



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2016-103

**A BY-LAW FOR THE REGULATION, PROTECTION AND GOVERNMENT OF PARKS,  
FACILITIES AS WELL AS THE REGULATION OF LOITERING, NUISANCE AND SMOKING  
IN THE TOWNSHIP OF KING**

**WHEREAS** Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under the *Municipal Act, 2001* or any other Act;

**AND WHEREAS** Sections 8, 9 and 11 of the *Municipal Act, 2001* permits a municipality to pass *by-laws* necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of Subsection 11 (2) authorize *by-laws* respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

**AND WHEREAS** Section 115 of the *Municipal Act, 2001* provides that a municipality may prohibit or regulate the smoking of tobacco in public places and workplaces;

**AND WHEREAS** Section 128 of the *Municipal Act, 2001* permits a municipality to pass *by-laws* to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances and in the opinion of Council are or could become public nuisances;

**AND WHEREAS** Section 425 of the *Municipal Act, 2001* permits a municipality to pass *by-laws* providing that any person who contravenes any *by-law* of the municipality passed under the *Municipal Act, 2001* is guilty of an offence;

**AND WHEREAS** Subsection 444(1) of the *Municipal Act, 2001* permits a municipality, if satisfied that a contravention of a *by-law* of the municipality passed under the *Municipal Act, 2001* has occurred, to make an order requiring the person who contravened the *by-law* or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

**AND WHEREAS** the Smoke Free Ontario Act, S.O. 1994, c. 10 was enacted by the Province of Ontario on May 31, 2006 to prohibit smoking in all enclosed public places and workplaces and The Regional Municipality of York enforces the Smoke Free Ontario Act in York Region;

**NOW THEREFORE** the Council of the Corporation of the Township of King **HEREBY ENACTS AS FOLLOWS:**

**I. ADMINISTRATION INTERPRETATION AND EXEMPTIONS**

**Short Title**

1 This *By-law* may be referred to as "Parks, Facilities, Nuisance and Loitering By-law"

**Administration**

- 1.1 The *Director* will be responsible for the administration of this *By-law* including:
- designating and/or establishing *Designated Areas* within a *Park*;
  - imposing regulations and conditions upon which *Designated Areas* shall be used;
  - imposing regulations and conditions for the orderly use of a *Park*;
  - posting signage of permission, regulation, restriction, warning or prohibition with respect to uses of or activities in any *Park* in accordance with the provisions hereof;
  - issuing permits for specific uses of or within a *Park*;
  - imposing conditions as a requirement of obtaining, continuing to hold or renewing a *Permit*, in addition to the requirements under this *By-law*, and such conditions may vary depending on the type of *Permit*;
  - where such authority has been delegated, is authorized to establish appropriate regulations, parking lots and parking spaces and roadways; and
  - revoking a *Permit* as a result of a breach of a condition of the *Permit* or a provision of this *By-law*.

**Closure**

1.2 The *Director* is authorized to close off for such period or periods as the *Director* deems appropriate any *Park* or parts thereof to relieve or prevent overcrowding or traffic congestion, or in the interests of public safety, or as may otherwise be authorized by Council.

### Security Measures

- 1.3 The *Director* may place and maintain or cause to be placed and maintained in or about a *Park* an alarm and/or other protective systems, including but not limited to security cameras.

### Interpretation

- 1.4 This *By-law* shall be interpreted broadly so as to ensure the objective of the *By-law*.
- 1.5 For the purposes of this *By-law*:
- a) In the interpretation and application of the provisions of this *By-law*, unless otherwise stated to the contrary, the provisions shall be held to be the minimum requirements for the promotion of the health, safety, comfort convenience and general welfare of the public.

### Word Usage

- b) Words in singular shall be deemed to include plural and words in plural shall be deemed to include singular and shall read with all changes in gender or number as the context may require.
- c) the words "include", "includes" or "including" are not to be read or be interpreted as limiting the words, phrases or descriptions that precede it.

### Reference to Legislation

- d) Reference to any Act, Regulation or *By-law* is reference to that Act, Regulation or *By-law* as it is amended, or re-enacted from time to time.

### Conflict

- e) Where there is a conflict between a provision of this *By-law* and a provision of any other *Township* By-law, the provision that establishes the highest standards to protect the health and safety of the public shall apply.
- f) Where the provisions of this *By-law* conflicts with an Act or a regulation or another by-law the most restrictive shall prevail.

### Exclusions and Exemptions

- 1.6 This *By-law* shall not apply to:
- a) The drivers, operators or other personnel of ambulances, police or fire department vehicles, or the riders or attendants of police department horses, while engaged in the performance of their duties; or
  - b) Employees or agents of the *Township* while engaged in works or services undertaken for or on behalf of the *Township*; and
  - c) The *Director* may exempt persons from all or part of the requirements and prohibitions of this *By-law* from time to time if such exemption is required for the beneficial administration of a *Park*.

### Permits/ Authorized Uses

- 1.7 A *Permit* holder shall comply with all the provisions and conditions of the *Permit* and of this *By-law*.
- 1.8 The *Permit* holder of a revoked *Permit* shall immediately cease or ensure the immediate cessation of all the activities for which a *Permit* has been issued upon revocation of the *Permit*.
- 1.9 Where a *Permit* holder has damaged any *Park*, the *Permit* holder may be ordered by the *Director* to:
- a) repair and/or compensate the *Township* for the damage to the satisfaction of the *Township* at the expense of the *permit* holder;
  - b) provide any studies, reports or documentation, as deemed appropriate by the *Director*, to determine the extent of the damage before repairing the damage; and
  - c) If the *Permit* holder fails to comply with an *order* made under this *By-law* or if the *Township* chooses to correct the damage itself, the *Township* may correct the damage and use any security deposit posted by the *Permit* holder to pay for any costs; and
  - d) If the costs incurred by the *Township* in carrying out any work under this *By-law* are greater than the security deposit posted by the *Permit* holder, any costs not covered by the security deposit shall be a debt owed by the *Permit* holder to the *Township* and the *Township* may recover the costs of carrying out the work from the *Permit* holder or add the costs to the tax roll for the property of the *Permit* holder in the *Township* and collect them in the same manner as property taxes.
- 1.10 A *Permit* is the property of the *Township* and is not transferable.

## II. DEFINITIONS

2. In this *By-law*,
- 2.1. "*Alcoholic Beverage*" means spirits, wine, beer, or any combination thereof, and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other substance;
  - 2.2. "*Animal*" means a member of the animal kingdom, other than human;
  - 2.3. "*Authorized Sign*" means any sign, notice, or other advertising device placed, *Posted*, or erected in or upon a Park, under the authority of this *By-law*;
  - 2.4. "*Barbecue*" means a portable or fixed device designed and intended solely for the cooking of food in the open air, but does not include outdoor fireplaces and campfires;
  - 2.5. "*Boat*" includes a canoe, rowboat, punt, sailboat, outboard and inboard motor boat, and personal water craft;
  - 2.6. "*By-law*" means this Parks, Facilities, Nuisance and Loitering *By-law*;
  - 2.7. "*Camp*" means to erect a structure, hut or tent for the purpose of providing shelter;
  - 2.8. "*Chief Administrative Officer*" means the *Chief Administrative Officer* appointed on behalf of the *Township* and includes his/her designate and may be referred herein as CAO.
  - 2.9. "*Clerk*" means the *Clerk* appointed on behalf of the *Township* and includes his/her designate;
  - 2.10. "*Control*" includes care and custody;
  - 2.11. "*Council*" means the Council of the *Township*;
  - 2.12. "*Designated Area*" means an area defined or constructed for a specific use which may include posted conditions and shall also include an area of a *park* designated by the *Director* for a specific purpose or use;
  - 2.13. "*Designated Smoking Area*" means an area signed as such where smoking is permitted;
  - 2.14. "*Director*" means the *Director* of Parks, Recreation and Culture of the *Township* and his/ her designate(s), unless otherwise specified;
  - 2.15. "*Drone*" or Similar Vehicle shall include any vehicle that is capable of aerial flight for any purpose.
  - 2.16. "*Dumping*" or "*Littering*" includes throwing, scattering, dropping, placing anything or otherwise depositing, anything including garbage, rubbish, refuse, yard waste, leaves or debris, except in a garbage or recycling container intended for such use or placed in an area for waste collection, and "*Dump*" and "*Litter*" shall have a corresponding meanings;
  - 2.17. "*Highway*" means a common and public walkway, lane, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles and pedestrians and includes the untraveled portion of a road allowance, a street as defined in the *Municipal Act, 2001* and the *Highway Traffic Act* and a highway as defined in the *Municipal Act, 2001* and the *Highway Traffic Act*.
  - 2.18. "*Graffiti*" means writing, drawing, or symbols applied to any surface, and includes scribbles, scratches and or, sprayed on a wall or other surface. *Graffiti* ranges from simple written words to elaborate wall paintings that may tend to demoralize or corrupt the surface.
  - 2.19. "*Loitering*" means to remain in a place without due cause after having been ordered to discontinue and /or leave the *Property*.
  - 2.20. "*Motor Vehicle*" means an automobile, truck, motorcycle, snowmobile, trailer, recreational vehicle and any other vehicle propelled or driven by other than muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running solely upon rails, or a traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act also does not include assistive devices pursuant to the *Accessibility for Ontarians with Disabilities Act*,

- 2.21. “*Motorized Recreational Vehicle*” means a vehicle propelled by an internal combustion engine, electric motor, pneumatic motor, hydraulic motor, or any combination thereof, including but not limited to a snowmobile, skidoo, go-cart, trail bike, mini bike, all-terrain vehicle, scooter, or motorized skateboard, motorized construction equipment but does not include assistive devices pursuant to the *Accessibility for Ontarians with Disabilities Act*;
- 2.22. “*Multiple Offence*” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law;
- 2.23. “*Nuisance*” shall include, but not be limited to, any public display, words or vocalizations or actions or activities that have the effect of displeasing or offending residents, visitors, or bystander at the specific moment or in the viewing of property and the environment after the nuisance has occurred, whether or not the nuisance action occurred on public lands or from a private land(s) that are clearly visible by persons or the adjacent private or public lands and includes;
- a) soliciting, including and without limiting the generality of the foregoing,
    - i. soliciting a person who is using, waiting to use, or departing from an automated teller machine;
    - ii. soliciting a person who is using or waiting to use a pay telephone or a public toilet facility;
    - iii. soliciting a person who is in or on a public transit vehicle;
    - iv. soliciting a person who is waiting at a taxi stand or a public transit stop;
    - v. soliciting a person who is in the process of getting in, out of, on or off a vehicle or who is in a parking lot, or while on a highway;
    - vi. soliciting a person who is in a stopped, standing or parked vehicle.
  - b) loitering after having been requested by an officer or police officer, to move on;
  - c) fighting, screaming, spitting, yelling or using profane or abusive language or gestures;
  - d) carrying open *Alcoholic Beverage*, except while on private property that is owned or occupied by the person who is carrying the *Alcoholic Beverage* or an invited guest of the owner or occupant;
  - e) remaining in or refusing to leave a public place/park after it is closed and/or when ordered to leave by an officer;
  - f) littering or dumping;
  - g) defacing, damaging or vandalizing public or private property;
  - h) obstructing an officer in the course of his or her duties;
  - i) being intoxicated in a public place; and
  - j) any other activity or conduct that is disorderly or obnoxious.
- 2.24. “*Officer*” means, a *person* appointed and/or responsible for the enforcement of provisions of this *by-law* and may include his/her designate such as:
- a) *Animal Control Officers*, including as per the agreement between the *animal* control provider as such from time to time by the *Township* to enforce *Township by-laws* respecting *animals*, *Ontario SPCA Officers*, *Officers of the York Regional Police Services*, *Medical Officer of Health* and any other officer appointed through legislation.
- 2.25. “*Order to Discontinue Activity*” means the verbal or written *Order* to stop the contravening activity(s), or to take such actions that will result in compliance with the *By-law*.
- 2.26. “*Order to Perform Work*” means the written *Order* of an *Officer* to perform work or works necessary to comply with this *By-law*.
- 2.27. “*Organized Team Sport*” means a team sport game or activity which operates under the auspices of a league, club or association and has a registration process with designated player rosters;
- 2.28. “*Owner*” includes the person(s) who own property and includes tenants, property management and persons in control or apparent control of the property or animal at the relevant time(s);
- 2.29. “*Park*” means property and/or land, including any body of water, playing field, ball diamond, sports field, beach, trail, walkway, lane, public parking area leading to buildings, recreation centre, community building, facilities or structures located therein, that is owned or under the control or supervision of the *Township* or available to the *Township* by lease, agreement, or otherwise, and that is established, dedicated, set apart or made available for use as public open space.
- 2.30. “*Parking lot*” means any public parking area that is owned by the *Township* or any public parking area of which any portion is rented or leased to or by the *Township*;

- 2.31. "Permit" means authorization of *Council*, or the *Director* where such authority has been delegated and includes rental agreements;
- 2.32. "Person" includes an individual, association, firm, partnership, corporation, trust, organization, trustee, agent or legal representative of an individual;
- 2.33. "Post" or "Posted" refers to the erection or presence of permissive or prohibitive, regulatory, restrictive, warning or prohibited signs and "posted area" means an area where such signs are erected by the Township or Director;
- 2.34. "Prohibited Animals" means the *animals* identified in Schedule 'A' of the *Township Animal Control Bylaw*, as amended from time to time.
- 2.35. "Property" means and includes 'lot', 'property', 'land' and includes a parcel or tract of land capable of being conveyed as a separate parcel pursuant to the provisions of the *Planning Act*, or is described in accordance with a registered Plan of Condominium;
- 2.36. "Public Entrance" means an entrance to which the public is ordinarily invited or permitted access, either expressly or by implication;
- 2.37. "Public Place" includes a *Highway* and any *Property* to which the public has access as of right or invitation, express or implied, and private property that is exposed to public use;
- 2.38. "Public Transit Vehicle" means any vehicle used for transporting the public and includes but is not limited to a school bus and a passenger vehicle used for hire;
- 2.39. "Smoke" or "Smoking" includes the carrying of a lighted cigar, cigarette, pipe, electronic vaporizer or any other lighted, heated or otherwise activated smoking equipment, used to smoke any tobacco or non-tobacco substance or product;
- 2.40. "Sports Field" means an area in a park set aside for use in sports, such as football, soccer, rugby cricket, or baseball requiring an open field space.
- 2.41. "Subsequent Offence" means a second or *Subsequent Offence* if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence
- 2.42. "Swimming Pool" means any swimming or wading pool or spray pad/splash pad operated by the Township;
- 2.43. "Tobacco Product" means tobacco in any processed or unprocessed form that may be smoked, inhaled or chewed, including snuff, but does not apply to products intended for use in nicotine replacement therapy;
- 2.44. "Township" means The Corporation of the *Township* of King;
- 2.45. "Vandalism" means the willful destruction or defacing of public or private property;
- 2.46. "Waste" includes paper, bottles, broken glass, cans, cigars, cigarettes, rags, garbage, rubbish, debris or refuse of any kind.

### III. GENERAL PROVISIONS

#### **Park Hours**

3. All *Parks* shall close at 11:15 pm and shall remain closed until 7:00 am the following day.
- 3.1. Notwithstanding section 3, *Parks* may remain open in accordance with the *Permit*.
- 3.2. Notwithstanding section 3, the *Director* may close a *Park* or any area of a *Park* for a period of time, where the *Director* determines that it is necessary;
- a) to maintain the safety or security of the *Park*, conduct an investigation and to allow the *Director* or *Officer* to administer and enforce this *By-law*; and
- b) for the administration of the *Park*, or to carry out the functions as authorized by a *Permit* for use of the *Park*, or part of the *Park* for operations and/or maintenance.

#### **Park Entry and Restrictions**

- 3.3. No *Person* in any *Park* shall:
- a) enter into areas *Posted* to prohibit or restrict admission of the public;
- b) remain or enter any *Park* between the hours of 11:15 p.m. and 7:00 am, except as a participant or spectator of a function approved by the *Director*;
- c) enter or remain in a *Park* after it has been closed, unless otherwise permitted by the *Director*;
- d) enter or access through a *Park* for the purpose of conducting any work on private property or *Park* without a *permit*; or

- e) enter a *Park* from any point other than a *Public Entrance*.

**General Prohibitions and Conduct in a Park**

- 3.4. No *Person* in any *Park* shall:
- a) create, cause, or permit a *Nuisance*;
  - b) create, cause, permit, or be *Loitering*;
  - c) *Dump*, or *Litter*;
  - d) engage or indulge in any riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language;
  - e) cast, throw or in any way propel any object in such a manner as may or does endanger or cause injury to any person or property;
  - f) move or use any structure, facility or equipment, other than for its intended use;
  - g) carry or possess any glass container or other breakable container while in playground areas;
  - h) cause to take place or participate in a marriage ceremony except in authorized by *Permit*;
  - i) bury, scatter, or otherwise dispose of any cremated remains;
  - j) without reasonable excuse, urinate, vomit or defecate in a park except in designated washroom facilities intended for such activities;
  - k) enter or attempt to enter any area locked or otherwise restricted from public access;
  - l) disobey or contravene any authorized sign or any *Posted* rules and regulation;
  - m) fail to comply with an *Order* given by the *Director* or, *Officer*.

**Nuisance/Loiter in Public Place**

- 3.5. No *Person* in any *Public Place* shall:
- a) cause, create or permit a *Nuisance*;
  - b) cause, create, permit or *Loiter*; or
  - c) without reasonable excuse, urinate, vomit or defecate in a *Public Place* except in designated washroom facilities intended for such activities.
- 3.6. For the purposes of sections 3.4.j) and 3.5.c), reasonable excuse means;
- a) the contravention of this *By-law* must be inevitable, unavoidable and afford no reasonable opportunity for an alternative course of action that does not contravene this *By-law*; and
  - b) where the contravention of this *By-law* is the consequence of illness, the *Person* did not contemplate, or acting reasonably ought not to have contemplated, that the *Person's* actions would likely cause the illness or give rise to the contravention of this *By-law*.

**Filming/Videotaping**

- 3.7. No *Person* in any *Park* shall:
- a) Film, photograph, videotape or televise for commercial purposes unless authorized by *Permit* and in accordance with *Township* polices.

**Alcoholic beverages**

- 3.8. No *Person* in any *Park* shall:
- a) possess, an unsealed and/or sealed container of an *Alcoholic Beverage*;
  - b) possess, consume an *Alcoholic Beverage*; or
  - c) serve, sell an *Alcoholic Beverage*, unless in an area where authorized and in accordance with the *Township* policies and the *Liquor License Act, R.S.O. 1990, c. L. 19*, as amended.

**Firearms/Fireworks**

- 3.9. No *Person* in any *Park* shall:
- a) be in possession of or use, any firearm, air gun, paint gun, bow and arrow, cross bow, axe or any similar weapon of any kind unless authorized by *Permit*; or
  - b) be in possession of and/or ignite, discharge or set-off any fireworks, firecrackers, rockets unless authorized by *Permit* and in accordance with the *Township* Fireworks by-law, as amended from time to time.

**Injury/Damage to Property**

- 3.10. No *Person* in any *Park* shall:
- a) climb any building, structure or equipment, unless it is designed for climbing;
  - b) 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;
  - c) knock over, attempt to knock over, deface, attempt to deface, remove, or attempt to remove or otherwise damage a fixture;
  - d) engage in any activity that may cause injury or damage to any person, animal, tree or property;
  - e) cut, climb, break, injure, deface, disturb or remove any property including:
    - i. A tree, shrub, bush, flower, plant, grass, wood, soil, sand, rock or gravel, other vegetation;
    - ii. A building, structure, equipment, cage, pen, or monument or any property of the *Township*; or

- f) cause *Graffiti, vandalise*, mark or write upon, damage, deface or otherwise injure any property including but not limited to any building, structure, equipment, monument, fence, bench, seat or, sign other structure.

#### **Encroachment**

- 3.11. No *Person* shall:
- a) encroach upon or take possession of any *Park* by any means whatsoever, including but not limited to the construction, installation, maintenance of a fence or structure, the dumping or storage of materials or plantings, and any planting, cultivating, grooming or landscaping, unless authorized *Permit* and authorized through an encroachment agreement with the *Township*; or
  - b) alter any *Park* fence, including the addition of gates, or otherwise creating access points to a *Park* through a fence.

#### **Campfire/Barbecues**

- 3.12. No *Person* in any *Park* shall:
- a) light, build or stoke an open fire or bonfire unless in a *designated area* and authorized by *Permit*;
  - b) use any barbecue except in *Designated Areas* and unless authorized by *Permit*; or
  - c) leave a barbecue or campfire without extinguishing the fire and ensuring that the embers are cold.

#### **Organized Gatherings and Picnics**

- 3.13. No *Person* in any *Park*, shall:
- a) unless authorized by *Permit*, which must be produced for examination forthwith upon demand hold a picnic, organized gathering event for more than twenty-five persons; or
  - b) Interfere with a picnic, organized gathering or event authorized by *Permit*.

#### **Camping, Lodging, Tents and Structures**

- 3.14. No *Person* in any *Park* shall:
- a) dwell, camp or lodge unless authorized by *Permit*; or
  - b) erect, place, install, or cause the erection, placing or installation of any permanent or temporary structure, tent or booth unless authorized by *Permit*.

#### **Bathing/Swimming/and Sun Bathing**

- 3.15. No *Person* in any *Park* shall:
- a) enter any *Swimming Pool*, except at times designated for swimming;
  - b) fail to abide by *Posted* signs or to obey the instructions of any *Township* employee in charge;
  - c) Swim, bathe or wade in any fountain, pond, lake or stream, except in a *Designated Area*;
  - d) Utilize facilities without being properly attired including appropriate swim wear or beach clothing;
  - e) Permit a child in his or her care, custody or charge, to swim, bathe, wade in or enter into the waters of any ornamental pool or fountain;
  - f) Throw any article in any pool, fountain, pond, lake or stream that is likely to endanger any person or animal, or to pollute the waters;
  - g) Bring into or possess in a bathing area or *Swimming Area* of a *Park*, any bottles, glassware, metal or other material which may cause injury; or
  - h) Allow a dog or animal into a *Swimming Pool*.

#### **Smoking**

- 3.16. No *Person* shall *Smoke*, hold lighted *tobacco product* or use any *Tobacco product*:
- a) on or in any *Park* whether or not a "No Smoking" sign is *Posted*;
  - b) on or in *Township* owned and/or operated property whether or not a "No Smoking" sign is *Posted*;
  - c) outdoors within 9 metres of any public entrance or openable window of a building, or on a walkway leading to or from a *Township* building;
  - d) Notwithstanding section 3.16, above such prohibition shall not apply to:
    - i. a highway;
    - ii. *Designated Areas* where signage is on display permitting *Smoking*; or
    - iii. *Designated Areas* by the CAO or, Director.

### **IV. ANIMALS**

#### **Protection of Wildlife**

4. No *Person* in any *Park* shall:
- a) disturb injure, wound, hunt, trap, attempt to kill or kill any *Animal*,
  - b) touch, interfere with, remove or injure any bird's nest, the eggs or the young birds contained therein; or
  - c) allow a pet to kill, attempt to kill, maim, injure, trap or disturb any *Animal*.

### Horses

- 4.1. No *Person* in any *Park* shall:
- ride, have, keep or *Control* a horse except a well broken horse;
  - ride, have, keep or *Control* a horse unless within a *Designated Area*/trail for use by horses or where authorized by *Permit*; or
  - ride or *Control* a horse in a manner so as to obstruct, inconvenience or endanger other users of the *Park*.

## V. SPORTS AND ACTIVITIES

### General Provisions

5. No *Person* in any *Park* shall:
- arrange or engage in an *Organized Team Sport* or activity, unless authorized by *Permit*;
  - interfere with an *Organized Team Sport* or activity authorized *Permit*; or
  - utilize a *Designated Area* or *Sports Field* without a *Permit* where same is *Posted* to prohibit or restrict such use.

### Fishing

- 5.1. No *Person* in any *Park* shall fish in an area *Posted* to prohibit fishing.

### Golfing

- 5.2. No *Person* in any *Park* shall play or practice golf or strike a golf ball except on a golf course or in a *Designated Area*.

### Model Aircraft, Rockets and Drones

- 5.3. No *Person* in any *Park* shall:
- operate any remote-controlled or other powered models, or devices, including but not limited to, model versions of aircraft, rockets, watercraft, *Drones*, and vehicles, other than in a *Designated Area* unless authorized by *Permit*.

### Gliders and Hot Air Balloons

- 5.4. No *Person* in any *Park* shall tether, launch or land any hot air balloon, hang glider, ultra-light aircraft, parachutes or similar conveyance except in emergency situations or unless authorized by *Permit*

### Skating/Hockey

- 5.5. No *Person* in any *Park* shall:
- ice skate unless *Posted* to permit ice skating;
  - use a rink, or ice surface contrary to *Posted* rules;
  - use the rink during the maintenance period; or
  - on any natural or artificial ice surface fail to obey the instructions of a rink supervisor employed by the *Township*.

### Bicycles, Roller Skates/Boards/Blades and Skate Boards

- 5.6. No *Person* in any *Park* shall:
- ride or operate any bicycle, skateboard or rollerblades, roller skates where *Posted* to prohibit same; or
  - obstruct, inconvenience or endanger other users of the *Park* while riding or operating a bicycle, skateboard or rollerblades.

### Tennis

- 5.7. No *Person* in any *Park* shall enter, walk, or play upon a *Designated Area* for tennis in any *Park*, except in accordance with the *Posted* rules and regulations and/or as authorized by *Permit*.

## VI. VEHICLES

### Parking

6. No *Person* in any *Park* shall:
- park or permit a *Motor Vehicle* to remain in any *Park* between the hours of 11:15 pm and 7:00 am, unless authorized by the *Director*, or by *Permit*;
  - park, permit or leave a *Motor Vehicle* except in *Designated Areas* allowing for such parking;
  - Park, permit or leave a *Motor Vehicle* contrary to *Posted* signs;
  - drive, operate, pull or ride any *Motor Vehicle* except on a roadway or parking area unless authorized by *Permit*;
  - park, stop or, operate a refreshment vehicle, unless authorized by *Permit*.

### Motorized Recreational Vehicles

- 6.2. No *Person* in any *Park* shall operate, ride, drive, park or be in possession or *Control* of a *Motorized Recreational Vehicle*.

### Speed

- 6.3. No *Person* in any *Park* shall operate any *Motor Vehicle* on a *Highway* at a speed in excess of the *Posted* limit.

### Other Activities

- 6.4. No *Person* in any *Park* shall:
- a) wash, clean, polish, service or maintain any *Motor Vehicle* except in the event of an emergency; or
  - b) Instruct, teach or coach any person in the driving or operation of a *Motor Vehicle*.

### Boating and Mooring

- 6.5. No *Person* in any *Park* shall, operate, drive, ride or moor any watercraft, unless authorized by *Permit*.

## VII. COMMERCIAL ENTERPRISES

### Sale of Merchandise, Trade or Business

7. No *Person* in any *Park* shall:
- a) practise, carry on, conduct or solicit for any trade, occupation, business or profession, unless authorized by *Permit*; or
  - b) sell or offer or display for sale any food, drink, refreshment, goods, wares, merchandise or articles including promotional materials, souvenirs and novelties, art, skill, service or work unless authorized by *Permit*.

### Circular and Advertisements

- 7.2. No *Person* in any *Park*:
- a) distribute, discard, or display any handbill, notice, or other circular, bill or advertisement, or 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, including trees unless authorized by *Permit*.

## VIII. REGULATION, ENFORCEMENT, PENALTIES AND OFFENCE

### Enforcement

8. This *By-law* may be enforced by *Officers*, without limiting/restricting any other power, duty or function granted by this *By-law*, *Officer(s)* may: give direction, issue *Order(s) to Discontinue* or to perform *work* and further give verbal or written direction and may enter *Property* and/or carry out and direct whatever inspections, are reasonably required to determine compliance with this *By-law*; and
- a) The *Director* while in any *Park* may give direction or *Order to Discontinue Activity* under this *By-law* to any *Person* believed to be contravening or have contravened any provision of this *By-law*.
- 8.1. A *Order* or direction by the *Director* in a *Park* or by and *Officer* in the *Township* may include but is not limited to:
- i. to immediately desist from the activity constituting or contributing to such contravention; or
  - ii. to immediately remove from the *Park* any *Animal* or thing owned by or in the control of such *Person* which is involved in such contravention; or
  - iii. to leave the *Park* immediately, and
  - iv. may *Order* any *Person* engaging in an activity that requires a *Permit* under this *By-law* to provide the original copy of the *Permit* for inspection.

### Request Identification

- 8.2. *Officers* are hereby authorized to inform any *Person* of the provisions of this *By-law* and to request compliance therewith and,
- a) Where an *Officer* has reasonable grounds to believe that an offence under this *By-law* has been committed by a *Person*, the *Officer* may require the name, address and proof of identity of that *Person*, and the *Person* shall supply the required information.

### Order

- 8.3. If an *Officer* is satisfied that a contravention of this *By-law* has occurred, the *Officer* may make an *Order to Perform Work* requiring the work to be done to correct the contravention and shall set out:
- i. the municipal address of the property on which the contravention occurred;
  - ii. the date of the contravention;
  - iii. the reasonable particulars of the contravention of the *By-law*;
  - iv. the date by which there must be compliance with *the Order*;
  - v. the date on which the order expires; and
  - vi. notice that if the work is not done in compliance with the *Work Order* by the deadline, the *Township* may have the work done at the expense of the owner and the cost of the work may be recovered by adding the amount to the owner's tax roll.

### Obstruction

- 8.4. No *Person* shall:
- a) prevent, hinder or interfere or attempt to prevent, hinder or interfere with an *Officer* or other *Person* who is exercising a power or performing a duty under this *By-law*, including refusing to identify themselves when requested to do so by an *Officer*;

- b) willfully obstruct, hinder or otherwise interfere with an *Officer* in the performance of their duties or the exercise of their rights, functions, powers or authority under this *By-law*; or
- c) knowingly provide any false information in any statement, whether in writing or otherwise, made to an *Officer* investigating an offence under this *By-law*.

#### **Deemed Obstruction**

- 8.5. Where anyone fails or refuses to immediately identify themselves to an *Officer* or where the information is found to be false or misleading, they shall be deemed to have willfully obstructed an *Officer* in the discharge of their duties.
- 8.6. It shall be an offence to obstruct or permit the obstruction of such inspection.

#### **Service of Orders**

- 8.7. The *Order* may be served personally on the *Person* to whom it is directed or by regular mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after mailing. Service on a Corporation can be made by registered mail to the corporate profile mailing address as listed in the Corporate Profile Report.

#### **Unable to effect service**

- 8.8. If the *Township* is unable to effect service on the owner, a placard containing the terms of the order may be placed in a conspicuous place on the owners land and the placing of the placard shall be deemed to be sufficient service of the *Order* on the owner.

#### **Fail to Comply with Order**

- 8.9. No *Person* shall fail to comply with the *Order* either verbal or written given by an *Officer* or the *Director* under the authority of this *By-law*.

#### **Offence**

- 8.10. Any *Person* who contravenes a provision of this *By-law* is guilty of an offence and is liable on conviction to the penalties set out.

#### **Penalty**

- 8.11. Any *Person* who is in contravention of any provision of this *By-law*, or who fails to comply with an *Order* issued under this *By-law* shall be deemed to be committing a continuing offence for each day that the offence remains in contravention, or for each day that they fail to comply with the *Order*.
- 8.12. On conviction, a *Person* may be liable:
- a) upon a first conviction, to a fine of not less than \$100.00 and not more than \$50,000.00;
  - b) upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;
  - c) upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00; and
  - d) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.

#### **Cost Recovery/ Work Done by the Township**

- 8.13. The work required by an *Order* under the provisions of this *By-law*, if not done within the specified period, the *Township*, in addition to all other remedies it may have, may do the work at the owner's expense and may enter upon the land, at any reasonable time, for this purpose; and
- a) The *Township* may recover its costs of remedying a violation of this *By-law* by invoicing the owner, by instituting court proceedings or by adding the cost, including interest, to the tax roll in the same manner as municipal taxes in accordance with section 446 of the *Municipal Act, 2001* and the exercise of any one remedy shall not preclude the exercise of any other available remedy

#### **Vehicle Removal**

- 8.14. An *Officer* upon discovery of any *Motor Vehicle* parked in contravention of the provisions of this *By-law*, and contrary to *Posted* signs may cause it to be moved or taken to place or stored in a suitable place and all costs and charges for removing, care, and storage thereof, if any, are a lien upon the *Motor Vehicle*.

#### **Validity and Severability**

- 8.15. Notwithstanding any section, subsections, clause, paragraph or provision of this *By-law*, or parts thereof may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this *By-law* are separate and independent therefrom and enacted as such as a whole. Same shall not affect the validity or enforceability of any other provisions of this *By-law* or of the *By-law* as a whole.

**Repeal**

8.16. This *By-law* repeals, section 30.3, of By-law 2005-36, By-law #774, #76-59, #83-62, #91-28, #99-152, #99-166, #99-170, #2000-03, #2000-110, #2004-36, except insofar as any of these bylaws repeal other bylaws, as of the date of the enactment of this By-law;

**Transitional Provision**

8.17. Notwithstanding the repeal of the above mentioned by-laws, and relevant by-law sections the mentioned by-laws and sections shall apply to any acts, omissions or occurrences and to any offences that took place prior to the enactment of this by-law.

8.18. This *By-law* shall come into force and take effect on the date of enactment.

**READ a FIRST and SECOND** time this 12th day of December 2016.

**READ a THIRD** time and **FINALLY PASSED** this 12th day of December, 2016.

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Steve Pellegrini  
Mayor

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Kathryn Moyle  
Director of Clerks/*By-law* Enforcement  
Township Clerk

(Ref.: Clerks Dept. Report No. CL-2016-17,  
C.O.W. Nov 14<sup>th</sup>, 2016)