

The Corporation of the Municipality of Brockton



By-Law 2022-081

Being a By-Law to Regulate Camping Within the Municipality of Brockton.

Whereas the *Municipal Act S.O. 2001, c 25, Section 5(3)*, as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by By-Law;

And Whereas the Municipal Act, S.O. 2001, c 25 as amended, Section 11(3) and 27(1) , gives lower tier municipalities the authority to pass by-laws within the sphere of jurisdiction pertaining to parking, culture, parks, recreation and heritage and highways, including parking and traffic on highways and health, safety and well-being of persons;

And Whereas Section 128(1) of the Municipal Act, S.O. 2001, c.25 as amended without limiting Section 9,10 and 11 a local municipality may 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 Whereas Section 444 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

And Whereas the Council for the Municipality of Brockton deems it necessary to enact a by-law to regulate camping in the Municipality of Brockton.

Now Therefore the Council of The Corporation of the Municipality of Brockton enacts as follows:

1.0 Definitions

- 1.1 "Camping" means the establishment of a place providing temporary accommodation for living, sleeping or eating that may include;
- a) the use of a motor home, shelter, tent, trailer or vehicle or
 - b) the presence of food, utensil or cookware, or
 - c) a campfire,

"camp" and "camped" have corresponding meanings.

- 1.2 "Commercial Vehicle" as defined by the *Highway Traffic Act*.
 - 1.3 "Council" means the elected Council of the Municipality of Brockton.
 - 1.4 "Motor Home" means a self-propelled motor vehicle used exclusively for travel, recreation and vacation and which is capable of being used as temporary accommodation for living, sleeping or eating.
 - 1.5 "Municipality" means the Corporation of the Municipality of Brockton.
 - 1.6 "Officer" means the person or persons appointed as such by the Council of the Municipality of Brockton to enforce this By-law or a Provincial Offences Officer as defined in the *Provincial Offences Act, R.S.O. 1990, c. p. 33*.
 - 1.7 "Park and/or Public Place" means lands owned by the Municipality and includes but is not limited to cemeteries, playgrounds, playing fields, bowling greens, other recreational places, beaches, streets, laneways, road allowances, boulevards, all lands along or adjacent to any lake or river, grass plots, public squares, and open spaces and shall include any place the public has, or is permitted to have, access to.
 - 1.8 "Public nuisance" means an activity that unreasonably interferes with the public's interests and questions of health and safety, attacking upon the rights of the public generally to live their lives unaffected by inconvenience, discomfort or other forms of interference.
 - 1.9 "Shelter" means a structure constructed of canvas, fabric, tree boughs or other material which is capable of being used as temporary accommodation for living, sleeping or eating.
 - 1.10 "Tent" means a structure that is not permanently fixed to the ground which is capable of being used for temporary accommodation for living, sleeping or eating.
 - 1.11 "Trailer" means any vehicle so constructed that it may be attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle or is propelled by its own power source with or without wheels which is capable of being used for the temporary accommodation for living, sleeping or eating.
 - 1.12 "Vehicle" as defined by the *Highway Traffic Act*.
- 2.0 Overnight Camping
- 2.1 No person shall camp in park or public place or lands otherwise owned or occupied by the Municipality.
 - 2.2 Section 2.1 does not apply to designated camping areas within a park or public place or lands otherwise owned or occupied by the Municipality where authorization or approval has been granted by the Director of Community Services or his or her designate.
 - 2.3 Where described in Section 2.1 camping shall not include the driver and the use of a commercial motor vehicle parked in a permitted location for purposes regulated by the Highway Traffic Act, including O.Reg. 555/06 Hours of Service, as

amended.

3.0 Use of Private Land

- 3.1 No person shall camp on private land except as set out in Schedule “A” attached here to and forming part of this by-law.
- 3.2 Section 3.1 does not apply to lands where camping is a permitted use as per the Municipality of Brockton’s Comprehensive Zoning By-Law, as amended.

4.0 Parking of Motor Homes and Trailers

- 4.1 No person shall park a motor home or trailer except as permitted by the Municipality of Brockton’s Comprehensive Zoning By-Law, as amended.

5.0 Public Nuisance

- 5.1 Council declares the act of camping in unauthorized areas as a public nuisance, and prohibits all camping in the Municipality except where permitted in Section 2, 3 or Schedule “A”.
- 5.2 Notwithstanding Section 2, 3 and Schedule “A” camping within the Municipality is considered a public nuisance and is prohibited if the camping includes any of the following:
 - a) any excessive noise including loud music which is likely to disturb the inhabitants of the Municipality;
 - b) smoke from any source that may disturb the inhabitants of the Municipality;
 - c) garbage or odours from any waste or other source that is likely will disturb the Municipality;
 - d) nudity which is likely to disturb the inhabitants of the Municipality;
 - e) failure to keep available at any camp site, adequate facilities for the disposal of human waste;
 - f) unattended or open fires which would likely cause damage to the environment or have an adverse affect on any inhabitants of the Municipality;
 - g) failure to adequately store or dispose of any food, waste or other material which would be likely to attract wild or domestic animals to a campsite;
 - h) damage to trees, vegetation, fish or wildlife habitat at or near a campsite;
 - i) trespass to property of the inhabitant of the Municipality.

6.0 Exemption

- 6.1 The Officer or his or her designate may allow exemptions to the provisions listed in this by-law established by a set of circumstances including but not limited to: environmental concerns, proximity to neighbouring lands, roads and the health and safety of all persons.

6.2 As per the general provisions of the Comprehensive Zoning By-Law as amended, the Zoning Administrator may approve the use of temporary buildings and construction facilities including the use of trailers and motor homes.

7.0 Administration

7.1 The provisions of this by-law will be enforced by an Officer or his or her designate.

8.0 Penalties

8.1 Every person(s) who contravenes any provision of this by-law is guilty of an offence and subject to penalties as prescribed in the Provincial Offences Act, R.S.O. 1990, c. P33, as amended.

9.0 Validity

9.1 If, for any reason, any section, clause or provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof other than the part that was declared to be invalid.

10.0 Enactment

10.1 This By-Law shall come into full force and effect upon final passage.

10.2 This By-Law may be cited as the “Encampment By-Law”.

Read, Enacted, Signed and Sealed this 24th day of May, 2022.

Original Signed By
Mayor – Chris Peabody

Original Signed By
Director of Legislative and Legal Services
(Clerk) – Fiona Hamilton

**Schedule "A" to
By-Law 2022-081**

1. Motor Homes, tents or trailers may park or be parked and occupied on private lands where a residential home or cottage exists that meets the Ontario Building Code and the Municipality of Brockton's Comprehensive Zoning By-law requirements provided that a maximum of no more than one (1) motor home or trailer or two (2) tents be permitted at one time for a period no longer than seven (7) consecutive days followed by a minimum of 21 days before reoccurrence and provided that no fees are imposed by the owner(s) of the land for the occupancy of the said motor home, trailer or tents.
2. A group or individual(s) may make an application to Council for permission to be exempt from the provisions of this by-law for special occasions.

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and **Municipal By-law No. 2022-081, of the Municipality of Brockton**, attached hereto are the set fines for those offences. This Order is to take effect November 28, 2022.

Dated at London this 28th day of November, 2022.



Jeanine E. LeRoy
Regional Senior Justice
West Region

Municipality of Brockton
Part I Provincial Offences Act
By-law #2022-081: Encampment By-law

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
1	Camp on land owned or occupied by the Municipality of Brockton	Section 2.1	\$250.00
2	Camp on land contrary to provision(s) set out in Schedule A of this By-Law	Section 3.1	\$250.00

"NOTE: The penalty provision for the offences indicated above is section 8 of by-law no. 2022-081, a certified copy of which has been filed".