

**BY-LAW 57-2018**

**THE CORPORATION OF THE TOWN OF ST. MARYS**

**Being a By-law to prohibit and regulate activities at the St. Marys Quarries.**

- WHEREAS:** Section 10 of the *Municipal Act*, 2001, c.25, as amended, provides that a single-tiered municipality may pass by-laws respecting the health, safety and well-being of persons, and the services and things that the municipality is authorized to provide;
- AND WHEREAS:** Section 425 of the *Municipal Act*, 2001 provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;
- AND WHEREAS:** Section 15 of the *Police Services Act*, R.S.O. 1990 authorizes the municipality to appoint persons to enforce the by-laws of a municipality and that Municipal Law Enforcement Officers are Peace Officers for the purpose of enforcing municipal by-laws;
- AND WHEREAS:** The Corporation of the Town of St. Marys is the owner of the lands, water and premises in the Town of St. Marys in the County of Perth and being composed of Lots 14 to 28 both inclusive, Wellington Street West and Water Street East is the said Town of St. Marys and being the land and water area commonly known as the St. Marys Quarries;
- AND WHEREAS:** The St. Marys West Quarry shall be referred to as the “Fishing Quarry” and the St. Marys East Quarry shall be referred to as the “Swimming Quarry”;
- AND WHEREAS:** The Council of the Corporation of the Town of St. Marys deems it in the public interest to prohibit and regulate specific activities in the St. Marys Quarries;
- NOW THEREFORE:** The Council of the Corporation of the Town of St. Marys hereby enacts as follows;

**1.0. DEFINITIONS**

**1.1.** For the purpose of this By-law:

“Fishing Quarry” means the quarry located on the West side of Water Street South, legally described as Plan 235 All Lots 11 to 15, 16 to 21, PT Lots 22 to 28, W/S/ Water St., as shown on Schedule A;

“Swimming Quarry” means the quarry located on the East side of Water Street South, legally described as Plan 235 Lots 17 to 28, 50 E/S Water Lots 17 to 28, W/S Wellington St Pt Berlin St, as shown on Schedule A.

## **2.0. GENERAL PROVISIONS**

- (1) Permitted activities in the Swimming Quarry include swimming in designated areas solely during the times when municipal life-guards are on duty.
- (2) Permitted activities in the Fishing Quarry include fishing solely between the period of dawn to dusk. Activities such as boating and swimming are prohibited at all times.
- (3) Persons using the Fishing Quarry are limited to the trail, platform and stone outcrop.

## **3.0. PROHIBITIONS**

- (1) No person shall use the Swimming Quarry contrary to any provision of this by-law.
- (2) No person shall use the Fishing Quarry contrary to any provision of this by-law.

## **4.0. PENALTY**

- (1) Any person who contravenes any provision of this by-law is guilty of an offence and:
  - a) upon a first conviction is subject to a maximum fine of five thousand dollars (\$5,000.00);
  - b) upon a subsequent conviction is subject to a maximum fine of ten thousand dollars (\$10,000.00);
- (2) Despite section 10.1, where the person convicted is a corporation, the corporation is liable;
  - a) on a first conviction, to a maximum fine of not more than ten thousand dollars (\$10,000.00); and
  - b) on any subsequent conviction, to a maximum fine of not more than twenty-five thousand dollars (\$25,000.00).
- (3) 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 by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.

## **5.0. SHORT TITLE**

This By-law may be referred to as the “Quarries By-law”.

## **6.0. REPEAL**

The Corporation of the Town of St. Marys By-law 53-1966, all amendments thereto, and any by-law of similar topic, is repealed on the day this by-law comes into force and effect.

## **7.0. ENACTMENT**

This By-Law comes into force and takes effect on June 12, 2018.

**Read a first and second time this 12<sup>th</sup> day of June, 2018.**

**Read a third and final time and passed this 12<sup>th</sup> day of June, 2018.**

**\_\_Signed by the Mayor\_\_**

Mayor Al Stratheed

**\_\_Signed by the CAO / Clerk\_\_**

Brent Kittmer, CAO / Clerk