

# Special City Council Meeting Agenda

Wednesday, February 14, 2024, 10:00 a.m.

Council Chambers

Guelph City Hall, 1 Carden Street

Changes to the original agenda are noted with an asterisk "\*".

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## Pages

### 1. Call to Order

#### 1.1 O Canada

#### 1.2 Silent Reflection

#### 1.3 Indigenous Territorial Acknowledgement

#### 1.4 Disclosure of Pecuniary Interest and General Nature Thereof

### 2. Items For Discussion

#### 2.1 Public Space Use Bylaw, 2024-76

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##### **Presentation:**

Colleen Clack-Bush, Deputy Chief Administrative Officer, Public Services

##### **Recommendation:**

1. That Council approve the draft Public Space Use By-law, as attached to report 2024-76, and incorporating Council's feedback at their February 14, 2024 meeting that staff be directed to place the by-law on the February 27, 2024 agenda for final adoption after which the by-law will come into effect on March 1, 2024.
2. That Council respectfully request that the County of Wellington supply the necessary resources and tools, as

well as monthly statistics regarding daily availability and access to accessible permanent shelter for all those on the "by name" list, as well as data on the number of offers made to individuals for accessible permanent shelter where the individual has turned down the offer.

3. That Guelph's advocacy efforts continue with the Association of Municipalities of Ontario (AMO) and the Provincial government to address the need for greater municipal funding to deal with housing instability issues, legislative reform to address public space use by-laws, and greater health care funding to address urgent community need connected to mental health and substance use issues.

### **3. Adjournment**

# Staff Report



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To	<b>City Council</b>
Service Area	Public Services
Date	Wednesday, February 14, 2024
Subject	<b>Public Space Use By-law</b>

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## Recommendation

1. That Council approve the draft Public Space Use By-law, as attached to report 2024-76, and incorporating Council's feedback at their February 14, 2024 meeting that staff be directed to place the by-law on the February 27, 2024 agenda for final adoption after which the by-law will come into effect on March 1, 2024.
2. That Council respectfully request that the County of Wellington supply the necessary resources and tools, as well as monthly statistics regarding daily availability and access to accessible permanent shelter for all those on the "by name" list, as well as data on the number of offers made to individuals for accessible permanent shelter where the individual has turned down the offer.
3. That Guelph's advocacy efforts continue with the Association of Municipalities of Ontario (AMO) and the Provincial government to address the need for greater municipal funding to deal with housing instability issues, legislative reform to address public space use by-laws, and greater health care funding to address urgent community need connected to mental health and substance use issues.

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## Executive Summary

### Purpose of Report

To seek Council approval to pass a Public Space Use By-law to address safety concerns regarding encampments and related activities on lands owned or operated by the City of Guelph.

### Key Findings

There are several goals of a public space use by-law. In response to Council's recent adoption of a human rights-based approach to housing, and with the recognition that there is an ongoing challenge for individuals to find accessible shelter space, the by-law aims to safely accommodate the needs of unsheltered individuals in our community so that they can live safely and with dignity. The by-law will also help to make public spaces owned and operated by the City safer for all members of the community, and to ensure that spaces are being used for their intended purposes and accessible to all residents.

Based on the Council direction to bring a by-law back by the end of February 2024, there was recognition that staff would not have time to follow the normal processes under the Community Engagement Framework, and instead would rely on the Council delegation and correspondence process to obtain feedback from the community on the proposed by-law.

It is vitally important that continued coordinated efforts be made to ensure that accessible shelter spaces are available in the community to meet the needs of unsheltered individuals in the community. One of the most important tools needed is a robust tracking system that is accessible to City Bylaw staff to monitor what spaces are available and track when spaces are offered to individuals on the County of Wellington's "by name list", to be able to provide the City with monthly statistics.

### **Strategic Plan Alignment**

The proposed by-law will align with a number of objectives in the strategic plan including making downtown a vibrant place for everyone, supporting community wellbeing and addressing issues related to homelessness in our community, and ultimately finding the balance between the needs of all residents by caring for our community space and places.

### **Future Guelph Theme**

City Building

### **Future Guelph Objectives**

City Building: Grow and care for our community space and places

### **Financial Implications**

It is difficult to quantify the financial implications associated with the by-law, as staff cannot predict what legal challenges may be faced (as has occurred in other communities), and the associated legal costs of defending the by-law.

Additional costs may arise related to enforcement of the by-law. Staff do not have adequate Bylaw resources to fully address enforcement of this new by-law without a reduction in other enforcement activities. However, we will prioritize enforcement of this new by-law using existing resources that are already included in the approved 2024 budget and then will need to re-address the required resources based on call volume. Should there be a need to increase staff resources within 2024, staff would report back through the variance process, and then would bring further considerations back to Council as part of the 2025 budget confirmation process.

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## **Report**

On January 16, 2024, the City of Guelph council passed the following motion:

**That staff be directed to draft a Public Space Use By-law to address safety concerns regarding encampments and related activities on lands owned or operated by the City of Guelph, to be brought for Council consideration by the end of February 2024.**

Staff from several departments worked together to prepare this report and attached draft Public Space Use By-law. While there was little time available to do extensive research, the preparation work included a review of the [Collective Results report](#)

and recommendations as presented to Council in September 2023 to assist with the considerations for those living in our community who are struggling with housing instability and homelessness. Staff also reviewed by-laws and policies of other Ontario municipalities to consider best practices and what has worked well in those jurisdictions. Additionally, there was a review of recent legal decisions and relevant case law to inform the by-law development.

When conducting the review, staff considered human dignity, community safety, and environmental risks. Recognizing that Guelph City Council adopted a human rights-based approach to housing in October 2023, staff looked to other cities for similar approaches, and utilized learnings from the City of Hamilton's human-centred approach with their "Encampment Protocol". This approach, while allowing encampments to exist in a number of City owned spaces, sets certain distances from specific areas or buildings. This protocol balances the rights and needs of those living in encampments, along with those from the community as a whole wishing to access City space, while also taking into consideration impacts to the environment.

Staff from the City and County, along with community partners, maintain a coordinated response to supporting individuals experiencing homelessness and in encampments. Outreach staff, along with the City's Bylaw staff complete various routes daily to connect with individuals experiencing homelessness who may need assistance. Staff and community partners are committed to consistently looking to improve areas along the response, which includes reducing initial response times, enhancing the response to include after-hours and weekends, and making more successful connections to fully accessible shelter for those in need.

In their role as the Consolidated Municipal Services Manager (CMSM), the County of Wellington Housing Services team is compiling a 2023 data analysis report of the emergency shelter occupancy which will include updated projections for 2024 and 2025. Recent trends indicate that there were times over the first three quarters of 2023 in which one of the County's contracted temporary shelter provider (Stepping Stone) did have some nights at full occupancy where they had to turn individuals away. Some of these individuals were temporarily accommodated through emergency hotel sheltering. However, Stepping Stone received additional funds to open two more shelters before winter; this has resulted in being able to accommodate everyone who needs or wants overnight accommodation, including adding additional cots as required to ensure people do not have to sleep outside in the cold. As a result, they have enough beds available to accommodate everyone who requests one.

As articulated in the Collective Results report, there is a clear connection between many of the challenges experienced in our community related to encampments and people living in chronic homelessness, and systemic health issues including mental health and substance use challenges. There is an urgent need for the provincial government to provide increased funding to address these systemic healthcare challenges, as well as to provide support to municipalities on addressing the urgent housing crisis, especially as it is felt by the most vulnerable individuals in the community. The Association of Municipalities of Ontario (AMO) recently reported that municipalities are spending \$3.8 billion more than they receive in areas of provincial responsibility like social housing, long-term care, land ambulance, and social services. Ongoing advocacy efforts are needed with AMO and the Provincial

government to address these issues that municipalities do not have the ability solve alone.

While this by-law will not resolve these significant underlying issues, it will assist with balancing the competing space needs for City owned property, addressing safety concerns, setting out guidelines to protect vulnerable individuals, and supporting the enjoyment of public spaces by all residents. Therefore, staff are proposing that Council adopt the attached Public Space Use By-law which includes the following provisions:

- a) Prohibition on encampments in spaces with competing public use during the daytime hours
- b) Prohibition on encampments within certain distances from specified areas such as railways, waterways, splashpads, property lines of schools, childcare centres, and cemeteries.
- c) Provisions to prevent the misuse of municipal electricity, water, and infrastructure including but not limited to fountains, outdoor faucets, and electrical outlets.
- d) Prohibition on damaging City infrastructure.
- e) Prohibition on encampments being placed in environmentally sensitive areas (for example, Carter Lands) as there is a risk of an impact on drinking water safety.
- f) Regulations related to safety regarding the type of shelters permitted and permitted materials.
- g) Regulations related to the keeping and storing of propane tanks.
- h) Regulations related to the number of shelters permitted within each cluster and distance requirements for clusters.
- i) Provisions to prohibit the removal of any encampment or part of, by unauthorized persons.

While not intended to be an exhaustive synopsis or a legally binding interpretation, the following are illustrations of common examples of how the by-law will regulate encampments in specific locations, provided that all safety criteria are followed:

- Where there is no competing public use, encampments will be permitted both daytime and overnight. Examples would be open park space that is not programmed or designated as a sports field, and not in an environmentally sensitive area.
- Where space is programmed or designated for other purposes, encampments are permitted overnight only (from one hour before sunset to one hour after sunrise), provided the space is not otherwise booked. Examples would be a sports field, picnic pavilion or public square.
- Where space is deemed to be sensitive or specifically designated, encampments are prohibited at all times. Examples would include splash pads, playgrounds, community gardens, sidewalks, and trails.

Staff will work with local social service agencies and the County of Wellington Housing team to provide education and notice to those individuals who are in encampments in locations that will no longer be permissible under the by-law, supporting them in finding alternate permanent shelter options and to explain the acceptable locations for temporary shelters.

As with all by-laws, staff retain discretionary authority to consider exceptions to enforcement, particularly in extenuating circumstances like an extreme weather alert as designated by Environment Canada. Discretion will be used in these circumstances and enforcement may be temporarily suspended to address emergency needs.

It should be noted that this by-law will only regulate encampments located on properties owned or operated by the Corporation of the City of Guelph. The short timeline for preparing this by-law did not allow for staff to consult with any private property owners in the City, and future consideration may be given to property owners including, but not limited to, the University of Guelph, County of Wellington, Province of Ontario, and local school boards, should they wish to similarly regulate public space use on their properties in Guelph.

The City of Guelph currently has a robust standard operating procedure related to encampments on City owned property, and the document will be updated upon approval of the proposed by-law. However, the basic principles will remain the same; we will work with partners in social service agencies and the County of Wellington to make sure that any individual living in an encampment situation is connected with health and social services supports wherever possible, and that we ensure they get registered on the County's "by name" list to try to access more permanent housing. We will also continue to ensure that there is a thorough process in place to ensure the respectful handling and security of any individual's belongings whenever an encampment is either abandoned or needs to be dismantled.

Once passed, for the Public Use By-law to be effective in addressing the safety needs of those residing in encampments and the community, and to address the legal precedents established in other communities, there is a key role for the County of Wellington as the City's CSM, responsible for the provision of Housing Services. The County will need to provide statistics to the City, on a monthly basis, demonstrating the number of fully accessible permanent shelter spaces that have been provided to those individuals on the "by name" list, as well as documentation of instances where individuals have turned down the offer of permanent accessible shelter.

## **Financial Implications**

It is difficult to quantify the financial implications associated with the by-law, as staff cannot predict what legal challenges may be faced (as has occurred in other communities), and what the associated legal costs of defending the by-law might be. According to a publicly available study completed by the Department of Justice in 2016, the costs of arguing a *Charter* challenge all the way to the Supreme Court can range from as low as \$50,000 to as high as \$1,000,000.

Additional costs may arise related to enforcement of the by-law. Staff will endeavour to address the enforcement using existing resources included in the approved 2024 budget but will need to re-address the required resources based on call volume. If the call volume increases significantly, responding to this by-law could result in reduced responses on other by-laws, like the noise by-law, nuisance parties, or issuing of parking tickets; this could have a negative impact on revenues if, for instance, there was a reduction of parking fine revenues.

Alternatively, staff may need to consider bringing on additional staff resources. Should additional staff resources within 2024 be required, there would be an estimated additional cost of \$69,000 in operating costs in 2024, for which staff would report back through the variance process. Future operating and capital budget impacts would be brought back for further consideration as part of the 2025 budget confirmation process.

### **Consultations and Engagement**

Due to the Council direction to bring the by-law back no later than the end of February 2024, there was no opportunity to conduct community engagement. All feedback from community stakeholders will need to be submitted to Council by the February 9, 2024 deadline for inclusion in the agenda and/or through public delegations on February 14, 2024.

### **Attachments**

Attachment-1: Public Space Use By-law

### **Departmental Approval**

The by-law was discussed and reviewed by several department representatives: Legal Services, Operations, Finance, Economic Development and Tourism, Parks, Strategic Initiatives and Intergovernmental Services, Fire Services.

### **Report Author**

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## The Corporation of the City of Guelph

### By-law Number (2024) – xxxxx

A by-law to regulate the use of certain public property within the City of Guelph for the protection of persons and property and to promote safe use and enjoyment.

#### Whereas:

- A. The *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act*"), provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority and that it may do so by by-law;
- B. Section 10(2) of the *Municipal Act* provides that the City may pass by-laws respecting, among other things, the health, safety and well-being of persons and the protection of persons and property;
- C. Section 8(1) of the *Municipal Act* provides that the power of the City shall be interpreted broadly so as to confer broad authority on the City to enhance the City's ability to respond to municipal issues;
- D. Section 8(3) of the *Municipal Act* provides that a by-law may regulate or prohibit and may require persons to do things respecting the matter;
- E. Section 125 of the *Municipal Act* provides that a municipality may regulate the use and installation of heating and cooking appliances and the storage of fuel for use in heating and cooking appliances;
- F. Section 127 of the *Municipal Act* provides that a municipality may prohibit the depositing of refuse or debris on land without consent of the owner or occupant of the lands, and may define "refuse" for such purpose;
- G. Section 128 of the *Municipal Act* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of its council, are or could become or cause public nuisances, and further that the municipal council's determination of what constitutes a public nuisance is not subject to review;
- H. Section 425 of the *Municipal Act* provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act* is guilty of an offence; and
- I. Section 444 of the *Municipal Act* provides that, if a municipality is satisfied that a contravention of a by-law of the municipality has occurred, the municipality may make an order requiring the person who contravened the by-law, or who caused or permitted the contravention, to discontinue the contravening activity.

**The Council of The Corporation of the City of Guelph enacts as follows:**

**Part 1: Interpretation**

- 1.1 In addition to the terms defined parenthetically herein, in this by-law:
- a) "**Appurtenances**" means all structures, surfaces, equipment and other objects affixed to or an integral physical feature of a particular public property or space;
  - b) "**Approved Propane Appliance**" means any propane fixture, appliance, apparatus or device that consumes or is intended to consume propane as a source of fuel for heat or cooking and is:
    - i) a Canadian Standards Association (CSA) or Underwriters Lab (UL) listed fixture, appliance, apparatus, or device;
    - ii) assembled, installed and operated in accordance with the manufacturer's instructions and in accordance with the requirements of the *Technical Standards and Safety Act, 2000* and Ontario Regulation 211/01 Propane Storage and Handling;
    - iii) is in safe operating condition and equipped with an on/off valve that it is fully functional and can be easily operated; and
    - iv) not modified or used for anything other than for the purpose recommended by the manufacturer;
  - c) "**City**" means The Corporation of the City of Guelph and any of its designated representatives;
  - d) "**Council**" means the municipal council of The Corporation of the City of Guelph;
  - e) "**Designated Area**" is defined in section 3.6;
  - f) "**General Public Space**" is defined in section 3.2;
  - g) "**Noxious Materials**" includes tires, plastics, rubber products, drywall, demolition waste, construction waste, paint, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, pressure-treated wood, creosote-treated wood, and painted wood;
  - h) "**Nuisance**" when used in relation to a heating or incinerating device means any circumstance or impact that poses a health or life safety risk to any person or that disturbs or prevents any person from the safe use and enjoyment of a public space, such as excessive smoke, foul odour, airborne sparks or embers, or particulates;

- i) **"Officer"** means a municipal law enforcement officer while in the course of such officer's duties;
- j) **"Park"** is defined in section 3.3;
- k) **"Public Space"** means all General Areas, Designated Areas, Parks, Reservable Public Spaces, and Sensitive Public Spaces;
- l) **"Refuse"** means waste which appears to have been abandoned;
- m) **"Reservable Public Space"** defined in section 3.4;
- n) **"Sensitive Public Space"** is defined in section 3.5.

## **Part 2: Purpose**

- 2.1 The purpose of this By-law is to regulate the use of specified public spaces within the jurisdiction of the City of Guelph to ensure the protection of persons and property and promote safe use and enjoyment.

## **Part 3: Restrictions on Use of Public Spaces**

### **3.1 General Restrictions**

- (1) A person must not do any of the following activities in any Public Space:
- (a) in any way destroy, damage, foul, injure or impair any feature of the natural environment, real property, personal property, or any Appurtenance;
  - (b) erect, or cause to be erected, or occupy any unauthorized structure or shelter that is affixed to the land or any Appurtenance or permanent or immovable in nature;
  - (c) gather, accumulate, or store household, yard, or commercial goods, building supplies, waste or refuse, except on or within a temporary structure or shelter not prohibited by this By-law, and in compliance with applicable laws;
  - (d) dispose of or dump household, yard, or commercial goods, building supplies, waste or refuse, except if deposited into receptacles provided by the City for such purpose and in compliance with applicable laws;
  - (e) make unauthorized use of utilities, including, but not limited to electrical, gas, or water, or obstruct any utility owner from access and use;
  - (f) obstruct ingress or egress to any property;
  - (g) in any way obstruct the City or its employees, contractors, agents and representatives from access and use of any Public Space;
  - (h) burn any Noxious Materials;

- (i) store propane cylinder in an enclosed space, in direct sunlight, or near a heat source;
  - (j) use any propane fixture, appliance, apparatus or other device that uses propane as a source of fuel other than an Approved Propane Appliance that is monitored by a person capable of safe assembly and use of such appliance and capable of performing the necessary actions to control a fire and prevent unwanted spread;
  - (k) use any fixture, appliance, apparatus or other heating, cooking or incineration device, including an Approved Propane Appliance, in any manner that creates a Nuisance.
- (2) In any Public Space where temporary structures or shelters are not prohibited by this By-law, a person must not erect, or cause to be erected, or occupy any structure or shelter:
- (a) in a cluster or group of more than five (5) structures or shelters;
  - (b) within a group of structures or shelters with less than 10 metres of separation between each cluster or grouping of structures or shelters;
  - (c) within 10 metres of the boundary/periphery of a school or childcare centre.

### 3.2 General Public Space

- (1) In this By-law, "General Public Space" means outdoor open space lands and facilities owned by, leased by, licensed to, or under the management of the City that are publicly accessible and intended for general public access and use, and all Appurtenances, and includes but is not limited to public squares, outdoor waiting areas, building perimeters, but *excluding* Parks, Sensitive Public Spaces and Designated Areas.
- (2) In addition to the general restrictions in section 3.1, a person must not do any of the following activities in a General Public Space:
- (a) erect, or cause to be erected, or occupy any unauthorized structure or shelter, including of a temporary movable nature, beginning one (1) hour after sunrise and ending one (1) hour before sunset.
- (3) If a General Public Space is also a Reservable Public Space, or contains a Sensitive Public Space, the provisions of section 3.4 apply to such Reservable Public Space.

### 3.3 Parks

- (1) In this By-law, "Park" means any park, woodland, field, trail, green space owned by, leased by, licensed to, or under the management of the City that is available for non-exclusive public recreational use, and all Appurtenances, but *excluding* Reservable Public Spaces, Sensitive Public Spaces and Designated Areas.
- (2) In addition to the general restrictions in section 3.1, a person must not do any of the

following activities in a Park:

- (a) obstruct the safe use and enjoyment of the Park by another person.

### 3.4 Reservable Public Spaces

- (1) In this By-law, "Reservable Public Space" means outdoor open space, lands and facilities owned by, leased by, licensed to, or under the management of the City that are available for exclusive use on a one-time or occasional basis by rental, reservation, or booking, and which, when not rented, reserved, or booked for exclusive use, are available for non-exclusive public recreational use, and all Appurtenances, and includes but is not limited to, reservable outdoor sports facilities, event facilities, and picnic shelters.
- (2) In addition to the general restrictions in section 3.1, a person must not do any of the following activities in or on a Reservable Public Space:
  - (a) at any time while the Reservable Space is rented, reserved, or booked by another person, erect, or cause to be erected, or occupy any structure or shelter, including of a temporary movable nature;
  - (b) at any time while the Reservable Public Space is available for non-exclusive public recreational use, obstruct the safe use and enjoyment of the Reservable Public Space by another person except by obtaining a valid rental, reservation or booking.
- (3) If a Reservable Public Space is also a Sensitive Public Space, or contains a Sensitive Public Space, the provisions of section 3.5 of this By-law apply to such Sensitive Public Space.

### 3.5 Sensitive Public Spaces

- (1) In this By-law, "Sensitive Public Space" means outdoor open space, lands and facilities owned by, leased by, licensed to, or under the management of the City and intended for a sensitive public recreational or personal use, including areas intended for use by children, pets, or for mobility of the public, or with heightened safety requirements, or attracting a heightened expectation of quiet use and enjoyment, and includes but is not limited to, playgrounds, waterparks and splash pads, wading pools, off-leash dog areas, sidewalks, pathways or recreational trails, accessibility routes and ramps, entrances, exits, or doorways, municipal cemeteries, community gardens and fountains.
- (2) In addition to the general restrictions in section 3.1, a person must not do any of the following activities within a Sensitive Public Space:
  - (a) erect, or cause to be erected, or occupy any unauthorized structure or shelter, including of a temporary movable nature;
  - (b) obstruct the safe use and enjoyment of the Sensitive Public Space by another person;

(c) in any way obstruct the City or its employees, contractors, agents and representatives from access and use.

(3) Without limiting the generality of (2)(a) above prohibiting unauthorized structures and shelters within a Sensitive Public Area, a person must not erect, or cause to be erected, or occupy any structure or shelter, including of a temporary movable nature, within the following distances of specified Sensitive Public Areas:

(a) 10 metres of the boundary/periphery of a playground, waterpark, splash pad, or wading pool;

(c) 10 metres of any area prescribed by the City as a Sensitive Public Area and listed in Schedule A of this By-law.

### 3.6 Designated Areas

(1) In this By-law, "Designated Area" means outdoor open space, lands and facilities owned by, leased by, licensed to, or under the management of the City defined, constructed or utilized for a special purpose or sensitive land use, and includes but is not limited to, highways, fire routes or areas surrounding a fire hydrant, storm water management facilities and infrastructure, municipal easements, wetlands, wellhead protection areas, municipal wells and water collection areas, watercourses, potable water sources, areas susceptible to erosion or flooding, environmentally sensitive areas, and all Appurtenances.

(2) A person must not do any of the following activities in a Designated Area:

(a) erect, or cause to be erected, or occupy any unauthorized structure or shelter, including of a temporary movable nature;

(b) in any way obstruct the City or any authority having jurisdiction or their respective employees, contractors, agents and representatives from access and use.

(3) Without limiting the generality of (2)(a) above prohibiting unauthorized structures and shelters within a Designated Area, a person must not erect, or cause to be erected, or occupy any structure or shelter, including of a temporary movable nature, within the following distances of specified Designated Areas:

(a) 10 metres of the boundary/periphery of a lake, river, pond or other watercourse;

(b) 30 metres of any railway or railroad infrastructure;

(c) 10 metres of any area prescribed by the City as a Designated Area and listed in Schedule B of this By-law.

## **Part 4: Enforcement and Penalty Provisions**

4.1 The enforcement of this By-Law shall be conducted by an Officer.

- 4.2 An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is complied with.
- 4.3 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.
- 4.4 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 such Officer's duties.
- 4.5 An Officer may issue an order to any person in contravention of this By-law.
- 4.6 An Officer may order that person to dismantle and remove any building or structure erected or improvement made in contravention of this By-law within such time as specified in the order.
- 4.7 Every person who contravenes any provision of this By-law, including failing to comply with an order made under this By-law, is guilty of an offence and is liable to such penalties as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended (the "*Provincial Offences Act*") and the *Municipal Act*.
- 4.8 A director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation, including failing to comply with an order made under this By-law, is guilty of an offence and is liable to such penalties as provided for in the *Provincial Offences Act* and the *Municipal Act*.
- 4.9 A person who is required to vacate a Public Space for contravention with this By-law shall remove from the lands, at the person's own expense, any building, structure or thing that the person erected or placed on the lands or that the person was using on the lands on or before the date on which the person is required to vacate the lands. If the person subject to the order fails to comply with the order, the City may cause the building, structure, structure or thing to be dismantled and removed and any cost or expense incurred thereby is a debt due the City and may be recovered by the City in a court of competent jurisdiction in an action against the person.
- 4.10 A person who has not been authorized by the City shall not cause a building, structure or thing to be dismantled and removed from any Public Space.
- 4.11 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 5: General**

- 5.1 This by-law shall be referred to and may be cited as the "Public Space Use By-law".
- 5.2 If any provision or part of a provision of this By-law is declared by any court or tribunal or any provincial or federal legislation or regulation to be illegal or



inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law or its application in any other circumstance shall not be affected and shall continue to be in full force and effect.

**Part 6: Effective Date:**

6.1 This By-law shall come into force and take effect on March 1, 2024.

Draft

**Passed this      day of                      , 2024**

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Cam Guthrie, Mayor

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Stephen O'Brien, City Clerk

Draft

**Schedule A**  
**Sensitive Public Areas**

Draft

## Schedule B Designated Areas

1. Aqueduct Laneway and Surrounding Properties:

**1stly:** Part Lot 2, East of the Blind Line, Plan 131, Lying North of Cooks Mill Rd., as in IS8876, Township of Puslinch (PIN 71185-0111) and **2ndly:** Part Lot 2, East of the Blind Line, Plan 131, Lying South of Cooks Mill Rd, as in IS8876, S/T IS8876 ; Part Lot 3, East of the Blind Line, Plan 131, as in IS9352 Save and Except PT 10, 61R3435 ; Part Lots 3, 4 & 5, East of the Blind Line, Plan 131, as in IS8885, S/T MS128959, Township of Puslinch (PIN 71185-0112)

2. Carter Lands:

**1stly:** Part Lot 2, West of the Blind Line, Plan 131, PT 1, 61R2727; Parts Lot 3 & 4, West of the Blind Line, Plan 131, as in MS27654 ; Township of Puslinch (PIN 71185-0059), **2ndly:** PT Lot 2, West of the Blind Line, Plan 131, as in IS9024, Township of Puslinch (PIN 71185-0061), **3rdly:** Part Lot 1, West of the Blind Line, Plan 131 , as in IS9032, South West of the Railway, City of Guelph (PIN 71185-0011), **4thly:** Part Lot 1, West of the Blind Line, PLAN 131 , as in IS9032, North East of the Railway, City of Guelph, **5thly:** Part Lot 1, West of the Blind Line, Plan 131 , as in ROS534101 ; S/T ROS154382,ROS590118, City of Guelph (PIN 711850013)

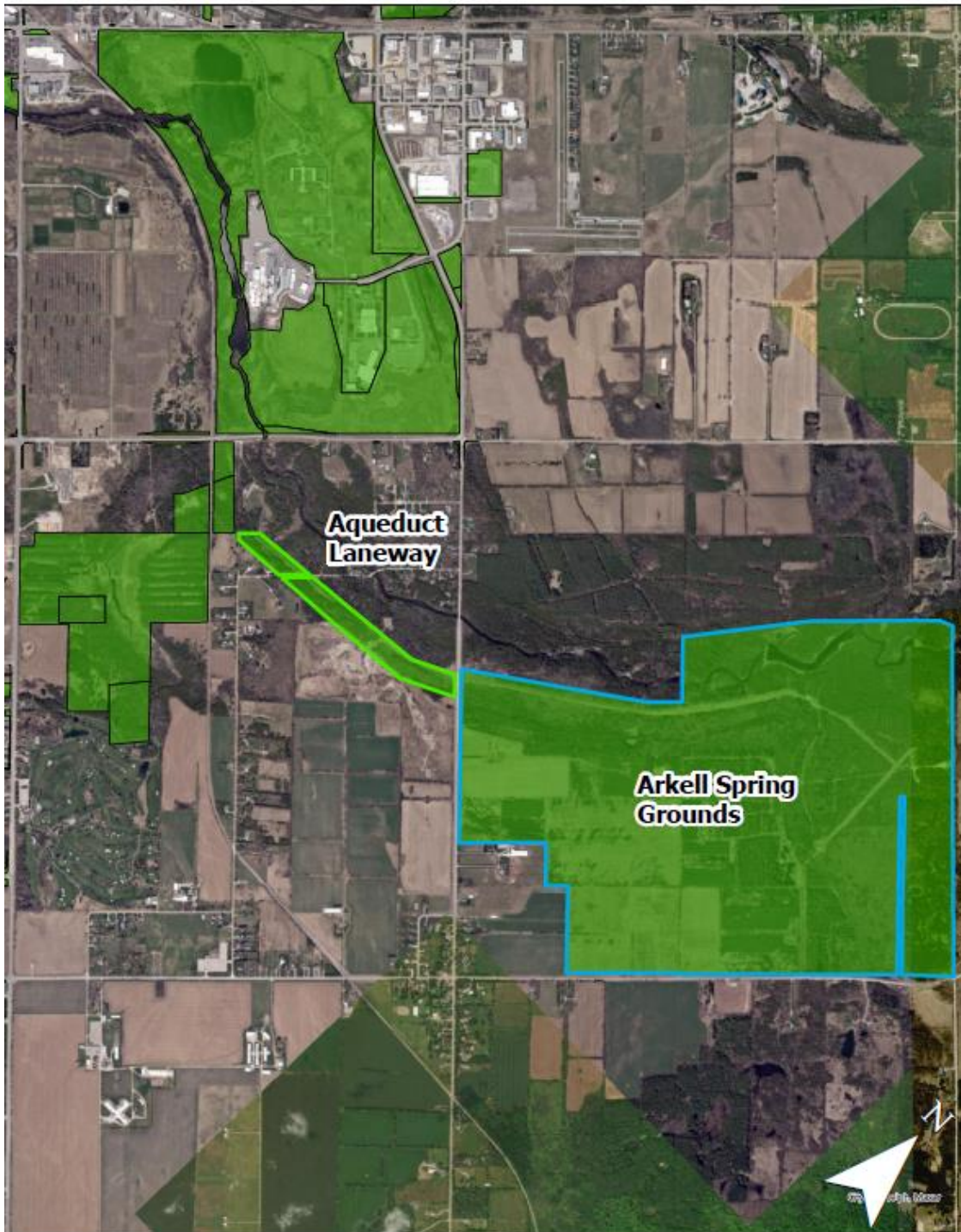
3. Clythe Lands:

**1stly:** Part Lot 6, Concession 3, Div C, formerly Township of Guelph, designated as Part 1, 61R21370, City of Guelph (PIN 71356-1386) **2ndly:** Part Lot 5, CON 3, DIV C, Formerly Township of Guelph, PT 3 61R9256; City of Guelph (PIN 71493-1822) **3rdly:** Part Lot 5, CONCESSION 3, DIVISION C , formerly Township of Guelph, PT 1 61R1342 ; City of Guelph (PIN 71493-0769)




4. Area Surrounding Dolime Quarry:

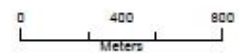
Part Lot Broken Front Con 4, Division G, Guelph, PT LT 1 CON 4 DIVISION G GUELPH; PT LT 2 CON 4 DIVISION G GUELPH; PT LT 3 CON 4 DIVISION G GUELPH; PT LT 4 CON 4 DIVISION G GUELPH; PT LT 5 CON 4 DIVISION G GUELPH; PT LT 1 CON 5 DIVISION G GUELPH; PT LT 2 CON 5 DIVISION G GUELPH; PT LT 3 CON 5 DIVISION G GUELPH; PT LT 4 CON 5 DIVISION G GUELPH; PT LT 5 CON 5 DIVISION G GUELPH; PT LT 1 CON 1 DIVISION E GUELPH TOWNSHIP; PT RDAL BTN CON 4 & CON 5 DIVISION G GUELPH CLOSED BY MS88381; PT RDAL BTN LT BROKEN FRONT CON 4 DIVISION G & LT 1 CON 1 DIVISION E GUELPH CLOSED BY MS88381; PT RDAL BTN LT 1 & LT BROKEN FRONT CON 4 DIVISION G GUELPH CLOSED BY MS99224; PT RDAL BTN LT 1 CON 5 DIVISION G & LT 1 CON 1 DIVISION E GUELPH CLOSED BY MS25475; PT 2, 61R2725 & AS IN ROS198786 EXCEPT PT 1, 61R2295 AND RO739715; S/T MS26308, MS87485, ROS175179, ROS216912; GUELPH; T/W EASEMENT OVER PTS 1, 2 & 3, 61R7512 AS IN RO792112 (PIN 71488-0188)

## City Of Guelph Properties at the Aqueduct Laneway and Surrounding Property



### Legend

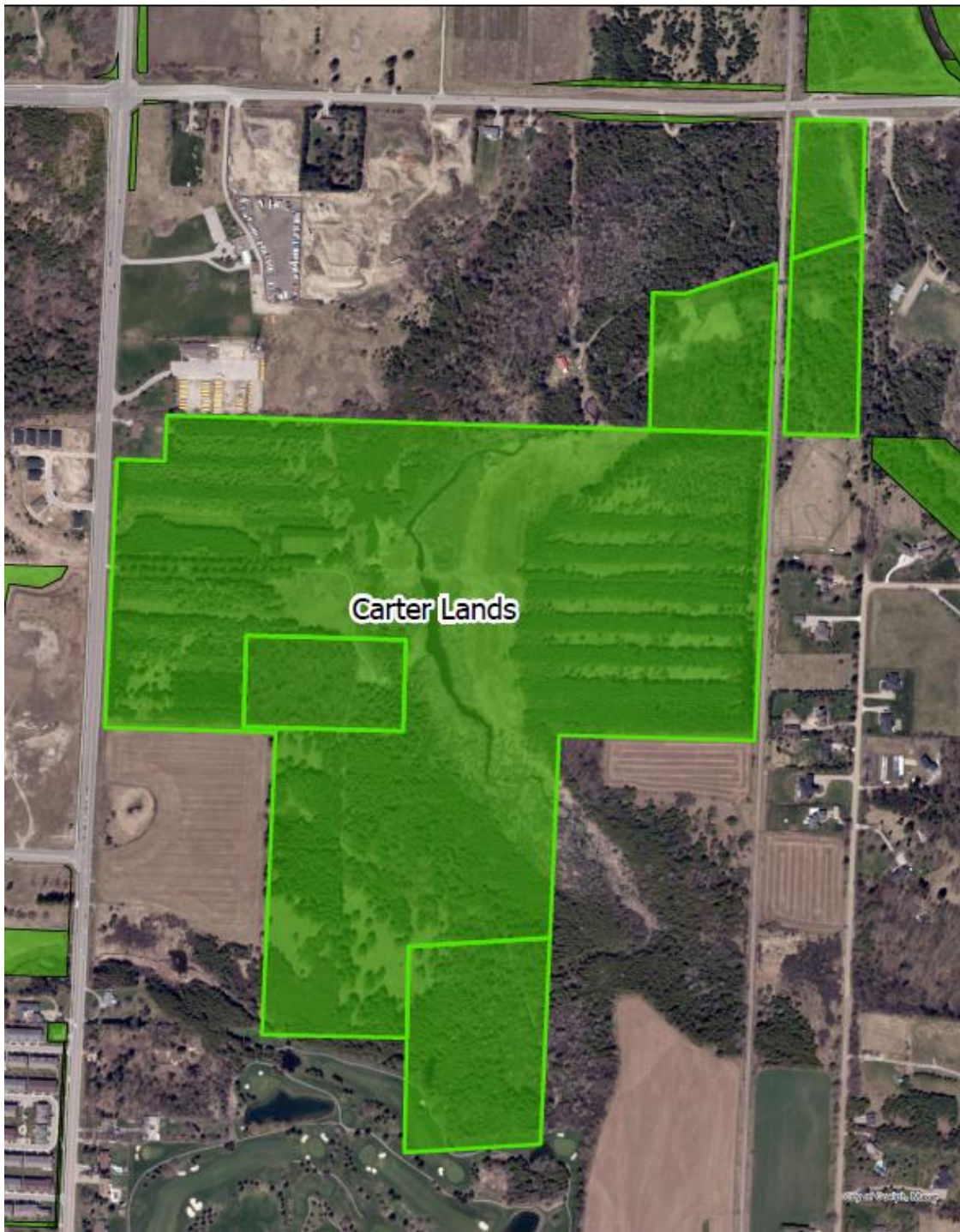
-  Arkell Spring Grounds
-  Aqueduct Property
-  City Of Guelph Owned Property





Author: City Of Guelph GIS Team  
Date Created: 01/24

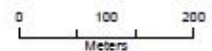


## City Of Guelph Owned Property at the Carter Lands



### Legend

-  Carter Lands Boundary
-  City Of Guelph Owned Property





Author: City Of Guelph GIS Team  
Date Created: 01/2024

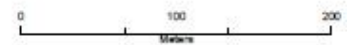


# City Of Guelph Owned Properties at the Clythe Lands



### Legend

-  Clythe Lands Boundary
-  City Of Guelph Owned Property





Author: City Of Guelph GIS Team  
Date Created: 01/24

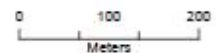


## City Owned Properties surrounding Dolime Quarry



### Legend

-  Dolime Quarry
-  City Of Guelph Owned Property



Author: City of Guelph GIS Team  
Date Created: 01/24