

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2025 - 33

BEING A BY-LAW TO PROHIBIT THE CLIMBING/DIVING/JUMPING FROM BRIDGES AND LIGHTHOUSE LANDMARK IN THE MUNICIPALITY OF MAGNETAWAN

WHEREAS Section 27 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may pass by-laws in respect to highways under its jurisdiction;

AND WHEREAS The *Municipal Act, 2001, S.O. c. 25, Section 10(6)* authorizes the Council of a Municipality to pass By-laws respecting health, safety, and well-being of persons;

AND WHEREAS the Council of the Municipality of Magnetawan deems it in the public interest to prohibit jumping, diving, climbing from bridges and the lighthouse landmark within the corporate limits of the Municipality of Magnetawan;

AND WHEREAS The *Municipal Act, 2001, S.O. c.25, Section 434.1 (1)* authorizes the Council of a Municipality without limiting sections 9, 10 and 11, that a Municipality may require a person, subject to such conditions as the Municipality considers appropriate, to pay an administrative penalty if the Municipality is satisfied that the person has failed to comply with a By-law of the Municipality passed under this Act. 2017, c. 10, Sched. 1, s. 75.

NOW THEREFORE BE IT ENACTED BY THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN AS FOLLOWS:

1.0 PROHIBITION

- 1.1 No person shall climb, dive, swim or jump from a bridge, box culvert and/or culvert owned by the Municipality of Magnetawan.
- 1.2 No person shall climb, dive, swim or jump from the historical landmark lighthouse and adjacent anchor platform within the Municipality of Magnetawan.

2.0 PENALTIES

- 2.1 Every person and/or owner and/or occupant who contravenes and/or directs another person(s) to contravene and/or permits another person the doing of any act which contravenes any of the provisions of this By-law is guilty of an offence and may be subject to:
 - fees, fines, penalties, and/or charges under the Administrative Monetary Penalties By-law and/or
 - fees or charges as per the current Fees and Charges By-law and/or
 - upon conviction is liable to a fine, to a maximum of \$5,000 (five thousand dollars) for each offence exclusive of the costs, as prescribed by the *Provincial Offences Act, R.S.O. 1990, c.P. 33*, as amended.

And further, in addition to any other remedy and to any other penalty the person convicted may also be prohibited from continuing or repeating the offence in accordance with the provisions of section 442 of the *Municipal Act*.

- 2.2 Fees, fines, penalties, and/or charges are as Schedule "B" attached for 2024 and are to be incorporated into the current Fees and Charges By-law. Any changes to Schedule "B" will be made during the annual updating of the Fees and Charges By-law and will be contained therein.

3.0 ENFORCEMENT

- 3.1 That this By-law shall come into force and effect on the date of passing.
- 3.2 Nothing herein shall be deemed to limit the ability of the Ontario Provincial Police to enforce this By-law at any time.
- 3.3 The enforcement of the By-law is assigned to any By-law Enforcement Officer for the Municipality of Magnetawan.

4.0 REPEAL

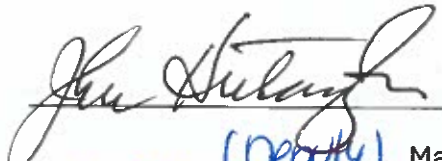

- 6.1 That By-law 2015-01 and previously conflicting Bylaws are hereby repealed.

5.0 SEVERABILITY

- 5.1 All sections of this By-law shall be deemed to be separate and independent and the invalidity of any section or provision thereof shall not affect the remaining sections.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 25th day of June 2025.

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**


(Deputy) Mayor


CAO/Clerk

OFFICE OF THE REGIONAL SENIOR
JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPALE RÉGIONALE
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

June 27, 2025

Ms. Laura Brandt, Deputy Clerk
P.O. Box 70
Magnetawan, ON
P0A 1P0

Dear Ms. Brandt;

Re: Set Fines – Provincial Offences Act
Part I – Municipality of Magnetawan, Parry Sound District

Thank you for your letter dated June 25, 2025 directed to The Ministry of the Attorney General, Crown Law Office-Criminal, regarding set fines for By-Law 2025-33. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Municipality of Magnetawan.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Order and the schedules of these set fines to the Ontario Court of Justice in Parry Sound, together with a certified copy of the By-Law.

Yours truly,

A handwritten signature in blue ink that reads "Karen Lische".

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

KLL/cm

Encl.

c.c.: His Worship Gary McMahon, Regional Senior Justice of the Peace
Her Worship Ruby Beck, Local Administrative Justice of the Peace

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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. 2025-33, of Municipality of Magnetawan, Parry Sound District, attached hereto is the set fine for that offence. This Order is to take effect June 27th, 2025.

Dated at the City of Greater Sudbury, this 27th day of June, 2025.

A handwritten signature in blue ink that reads 'Karen Lische'.

KAREN LISCHE
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE



SCHEDULE “A”

TO BY-LAW 2025-33

PROHIBIT THE CLIMBING/DIVING/JUMPING FROM BRIDGES AND LIGHTHOUSE LANDMARK

PART 1 PROVINCIAL OFFENCES ACT

SET FINE SCHEDULE

Item	Short Word Form Wording	Provision Creating/Defining Offence	Set Fine
1	No person shall climb , dive, swim or jump from a bridge, box culvert or culvert within the Municipality of Magnetawan.	Section 1.1	\$250
2	No person shall climb, dive, swim or jump from the historical landmark lighthouse and adjacent anchor platform within the Municipality of Magnetawan.	Section 1.2	\$250

K. Hsieh
June 27 2025

Note: The general penalty provision for the offences listed above is Section 2 of By-law 2025-33, a certified copy of which has been filed.



FEES, FINES, PENALTIES, AND/OR CHARGES SCHEDULE

SCHEDULE “B”

TO BY-LAW 2025-33

**PROHIBIT THE CLIMBING/DIVING/JUMPING FROM BRIDGES AND LIGHTHOUSE
LANDMARK**

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Fees, fines, penalties, and/or charges are as Schedule “B” attached for 2025 and are to be incorporated into the current Fees and Charges By-law. Any changes to Schedule “B” will be made during the annual updating of the Fees and Charges By-law and will be contained therein.