

**THE CORPORATION OF THE TOWN OF GREATER NAPANEE
BY-LAW NO. 2024-0064**

Being a Bylaw to Regulate, Manage, and Protect the Use and Maintenance of Public Parks, Public Open Spaces, and other Public Facilities in the Town of Greater Napanee

WHEREAS Section 11(3) of the *Municipal Act, 2001*, as amended, provides that the council of a local municipality may pass by-laws respecting matters within the sphere of jurisdiction of culture, parks, recreation and heritage;

AND WHEREAS Section 444 of the *Municipal Act, 2001*, as amended, provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention to discontinue to contravening activity;

AND WHEREAS the Council of the Town of Greater Napanee deems it expedient to regulate, manage, protect, control and govern all public parks, public open spaces, and other public facilities in the Town of Greater Napanee;

NOW THEREFORE the Council of the Corporation of the Town of Greater Napanee enacts as follows:

SECTION 1 – DEFINITIONS AND INTERPRETATION

- 1.1 The short title of this by-law is the “**Public Parks and Spaces By-law.**”
- 1.2 Any reference to a statute, regulation or by-law refers to that enactment as it may be amended or replaced from time to time.
- 1.3 In the event of any inconsistency between a provision of this By-law and any other by-law, statute or regulation, the provision that more establishes the higher standards to protect the health, safety and welfare of the general public prevails to the extent of the inconsistency.
- 1.4 For the purpose of this by-law the following definitions shall apply:
 - a) “**Authorized Parking Area**” means an area of a park, lane, right of way, street or recreation area set aside for or established for the parking of motor vehicles, which may have regulations posted with respect to the use of the area;
 - b) “**Camp**” means to establish a place providing temporary human accommodation for living, sleeping, or eating which may include a vehicle or structure constructed of canvas, fabric, or other material which is intended to be used for temporary accommodation for a period of six (6) hours or longer;
 - c) “**CAO**” means the Chief Administrative Officer or their designate of the Corporation of The Town of Greater Napanee as appointed by Council;

- d) "**Council**" means the Council of The Corporation of The Town of Greater Napanee;
- e) "**Daycare**" means a childcare facility licensed by the province of Ontario;
- f) "**Designated Area**" means an area that is set aside or reserved for a particular use and clearly defined by signage or other visual means, and which may include posted conditions for use;
- g) "**Director of Parks**" means the Town employee holding the position of Director of Parks, Recreation and Culture and/or the person identified by the CAO as holding the responsibility for the management of park and facility maintenance operations, or their designate from time to time.
- h) "**Municipal Facility**" means any building or structure under the jurisdiction of the Town of Greater Napanee;
- i) "**Motorized Recreational Vehicle**" includes a snowmobile; all-terrain vehicle; power-assisted bicycle; or similar vehicle, but shall not include a wheelchair;
- j) "**Municipal Park**" means a park, Playground, Sports Field, outdoor recreation complex, square, garden, pedestrian walkway, trail, or any other area within Town limits owned or leased by the Town and devoted to active or passive recreation, and shall include any lane or walkway or public parking area leading thereto;
- k) "**Municipal Property**" means a Municipal Park, Municipal Facility, or vacant lot owned or under the jurisdiction of the Town, and includes buildings, structures, equipment, turf, trees, plants, or any other item or object installed, erected, planted or placed by the Town in any Municipal Park or Municipal Facility. For greater clarity, and without limiting the generality of the foregoing, Municipal Property for the purpose of this By-law includes the premises listed in Schedule A attached to and forming this By-law.
- l) "**Officer**" means a person appointed by Council as a municipal By-law Enforcement Officer, a police officer, or any other individual duly appointed to enforce this by-law;
- m) "**Person**" means an individual, corporation, partnership or association and the heirs, executors, administrators or other legal representatives of any person to whom the context can apply according to law;
- n) "**Playground**" means any structure installed in a park intended primarily for recreational use by children or youth, and includes a splash pad;

- o) **“School”** means a property where the principle use is an institution providing elementary or secondary education to pupils, and includes a school and a private school as defined under the *Education Act*;
- p) **“Sensitive Use Area”** means any portion of Municipal Property defined as a Sensitive Use Area in the Town’s Encampment Response Protocol, as adopted or amended from time to time, attached to and forming a part of this By-law as Schedule B.
- q) **“Service Animal”** means an animal required by a person with a disability for assistance, and the person has documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to their disability:
 - i. A member of the College of Audiologists and Speech-Language Pathologists of Ontario,
 - ii. A member of the College of Chiropractors of Ontario,
 - iii. A member of the College of Nurses of Ontario,
 - iv. A member of the College of Occupational Therapists of Ontario,
 - v. A member of the College of Optometrists of Ontario,
 - vi. A member of the College of Physicians and Surgeons of Ontario,
 - vii. A member of the College of Physiotherapists of Ontario,
 - viii. A member of the College of Psychologists of Ontario,
 - ix. A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario.
- r) **“Service Manager”** means the County of Lennox and Addington, as the service manager designated under the *Housing Services Act, 2011, S.O. 2011* for the Town of Greater Napanee;
- s) **“Sports Field”** means an area in Municipal Park set aside or designed for use in specific organized or unorganized sports and includes, but is not limited to, skateboard parks, soccer pitches, sport courts, and ball diamonds;
- t) **“Town” or “Municipality”** means the Corporation of The Town of Greater Napanee;

SECTION 2 – APPLICATION AND ADMINISTRATION

- 2.1 Except as otherwise provided herein, this by-law applies to all Municipal Property.
- 2.2 Nothing in this by-law shall limit the Town of Greater Napanee, its agents, employers or contractors from performing their duties in relation to Municipal Property construction, maintenance, or other necessary municipal activities.

- 2.3 Nothing in this by-law shall limit bona fide emergency service providers from responding to an emergency or carrying out their duties.
- 2.4 Authority and responsibility to oversee the operation of municipal property is delegated to the CAO, who may establish policies and procedures as required to implement the requirements of this by-law.

SECTION 3 – ACCESS TO PARKS AND FACILITIES

- 3.1 No person shall remain in or enter into any Municipal Property between the hours of 11:00 p.m. and 5:00 a.m. except as a participant or spectator of a function approved by the Town.
- 3.2 No person shall remain in any Municipal Property upon completion of an activity as a participant or spectator of any function between the hours of 11:00 p.m. and 5:00 a.m.
- 3.3 Subsection 3.1 and 3.2 do not prevent a person from being on a pathway or trail within a Municipal Park for the sole purpose of traversing that part of the Municipal Park.
- 3.4 No person shall enter any Municipal Property, or area within any Municipal Property, where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted.
- 3.5 The Director of Parks may, at their discretion, restrict or permit access at any time and to any person for the use of Municipal Property on the basis of the ground conditions, inclement weather, and/or the maintenance schedule.
- 3.6 The use by or the presence of any person in any Municipal Property for any activity or purpose shall be entirely at their own risk, and it shall be the responsibility of the parent or guardian of any minor to ensure that the minor is adequately supervised at all times while in any Municipal Property.

SECTION 4 - VEHICLES

- 4.1 No person shall operate a motor vehicle within the limits of any Municipal Property unless on a roadway or other Designated Area.
- 4.2 No person shall park within the limits of any Municipal Property except in an authorized parking area.
- 4.3 No person shall park overnight in Municipal Property, except in parking areas designated for overnight parking or where a permit has been issued by the Town.
- 4.4 No person shall use any part of Municipal Property for the purpose of washing, cleaning, servicing or maintaining any vehicle except in the event of an

emergency repair.

- 4.5 No person shall use any part of Municipal Property for instructing or coaching any person in the driving or operation of a motorized vehicle or motorized recreational vehicle.
- 4.6 No person shall operate a motorized recreational vehicle in any Municipal Property, except in a Designated Area.

SECTION 5 – ANIMALS

- 5.1 Every person bringing a domestic animal within Municipal Property shall keep the animal under their direct control and leashed at all times.
- 5.2 No person shall permit an animal to be within Municipal Facilities, Playgrounds, or Sports Fields, except Service Animals or animals specifically permitted by the Town as part of a special event through a facility rental agreement.
- 5.3 No person being the owner or having control of a domestic animal shall permit such domestic animal to disturb the reasonable enjoyment of Municipal Property by any other person, or to cause injury to any person, other animal or property.
- 5.4 No person shall disturb, injure, kill or trap any animal, bird, waterfowl, or other wildlife in a Municipal Property, unless authorized by the Town or another government agency.
- 5.5 No person in a park shall fish from any bridge or road intended for the passage of motor vehicles, or from any other location where signage is posted to prohibit fishing.
- 5.6 No person in a Municipal Property shall fish in violation of Provincial or Federal statutes or regulations, unless approved by a permit or treaty.
- 5.7 No person in a Municipal Property shall touch, interfere with or remove any bird's nest, the eggs or the young birds contained therein.
- 5.8 No person may feed wildlife in a Municipal Property, including birds, by providing, depositing or leaving food in a location where it may be consumed by an animal or bird.

SECTION 6 - FIRE

- 6.1 No person shall light or build a fire in any Municipal Property unless authorized by the Greater Napanee Fire Chief or through the conditions of an event permit issued by the Town.
- 6.2 Any authorized fire within Municipal Property must comply with the requirements

of the Town's Open Air Burning By-law.

- 6.3 Barbeques may be brought to and used in Municipal Parks provided they are propane or gas operated only, are supervised at all times, and are used in a safe area.
- 6.4 No person may ignite, discharge or set off any fireworks within Municipal Property unless they have received a permit from the Fire Chief or designate, and are operating in full compliance with the permit conditions, all municipal by-laws and provincial legislation.

SECTION 7 – PERMITS FOR CERTAIN ACTIVITIES

- 7.1 No person shall hold an event, a special event, or a planned activity on Municipal Property without a permit and/or a facility rental agreement. Such events and/or activities include but are not limited to fundraisers, sporting events, weddings, and festivals.
- 7.2 Every Person shall comply with the conditions of a permit issued for use of Municipal Property. The Town may revoke the permit of any Person or group who fails to comply with the terms and conditions of that rental agreement or violates any provision of this By-law or other municipal By-law or provincial or federal laws and regulations.
- 7.3 No Person shall restrict public access to Municipal Property, unless the terms and conditions of their facility rental agreement with the Town specifically authorize them to do so.
- 7.4 Alcoholic beverages shall not be permitted in any Municipal Property except in areas designated and managed in accordance with the Municipal Alcohol Policy, the *Liquor Licence and Control Act, 2019*, regulations set out by the Alcohol and Gaming Commission, and the terms and conditions of the facility rental agreement.
- 7.5 No individual or business where goods or services are exchanged for a monetary value shall operate in any Municipal Property unless the business has obtained a permit or agreement from the Town or the business is operating as a guest vendor at the invitation of the permit holder for an event which has obtained a permit.
- 7.6 The Town may attach such terms and conditions to a permit or facility rental agreement as deemed necessary to ensure public safety, protect Town property, or maintain the enjoyment of the Municipal Property for the public.

SECTION 8 – WATERCRAFT

- 8.1 While on Municipal Property, no person shall moor any watercraft subject to any

right of law without a permit to do so:

- a) Outside a Designated Area;
- b) Contrary to posted restrictions or prohibitions;
- c) In any way that may or does endanger or inconvenience other watercraft or their use, or other users of the park;
- d) For a period of longer than two (2) hours without payment of the posted fee;
or
- e) For longer than the maximum of five (5) consecutive calendar days.

8.2 In addition to any other remedy, the Town may have the watercraft that is moored or kept in contravention of Section 8.1 removed with no notice to the owner and/or occupant and at the expense of the owner and/or occupant.

8.3 All watercraft operated at a Municipal Park or Municipal Facility shall be moored at the owner's risk and the Town shall not be responsible under any circumstances for any loss or damage caused by or sustained to any watercraft.

9 SECTION 9 – ENCROACHMENT

9.1 No person shall, being the owner or tenant of land abutting Municipal Property, cause or permit the planting of any hedge, tree, shrub, garden, or construction of any fence, storage shed, retaining wall or structure of any kind, the keeping of a compost heap or the placing of any string, wire, chain, rope or similar material on Municipal Property without prior written approval from the Town.

9.2 No person shall, being the owner or tenant of land abutting a Municipal Property, use Municipal Property to access their property without first obtaining the permission of the Town. The property owner may be required, at the discretion of the Town, to provide a deposit in the form of a certified cheque to cover any potential damages to Municipal Property. Said deposit shall be returned to the property owner upon satisfactory completion of the project and repair of any damage to the Municipal Property. Should the property owner not repair damages to the Municipal Property, the deposit shall be used by the Town to repair the damage.

10 SECTION 10 – CAMPING

10.1 No person, group or organization shall Camp in any Municipal Property except as part of an event for which a permit or rental agreement has been issued by the Town, and with the permission of the permit holder.

10.2 Notwithstanding Sections 3.1 and 10.1 and subject to Section 10.3, where the CAO, in consultation with the Service Manager, has reasonable grounds to believe that the number of locally available shelter beds is less than the number of individuals in need of shelter, then the Town may temporarily suspend Sections 3.1 and 10.1 as they pertain to individuals in need of shelter for such periods of time, at such Municipal Properties, and under such conditions as may be established under the Encampment Response Protocol, attached to this By-

law as Schedule B, as adopted or amended.

- 10.3 Notwithstanding Section 10.2, overnight camping and sheltering shall not be permitted within Sensitive Use Areas.
- 10.4 The exemption to Section 3.1 and 10.1 under Section 10.2 of this By-law does not exempt any Person from any other conditions and requirements of this By-law.

11 SECTION 11 – PROTECTION OF PERSONS AND PROPERTY

- 11.1 No Person in any Municipal Property, shall climb, break, injure, deface, move or remove any property.
- 11.2 No Person in any Municipal Property shall add to, remove, destroy or damage any fauna or flora, or any park facility, structure, equipment or sign.
- 11.3 No Person in any Municipal Property shall distribute any flyers, notices or advertising devices of any nature or kind, without permission from the Town.
- 11.4 No Person in any Municipal Property shall engage in threatening or indecent conduct, use abusive, threatening or profane language, or accost or in any way interfere with any other Person.
- 11.5 No Person shall have in their possession, in any Municipal Property, any firearm, air gun, bow and arrow, axe, knife, or other weapon or improvised weapon.
- 11.6 No Person shall in any Municipal Property, leave or drop any refuse, paper, bottles, cans, rubbish or any items of this nature, except in receptacles provided for that purpose.
- 11.7 No Person shall in any Municipal Property, including in a waste receptacle, leave or drop any large items, hazardous waste, construction material, brush, grass cuttings, household garbage, or any items of this nature.
- 11.8 No person shall foul or pollute any Municipal Property including any fountain or watercourse.
- 11.9 The CAO may make incidental rules and regulations that are consistent with this By-law, and may direct that such rules and regulations be posted within Municipal Property.
- 11.10 No Person shall remain on Municipal Property after being ordered to leave by an Officer or by a Town employee acting in the course of their duties.

SECTION 12 – ENFORCEMENT AND PENALTY

- 12.1 Every person who contravenes any provisions of this by-law shall be guilty of an

offence and, upon conviction, is subject to a fine as provided by the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as amended.

- 12.2 All provisions of this by-law may be enforced by a Municipal By-law Enforcement Officer.
- 12.3 In addition to any other remedy, if an Officer is satisfied that a contravention of this by-law has occurred, the Officer may:
- a) Make an order requiring the person who contravened this by-law to discontinue the contravening activity;
 - b) Make an order requiring the person who contravened this by-law to do work to correct the contravention; or
 - c) Exercise the Town's rights pursuant to the *Trespass to Property Act*.
- 12.4 Every person who acts in contravention of this by-law so as to cause the Town to incur costs due to their actions shall, in addition to any penalty provided for herein, be liable to the Town for all expenses incurred for the purpose of repairing or replacing damaged property or removing unauthorized materials, and such expenses may be recovered by court action.

13 SECTION 13 – SEVERABILITY

- 13.1 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 each and every provision of this by-law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

14 SECTION 14 – ENACTMENT

- 14.1 This by-law shall come into force and take effect upon the date of its passing.

Read a first and second time and finally passed, this 12th day of November, 2024

Terry Richardson, Mayor

Jessica Walters, Clerk

Schedule A to By-law 2024-0065

Inventory of Municipal Property

Name / Description	Civic Address
<i>Parks and Recreation Facilities</i>	
Arena and Grounds	16 McPherson Drive
Napanee Fairgrounds Sports Complex	Corner of Thomas Street and York Street
North Fredericksburgh Sports Complex and Hall	1208 County Road 8
Springside Park	8460 County Road 2
Conservation Park, which includes Rotary Park & Splash Park	10 Pearl Street
Winchester Park	End of Winchester Drive
Lions Park	Corner of Water Street and Centre Street
Roblin Ball Park	16 Homestead Road
Selby Ball Park and Hall	114 Pleasant Drive
South Fredericksburgh Park and Hall	2478 County Road 8
Kinsmen Park	End of Raglan Street
King Street Park	End of King Street
Dorland Park	5442 County Road 8
Sherman's Point Park	150 Bayview Drive
Brooks Ferry Landing Park	1531 South Shore Road
Huron Park	Junction of Huron Street and Parkway Street
<i>Cemeteries</i>	
Riverside Cemetery	334 Church Street
Riverview Cemetery	336 Dundas Street West
Sandhill / McCabe Cemetery	5950 County Road 9
Jaynes Cemetery	287 Drive-In Road
Empey Hill / Martin Cemetery	1057 Beechwood Road
Kaiser / Gosport Cemetery	Concession 4, Pt Lot 20 & 21 (off County Road 9)
Big Creek Cemetery	Concession 4, Pt. Lot 18 (off Big Creek Road)
Carscallen Cemetery	Concession 4, Pt. Lot 11 (off County Road 9)
<i>Municipal Administration Facilities</i>	
Town Hall	124 John Street
Administration Building	99 Advance Avenue
<i>Municipal Infrastructure Facilities</i>	
A.L. Dafoe Water Plant	75 East Street
Sandhurst Shores WTP	101 Shore Drive
Lake Ontario Raw Water Pumping Station	7364 Highway 33
Raw Water Reservoir	11 Golf Course Lane
Treated Water Storage Tower	No Address - near 261 East Street
Treated Water Storage Tank	8321 County Road 2

Treated Water Booster Station - Brandon	No Address - near 41 Community Road
Treated Water Booster Station - McCabe	No Address - between 112 & 124 County Road 8
Napanee WPCP	300 Water Street
Utilities Maintenance Garage	310 Water Street
Sewage Lift Station - Grange	No Address - between 151 & 159 Grange Crescent
Sewage Lift Station - Jim Kimmett	173 Jim Kimmett Boulevard
Sewage Lift Station - Victoria	16 Pearl Street
Sewage Lift Station - Clarksville	377 Clarke Avenue
Sewage Lift Station - Napier	No Address - bottom of Napier Street
Sewage Lift Station - Highway 41	No Address - beside 1 Richmond Boulevard
Sewage Lift Station - Highway 2	408 Dundas Street West
Bulk Water Filling Station	No Address - near 61 Enviro Park Lane
Leachate Dumping Station	100 Enviro Park Lane
Quarry	212 Palace Road
Water Street Landfill	No Address - between bottom of Napier Street & Hessford Street
South Fredericksburgh Waste Disposal Site	651 Road 1
Roblin Waste Disposal Site	232 Roblin Road
Sewage Lift Station - Jim Kimmett	173 Jim Kimmett Boulevard
<i>Emergency Services Facilities</i>	
Fire Station 1 – Napanee	66 Advance Avenue
Fire Station 2 – Roblin	3266 Highway 41
Fire Station 3 – Dorland	2956 South Shore Road

Schedule B to By-law 2024-0064

Town of Greater Napanee Encampment Response Protocol

1. Purpose

The Town of Greater Napanee is committed to ensuring the rights and dignity of people experiencing homelessness are respected, while at the same time ensuring public spaces remain safe and accessible to all residents.

This protocol provides guidance for Town staff and partnering agencies on the response to and removal of encampments on public property, including relevant by-laws, resources and available community supports.

2. Definitions

In addition to the definitions contained within Parks and Public Spaces By-law No. 2024-00XX, the following terms are defined for the purpose of this protocol:

- a) **“Emergency Shelter”** means a facility that provides temporary shelter for people experiencing homelessness, and may be operated by a private or public entity.
- b) **“Encampment”** Encampments may appear as a single tent, or a group of tents. Encampments are locations where one or more people live in an unsheltered area set up on either public or private property.
- c) **“Private Property”** means land or buildings owned by a non-governmental legal entity, including individuals and corporations.
- d) **“Public Property”** means property owned by a government entity, and includes Municipal Property.
- e) **“Sensitive Use Area”** means any portion of a Municipal Property which is:
 - i. On or within 85 meters (279 feet) of a Playground;
 - ii. Within 85 meters (279 feet) of a Daycare;
 - iii. Within 100 meters (328 feet) of a School;
 - iv. On or within 85 meters (279 feet) of a Long-Term Care residence building;
 - v. Within 50 meters (164 feet) of a facility, or portion thereof, during times when programming for children is actively being held
 - vi. On or within 20 meters (66 feet) of a Sports Field;
 - vii. On, within, or blocking access to, a Facility rented by the Town for a fee;
 - viii. On any roads, lanes, or pathways used for travel within a cemetery, or on or within 30 meters (99 feet) of a grave site;
 - ix. On or within 5 meters (16 feet) of a community garden;
 - x. On, within, or blocking access to, a building with a heritage designation;
 - xi. On or within 5 meters (16 feet) of a walking path, or trail, parking lot, or designated pedestrian access point to a park or facility;
 - xii. Within 10 meters (33 feet) of critical infrastructure related to the treatment

- of drinking water or wastewater, including water intake protection zone one;
- xiii. Within 10 meters (33 feet) of a private property line;
 - xiv. On or within any designated fire route or the entrance to or exit from a designated fire route, or located so as to block any fire hydrant, standpipe, sprinkler, and hose connections on a building;
 - xv. Located so as to block access to an accessibility access, ramp, or entrance or exit required in the event of a fire or emergency;
 - xvi. On or within any area identified as a health and safety risk due to the susceptibility of flooding, erosion, slope instability, or other environmental hazards that presents a risk to health and safety;
 - xvii. On or blocking access to public lands or infrastructure where essential work by the Town or its agents is actively being undertaken, or is scheduled to be undertaken within the next week;

In addition, due to the presence of multiple overlapping uses and unique role as a community gathering space, the entirety of Conservation Park is deemed to be a Sensitive Use Area.

- f) **Service Agency** means a publicly or privately funded organization operating within Greater Napanee which has a mandate that relates to homelessness or encampment response, and which is not under the control or direction of the Town. Service Agencies may be called upon by the Town to assist with this Encampment Response Protocol as community partners, but are not bound by it.

3. Context

Homelessness is a complex social issue that is often misunderstood. It can result from many compounding and/or individual factors such as a mental health, job loss, and domestic violence. Encampments are a visual representation of a lack of resources and policy failures. Addressing encampments, and the larger issue of homelessness, is a shared responsibility that requires all levels of government, community agencies, and stakeholders to work together to provide public, social, and health-related supports.

The Town's encampment response focuses on ensuring the safety of those living in encampments and on neighbouring properties; the ability for community residents to use and enjoy public spaces; and the collaboration of Community Partners and Service Agencies to provide essential support; and finding opportunities to build relationships based on trust and mutual understanding.

The Town recognizes that Section 7 of the Charter of Rights and Freedoms which provides that "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice." The Town further recognizes that these Section 7 rights extend to the right for unhoused individuals to shelter on public lands where no other accessible shelter option is available to them.

4. Principles and Commitment

In all interactions with people who are living unsheltered, staff will engage in utilizing a human-centered, health-focused, rights-based approach. All actions will be guided by a commitment to upholding the human rights and human dignity of all individuals living in encampments, temporary shelters, or tents. Staff will also work to build rapport through mutual respect, effective communication, and empathy, and by maintaining transparency around the expectations of individuals living in encampments, temporary shelters or tents, and Town staff.

5. Responsibilities

The Town does not have any authority to direct Police or Social Service Agencies, but is committed to working in partnership with these organizations to provide a coordinated and holistic approach to encampments. The Town will be responsible for responding to encampments located on Municipal Property within the limits of its services and authority.

6. Guidelines Respecting Encampments on Public Property

When the Town, in consultation with local Service Agencies, has reasonable grounds to believe that the number of locally available and accessible shelter beds is less than that number of individuals in need of shelter, then a temporary suspension of the Town's By-law section prohibiting camping on public lands shall be permitted subject to the requirements laid out in this section.

Prohibited Areas for Erecting Encampments, Temporary Shelters, or Tents

Individuals experiencing homelessness can set up encampments by erecting temporary shelters for themselves and grouping together with others in similar circumstances. However, each encampment or cluster of shelters must not exceed three tents or similar structures, and there must be a minimum separation of 50 meters between each encampment or cluster. Additionally, the location of encampments must carefully balance public and private interests, and therefore encampments will not be permitted within a Sensitive Use Area.

Further, no temporary shelter or tent will be permitted to be attached or tied to any building or permanent structure, but must be freestanding.

Maximum Personal Space Allotment

The total area for a single tent and all its associated belongings cannot exceed a 3-metre by-3-metre area, or 9-metres squared, and the total area for three tents within a cluster cannot exceed beyond a total area of 27-metres-squared.

Individuals are required to keep all belongings inside their tent or structure. According to the Property Standards By-Law, all property must be maintained and kept clean at all times.

7. Encampment Response Process

Given that several circumstances require unique responses, the following guidelines have been established to direct responses to people living in encampments, and their temporary shelters, or tents:

1. When an encampment, temporary shelter, or tent is located on public property, and within a prohibited area or Sensitive Use Area, as defined by this Protocol:
 - a) Town staff will notify Service Agencies and request them to engage with the individual(s) living within an encampment, temporary shelter, or tent to better understand their needs and connect them with internal and community supports, including housing-focused case management; referral into the emergency shelter system; referrals to health agencies, social assistance supports, and specialized outreach supports; and any other relevant supports available that would improve an individual's health and well-being.
 - b) Officers will visit the site and confirm whether the encampment, temporary shelter, or tent is within a prohibited area. Officers will notify the individual(s) living at the location via Notice of Trespass and verbally, if possible, that they are in a prohibited area, and that they will be required to move from the existing location.
 - c) If the duration of time provided by a Trespass Notice expires an individual(s) at the site has not moved voluntarily and is unwilling to move Town Staff will notify Ontario Provincial Police. Ontario Provincial Police will be requested to support the Town Staff in directing the individual(s) living at the encampment, temporary shelter, or tent to vacate the prohibited area.
2. When an encampment, temporary shelter, or tent is located on public property, and not within a prohibited area or Sensitive Use Area, as defined by this Protocol:
 - a) Town staff will notify Service Agencies and request them to engage with the individual(s) living within an encampment, temporary shelter, or tent to better understand their needs and connect them with internal and community supports, including housing-focused case management; referral into the emergency shelter system; referrals to health agencies, social assistance supports, and specialized outreach supports; and any other relevant supports available that would improve an individual's health and well-being.
 - b) Officers will visit the site and confirm whether the encampment, temporary shelter, or tent is not within a prohibited area.
 - c) If there are few or no immediate health, safety, or other concerns due to the encampment or its location, Officers will monitor the area and engage with Service Agencies to determine the next steps.

8. Encampments on Private Property

Encampments, temporary shelters, or tents identified on private property are primarily the responsibility of the property owner. Where the owner has not provided consent, concerns of the owner are within Ontario Provincial Police jurisdiction and will be subject to ordinary enforcement procedures in accordance with applicable laws.

Ontario Provincial Police may seek the assistance of Municipal Staff as appropriate or required in the circumstances.

9. Process for Designating an Encampment or Temporary Shelter as Abandoned

While the Town is aware of many encampments, temporary shelters, and tents in the community, people living in encampments, temporary shelters, and tents may move to new locations and/or abandon a previous site without knowledge. Given that maintaining one's possessions while experiencing homelessness is vital to a human-rights-based approach, staff will be cautious when deeming a site to be abandoned.

The following process will be followed regarding potentially abandoned sites on public property:

1. If Town Staff have not witnessed anyone at the site and/or can confirm that the former inhabitants of the site have moved elsewhere, they will place a notice at the site informing potential residents that the site is to be cleaned in two (2) business days from the time the notice is placed.
2. Within the two-day timeline, all reasonable attempts will be made by Town Staff, in coordination with Service Agencies, to ensure that individuals known to be previously staying at a site have been made aware that their former site will be deemed abandoned and cleaned.
3. Town Staff will coordinate the clean-up, to be completed either by parks staff, public works staff, or a contractor, within 72 hours of approval, with discretion for extenuating circumstances such as inclement weather.
4. Wherever possible, Town Staff will coordinate with Service Agencies to store personal belongings left at a potentially abandoned site prior to clean-up.
5. Where the conditions of the site pose an imminent risk to public health and safety, these timelines may be shortened. In all cases, Town Staff will make every reasonable effort to provide advance notice to former inhabitants prior to commencing clean-up work.

Clean-up and maintenance of encampments, temporary shelters, or tents previously on private property are the responsibility of the property owner.

10. Sanitation and Waste Removal

Encampments are a temporary solution to a complex social need, and are not intended to become a permanent housing solution. At least twice per year, Town Staff will conduct a site clean up of every encampment on public property to remove waste and debris. This work shall be done in the interest of public safety and sanitation. During the work, site occupants may be required to temporarily relocate to a different area. Town Staff will ensure advance notice is provided to site occupants and service agencies a minimum of one week prior to the work being scheduled.

11. Open Air Burning

When this protocol is in effect, the Fire Chief or designate shall have the discretion to manage the Town's Open Air Burning By-law in accordance with the following principles:

1. Individuals living in encampments may be permitted to have small, contained, safe and supervised fires for the purposes of heat or cooking, recognizing that such fires may help promote life, health and safety for the unhoused individual.
2. If a Firefighter is called to respond to a report of open air burning at an encampment, the attending Firefighter may direct that the fire be extinguished in accordance with Section 28 of Open Air Burning By-law No. 2019-0021, may direct that the fire be modified in order to improve safety, or may direct that the fire be permitted to continue subject to the requirements of the preceding section 11.1.
3. When determining whether the fire should be extinguished, modified, or permitted, the attending Firefighter shall consider mitigating factors such as:
 - a) The current and forecasted outside temperature;
 - b) The size of the fire;
 - c) How the fire is contained;
 - d) How the fire is supervised;
 - e) The materials being burned; and
 - f) Proximity of the fire to tents, buildings, property lines, overhead wiring, trees and brush, and other combustible materials.

12. Safety

Conditions in encampments may create significant health and safety concerns for those living outside including open flames, cold weather, and lack of access to water and sanitation. Serious health, safety, or criminal activity may warrant immediate removal of an encampment. Combustible materials in encampment sites could present a health and safety concern for encampment residents and/or the general public.

Nothing in this protocol purports in any way to limit or fetter the responsibilities, discretion, duties or powers of the Fire Chief, Medical Officer of Health, Chief of Police or any other statutory or other office or power holder in relation to anything that may fall within their respective purview or jurisdiction, including the enforcement of any law.

Schedule C to By-law 2024-0064

Set Fines for Infractions under Part I Provincial Offences Act

**For Town of Greater Napanee By-law No. 2024-0064
Being a By-law to Regulate, Manage, and Protect the Use and Maintenance of Public
Parks, Public Open Spaces, and other Public Facilities in the Town of Greater Napanee**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1.	Remain in or enter Municipal Property between 11:00 p.m. and 5:00 a.m.	Section 3.1	\$100.00
2.	Enter Municipal Property where admission is prohibited or restricted	Section 3.4	\$100.00
3.	Fail to keep a domestic animal leashed or under control in Municipal Property	Section 5.1	\$150.00
4.	Permit an animal to enter a prohibited area	Section 5.2	\$100.00
5.	Allow a domestic animal to disturb, injure or damage	Section 5.3	\$150.00
6.	Feed wildlife on Municipal Property	Section 5.8	\$100.00
7.	Fail to have or apply for a permit for Municipal Property Use	Section 7.1	\$150.00
8.	Fail to comply with the conditions of a permit	Section 7.2	\$150.00
9.	Carry on business in Municipal Property without a permit	Section 7.5	\$100.00
10.	Moor watercraft on Municipal Property contrary to posted conditions	Section 8.1	\$100.00
11.	Owner or tenant of adjacent land, encroach onto Municipal Property	Section 9.1	\$100.00
12.	Camp on Municipal Property without a permit	Section 10.1	\$100.00
13.	Damage, deface or remove Municipal Property	Section 11.1	\$150.00
14.	Destroy or remove vegetation or landscaping materials	Section 11.2	\$150.00
15.	Distribute flyers, notices or advertising devices in Municipal Property without permission	Section 11.3	\$100.00

16.	Unlawfully engage in abusive or threatening language or disorderly conduct	Section 11.4	\$150.00
17.	Bring a weapon into Municipal Property	Section 11.5	\$150.00
18.	Fail to deposit waste in a receptacle	Section 11.6	\$150.00
19.	Deposit or leave any hazardous material or household waste on Municipal Property	Section 11.7	\$150.00
20.	Foul or pollute Municipal Property, including fountain or watercourse	Section 11.8	\$150.00
21.	Remain on Municipal Property after being ordered to leave	Section 11.10	\$100.00

Note: The penalty provisions for the offences indicated above is section 12 of By-law No. 2024-0064, a certified copy of which has been filed.