A By-Law to Permit Solicitation for the Purpose of Fundraising by Charitable Organizations, Registered under the Income Tax Act and Service Clubs or Not for Profit Organizations

WHEREAS the Municipal Act, 2001, as amended, Part II, Section 8(1) confers broad authority on a municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues,

AND WHEREAS the Municipal Act, 2001, as amended, Part II, Section 11(2) provides that a municipality may pass by-laws respecting matters within its spheres of jurisdiction,

AND WHEREAS the Section 3 of the Safe Streets Act, 1999 permits solicitation on public roadways for fundraising purposes by Charitable Organizations registered under the Income Tax Act, provided that they are permitted by a by-law of the municipality in which the activities are conducted,

AND WHEREAS the Council of the Municipality of Morris-Turnberry deems it expedient to provide the opportunity for any Morris-Turnberry organization that is registered as a “charity” under the Income Tax Act to undertake solicitation on public roadways for the purpose of fundraising within the boundaries of the Municipality,

NOW THEREFORE the Council of the Corporation of the Municipality of Morris-Turnberry enacts as follows:

1. THAT for the purposes of this by-law the following definitions apply:
   “solicit” means to request, in person, the immediate provision of money or another thing of value, regardless of whether consideration is offered or provided in return, using spoken, written or printed word, a gesture, or other means.
   “aggressive manner” means a manner that is likely to cause a reasonable person to be concerned for his/her safety or security.
   “charitable organization” means any organization that qualifies for and is registered as a “charity” under the Income Tax Act.
   “roadway” means and includes a common and public highway, street, avenue, parkway, bridge, etc, any part of which is intended for and used by the public for the passage of vehicles.

2. THAT Charitable Organizations, Service Clubs or Not for Profit Organizations are hereby authorized and permitted to undertake and conduct solicitation campaigns for the purpose of fundraising on public roadways within the boundaries of Municipality of Morris-Turnberry;

3. THAT such solicitation campaigns may be conducted only on roadways where the maximum speed limit is 50 kilometres per hour (per Section 3(1) of the Safe Streets Act);

4. THAT no person shall solicit in an aggressive manner (as described in Section 2(3) of the Safe Streets Act, 1999);

5. THAT any Charitable Organizations, Service Clubs or Not for Profit Organizations wishing to conduct a solicitation campaign on a roadway in Morris-Turnberry over which the County of Huron has jurisdiction, must submit a request under authority of this by-law to the Huron County Director of Public Works, and provide verification of County approval to the Municipal Public Works Co-ordinator within the prescribed two-week notification time;
6. THAT this by-law hereby repeals and rescinds By-law No. 53-2009.

7. THAT this by-law comes into force and effect on the date of passing, and shall continue in effect until amended or repealed by the Municipality of Morris-Turnberry Council.

READ A FIRST AND SECOND TIME THIS 7TH DAY OF May, 2013

READ A THIRD TIME AND FINALLY PASSED THIS 7TH DAY OF May, 2013

Mayor - Paul Gowing

 Clerk - Nancy Michie