

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 008/2022

A By-law to Prohibit and Regulate Publicized Displays That Occur on Private Property in the Township of Puslinch and Prohibit The Same That Create Nuisance Impacts.

WHEREAS Section 10(2) of the Municipal Act, 2001, as amended ("the Act"), permits municipalities to pass by-laws respecting the health, safety, and well-being of persons and the protection of persons and property

AND WHEREAS Section 128 of the Act permits municipalities to 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 the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS Section 129 of the Act permits municipalities to prohibit and regulate with respect to noise and outdoor illumination, and prohibit them unless a permit is obtained from the municipality for those matters and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans;

AND WHEREAS, in the opinion of Council, seasonal temporary Publicized Displays that occur on private property in the Township of Puslinch are an important way for residents to celebrate a diversity of seasonal and cultural events;

AND WHEREAS, in the opinion of Council, seasonal temporary Publicized Displays that occur on private property in the Township of Puslinch also have the potential to cause Nuisance Impacts;

AND WHEREAS the Corporation of the Township of Puslinch considers it appropriate and in the public interest to ensure the health, safety, and well-being of persons and the protection of persons and property and to prevent or reduce adverse impacts to its residents due to the nuisance impacts that could occur from Publicized Displays that occur on private property in the Township of Puslinch;

NOW THEREFORE, the Council of the Corporation of the Township of Puslinch enacts as follows:

PART 1 – TITLE, INTERPRETATION AND SEVERABILITY

1. This **By-law** may be referred to as the "**Publicized Displays By-law**".
2. (1) Wherever a word is used in this **By-law** with its first letter capitalized, the term is being used as it is defined in Part 2 of this **By-law**. Where any word appears in ordinary case, the commonly applied English language meaning is intended.

(2) Wherever a word defined in Part 2 of this **By-law** is used in the form of a noun, verb, adverb, or adjective, it shall be interpreted as having a corresponding defined meaning even if it is in ordinary case.

(3) All words importing the singular shall include the plural, and words imparting the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the **By-law** requires otherwise.
3. This **By-law** applies to all property within the **Township**.

4. If a court of competent jurisdiction declares any provision or part of a provision of this **By-law** to be invalid or to be of no force and effect, it is the intention of Council in enacting this **By-law** that the remainder of this **By-law** shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

PART 2 – DEFINITIONS

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

“Application” a formal written request for the approval of a **Publicized Display** in a form prescribed by the **Township**;

“By-law” means this **by-law**;

“Council” means the **Council** of The Corporation of the **Township** of Puslinch;

“Display” means a **display** of lights, ornaments, figurines, and other similar decorations, that are used to decorate the exterior of a property and may be accompanied by video transmission, projections and music transmitted through any means;

“Nuisance Impacts” means causing or contributing to at least two of the following for residents in the vicinity of the **Display**:

- (a) increase in off-site pedestrian or vehicular traffic that interferes with the use of highways and other public and private properties,
- (b) illegal parking that obstructs the free flow of traffic or could interfere with the ability to provide emergency services
- (c) trespass to property,
- (d) an increase in harassment or intimidation of residents,
- (e) off-site littering,
- (f) significant increase of noise as prescribed in the Township Noise By-law
- (g) directed outdoor illumination that spills onto other properties,
- (h) possession of open alcohol off-site,
- (i) disorderly conduct including public urinating, defecation or vomiting,
- (j) damage or destruction to private property.

“Occupant” means a lessee, tenant, mortgagee in possession or any other **Person** who appears to have care and control of any property;

“Officer” means a **Person** employed by the **Township** to perform the duties of enforcing By-laws and appointed by **Council** as a Municipal Law Enforcement **Officer**;

“Owner” includes,

- (a) the **Person** who is the registered **Owner** of a property; and
- (b) the **Person** for the time being managing or receiving the rent of the property whether on the **Person’s** own account or as agent or trustee of any other **Person**, or who would receive the rent if the land or premises were let;

“Permit” means a formal written permission or approval issued from the **Township** permitting the assembly of a **Publicized Display**;

“Person” includes an individual, corporation, partnership or limited liability partnership;

"Publicized Display" means a **display**:

- (a) that occurs on private property;
- (b) that involves or may involve advertisement or promotion by means such as internet, print, media, by anyone that encourages the public to attend at the property and view the **Display**; and
- (c) that can be reasonably expected to create or has previously created **Nuisance Impacts**.

"Township" means The Corporation of the **Township** of Puslinch or the land within the municipal boundaries of the **Township** of Puslinch, as the context requires;

PART 3 – PROHIBITIONS

- 6. Any **Person** that is subject to this **By-law** is guilty of an offence, if that **Person**:
 - (a) assembles or permits the assembly of the **Publicized Display** without a **Permit** required under this **By-law**;
 - (b) assembles or permits the assembly of the **Publicized Display** other than in compliance with a condition of a **Permit** issued pursuant to this **By-law**; or
 - (c) provides false information to the **Township** under any provision of this **By-law**.

PART 4 – APPLICATION OF THE BY-LAW

- 7. This **By-law** applies to any **Person** who assembles or permits the assembly of a **Publicized Display** on private property.
- 8. This **By-law** does not apply to festivals, parades, or **Publicized Displays** that occur on public property.

PART 5 – APPLICATION PROCESS

- 9. Where a **Person** plans to assemble or permits the assembly of a **Publicized Display**, that **Person** shall submit a completed **Application** in the form and manner as prescribed in Schedule "B" attached hereto including the submission of any additional information that in the opinion of the **Township** is necessary for a complete **Application**.
- 10. The **Township** requires sixty (60) days following the receipt of a complete **Application** to process the **Application** including any appeals and the applicant is responsible to account for this processing time when submitting an **Application** to ensure that the applicant can receive a permit prior to the assembly of a **Publicized Display**.

11. The **Township** shall process the **Application** within ten (10) calendar days and notify in writing every property on the street where the **Publicized Display** is occurring and any other properties that in the opinion of the **Township** may reasonably be expected to be affected by the potential **Nuisance Impacts** of the **Publicized Display**.
12. The notice shall include where the decision can be found on the Township's website, as well as the process to appeal the approval or refusal of a **Publicized Display**.

PART 6 – CONSIDERATION AND REVIEW OF THE APPLICATION

13. Following the submission of an **Application**, the **Township** shall consider the **Application**.
14. In assessing the requirement for a **Permit**, The **Township** shall consider the reasonable expectation and potential for the **Publicized Display** to cause **Nuisance Impacts** based on a history of similar events and the growing popularity of the **Publicized Display**.
15. In considering the **Application**, the **Township** shall take into any additional information provided by the applicant, and the affected property owners who were notified of the **Application**, and any other information received from other persons or agencies as deemed appropriate.

PART 7 – DECISION-MAKING ON THE APPLICATION

16. The **Township** shall make one of the following decisions, as applicable:
 - (a) Where, following consideration of the application, the **Township** concludes that the **Publicized Display** is not likely to have **Nuisance Impacts** that cannot be mitigated through the imposition of conditions, the **Township** shall approve the application, subject to one or more conditions in Section 17 as the **Township** may deem appropriate; or,
 - (b) Where, following consideration of the **application**, the **Township** concludes that the **Publicized Display** is likely to have **Nuisance Impacts** that cannot be mitigated through the imposition of one or more conditions in Section 17, the **Township** shall refuse to approve the **application**.

PART 8 – CONDITIONS OF APPROVAL

17. The **Township** may impose one or more of the following as conditions for approval of an **Application** for a **Publicized Display**, as the **Township** may deem appropriate:
 - (a) Date restrictions identifying the dates when a **Publicized Display** can occur;
 - (b) Time restrictions that indicate the times during the day when the **Publicized Display** can occur;

- (c) Insurance to be provided by the applicant on terms that are satisfactory to the **Township**;
- (d) The erection of temporary "No Parking Anytime" signs for **Publicized Displays** requiring the removal or reduction of on-street parking;
- (e) Clean-up plan to manage the increase in garbage;
- (f) Any other condition that in the opinion of the **Township** will mitigate the public nuisance impacts of a **Publicized Display**.

PART 9 – APPEAL TO COUNCIL

- 18. Where the **Township** approves or refuses an **Application** pursuant to Section 16(a) of the **by-law**, an applicant or any affected residents may appeal the **Township's** decision to Council by sending a notice of appeal by registered mail to the Clerk for the **Township** within 14 days after being served with the decision.
- 19. The prescribed fee set out in the **Township's** Fees and Charges **By-law** shall be payable by the appellant upon filing a notice of appeal.

PART 10 – COUNCIL CONSIDERATION OF THE APPEAL

- 20. In consideration of the appeal, the public will be invited to submit written comments to **Council** in support or opposition of the appeal.
- 21. At a scheduled meeting, **Council** shall hear any support or objections to the appeal, consider any reports and decide upon the appeal.
- 22. **Council** shall make one of the following decisions, as applicable:
 - (a) **Council** may confirm the decision of the **Township** to refuse or approve the application; or;
 - (b) **Council** may modify the decision of the **Township** to approve or reject the **Application**, subject to such conditions as **Council** may deem appropriate.

PART 11 – INSPECTION

- 23. An **Officer** acting under this **By-law** may, at any reasonable time, enter and inspect any property, including all buildings and structures thereon, to determine any one of the following:
 - (a) Whether there is compliance with this **By-law**.
 - (b) Whether the conditions for a **Permit** issued under this **By-law** are adhered to.
 - (c) Whether there is compliance with any order made under this **By-law**.

PART 12 – ORDERS

24. If an **Officer** determines that a property or a **Person** is not in compliance with any of the standards or requirements of this **By-law**, the **officer** may issue an Order requiring a **Person** to comply with standards or requirements of this **By-law** and to discontinue an activity or action prohibited by this **By-law**.
25. Every **Person** who fails to comply with an order made under Section 24 is guilty of an offence.

PART 13 – SERVICE OF DOCUMENTS

26. Service of any document, including an order, under this **By-law** shall be given in writing by registered mail and will be deemed served on the 5th day after a copy is mailed to the **Person's** last known address.
27. In addition, service of any document may be given in any of the following ways and is effective:
 - (a) when a copy is delivered to the **Person** to whom it is addressed;
 - (b) by email to the last known email address of the **Person** to whom service is required to be made;
28. Where service is unable to be done under subsections 27 (a) or (b), notice may be given by placing a placard containing the terms of the document or order in a conspicuous place on the property to which the document or order relates and shall be deemed to be sufficient service on the **Owner** or **Occupant**.

PART 14 – ENFORCEMENT AND PENALTY PROVISIONS

29. The enforcement of this **By-law** shall be conducted by an **Officer**.
30. (1) Every **Person** who contravenes any provision of this **By-law**, and every Director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as it may be amended from time to time.
 - (2) In addition to subsection 30 (1), any **person** who is charged with an offence under this **by-law** in accordance with Part III of the *Provincial Offences Act* and is found guilty of the offence, is liable, in addition to any other penalties:
 - (a) If an individual, to a fine of not more than \$5,000; or
 - (b) If a corporation, to a fine of not more than \$10,000.
31. 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**.
32. Every **Person** who is alleged to have contravened any of the provisions of this **By-law** shall identify themselves to an **Officer** upon request, failure to

do so shall be deemed to have hindered or obstructed an **Officer** in the execution of his or her duties.

33. Upon conviction, any penalty imposed under this **By-law** may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
34. If a **Person** is convicted of an offence under this **By-law**, the court in which the conviction has been entered and any court of competent jurisdiction may, in addition to any other remedy and to any penalty imposed, make an order prohibiting the continuation or repetition of the offence by the **person** convicted.

PART 15 – SCHEDULES

35. Schedule “A” (Short Form Wording and Set Fines) and Schedule ‘B’ (Publicized Display Application Form) attached hereto do not form part of this By-law.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 2ND DAY OF MARCH, 2022.



James Seeley, Mayor

Courtenay Hoytfox, Clerk

SCHEDULE 'A' TO BY-LAW NO. 008/2022

THE TOWNSHIP OF PUSLINCH

**PART 1 PROVINCIAL OFFENCES ACT BY-LAW 008/2022: PUBLICIZED
DISPLAYS BY-LAW**

Being a By-law to Prohibit and Regulate Publicized Displays That Occur Private Property in the Township of Puslinch and the Public Nuisance Arising Therefrom.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
2	Assemble or permit the assembly of a Publicized Display without a Permit.	Section 6 (a)	\$500.00
3	Assemble or permit the assembly of a Publicized Display not in compliance with imposed conditions.	Section 6 (b)	\$500.00
4	Provide false information to the Township	Section 6 (c)	\$500.00
5	Fail to comply with an Order issued under Section 24.	Section 25	\$700.00
6	Hinder or obstruct, or attempt to hinder or obstruct an Officer.	Section 31	\$900.00

"NOTE: The general penalty provision for the offences indicated above is Section 30(1) of By-law no. **008-2022** as amended, a certified copy of which has been filed".



Township of Puslinch,
 7404 Wellington Rd 34
 Puslinch ON N0B 2J0
 Tel: 519-763-1226
 Fax: 519-763-5846
 www.puslinch.ca

SCHEDULE 'B' TO BY-LAW NO. 008/2022

PUBLICIZED DISPLAY APPLICATION FORM

APPLICATION IS HEREBY MADE FOR ASSEMBLY OF A PUBLICIZED DISPLAY ON PRIVATE PROPERTY:

This application is required and processed in accordance with Township of Puslinch Bylaw No. 008-2022, pursuant to the *Municipal Act*, 2001. This application must be approved prior to the assembly of a publicized display on private property. The Applicant is responsible to ensure that an Application is submitted at least **sixty (60) days** prior to the assembly of a publicized display.

APPLICANT	
STREET:	
DESCRIPTION OF DISPLAY:	
PROPOSED DATE, TIME AND DURATION OF THE DISPLAY	
DESCRIPTION OF METHODS OF PUBLICIZING THE DISPLAY	
APPLICANT INFORMATION:	CONTACT PERSON:
	ADDRESS:
	PHONE NO.: FAX NO.:
	EMAIL:

The following documents must be attached and submitted with this application before approval can be provided:

- o A rough sketch / site plan with of the publicized display. This shall include but is not limited to:
 - A map showing the location of the property location within the Township of Puslinch
 - A layout of the display
 - A location of the display on the property
- o Description of potential traffic impacts
- o Number of expected visitors (based on previous years of operation)
- o A waste management plan

I/we hereby agree to comply with any condition which may be required by the Township.

 Signature of Applicant

 Date

 Print Name of Applicant

GENERAL INFORMATION:

Inquiries to be directed to:

Administration Department
 Corporation of the Township of Puslinch

7404 Wellington Rd 34, Puslinch, ON, N0B 2K0
 Telephone No. (519) 763-1226
 Fax No. (519) 763-5846