

CORPORATION OF THE TOWN OF HAWKESBURY

BY-LAW N° 43-2019

To allow the professional and volunteer firefighters of the Corporation of the Town of Hawkesbury to conduct fundraising activities on municipally-owned roadways

WHEREAS sections 8 to 11 of the *Municipal Act, 2001*, as amended, confers authority on municipalities to pass by-laws to regulate matters including highways, being one of its spheres of jurisdiction;

AND WHEREAS subsection 177 (3.1) of the *Highway Traffic Act, 1990*, as amended and subsection 3(3) of the *Safe Streets Act, 1999*, as amended make provisions for municipalities to pass a by-law to permit charitable organizations to conduct fundraising on roadways;

AND WHEREAS subsection 1(3) of the *Safe Streets Act, 1999*, as amended, places conditions on fundraising on roadways.

NOW THEREFORE, the Council of the Corporation of the Town of Hawkesbury deems it expedient to pass a by-law allowing fundraising by the professional and volunteer firefighters of the Corporation of the Town of Hawkesbury on municipally-owned roadways in the Town of Hawkesbury, as follows:

1. **Definitions**

"Agent" is a third party organizations or fundraiser or other contractor contracted by a charitable organization to organize a fundraising event;

"Aggressive manner" means a manner that is likely to cause a reasonable person to be concerned for his or her safety or security;

"Charitable organization" is a registered charity that is designated as a charitable organization under the *Federal Income Tax Act*.

"Council" means the municipal council of the Corporation of the Town of Hawkesbury;

"Roadway" means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadway collectively (as defined in the *Highway Traffic Act, 1990*, as amended);

"Solicit" means to request in person the immediate provision of money, using the spoken, written or printed word, a gesture or other means;

"Town" means the Corporation of the Town of Hawkesbury;

"Vehicle" includes automobile, motorcycle, van, truck, trailer, bus mobile home, traction engine, farm tractor, road-building machine, bicycle, motor-assisted bicycle, motorized snow vehicle, streetcar and any other vehicle drawn, propelled or driven by any kind of power, including muscular power.

2. Regulations

- 2.1 Canada Muscular Dystrophy, a charitable organization, through its agent, the professional and volunteer firefighters of the Corporation of the Town of Hawkesbury, shall be permitted to conduct a fundraising activity on Monday September 2, 2019 on the following Town roadways: intersection of McGill Street, Main East Street and Le Chenail Boulevard, and intersection of John Street and Le Chenail Boulevard, since the maximum speed limit is 50 km per hour, and as long as the normal flow of traffic is not disrupted.
- 2.2 A charitable organization that is fundraising through an agent shall ensure that its agent is conducting the fundraising in accordance with this by-law and all legislation as mentioned in section 3 of this by-law.
- 2.3 A charitable organization, including its agent, shall not be permitted to conduct fundraising in an aggressive manner. Any of the following activities shall be deemed to be considered fundraising in an aggressive manner:
1. threatening the person solicited with physical harm, by word, gesture or other means during the solicitation or after the person solicited responds or fails to respond to the solicitation;
 2. obstructing the path of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation;
 3. using abusive language during the solicitation or after the person solicited responds or fails to respond to the solicitation;
 4. proceeding behind, alongside or ahead of the person solicited during the solicitation or after the person solicited responds or fails to respond to the solicitation;
 5. soliciting while intoxicated by alcohol or drugs;
 6. continuing to solicit a person in a persistent manner after the person has responded negatively to the solicitation.

3. Offense

Every person who, and charitable organization including its agent, that contravenes any provision of this by-law is guilty of an offense and is liable to a fine and any penalties imposed pursuant to the *Safe Streets Act, 1999*, as amended, the *Highway Traffic Act, 1990*, as amended and the *Provincial Offenses Act, 1990*, as amended, and the *Federal Income Tax Act*, as amended.

4. Effective date

This By-law is effective on the day of its final passing thereof and for the fundraising activity scheduled on Monday September 2, 2019.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING
THIS 26th DAY OF AUGUST 2019.**

Paula Assaly, Mayor

Christine Groulx, Clerk