

THE CORPORATION OF THE TOWN OF NORTH PERTH

BY-LAW NO. 52-AD-2003

BEING A BY-LAW

TO MANAGE AND REGULATE MUNICIPAL PARKS

WHEREAS Section 11(2) of the Municipal Act, S.O. 2001; Chapter 25, as amended, provides that the council of every corporation may pass by-laws respecting matters within the following sphere of jurisdiction: Culture, Parks, Recreation and Heritage;

AND WHEREAS the Town of North Perth is the successor to the following former area municipalities, namely: Township of Wallace, Township of Elma and the Town of Listowel all hereinafter referred to as the "former area municipalities";

AND WHEREAS the Council of the Town of North Perth deems it expedient to enact a single by-law to provide for the maintenance, operation, management and regulation of Municipal Parks "(hereinafter called "Park" or Parks" in this By-law), in place of by-laws of the former area municipalities;

NOW THEREFORE the Council of the Corporation of the Town of North Perth enacts as follows:

PART 1 - DEFINITIONS AND APPLICATION

Definitions

1. In This By-law,

(a) "Authorized Emergency vehicle" means:(i) any vehicle owned or operated by the Town of North Perth while the operator is engaged in the performance of his or her duties;

(ii) any vehicle owned or operated by a Police Service, a Fire Department or a Ministry of the Province;

(iii) any vehicle owned or operated by an ambulance service, a mortuary or a funeral home while the operator is engaged in the performance of his or her duties;

(iv) any vehicle owned or operated by a public utility including but not limited to vehicles owned or operated by Canada Post, a telephone company, a natural gas utility, a hydro electric power provider, and any other public utility, telegraph or telecommunications company, provided that such vehicles are each clearly identified by a crest or other marking and provided the operator is actively engaged in the provision of the services offered by the utility;

(v) any service vehicle owned or operated by an accredited road side service agency or automobile club or a licensed towing agency while the operator is providing a towing or other emergency roadside service.

(b) "authorized sign" means any sign, notice, or other device placed or erected in or upon a Park under the authority of this By-law;

(c) "bicycle" includes a tricycle, a unicycle and a bicycle to which a trailer device designed for

the purpose of conveying children is attached, but does not include a motor assisted bicycle;

(d) "Town" means The Corporation of the Town of North Perth

(e) "control" includes care and custody;

(f) "Council" means the council of The Corporation of the Town of North Perth

(g) "commercial motor vehicle" means a Motor Vehicle having attached to it a truck or delivery body or unit;

(h) "designated area" means any area defined, set aside or constructed for a specific use which may include posted conditions;

(i) "Director" means the Director of Parks and Recreation for the Town and includes his designate and successor;

(j) "Leash Free Zone" means an enclosed area within a park set aside as an area where dogs are not required to be leashed or otherwise restrained except by the area enclosure;

(k) "motor vehicle" means a motor vehicle within the meaning of the Highway Traffic Act, R.S.O. 1990, Chapter H.8 as amended;

(l) "motorized recreational vehicle" means a snowmobile, go-cart, trail bike, mini bike, all-terrain vehicle, or similar vehicle, propelled or driven by an internal combustion engine;

(m) "organized sport or activity" means a sport, game or activity pre-planned by a group or organization whether or not formally constituted and whether or not the players or members wear uniforms;

(n) "permit" means any written authorization of Council, a committee established by Council, or the Director where such authority has been delegated by Council;

(o) "post" or "posted" refers to the erection or presence of permissive, regulatory, restrictive, warning, or prohibitive signs;

(p) "posted area" means an area where such signs are erected;

(q) "park" means any land, and land covered by water and all portions thereof owned by or made available by lease, agreement, or otherwise to the Town, that is or hereafter may be established, dedicated, set apart or made available for use as a public open space or golf course, and that has been or hereafter may be placed under the jurisdiction of the Director including any and all buildings, structures, facilities, erections, and improvements located in or on such land, save and except where such land is governed by other by-laws of the Town;

(r) "persons with disabilities" and "disabled person" includes any person who is blind or who has any degree of physical disability, which requires the physical reliance upon a wheelchair, crutches, braces, canes or other similar remedial appliance or device, or upon an animal trained to provide guidance or other form of assistance;

(s) "public parking area" or "parking space" means any area of the Park which has been set aside and designated by the Town for the parking of vehicles and where there is an authorized sign indicating said designation or otherwise regulating and parking;

(t) "residence" means a place that is actually occupied or used as a residential building;

(u) "roadway" means that part of a Park that is set aside and improved for the use of vehicular

traffic;

(v) "vehicle" includes a Motor Vehicle as defined under the Highway Traffic Act, and includes any bicycle, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power, but excludes a wheelchair or similar device, powered or otherwise, used by an individual due to disability, baby carriage, or cart, child's wagon, child's stroller, child's sleigh or other conveyance of a like nature;

(w) "watercraft" means any device for conveyance in or on water and includes but is not limited to powerboats, rowboats, sailboats, sailboards, canoes, kayaks, or dinghies;

2.(1) In this By-law, whenever a word imparts the masculine gender it is deemed to include the feminine gender.

(2) In this By-law, the singular sense is deemed to be inclusive and interchangeable with the plural sense.

(3) This By-law is subject to the provisions of any by-law of the Town regulating the control of dogs or animals.

PART II - USE OF FACILITIES

Hours of Entrance

3. No person shall enter into, or be in any park between the hours of eleven in the afternoon (11:00 p.m.) and six o'clock in the forenoon (6:00 a.m.), except where after hours use of a park has been approved by the Town.

Restricted Areas

4. While in a park, no person shall enter into areas posted to prohibit or restrict admission of the public.

Conduct

5. While in a park, no person shall:(a) indulge in any riotous, violent, threatening, or illegal conduct or use profane or abusive language;

(b) create a nuisance or in any way interfere with the peaceful enjoyment of the park by other persons

Injury and Damage

8. No person shall, in any park:(a) climb or descend any building, structure, equipment or natural formation; this prohibition does not apply to structures designed, intended or designated for climbing;

(b) break, injure, deface, move or remove the whole or any part of any flowers, plant material, trees or other vegetation or any building, structure, equipment or other property of the Town, unless authorized by the Director;

(c) unless authorized by the Director or by permit, move or remove the whole or any part of rocks, boulders, rock faces, soil, sand, wood or like substance, or any other property or thing;

(d) in any manner, disturb ground which is under repair, prepared for planting, has been newly seeded or sodded, or is in an area posted to that effect, unless authorized by the Director;

Waste and Pollution

9. No person shall in any park:(a) subject to (b) and (c) herein, dispose of or dump garbage, litter, tree trimmings, refuse or any other matter or thing, except that which is generated through the normal use of the park, and shall only deposit same in receptacles provided for such purpose;

(b) dispose of or dump garden refuse except in a designated area therefore;

(c) unless authorized by permit, dump or deposit snow, fill, soil, building or construction materials;

(d) dump or drain onto any soils or into the waters of any pool, pond, lake, stream, fountain, or watercourse any kind of substance or material, toxic or otherwise;

Protection of Wildlife

10. While in any park, no person shall:(a) subject to the provisions of section 22, kill, attempt to kill, maim, injure, trap, remove or disturb any animal, bird, waterfowl, worms, or other wildlife; or

(b) touch, injure or remove any nest or egg therefrom;

unless authorized in writing by the Director.

Animal and Fish Displays

11. While in any park, no person shall:(a) feed or attempt to feed any wild bird or fish or any bird or fish owned by or under the control of the Town unless posted otherwise.

Encroachment

12. Unless authorized by the Director or by permit, no person shall encroach upon or take possession of any park, by any means whatsoever, including the construction, installation or maintenance of any fence, or structure, the dumping or storage of any materials, or planting, cultivating, grooming, or landscaping, thereon.

Alcohol

13. While in a park:(1) No person shall be in possession of, consume, serve or sell alcoholic beverages unless authorized by a permit issued by Council and with the approval of the Liquor Licence Board of Ontario.

(2) Any person who serves or sells alcoholic beverages in a park pursuant to a permit issued by Council, shall obtain sufficient insurance to conform with current Council policy respecting liability insurance, and naming the Town as an insured party and shall comply with all other terms and conditions of the permit [for greater clarity].

Campfires and Barbecues

14. While in any park, no person shall:(a) light, build or stoke an open fire or bonfire unless authorized by permit;

(b) use charcoal or solid fuelled portable barbecues unless authorized by permit.

Organized Gatherings and Picnics

15. While in any park, no person shall:(a) unless authorized by permit, hold a picnic, public

meeting, or other organized gathering or event for more than twenty persons; or

(b) interfere with a picnic, organized gathering or event authorized by permit.

Amplifiers and Loud Speakers

16. Unless authorized by permit, no person shall operate loud speakers or amplifying equipment in any park, provided that this shall not prohibit the use of a portable radio, tape player or compact disk player, in a manner which does not disturb any other person or otherwise interfere with any other person's enjoyment of the park.

Camping and Lodging

17. Unless authorized by permit, no person shall dwell, camp, or lodge in any park.

Tents and Structures

18. Unless authorized by permit, no person shall place, install or erect any temporary or permanent tent or structure in any park.

Bathing, Swimming and Sun Bathing

19. No person shall in any park:

(a) enter any public swimming pool, except at times designated for swimming;

(b) in, or adjacent to, any swimming pool, fail to abide by posted signs or fail to obey the instructions of any lifeguard or other authorized person;

Use of Wash and Change Rooms

20. No person shall:

(a) enter any washroom, change-room, bathhouse or bathing station, or portion thereof, in any park, set apart for the opposite sex provided that this shall not apply to children who are 12 years of age or younger and who are, at that time, under the care of a parent or guardian.

(b) loiter in any washroom, change-room, bathhouse or bathing station, in any park, or conduct themselves in such a manner as to be objectionable to another person using, or in the vicinity of, said washroom, change-room, bathhouse or bathing station.

PART III - GAMES AND SPORTS

21. While in any park, no person shall;

(a) arrange or engage in an organized sport or activity, unless authorized by permit; or

(b) interfere with an organized sport or activity authorized by permit.

22. In addition to the prohibitions set out in Part II

(a) no person shall utilize a designated area without a permit where same is posted to prohibit or restrict such use.

(b) No person shall, take part in any game, sport or activity except within an area specifically set aside for that game, sport or activity.

Fishing

23. No person shall fish in an area posted to prohibit same, in any park.

24. No person shall fish in any park except in compliance with the Fish and Wildlife Conservation Act 1997, S.O. 1997, c41, as amended, and the Fisheries Act, Chapter F-14, as amended.

25. No person shall fish in any park for commercial purposes.

Golfing

26. While in any park, no person shall play or practice golf or strike a golf ball.

Skating

27. On any natural or artificial ice surface located in any park, no person shall:

(a) skate or act in such a manner as to interfere with and/or endanger any other person using the

surface; or

(b) use a stick of any kind except in accordance with posted conditions.

Roller Skates and Skateboards

28. While in any park, no person shall:

(a) operate or utilize skate boards, traditional roller skates, in-line or linear skates, scooters or like conveyances where signs are posted to prohibit or otherwise restrict the use of same; or

(b) obstruct, inconvenience or endanger other users of the park while operating or utilizing skate boards, traditional roller skates or in-line or linear skates, scooters or like conveyances.

Tennis

29. No person shall enter, walk, or play upon a designated area for tennis in any park, except in accordance with the posted rules and regulations.

PART IV - VEHICLES

Roadway

30. Unless authorized by permit, and except as permitted in section 34 with respect to bicycles, no person shall while in any park, drive, operate, pull or ride any vehicle except on a roadway or public parking area.

Parking

31. No person shall in any park:

(a) Park or leave any vehicle except in a designated area for parking;

(b) Park or leave a vehicle between the hours of 11:00 p.m. and 6:00 a.m., except in a designated area allowing for such overnight parking, or where authorized by permit;

(c) Park a vehicle in a designated area for parking, except in a proper parking space and in accordance with markings and posted conditions;

Bicycles

32. While in a park, no person shall:

- (a) Ride, operate or be in possession of any bicycle where signs are posted to prohibit same;
- (b) Obstruct, inconvenience or endanger other users of the park while riding or operating a bicycle;

Motorized Recreational Vehicles

33. No person shall ride, drive, park or be in possession or control of a motorized recreational vehicle in any park except in a designated area or when authorized in writing or by permit issued by the Director.

Speed

34. Unless authorized by permit, while in any park, no person shall operate any vehicle on a roadway at a speed in excess of the posted limit;

Dogs

35. While in any park, no person as the owner of a dog, or as a person having a dog under their care or control, shall:

- (a) allow the dog to run at large;
- (b) fail to ensure that the dog is on a leash or chain not exceeding 2.4 metres in length; and
- (c) fail to pick up and remove from the park any excrement left by the dog.
- (d) A dog within a "Leash Free Zone" enclosure shall be deemed not to be at large.

PART VIII – PERMITS, REGULATIONS AND ENFORCEMENT

36. Permits issued for activities contemplated in this by-law may be subject to such fees as Council may from time to time establish.

37. Permits issued for activities contemplated in this by-law may include conditions as to time, location, area, equipment, number of participants, type of activities, release, indemnity and insurance coverage.

38. The Director is authorized to close off for such temporary period as the Director deems appropriate any park or part or parts thereof to provide for repairs, restoration, reconstruction or other remedial action with respect to the parks grounds or structures.

39. Exclusions and Exceptions

- (a) The provisions of this By-law respecting the driving, operating, parking or stopping of vehicles shall not apply to Authorized Emergency Vehicles while the operators thereof are performing their duties.
- (b) Without limiting the generality of the foregoing, the provisions of this by-law shall not apply to:
 - (i) the drivers and attendants of ambulances or other emergency medical services vehicle, Police Officers, Officers of the North Perth Fire Service or Municipal Law Enforcement Officers appointed by the Council of the Town of North Perth, while engaged in the performance of their duties;
 - (ii) employees or agents of the Town while engaged in works or services undertaken for or on behalf of the Town; or

40. Enforcement

- (a) Any Police Officer and/or Municipal Law Enforcement Officer, is authorized to inform any person of the provisions of this by-law and to request compliance therewith.
- (b) Any Police Officer and/or Municipal Law Enforcement Officer is authorized to order any person believed by such Officer or employee to be in contravention of this by-law or who has contravened any provision of this by-law:
 - (i) to desist from the activity constituting or contributing to such contravention;
 - (ii) to remove from the park any animal or thing owned by or under the care of such person which the officer or employee believes is or was involved in such contravention; or
 - (iii) to leave the park.
- (c) Any Police Officer and/or Municipal Law Enforcement Officer may enforce the provisions of this by-law.
- (d) Where any person contravenes any of the provisions of this by-law, or fails to comply with any order referred to previously herein, the permission and licence of such person to remain in that park is revoked.
- (e) Where any person contravenes any of the provision of this by-law and fails to comply with an order to leave the park, such person is subject to the provisions of the Trespass to Property Act, R.S.O. 1990, c.T.21.

41. Penalty

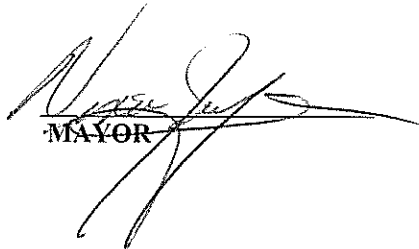
- (a) Any person contravening any provision of this by-law is guilty of an offence and on conviction is liable to such penalty as is provided for under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- (b) The owner of a motor vehicle that is parked or left in contravention of Section

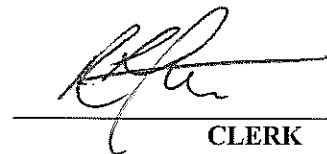
31 of this by-law is guilty of an offence and on conviction is subject to such penalty as is provided for under the Provincial Offences Act, unless at the time of the offence the motor vehicle was in the possession of another person without the owner's consent.

- (c) A Police Officer or Municipal Law Enforcement Officer observing a vehicle alleged to be parked or stopped or standing in contravention of this by-law may attach a serially numbered parking infraction notice to the motor vehicle.
- (d) Any person upon presentation of the parking infraction notice may, within 7 days, pay a penalty out of Court in the amount prescribed by an order made by the Senior Regional Justice respecting the subject violation pursuant to Part II of the Provincial Offences Act.
- (e) A Police Officer or Municipal Law Enforcement Officer upon discovering of any vehicle parked, stopped or standing in contravention of section 31 of this by-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle which may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, Chapter R.25, as amended.

READ A FIRST AND SECOND TIME THIS 16th DAY OF JUNE, 2003.

READ A THIRD AND FINALLY APPROVED THIS 16TH DAY OF JUNE, 2003.


MAYOR


CLERK