

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

BY-LAW #16-2017

BEING A BY-LAW TO PROTECT, PROHIBIT, REGULATE AND CONTROL ALL PUBLIC PARKS IN THE TOWNSHIP OF ARMOUR

WHEREAS The Municipal Corporation of the Township of Armour owns, operates and maintains parks in the Township of Armour;

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

WHEREAS Section 11(3) of the *Municipal Act*, 2001, S.O. 2001 c. 25 as amended, a municipality may pass by-laws respecting matters within the spheres of jurisdiction, namely culture, parks, recreation and heritage;

WHEREAS Sections 23.1, 23.2, 23.3 and 23.5 of the *Municipal Act*, 2001, S.O. 2001, c.25 authorize a municipality to delegate certain powers and duties;

WHEREAS Sections 444 and 445 of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that where a municipality is satisfied of a contravention of a by-law that the municipality may make an order to discontinue or correct the contravention of the by-law;

WHEREAS Council deems it appropriate to enact a by-law to prohibit and regulate activities at parks and to protect these lands on behalf of the public interest;

NOW THEREFORE the Council of The Municipal Corporation of the Township of Armour enacts as follows:

TITLE: This By-law shall be known and may be cited as the Parks By-law.

SECTION 1- DEFINITIONS

- (a) "Authorized sign" means any sign, notice, or other device placed or erected in or upon a park by the Township.
- (b) "Council" means the Council of the Township.
- (c) "Officer" means a Municipal Law Enforcement Officer, a Police Officer or other person appointed by by-law to enforce the provisions of this by-law.
- (d) "Park" includes all land owned or operated by or belonging to the Township of Armour used for park or recreational purposes including but not limited to green spaces, trails, walkways, beaches, beach accesses, sports fields, wooded areas and all portions thereof owned by or made available by lease, agreement, or otherwise to the Township, that is or hereafter may be established, dedicated, set apart or made available for the use as a public open space, including any buildings, structures, facilities, erections and improvements located in or on such lands.
- (e) "Parking area" means a part of a park that is designated for the parking of motor vehicles.
- (f) "Person" means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply, according to law.
- (g) "Township" means The Municipal Corporation of the Township of Armour.

- (h) "Vehicle" means a vehicle as defined under the Highway Traffic Act, R.S.O. 1990, c.H.8, as may be amended from time to time, and includes any carriage, wagon, sleigh, toboggan, or other vehicle or conveyance of every description, but does not include a baby carriage or cart, child's wagon, child's sleigh, child's stroller or other conveyance of like nature, wheelchair or other similar device used by an individual due to a disability;

SECTION 2- SCOPE

- 2.1 The parks of the Township are for the benefit and pleasure of all persons who shall be subject to the rules and regulations passed thereto.
- 2.2 Properties set aside as a park by the Township are to be used for the rest, recreation, pleasure, amusement, enjoyment and benefit of the public and it is desirable to prevent any person from interfering with the enjoyment by the public of such use.
- 2.3 Parks users are subject to all applicable Municipal by-laws and all Provincial and Federal laws and regulations and all persons contravening any by-law or law may be required to leave any park.

SECTION 3- ADMINISTRATION

- 3.1 The Clerk or Deputy Clerk shall be responsible for the administration of this By-law.
- 3.2 The Clerk or Deputy Clerk shall:
- (a) administer the management, control, regulations, maintenance, development and usage of all parks within the Township;
 - (b) recommend to Council, as required, from time to time revisions, additions or amendments to the By-law for the improvement to the management, control, regulations, maintenance, and usage of the parks within the Township; and
 - (c) receive applications and provide recommendations to Council, as Council deems necessary, for festivals or special events taking place in parks or using a park.
- 3.3 The Clerk or Deputy Clerk may, in writing, delegate any or all of the powers conferred on the Clerk or Deputy Clerk by this Bylaw to any person or persons the Clerk or Deputy Clerk considers advisable.
- 3.4 The Clerk or Deputy Clerk may authorize the formalization and execution of contracts for:
- (a) the operation of concessions in a park, or in a building within a park, selling anything or providing services deemed appropriate by Council;
 - (b) the rental of equipment in a park;
 - (c) the display or exhibit of information to the public in a park;
 - (d) volunteers providing services to the Township, including any necessary indemnifications;
 - (e) related programs put on by the Township including leases and licences, and any necessary indemnifications; and
 - (f) the sponsorship of Township programs, events or other such items.
- 3.5 The Clerk or Deputy Clerk may as he/she deems necessary for the administration of parks, preservation and protection of parks and amenities, and to ensure public safety:
- (a) close, limit or restrict the use, or type of use of a park;
 - (b) prohibit or vary any activity or use in a park otherwise permitted pursuant to this Bylaw;
 - (c) establish or designate areas for the rest, recreation, pleasure, amusement, enjoyment and benefit of the public and the safe use of a park; and
 - (d) cause signs to be erected describing any of the provisions of this by-law, or restricting or limiting the use or attendance on any part or portion of any park for the interest of the public safety and well-being;

- (i) In a prosecution for contravening this Bylaw the evidence that a sign was posted is prima facia proof that the sign was appropriately erected by the proper authority without other or further proof thereof.

SECTION 4- PARK HOURS

- 4.1 No person shall enter into or remain in a park between the hours of 10:00 pm to 6:00 am.
- 4.2 No person shall enter into or remain in a park building when the park building is closed to the public.
- 4.3 No person shall during any period when a park is closed, allow a vehicle to remain in a park.

SECTION 5- CONDUCT IN PARK

- 5.1 No person shall use discriminatory, harassing, abusive or insulting language or gestures or make excessive noise or disturb other persons in a park.
- 5.2 No person shall engage in archery.
- 5.3 No person shall hit, strike or otherwise propel a golf ball.
- 5.4 No person shall disobey an authorized sign.
- 5.5 No person shall erect, place, install or cause the erection, placing or installation of any permanent or temporary structure or tent unless authorized by Council.
- 5.6 No person shall camp, erect or place a tent for shelter or temporary abode of any kind.
- 5.7 No person shall use, ride, train or race a horse, donkey or mule in a park.
- 5.8 No person shall fly or operate a drone, powered model airplane or helicopter in a park.
- 5.9 No person shall beg, solicit, canvass or invite subscriptions or contributions, by the erections of signs or otherwise in a park.
- 5.10 No person shall engage in hunting.

SECTION 6- PARK ENVIRONMENT

Damage to property

- 6.1 No person shall remove, damage or deface any property of the Township in a park.
- 6.2 Except with the written authorization of Council, no person shall,
 - (a) disturb, cut, kill, remove or harm any plant, tree or natural object in a park.
 - (b) disturb, kill, remove, harass or harm any animal in a park.
- 6.3 In considering whether or not to grant an authorization under subsection (4.2), Council shall base their decision on the following criteria:
 - (a) The potential for the proposed activity to protect or enhance human safety.
 - (b) The degree to which the proposed activity would harm or benefit the environment or wildlife or support or impede the maintenance of ecological integrity.

Keeping park clean

- 6.4 No person shall deposit or cause to be deposited any litter in a park except in a place designated for that purpose.

- 6.5 Every person using a park facility shall at all times maintain it in a clean and sanitary condition and when vacating the facility, shall restore it to its original condition.

Fire and fireworks

- 6.6 No person shall possess or ignite fireworks in a park.
- 6.7 No person shall build, light, set, stoke or maintain a fire or fire pit, except in a fireplace provided by Council or in an area designated for that purpose.
- 6.8 No person shall start or tend a fire in a park with respect to which a posted notice indicating that there is a fire hazard.

SECTION 7- VEHICLES

- 7.1 No person shall operate a vehicle in a park except on a roadway or other place designated for that purpose.
- 7.2 No person shall park a vehicle in a park in an area where parking is prohibited or in a position or place that prevents or is likely to prevent free and convenient movement of other vehicles.

All-terrain vehicles

- 7.3 Except for employees or contractors in the employ of the Township, no person shall operate an all-terrain vehicle in a park.

SECTION 8- ENFORCEMENT AND EXEMPTIONS

- 8.1 This by-law shall not apply to the drivers, operators or other personnel of ambulances, police or fire department vehicles or any employees or agents of the municipality while engaged in the performance of their duties.
- 8.2 Any Township employee is authorized to inform any person of the provisions of this By-law and to request compliance therewith.
- 8.3 Any Police Officer, Municipal Law Enforcement Officer or Township employee is authorized to order any person that they believe to be contravening or who has contravened any provision of this By-law,
- 8.3.1 to desist from the activity constituting or contributing to such contravention;
- 8.3.2 to remove from the park any object, thing, or vehicle owned by or in control of such person which the officer or employee believes is or was involved in such contravention;
- 8.3.3 to leave the park or park building.
- 8.4 No person shall fail to comply with any order given in sections 8.2 or 8.3.
- 8.5 Any Police Officer or Municipal Law Enforcement Officer upon discovery of any object, thing or vehicle in contravention 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 object, thing or 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 from time to time, or any successor Acts thereto.
- 8.6 Any Police Officer or Municipal Law Enforcement Officer appointed by the Township of Armour may enforce the provisions of this By-law.

SECTION 9- OBSTRUCTION

- 9.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

- 9.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his/her duties.

SECTION 10- PENALTY

- 10.1 Every person who contravenes the provisions of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contravention by the Corporation, is guilty of an offence and liable on conviction to a penalty where the maximum shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended.
- 10.2 For the purpose of continuous offences, every person who contravenes the provisions of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contravention by the Corporation, is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended.
- 10.2.1 Despite section 8.2 and the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.
- 10.3 For the purpose of multiple offences, every person who contravenes the provisions of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contravention by the Corporation, is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended.
- 10.3.1 Despite section 8.3 and the provisions of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.

SECTION 11- SEVERABILITY AND ENACTMENT

- 11.1 If any court of competent jurisdiction declares any section or part of this By-law to be invalid, such section or part of a section thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent there from and to be enacted as such and the remainder of the By-law shall be valid and shall remain in force.
- 11.2 This by-law rescinds by-law #10-2017.
- 11.3 This by-law shall come into force and effect upon being passed.

Read a first, second and third time, signed and the seal of the Corporation affixed thereto and finally passed in open Council this 28th day of March, 2017.

Original signed by Bob MacPhail
REEVE

Original signed by Wendy Whitwell
CLERK-ADMINISTRATOR

Township of Armour

Part I Provincial Offences Act

By-law #16-2017: Parks By-law

| ITEM | COLUMN 1 Short form wording | COLUMN 2 Provision creating or defining offence | COLUMN 3 Set Fine |
|-------------|--|--|------------------------------|
| 1. | Unlawfully enter or remain in park after closing | 4.1 | \$125.00 |
| 2. | Unlawfully enter or remain in park building when closed | 4.2 | \$125.00 |
| 3. | Permit vehicle to remain in park after closing | 4.3 | \$75.00 |
| 4. | Use discriminatory, harassing, abusive or insulting language or gestures | 5.1 | \$150.00 |
| 5. | Make excessive noise | 5.1 | \$150.00 |
| 6. | Disturb other persons | 5.1 | \$150.00 |
| 7. | Engage in archery | 5.2 | \$150.00 |
| 8. | Hit, strike or otherwise propel a golf ball | 5.3 | \$150.00 |
| 9. | Disobey an authorized sign | 5.4 | \$50.00 |
| 10. | Unlawfully erect, place or install structure or tent | 5.5 | \$75.00 |
| 11. | Unlawfully camp, erect or place a tent for shelter | 5.6 | \$75.00 |
| 12. | Unlawfully use, ride, train or race a horse, donkey or mule in park | 5.7 | \$150.00 |
| 13. | Operate a drone, powered airplane or helicopter in park | 5.8 | \$125.00 |
| 14. | Beg, solicit, canvas, invite subscription or contributions in park | 5.9 | \$50.00 |
| 15. | Engage in hunting | 5.10 | \$150.00 |
| 16. | Remove, damage or deface Township property | 6.1 | \$125.00 |
| 17. | Unlawfully disturb, cut, harm or remove plant or tree | 6.2 (a) | \$125.00 |
| 18. | Unlawfully kill plant or tree | 6.2 (a) | \$150.00 |
| 19. | Unlawfully disturb, harm or remove natural object | 6.2 (a) | \$125.00 |

**Township of Armour
Part I Provincial Offences Act
By-law #16-2017: Parks By-law**

| ITEM | COLUMN 1 Short form wording | COLUMN 2 Provision creating or defining offence | COLUMN 3 Set Fine |
|-------------|--|--|------------------------------|
| 20. | Unlawfully disturb, kill, remove, harass, harm animal | 6.2 (b) | \$150.00 |
| 21. | Litter or cause litter | 6.4 | \$125.00 |
| 22. | Fail to keep facility clean | 6.5 | \$125.00 |
| 23. | Fail to restore facility to original condition | 6.5 | \$125.00 |
| 24. | Possess fireworks | 6.6 | \$100.00 |
| 25. | Ignite fireworks | 6.6 | \$150.00 |
| 26. | Start or tend fire other than in fireplace or designated place | 6.7 | \$150.00 |
| 27. | Start or tend fire where notice of fire hazard posted | 6.8 | \$150.00 |
| 28. | Unlawfully operate vehicle in park | 7.1 | \$125.00 |
| 29. | Unlawfully operate all-terrain vehicle | 7.3 | \$125.00 |
| 30. | Fail to comply with an order | 8.4 | \$200.00 |
| 31. | Hinder or obstruct an Officer | 9.1 | \$200.00 |

NOTE: The penalty provision for the offence listed above is Section 10 of By-law #16-2017, a certified copy of which has been filed.

**Township of Armour
Part II Provincial Offences Act
By-law #16-2017: Parks By-law**

| ITEM | COLUMN 1 Short form wording | COLUMN 2 Provision creating or defining offence | COLUMN 3 Set Fine |
|-------------|--|--|------------------------------|
| 1. | Park vehicle in prohibited area | 7.2 | \$30.00 |
| 2. | Park vehicle in position or place that prevents the movement of vehicle | 7.2 | \$30.00 |
| 3. | Park vehicle in position or place likely to prevent movement of vehicles | 7.2 | \$30.00 |

NOTE: The penalty provision for the offence listed above is Section 10 of By-law #16-2017, a certified copy of which has been filed.