

**THE CORPORATION OF THE TOWNSHIP OF NORTH DUMFRIES
BY-LAW NUMBER 2985-18**

BEING A BY-LAW TO REGULATE PARKS

WHEREAS Sections 9 to 11 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, ("Municipal Act") confers the power to a municipality to pass by-laws regulating and prohibiting with respect to culture, parks, recreation and heritage;

AND WHEREAS Sections 9 to 11 of the *Municipal Act* confer the power to a municipality to pass by-laws regulating and prohibiting with respect to parking on municipal parking lots and structures;

AND WHEREAS Sections 9 to 11 of the *Municipal Act* confers the power to a municipality to pass by-laws regulating and prohibiting with respect to animals;

NOW THEREFORE the Council of The Corporation of the Township of North Dumfries hereby enacts as follows:

DEFINITIONS

1. In this Bylaw:

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

"Bicycle" includes a tricycle and unicycle but does not include a motor assisted Bicycle;

"Control" includes custody and care;

"Council" means the Council of The Corporation of the Township of North Dumfries;

"Designated Area" means an area defined or constructed for a specific use, which may include Posted conditions;

"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 or electrical engine;

"Municipality" means The Corporation of the Township of North Dumfries;

"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;

"Park" means land and land covered by water, and all portions thereof, owned by or made available by lease, agreement or otherwise to the Municipality, that is or hereafter may be established, dedicated, set apart or made available for use as a public open space, inclusive of sports fields and hardscape plazas / municipal squares, off-road trail system, municipal recreation facility, golf course or municipal cemetery, 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 Municipality;

"Parking Area" means a part of a Park that is designated and intended to park Motor Vehicles;

“Permit” means any written authorization of Council, a Committee established by Council or employee of the Municipality where such authority has been delegated;

“Post” or “Posted” refers to the erection or presence of permissive, regulatory, restrictive, warning or prohibitive signs and “Posted area” means an area where such signs are erected;

“Service Animal” includes a guide dog and other trained Service Animal identifiable by a harness and used principally to assist persons with a visual, hearing or other impediment;

“Vehicle” includes a Motor Vehicle as defined under the *Highway Traffic Act, R.S.O., 1990, c.H.8*, as may be amended from time to time, and any Bicycle, carriage, wagon, sleigh or other Vehicle or conveyance of every description, whatever the mode of power and includes in-line roller skates and skateboards, but excludes a wheelchair or similar device (powered or otherwise) used by an individual due to a disability, baby carriage or cart, child’s wagon, child’s stroller, child’s sleigh or other conveyance of like nature.

SCOPE

2. This By-law shall apply to all Parks in the Municipality.

PART I – CONDUCT

Restricted Areas

3. While in a Park, no person shall enter into an area in a Park where it is Posted to prohibit or restrict admission to the public.

Conduct

4. While in a Park no person shall:
 - i) Indulge in any riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language;
 - ii) Cast, throw or in any way propel an object in such a manner as may or does endanger or cause injury or damage to any person or property;
 - iii) Create a nuisance by loitering, spying, accosting, frightening, annoying or otherwise disturbing other persons; or
 - iv) Create a nuisance or in any way interfere with the use and enjoyment of the Park by other persons.

Firearms or Offensive Weapons

5. While in a Park no person shall be in possession of or use any firearm, torpedo, rocket of any type, air gun, bow and arrow, axe or other offensive weapon of any kind unless authorized by Permit.

Fireworks

6. While in a Park, no person shall ignite, discharge or set off any fireworks except as a fireworks display authorized by Permit.

Injury and Damage

7. No person shall in any Park:
- i) Climb any building, structure or equipment, unless it is equipped or designed for climbing;
 - ii) Destroy, or cut, mark, break, dig, pull up or burn or in any way damage, injure, remove or deface:
 - a) Any tree, flower, flower bed, bush, shrub, plant, sod, grass or other vegetation, soil, sand, gravel or wood; or,
 - b) Any monument, fountain, bridge, wall, seat, bench, structure or article of Park equipment or any appurtenance thereof
 - iii) Post any sign or poster on any tree, bush, or shrub, building, structure, light standard, signage or fence;
 - iv) In any manner disturb the ground which is under repair, prepared for planting, has been newly seeded or sodded or is in an area Posted to that effect; or,
 - v) Drive, park or walk in an area Posted to prohibit same.

Waste and Pollution

8. No person shall in any Park:
- i) Dispose or dump garbage, litter, tree trimmings, garden refuse or like refuse, except that which is generated through the normal use of the Park and shall only deposit same in receptacles provided for such purpose;
 - ii) Dispose of or dump garden refuse except in a Designated Area thereof; or,
 - iii) Dump or drain onto any soils or into any waters of any pool, fountain, pond, lake, stream, or watercourse of any kind of material, toxic or otherwise, which may have the effect of polluting same.

Protection of Wildlife

9. While in a Park, no person shall:
- i) Kill, attempt to kill, trap, hunt, fish, attempt to fish, pursue or in any manner disturb any animal, bird, waterfowl, fish or other wildlife unless authorized by Permit;
 - ii) Feed any animal, waterfowl, bird, fish or other wildlife; or,
 - iii) Remove or injure the nest or egg of any bird or waterfowl

Encroachment

10. Unless authorized by Permit or otherwise, 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 plantings, or planting, cultivating, grooming or landscaping thereon.

Alcohol

11. While in a Park, no person shall consume, serve or sell alcoholic beverages unless in compliance with the alcohol policy of the Municipality and as authorized by a Permit and with the approval of the Alcohol and Gaming Commission of Ontario.

PART II – PARK USE

Campfires and Barbeques

12. While in a Park, no person shall:
- i) Light, build or stoke a fire or bonfire unless authorized by Permit;
 - ii) Use a solid fuelled portable barbecue unless authorized by Permit or where Posted to allow same;
 - iii) Use fuel other than charcoal or briquettes in a barbecue provided by the Municipality; or,
 - iv) Leave a fire unattended or leave the site of the fire before the fire is completely extinguished.

Organized Gatherings and Picnics

13. While in a Park, no person shall:
- i) Hold a picnic, organized gathering, or event for more than twenty (20) persons without obtaining a reserved use Permit;
 - ii) Convene a political gathering or rally, or, hold or take part in an unauthorized public meeting or gathering without obtaining a Permit; or,
 - iii) Interfere with a picnic, organized gathering, event, rally or public meeting authorized by Permit.

Amplifiers and Loud Speakers

14. While in a Park, no person:
- i) Unless authorized by Permit, shall operate loud speakers or sound amplifying equipment; or,
 - ii) Shall operate, or use, any radio, tape player, car radio or any other sound reproducing system in a manner which is likely to disturb or interfere with other persons in or adjacent the Park.

Camping and Lodging

15. Unless authorized by Permit, no person shall dwell, camp, or lodge in a Park.

Tents and Structures

16. Unless authorized by Permit, no person shall place, install or erect any temporary or permanent tent or structure in a Park.

Use of Washrooms and Change Rooms

17. No person shall enter any portion of any washroom or change room in a Park set apart for the opposite sex;

18. Loiter in any washroom or change room, or engage in conduct that could reasonably be considered to be offensive

PART III- GAMES, SPORTS AND ORGANIZED ACTIVITIES

Organized Sports or Activities

19. While in a Park, no person shall:

- i) Arrange or engage in an Organized Sport or Activity, except in a Designated Area which has been Posted;
- ii) Interfere with an Organized Sport or Activity occurring within a Designated Area; or,
- iii) Utilize a Designated Area without a Permit where same is Posted to prohibit or restrict such use.

Special Events

20. Notwithstanding anything to the contrary herein, the provisions of this By-law shall not apply to the guests, invitees or organizers of events that are by resolution of Council identified as special events under this Section. Such resolution shall identify the date and time of commencement and end of the special event and the name of the special event. It may stipulate the sections that are suspended generally without condition or suspended with conditions including limitations with respect to certain proposed activities, structures, locations within the Park or a portion or portions of the period of the special event. Such conditions may include a provision requiring the organizer of the event or the individual representing the organizer of the event to execute an agreement or undertaking in writing respecting such matters as Council may consider appropriate including, without limitation, liability and insurance, and, site security including police services.

Golfing and Archery

21. While in a Park, no person shall play or practice golf or archery except in a Designated Area.

Model Aircraft, Rockets and Drones

22. While in a Park, no person shall operate any powered models of aircraft, rockets or drones unless authorized by Permit.

Skiing, Tobogganing and Sledding

23. While in a Park, no person shall ski, toboggan, snowboard, skibob or sled in any area in a Park Posted to prohibit same.

Roller Skates, In-line Skates, Skateboards and Scooters

24. While in a Park, no person shall:
- i) Operate or utilize roller skates or in-line skates or like conveyances where Posted to prohibit or restrict the use of same.
 - ii) Obstruct, inconvenience or endanger other users of the Park while operating roller skates or in-line skates or like conveyances; or,
 - iv) Use a skateboard or scooter outside of Designated Area.

Tennis or PickleBall

25. No person shall enter, walk or play upon a Designated Area for tennis or pickleball in a park excepted in accordance with the Posted rules and regulations.

PART IV – VEHICLES

Roadways

26. Council is authorized to establish rules to regulate the use of Park roadways.
27. Unless authorized by Permit and except as provided in respect of Section 30 as it relates to Bicycles, no person shall while in a Park drive, operate, pull or ride any Vehicle except on a roadway or parking area.

Parking

28. No person shall in a Park:
- i) Leave or park a Vehicle except in a Designated Area for parking;
 - ii) Leave or park a Vehicle between the hours during which a Park is closed, as set out in Part VII of this By-law, except in a Designated Area allowing for such overnight parking;
 - iii) Stop or park a Vehicle in a Designated Area for parking, except in a parking space and in accordance with Posted conditions;
 - iv) Use any parking space except while using the Park;
 - v) Leave or park a Vehicle in a designated Fire Route; or,

- vi) Leave or park a Vehicle without consent of Council or Municipal Employee where such authority has been delegated by Council.

Other Activities

29. No person shall make use of any roadway or Designated Area for parking in a park for:
- i) Washing, cleaning, servicing, maintaining or except in the event of an emergency, the repair of any Vehicle;
 - ii) Instructing, teaching or coaching any person in the driving or operation of a Motor Vehicle; or
 - iii) Playing of any games, sports or similar activities without a Permit

Bicycles

30. While in a Park, no person shall:
- i) Ride, operate or be in a possession of any Bicycle where Posted to prohibit same; or,
 - ii) Obstruct, inconvenience or endanger other users of the Park while riding or operating a Bicycle.

Motorized Recreational Vehicles

31. No person shall ride, drive, park or be in the possession of or Control of a motorized recreational Vehicle in a Park except in a Designated Area.

Trucks and Commercial Vehicles

32. No person shall drive, operate, pull or ride in a Park:
- i) Any heavy machinery or equipment of any description and whatever the mode of power without the expressed approval of the Municipality; or,
 - ii) Any truck, trailer or bus whatsoever, except a Vehicle that is being used for the purpose of making a delivery to a point within the limit of the Park while it is proceeding to and from such point of delivery.

PART V – ANIMALS

33. Unless authorized by Permit no person shall bring any reptile, exotic animal or animal into a Park, including a horse or pony, except a domesticated animal, which includes but is not limited to a dog or cat.
34. While in a Park, no person as owner or person having Control of any dog, cat or other domesticated animal shall:
- i) Allow him/her to run at large except in a Designated Area; or,
 - ii) Excluding persons reliant upon a Service Animal, permit any dog or cat or other domesticated animal to enter in any pond, garden, landscaped area, playground or sports field or any other area Posted to prohibit same or disturb any wildlife or damage any Park resources.

35. While in a Park, every person as owner or person having Control of any dog, cat or other domesticated animal shall:
- i) Ensure that he/she is on a leash or chain not exceed two (2) metres [6 feet, 6 inches] in length when not running in a Designated Area; or,
 - ii) Pick up and remove forthwith excrement left by a dog, cat or domesticated animal and dispose of it in a sanitary manner in a receptacle for litter or in some other suitable container.
36. No person shall as owner or person having Control of a dog, cat or other domesticated animal shall bring in or permit such dog, cat or other domesticated animal to enter a Park if he/she may or does constitute a danger to other Park users or is reasonably likely to frighten other Park users and the owner and/or the person having Control of the dog, cat or other domesticated animal has previously been advised by a police officer, provincial offences officer, municipal law enforcement officer or employee of the Municipality designated by Council to administer this By-law not to bring the dog, cat or other domesticated animal into a Park or has been convicted of an offence related to conduct of the dog, cat or other domesticated animal under the *Dog Owners' Liability Act, R.S.O., 1990, c.D.16* or this By-law or any other Municipal By-law.

PART VI – COMMERCIAL ENTERPRISES

Sale of Merchandise, Trade or Business

37. Unless authorized by Permit, no person shall, while in a Park, sell or offer or display for sale:
- i) Any food, drink or refreshment;
 - ii) Any goods, wares, merchandise or articles including promotional material, souvenirs and novelties;
 - iii) Any flowers, fruits or vegetables; or,
 - iv) Any art, skill, service or work
38. Unless authorized by Permit, no person shall, while in a Park, practise, carry on, conduct or solicit for any trade, occupation, business, profession or charity.

Circulars and Advertisements

39. Unless authorized by Permit, no person shall:
- i) While in a Park distribute, discard or display any handbill, notice or other circular, bill or advertisement; or,
 - ii) Post, nail, attach, stencil or otherwise fasten or erect any Poster, sign, notice, placard or other circular, bill, advertisement or paper to any Park property.

PART VII – PARK HOURS

37. All Parks shall open daily at 7:00 am and shall close at 9:00 pm, unless as authorized through a Permit.
38. No person shall be or remain in a Park after the closing hour or before the opening hour, except when they are passing through a Park on an established

walkway or roadway as a means of getting from one place to another, beyond the boundaries of the Park;

39. No organized sport or activity shall commence before 8:00 am

PART VII – REGULATION AND ENFORCEMENT

Permits

40. Permits issued for activities contemplated in this By-law may be subject to such fees as Council shall from time to time establish by By-law.
41. Permits issued for activities contemplated in this By-law may include, but not limited to, conditions such as: time and date, location, area, equipment, number of participants, types of activities, assignment of Municipal staff, site security and police presence, and, release, indemnity and insurance coverage.
42. Permit holders requiring additional services that are above regular services provided in Parks may be subject to additional fees for such services as Council shall from time to time establish by By-law.
43. The issuance of a Permit pursuant to the By-law shall not relieve any person from the necessity of acquiring any other license, Permit or approval required for such activity by any governmental or public authority.
44. Permit holders requiring assistance in obtaining regulatory approvals may be subject to such fees as Council shall determine from time to time by By-law.
45. The authority to issue Permits referred to in the By-law is delegated to the Director of Community Services or his / her designate(s).

Posting of Signage

46. The Director of Community Services is authorized to Post signage of permission, regulation, restriction, warning or prohibition with respect to uses of or activities within a Park in accordance with the provisions thereof.

Temporary Closure

47. The Chief Administrative Officer, the Director of Community Services or their designate(s) is authorized to close off for such temporary period as the Municipal employee deems appropriate in a Park or part or parts thereof to relieve or prevent overcrowding or traffic congestion, or in the interests of public safety, or as may be authorized by Council.

Exclusions and Exemptions

42. This By-law shall not apply to:
- i) The drivers, operators or other personnel of ambulances, police or fire department Vehicles; or,
 - ii) Employees or agents of the Municipality while engaged in works or services undertaken on behalf of the Municipality.
43. Council may upon an application from any person, authorize minor variances from this By-law, if in the opinion of Council the general intent and purpose of the By-law are maintained.

Enforcement

44. Any person or holder of a Permit for a Park or portion of a Park shall be responsible to ensure that all applicable provisions of this By-law are upheld.

45. Any police officer, provincial offences officer, municipal law enforcement officer or employee of the Municipality designated by Council to administer this By-law is authorized to inform any person of the provisions of this By-law and to request compliance therewith.
46. Any police officer, provincial offences officer, municipal law enforcement officer or employee of the Municipality designated by Council to administer this By-law is authorized to order any person believed by such officer or employee to be contravening 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 in the Control of such person which the officer or employee believes is or was involved in such contravention; or,
 - iii) To leave the Park.
47. Any police officer, provincial offences officer or municipal law enforcement officer may enforce the provisions of this By-law.
48. Where any person contravenes any provisions of this By-law, such person is subject to the provisions of the *Trespass to Property Act, R.S.O. 1990, c. T.21*
49. Where any person contravenes any provisions of this By-law or any person in a group to which a Permit and/or license has been issued, or fails to comply with an order referred to Section 46 hereof, the Permit and/or license of such person or group to remain in the Park is revoked.

Penalties

50. Any person contravening any of the provisions of this By-law, other than the Sections applicable to the operation of a Motor Vehicle, and the parking of Vehicles, is guilty of an offence and on conviction is liable to a fine in such amount provided by the *Provincial Offences Act R.S.O., c. P.33*, as may be amended from time to time.
51. Any person contravening any provisions in this By-law resulting from the operation of a Motor Vehicle, is guilty of an offence under the *Highway Traffic Act, R.S.O. 1990, c.H.8*, and, pursuant to the provisions thereof, on conviction is liable to a fine in such amount provided for by the *Highway Traffic Act, R.S.O. 1990, c.H.8*, as may be amended from time to time.
52. Any person contravening any provisions in this By-law associated with the parking of a Vehicle shall be deemed to have contravened the applicable parking by-law of the Municipality and the contravention shall be enforced under said By-law.

Severability

53. If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law, it shall be severed and it is hereby declared that the remainder of the By-law shall be valid and shall remain in full force and effect.

Short Title

54. This By-law shall be referred to as the "Parks By-law".

Repeal and Transition


Parks By-law
By-law No. 2985 - 18

55. By-law No. 2285-08 is hereby repealed.

Effective Date

56. This By-law shall come into force and effect on the date it is enacted by Council.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13th DAY OF AUGUST, 2018.



Susan Foxtton, Mayor



Ashley Sage, Clerk

