertyowners Association (CPOA).
- 1.3 "Authorized" means with the written consent of the CPOA and the Township or by deeded property right.
- 1.4 "Authorized sign" means any sign, notice, or other device placed or erected in or upon the property by the Township and the Association.
- 1.5 "Council" means the Council of the Township.
- 1.6 "Officer" means a Municipal Law Enforcement Officer, a Police Officer or other person appointed by by-law to enforce the provisions of this by-law.
- 1.7 "Person" means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply, according to law.
- 1.8 "Property" for the purpose of this by-law means all land identified in Schedule "A" – Legal Description forming part of this by-law.

- 1.9 "Recreational Sports Equipment" means boats, kayaks, surfboards, wakeboards, flotation devices, inflatable devices or apparatus, fishing equipment, ropes, anchors, chains, concrete pads, buoys and all other sports equipment commonly used in or near bodies of water.
- 1.10 "Township" means The Corporation of the Township of Tiny.

2. GENERAL CONDUCT

- 2.1 No person shall start a fire on the Property.
- 2.2 No person shall defecate, urinate or otherwise leave human waste on the Property.
- 2.3 No person shall be permitted to have a barbeque, hibachi, or other cooking or heating appliance or stove on the Property, regardless of whether it is fueled by coal, propane, alcohol, benzene, methane, gasoline, wood or other such fuel.
- 2.4 No person shall permit an animal on the beach, between 10am to 6pm during the period from June 15th through to September 15th, except for assistance animals and law enforcement animals.
- 2.5 Between the hours of 7AM to 9 PM, No person shall set up or use any tent, shelter, canopy, gazebo, screen houses, windbreakers, tarpaulin or temporary structure that occupies or covers a space greater than 30 square feet (example 6' x 5').
- 2.6 Between the hours of 9PM through to 7AM , No person shall set up, use or leave unattended any tent , shelter, canopy, gazebo, screen houses, windbreakers, tarpaulin or temporary structure.
- 2.7 No person shall operate or have a motorized vehicle on the Property unless authorized by the Township and the Association.
- 2.8 Between the hours of 9PM through to 7AM, No person shall be permitted to have, use or leave unattended or place any obstruction or object on the Property which has the effect of obstructing or impeding with the free and unconstrained use and occupancy of the Property by the Township or the Association. For the purpose of this section, an obstruction or object shall include any dugouts, chairs, umbrellas, umbrella stands, windbreakers, surfboards, air floats, life rafts or similar objects.
- 2.9 No person shall disobey an authorized sign on the Property.
- 2.10 No person shall store, leave unattended or unsecured any Recreation Sports Equipment on the Property without approval. The Township and the Association shall reserve the right to prohibit the use of Recreational Sports Equipment on the Property at any time.
- 2.11 No person shall engage in activity that is, in the discretion of the Township and the Association, dangerous, boisterous, riotous, violent, unlawful, injurious or potentially injurious to any person.
- 2.12 No person shall engage in archery nor shall hit, strike or otherwise propel a golf ball on the Property.
- 2.13 No person shall alter or otherwise make a physical change to the Property. Notwithstanding the above, a person may build sandcastles, sand sculptures or other sand art, or arrange stones, driftwood, or other materials so long as it does not create an obstruction or hazard. A person engaging in these activities shall ensure that the area is

supervised at all times to prevent injury to any person and shall ensure that the Property is restored to its state prior to engaging in these activities.

- 2.14 No person will plant or seed any tree or shrub on the property without the written approval of the Township and the Association.
- 2.15 No person shall remove, damage or deface any property owned by or under the control of the Township or the Association on the Property, except as provided for in the Co-ownership Agreement or otherwise permitted by law.
- 2.16 No person shall affix any advertisement, notice, bill or paper to any vegetation or structure on the Property.
- 2.17 No person shall feed birds or other wildlife on the Property.
- 2.18 No person shall damage or disturb the nest or den of any bird or animal on the Property. No person shall hunt, maim, injure, trap or disturb any animal, bird, waterfowl, or other wildlife.
- 2.19 No person shall be permitted to have a horse or horse-drawn carriage on the Property.

3. ENFORCEMENT AND EXEMPTIONS

- 3.1 This by-law shall not apply to the drivers, operators or other personnel of ambulances, police or fire department vehicles or any employees or agents of the municipality while engaged in the performance of their duties.
- 3.2 Any Township employee is authorized to inform any person of the provisions of this By-law and to request compliance therewith.
- 3.3. Any Police Officer, Municipal Law Enforcement Officer or Township employee is authorized to order any person that they believe to be contravening or who has contravened any provision of this By-law,
 - 3.3.1 to desist from the activity constituting or contributing to such contravention;
 - 3.3.2 to remove from the property any object, thing or motorized vehicle owned by or in the control of such person which the officer or employee believes is or was involved in such contravention;
 - 3.3.3. to leave the property or building.
- 3.4 No person shall fail to comply with any order given in sections 3.2 or 3.3.
- 3.5 Any Police Officer or Municipal Law Enforcement Officer upon discovery of any object, thing or motorized vehicle in contravention of this by-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the object, thing or motorized machine which may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, Chapter R.25, as may be amended from time to time, or any successor acts thereto.
- 3.6 Any Police Officer or Municipal Law Enforcement Officer appointed by the Township of Tiny may enforce the provisions of this By-law.

4. OBSTRUCTION

- 4.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.
- 4.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.

5. PENALTY

- 5.1 Every person who contravenes any of the provision 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, 2001, S.O. 2001, c. 25, as amended.
- 5.2 Every person who contravenes the provisions 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 be less than \$150 and the maximum shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- 5.3 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.O. 2001, c. 25, as amended.
 - 5.3.1 Despite section 5.3 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 5.4 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.O. 2001, c. 25, as amended.
 - 5.4.1 Despite section 5.4 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.

6. SEVERABILITY

- 6.1 If any court of competent jurisdiction declares any section or part of this By-law to be invalid, such section or part of a section thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent there from and to be enacted as such and the remainder of the By-law shall be valid and shall remain in force.

7. CONFLICT BETWEEN BY-LAWS

- 7.1 In the event of any conflict between the provisions of this by-law and any provisions of Parks By-law 12-032, the provisions of this by-law shall prevail.

8. CO-OWNERSHIP AGREEMENT

8.1 In the event that the Co-ownership Agreement is terminated, as outlined in the agreement, this by-law shall also be considered terminated and shall be repealed.

9. REPEAL OF PREVIOUS BY-LAWS

9.1 That By-law 17-061 is hereby repealed.

10. EFFECTIVE DATE

10.1 That this By-law shall come into force and effect on the date of passing.

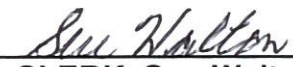
READ A FIRST AND SECOND TIME THIS 13TH DAY OF MAY 2019.

READ A THIRD TIME AND FINALLY PASSED THIS 13TH DAY OF MAY 2019.

THE CORPORATION OF THE TOWNSHIP OF TINY



MAYOR, George Cornell



CLERK, Sue Walton

SCHEDULE 'A' to By-law 19-040

LEGAL DESCRIPTION

PIN 58402-0044

Lot A, Plan 849, Township of Tiny, County of Simcoe

PIN 58402-0045(R)

Lot B, Plan 849, Township of Tiny, County of Simcoe

PIN 58402-0232(R)

Block D, Plan 699, Township of Tiny, County of Simcoe

PIN 58402-0047 (R)

Block B, Plan 699; Lot D, Plan 849, Township of Tiny, County of Simcoe

PIN 58402-0244

Block C, Plan 699, Township of Tiny, County of Simcoe