

Meeting Date: September 3, 2019
Department: Fire and Emergency Services
Prepared By: Brian George, Director of Fire Services / Fire Chief
Reviewed By: Greg McClinchey, Chief Administrative Officer
Subject: **Strathroy-Caradoc Fire Department Proposed Muscular Dystrophy Boot Drives**

RECOMMENDATION:

That Council approve the Strathroy-Caradoc Fire Department Muscular Dystrophy Boot Drives, for all three stations to be conducted on the dates noted below and that all activity will be in accordance with By-Law # 38-06.

BACKGROUND

Each of our stations, Station 1 - Strathroy, Station 2 - Mount Brydges and Station 3 – Melbourne, hold their annual boot drives as fundraisers in support of Muscular Dystrophy. Muscular Dystrophy Canada receives no funding from any government sources and relies on fire departments such as ours to assist them with them with raising the funds required to help the many children and families that have been inflicted with Muscular Dystrophy. Each year thousands of dollars are raised from Fire Departments in Middlesex County and donated to this organization. Our members have raised over \$15,000.00 each of the last two years. Middlesex County is one of few areas that has had 100% support from the fire departments in raising funds throughout the community.

Amendments were made to the original Safe Streets Act 1999 on December 15, 2005 and to the Highway Traffic Act, to recognize the fundraising activities of legitimate charities and non-profit organizations. These changes would allow groups such as fire fighters *"to provide that the prohibition in section 3(2) of the act does not apply to fundraising activities that are conducted by registered charitable organizations on roadways where the speed limit is not more than 50 kilometers per hour, as long as these activities are permitted by municipal bylaws"*.

Section 2.1 of By-Law number 38-06 (*A By-Law to Allow Charitable Organizations to Conduct Fundraising Activities on Municipally Owned Roadways*), requires that a charitable organization submit their request in writing to Council for approval of an event, as well so that emergency services may be notified.

COMMENTS

The following dates are proposed for the three stations;

Station 1 – Strathroy – Saturday, September 14, 2019. Rain Date: September 21, 2019

Station 2 – Mount Brydges, Saturday, September 28, 2019. Rain Date: October 19, 2019

Station 3 – Melbourne, Saturday, September 07, 2019. Rain Date: September 14, 2019

CONSULTATION

District Chiefs and Station officers from all three stations.

FINANCIAL IMPLICATIONS

None

ATTACHMENTS

- By-Law 38-06: A By-Law to Allow Charitable Organizations to Conduct Fundraising Activities on Municipally Owned Roadways

CORPORATION OF THE TOWNSHIP OF STRATHROY-CARADOC

BYLAW NO. 38-06

**BEING A BYLAW TO ALLOW CHARITABLE ORGANIZATIONS TO
CONDUCT FUNDRAISING ACTIVITIES ON MUNICIPALLY-OWNED
ROADWAYS**

WHEREAS Sections 8 to 11 of the *Municipal Act, 2001*, as amended, confer authority on municipalities to pass bylaws to regulate matters including highways, being one of its spheres of jurisdiction;

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

AND WHEREAS Sections 2 and 3 of the *Safe Streets Act, 1999*, as amended, place conditions on fundraising on roadways;

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF STRATHROY-CARADOC DEEMS IT EXPEDIENT TO PASS A BYLAW ALLOWING FUNDRAISING BY CHARITABLE ORGANIZATIONS ON MUNICIPALLY-OWNED ROADWAYS IN THE TOWNSHIP OF STRATHROY-CARADOC, AS FOLLOWS;

1. Definitions –

“Agent” is a third party organization 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 Council of the Corporation of the Township of Strathroy-Caradoc;

“Police” means any member of the Strathroy-Caradoc Police Force uniform staff including the Police Chief, Deputy Chief and Inspector;

“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 roadways 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;

“Township” means the Corporation of the Township of Strathroy-Caradoc;

“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 A charitable organization wanting to conduct fundraising on a Township roadway shall provide a request in writing to Council at least one (1) month in advance of the event so that Council may approve, and so that the local fire, police and ambulance services can be made aware of the event, and shall also provide documented proof of being designated as a charitable organization under the Federal *Income Tax Act*;
- 2.2 A charitable organization shall provide proof of its status as a registered charitable organization under the Federal *Income Tax Act*, and shall also provide proof of liability insurance coverage in an amount not less than \$1,000,000, naming the Township as an additional insured for the duration of the fundraising activity, and said proof shall be provided with the request noted in Section 2.1 above;
- 2.3 A charitable organization shall be permitted to conduct a fundraising activity only on Township roadways where the maximum speed limit is 50 kilometres per hour, and as long as the activity does not impede the normal flow of traffic, at the determination of the police;
- 2.4 A charitable organization, including a charitable organization that is fundraising through an agent, shall ensure that the fundraising activity is conducted in accordance with this bylaw and all legislation as mentioned in Section 3 of this by-law;
- 2.5 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;
- 7. any other activity that is likely to cause a reasonable person to be concerned for his or her safety or security.

3. Offence –

Every person who, and the charitable organization including its agent that, contravenes any provision of this bylaw is guilty of an offence 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 Offences Act, 1990*, as amended.

4. Effective Date -

This by-law is effective on the day of its final passing thereof.

5. Short Title -

This by-law shall be referred to as the “Roadway Fundraising Bylaw”.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED IN OPEN COUNCIL this 19th day of June, 2006.

Original signed by Mel Veale

Original signed by Angela Toth

MAYOR

CLERK