

## The Corporation of the Township of Centre Wellington

### By-law 2025-05

A By-law to regulate and prohibit activity in and around  
stormwater management facilities

**Whereas** Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, hereinafter referred to as the “the Act” enables the council of a municipality to pass By-laws regarding drainage and flood control and the health, safety and well-being of persons;

**And Whereas** Section 23.1 of the Act authorizes a municipal Council to delegate its powers and duties under the Act or any other Act to a person or body, subject to the rules and restrictions set out in Part II of the Act;

**And Whereas** Section 391(1) of the Act provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

**And Whereas** Section 425(1) of the Act authorizes a municipality to pass By-laws providing that a person who contravenes a By-law of a municipality passed under the Act is guilty of an offence;

**And Whereas** Section 436 of the Act provides that a municipality has power to pass By-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a By-law;

**And Whereas** Section 431 of the Act authorizes that where any By-law of a municipality under the Act is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted and requiring the person convicted to correct the contravention in a manner and within a period of time that the court considers appropriate;

**And Whereas** Section 446 of the Act provides that a municipality may proceed to do a matter or thing at a person’s expense which that person is otherwise required to do under a By-law, but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same matter as taxes;

**And Whereas** it is desirous to regulate and prohibit certain activity in and around stormwater management facilities for the health, safety and well-being of persons;

**Now Therefore the Council of the Corporation of the Township of Centre Wellington hereby enacts as follows:**

#### 1.0 Definitions

**“Appurtenance”** means an accessory item that may or may not be essential added to a piece of equipment;

**“Costs”** means all monetary expenses including labour incurred by the Township including interest and may include an administrative surcharge amount as established by the Township’s Fees and Charges By-law;

**“Designated Walking Path”** includes an asphalt, crushed stone, gravel, dirt, or grassed path or trail specifically designed for pedestrian use;

**“Director”** includes the Managing Director of Infrastructure Services for the Township and shall include any successor positions thereto as well as any person authorized by said Director to carry out any of their powers or duties pursuant to this By-law;

**“Discharge”** includes add, deposit, release and emit;

**“Dry Pond”** means a pond area that is dry most of the time and detains stormwater during large storm events and releases the stored water into a receiving water course or ditch or storm sewer at a reduced rate to prevent flooding;

**“Infiltration Pond”** means a special type of dry pond that is designed to collect stormwater and store it until it infiltrates into the ground;

**“Motor Vehicle”** includes an automobile, motorcycle, snowmobile, motor assisted bicycle unless otherwise indicated in the Highway Traffic Act, R.S.O. 1990, c. H. 8, as amended, and any other vehicle propelled or driven otherwise than by muscular power, and includes a power-assisted bicycle;

**“Naturalized Areas”** means a cultivated area of vegetation designed to mimic a natural ecosystem, often featuring native plants, wildflowers, shrubs, trees, and grasses;

**“Officer”** means a police officer, Municipal Law Enforcement Officer, Director or any other person appointed by By-law to enforce the provisions of this By-law;

**“Person”** includes an individual, sole proprietorship, partnership, limited partnership, trust, corporation, and an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

**“Posted Sign”** means any sign, pavement marking, notice or other device which has been placed, installed or erected by the Township, by another party acting under the direction of this By-law, to designate, regulate, restrict activities and enforce the provisions of this By-law;

**“Stormwater Collection System”** means any works for the collection, transmission, storage, treatment or disposal of stormwater or runoff, including storm sewers, storm sewer laterals, OGS, stormwater management facilities, stormwater conveyance channels, culverts, catch basis, water courses, drainage piping, or other appurtenances, that are owned, operated or maintained by the Township or over which the Township holds easement rights;

**“Stormwater Management Facility”** means a Township-owned, man-made facility designed and constructed to receive stormwater runoff from a storm sewer or ditch and to hold the water back for a period of time to allow settling and infiltration and to discharge the runoff water back to a receiving water course or ditch or storm sewer at a controlled rate to prevent flooding and erosion and includes a dry pond, an infiltration pond, a wet pond, a Designated Walking Path, a Naturalized Area, a Stormwater Collection System and any associated inlets, outlets, drains and equipment;

**“Township”** means the Corporation of the Township of Centre Wellington or the land within the geographic limits of the Corporation of the Township of Centre Wellington as the context requires;

**“Waste”** includes any debris, rubbish, refuse, sewage, effluent, garbage, brush, ashes, litter, wrappings, salvage, vehicle parts, discarded material or things, broken or dismantled things, or materials or things exposed to the elements;

**“Watercraft”** includes a boat, canoe, kayak, stand up paddleboard, sailboard or kiteboard;

**“Wet Pond”** means a pond that is designed to collect stormwater and to have a permanent pool area which will have varying water levels with each storm event and to **discharge** a certain amount of runoff water back to a receiving watercourse or ditch or storm sewer at a controlled rate to prevent flooding and erosion.

## **2.0 General Prohibitions**

- 2.1 No person shall enter onto a Stormwater Management Facility other than on a Designated Walking Path.
- 2.2 No person shall have or make direct contact with water contained in a Stormwater Management Facility.
- 2.3 No person shall operate a watercraft on a Stormwater Management Facility.
- 2.4 No person shall operate a motor vehicle on a Stormwater Management Facility.
- 2.5 No person shall place or dump, cause or permit to be placed or dumped waste on a Stormwater Management Facility.
- 2.6 No person shall place or deposit, cause or permit to be placed or deposited fish, amphibians or reptiles in a Stormwater Management Facility.
- 2.7 No person shall use a Stormwater Management Facility for any of the following activities:
  - (a) Skating;
  - (b) Swimming;
  - (c) Fishing;
  - (d) Wading;
  - (e) Bathing;
  - (f) Any other recreational use.
- 2.8 No person shall contravene the rules and regulations of a posted sign at a Stormwater Management Facility.
- 2.9 No person shall directly or indirectly obstruct, permit or cause to be directly or indirectly obstructed any part of the Stormwater Collection System.

- 2.10 No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, equipment or thing which is part of the Stormwater Collection System.
- 2.11 No person may enter a Stormwater Collection System without the express authorization of the Director.
- 2.12 No person shall provide false or misleading information to the Township or any employee or agent of the Township in respect of any matter subject to this By-law.

### **3.0 Exemptions**

- 3.1 This By-law does not apply to:
- (a) Township staff operating in their professional capacity for the operation and maintenance of Township facilities;
  - (b) Contractors authorized by the Township to repair, alter, construct, or maintain Township facilities;
  - (c) Agency representatives such as the Grand River Conservation Authority and Wellington Dufferin Guelph Public Health operating in their official capacity and with approval from the Director;
  - (d) Local, Provincial, and Federal emergency services.

### **4.0 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 the property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the By-law is complied with or an Order pursuant to Section 431 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, is complied with.
- 4.3 Every person who contravenes any provision of this By-law, including failing to comply with an Order issued pursuant to Section 431 of the Municipal Act, 2001, S.O. 2001, as amended, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, and the Municipal Act, 2001, S.O. 2001, as amended.
- 4.4 Any person who is charged with an offence under this By-law or an Order issued pursuant to Section 431 of the Municipal Act, 2001, S.O. 2001, as amended, or every director or officer of a corporation, who knowingly concurs in the contravention by the laying of an information under Part III of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, is guilty of an offence and if found guilty of the offence is liable pursuant to the Municipal Act, 2001, S.O. 2001, as amended, to the following:
- (a) on a first offence, to a fine not more than \$50,000.00; and
  - (b) on a second offence and each subsequent offence, to a fine of not more than \$100,000.00
- 4.5 Every person who is issued a Part 1 offence notice or summons and is convicted of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 4.6 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.
- 4.7 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 his or her duties.
- 4.8 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 4.9 If a person convicted of an offence for contravening a provision of this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person, to correct the contravention in such manner and within such period as the court considers appropriate including prohibiting the continuation or repetition of the contravention.
- ### **5.0 Recovery of Costs**
- 5.1 The Township may recover its costs of remedying a violation of this By-law by invoicing the person owing the costs, by initiating court proceedings or by adding the costs, including interest, to the tax roll in the same manner as municipal taxes in accordance with section

446 of the Municipal Act, and the exercise of any one remedy shall not preclude the exercise of any other available remedy.

5.2 All costs owed to the Township are due and payable within thirty (30) days of the billing date set out on the invoice and, in the event of failure to pay the entire amount due within the said thirty (30) days, interest may be applied at the rate of 1.25% per month (15% annually).

**6.0 Singular and Plural**

6.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural, where applicable.

**7.0 Conflict**

7.1 Where a conflict arises between the provisions of this By-law and any other By-law of the Township the more stringent provisions shall apply.


**8.0 Severability**


8.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, it is the intention of Council of the Township that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

**9.0 Enactment**

9.1 This By-law comes into force and effect upon its final passing.

**Read a first, second and third time and finally passed** this 26<sup>th</sup> day of January, 2026.

  
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Mayor – Shawn Watters

  
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Clerk – Kerri O'Kane