

CORPORATION OF THE TOWN OF LAKESHORE

BY-LAW NUMBER 18-2016

BEING A BY-LAW TO PROTECT AND REGULATE THE USE OF PARKS IN THE TOWN OF LAKESHORE

WHEREAS, the Municipal Act, 2001 C.25 as amended confer the power to a municipality to pass By-laws regulating and prohibiting culture, parks, recreation and heritage.

AND WHEREAS, the Council of the Corporation of the Town of Lakeshore deems it expedient to regulate the use of parks within the Town of Lakeshore identified in Schedule "A" attached hereto for the benefit and pleasure of all persons who shall be subject to the rules and regulations set out herein.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF LAKESHORE ENACTS AS FOLLOWS.

Definitions

1. For the purpose of this By-Law:
 - a. **"Boat"** shall mean any boat, vessel, raft, ferry or craft or craft afloat which carries goods or passengers and is capable of being used as a means of transportation on water. It shall mean any boat whether propelled by oars, engine or otherwise and shall include the ambit of craft designed to be supported on a cushion of air and which is used on or over water.
 - b. **"By-law Enforcement Officer"** shall mean the individual appointed by Council from time to time and charged with responsibility of enforcing this and other by-laws of the Town of Lakeshore.
 - c. **"Commercial Vehicle"** shall mean any vehicle drawn, propelled or driven by any kind of power, including muscular power having permanently attached thereto a truck or delivery body used for hauling purposes on the highway.
 - d. **"Corporation"** shall mean the Corporation of the Town of Lakeshore.
 - e. **"Council"** shall mean the Municipal Council of the Town of Lakeshore.
 - f. **"Designated Area"** shall mean an area within a park designated for specific use or for a specific time allowed or occasion, which may have conditions attached with permit.
 - g. **"Director"** shall mean the Director of Community Development Services of the Corporation of the Town of Lakeshore or any person authorized by Council from time to time to undertake the care, control and management of Parks.
 - h. **"Leash free"** shall mean a designated area where person(s) under the control of a licensed dog(s) are permitted to allow the dog(s) to be unleashed.
 - i. **"Liquor"** shall mean spirits, wine and 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 matter;

- j. **“Motor Vehicle”** shall include but is not limited to an automobile, motorcycle, trailer, motorized snow vehicle and any other vehicle of similar nature, propelled or driven by power other than muscular power.
- k. **“Organized sport activity”** shall mean a sport, activity or game that is an organized sport.
- l. **“Park”** shall include all lands, water, buildings and facilities acquired by purchase, lease, expropriation, agreement, or otherwise and designated by the Council as a place of public recreation.
- m. **“Permit”** shall mean prearranged permission from the Town of Lakeshore allowing the specified group to utilize the park space.
- n. **“Person”** shall mean a person, firm or corporation, or any group or association of persons, unless otherwise noted.
- o. **“Public Vehicle”** shall mean any vehicle drawn, propelled or driven by any kind of power, including muscular power for or on behalf of any transportation of passengers or freight or both and may include freight which might be carried in a passenger vehicle.
- p. **“Service Dog”** shall mean a guide dog and other trained service animal identifiable by a harness and used in principal to assist persons with a disability.
- q. **“Town”**; shall mean the Corporation of the Town of Lakeshore.

Whenever the singular or masculine or neuter is used in this by-law, the same shall be construed as meaning plural or feminine or corporate or vice versa, as the context so requires.

PART 2

Title, Intent and Scope

1. This by-law may be cited as the “Town of Lakeshore Parks Use By-law”.
2. The provisions of this by-law shall regulate the establishment of public parks and the uses of such parks.
3. The parks of the Town of Lakeshore are for the benefit and pleasure of all persons who shall be subject to the rules and regulations passed herein.

PART 3 - Conduct

Destruction or abuse of Town of Lakeshore property

While in a Park, no person shall:

- (a) Climb, bark, peel, break, cut, deface, remove, injure, hurt, root up or otherwise destroy, or damage any tree, shrub, flower, root, plant, soil, rock and gravel or grass;
- (b) Walk over any lawn or other area where a sign has been erected at the direction of the Council or their authorized Agent prohibiting pedestrian traffic thereon;
- (c) Cut, paint or otherwise deface, remove injure, destroy or damage benches, fences, seats, equipment, notices or other chattels or any building fixture or structure or part thereof;
- (d) Deface, alter, write upon, destroy, otherwise damage or remove in any way Town of Lakeshore property;
- (e) Tie or otherwise attach any animal or thing to any tree, plant, hedge, fence, building fixture, or structure of any kind or to any equipment or chattels or any nature;
- (f) Construct upon or alter the grade of any property;
- (g) Climb any fence, tree or structure other than playground equipment designed for climbing on;
- (h) Enter upon any place to which the Council or their duly authorized agent has deemed it advisable to restrict admittance and place a notice bearing the words "no admittance" at the entrance to such places;
- (i) Enter or attempt to enter any part or portion thereof; marked off, enclosed or fenced, to which an admission charge is being made, without paying such charge;
- (j) Use any building, structure, or equipment for other than its intended purpose;
- (k) Remove, change location or in any way disturb the setting of the playground or any equipment, chattels or fixtures or any part or portion thereof;

3.1 Explosives, Firearms and Weapons

While in a Park, no person shall:

- (a) Ignite or discharge any fireworks without consent of Council
- (b) Carry, use or be in possession of or use any firearm, air gun, bow and arrow, catapult, axe or any object or device capable of projecting missiles or offensive weapon of any kind;

3.2 Conduct

While in a Park, no person shall:

- (a) Indulge in riotous, boisterous, threatening or indecent conduct, profane, or indecent language or create a nuisance by loitering, spying, frightening or annoying any other person in any other manner;
- (b) Interfere with the peaceful enjoyment of others in a park space;
- (c) Engage in any act which unreasonably infringes upon the enjoyment of the parks by other persons;
- (d) Litter the area with garbage, food, paper, wrappers or rubbish of any kind (except in the receptacles provided for deposit of refuse therein);
- (e) Dispose or dump garden, household or commercial refuse in any park receptacle or in any other area of the Park;
- (f) Dump, drain or discharge onto any soils, or into any waters within any park (including retention ponds, lake, stream, sewer or drain flowing into any water of any kind) any substance, liquid or solid, toxic or otherwise which may have the effect of polluting the waters;
- (g) Accost, annoy or in any way interfere with any person;
- (h) Solicit passengers for any boat or vehicle for hire;
- (i) Walk or run on the turf, or on any newly planted grass, where warned by signs not to do so;
- (j) Play any musical instrument or direct the playing thereof other than a non-amplified string instrument, except by permission issued by the Town of Lakeshore;
- (k) Play golf or drive any golf ball except on golf course;
- (l) Tell fortunes;
- (m) Fish, except locations indicated by approved signs;
- (n) Bathe in waters where warned by signs not to do so;
- (o) Dock or tie up any boat on any waterway adjacent to a park;
- (p) Board or disembark from any boat adjacent to a park;
- (q) Where permitted, operate any motor vehicle at a speed greater than twenty-five (25) kilometers per hour;
- (r) Practice, carry on, conduct or solicit for any trade;
- (s) Sell or offer for sale or expose any merchandise or other articles or anything for immediate or future delivery, or any part, skill or service to be exercised or performed immediately or in the future, without the written consent of the Council or its duly authorized agent;
- (t) Distribute or post or cause to distribute any hand bills, circulars or advertising of any kind;

- (u) Park or leave a vehicle standing upon any part of any road, path or driveway in such a manner as to cause congestion to traffic or in any way cause an obstruction of such road, path or driveway;
- (v) Park or leave standing a vehicle except in area designated for parking purposes;
- (w) Operate any motor vehicle other than on roads or driveways provided for such purpose;
- (x) Operate any public vehicle or any commercial vehicle, except for the purpose of serving any duly authorized licensee or concessionaire provided, however, that the provisions of the cause shall not apply to any vehicle of any municipal department of the Town of Lakeshore or to any ambulance, police, fire, or other emergency vehicle, responding to or from any emergency call;
- (y) Route any funeral procession or vehicle containing the body of a dead person;
- (z) Cause an airplane or other air vehicle to ascend, land or be driven without written approval of Council;
- (aa) Clean, polish, maintain or repair any motor vehicle in a park;
- (bb) Display or cause to be displayed any sign, poster or banner without the consent of Council;
- (cc) Gamble
- (dd) Throw stones or other missiles;

3.3 Restrictions on Glass Containers

Glass containers are prohibited in and around all spray pad areas, Skateboard Park and walking trails

3.4 Park hours

While in a Park, no person shall:

- (a) Remain in or enter into any park between ten (10) o'clock p.m. and six (6) o'clock a.m.;
- (b) Park a vehicle overnight except with a permit;
- (c) Leave a vehicle standing;

3.5 Alcohol and Tobacco

No person shall:

- (a) Have, consume, serve, sell or partake of alcoholic beverages unless authorized by a permit issued by the Town of Lakeshore and with the approval of the Liquor License Board of Ontario;
- (b) Smoke or use any tobacco related products or hookah's as per By-law 30-2015.

3.6 Camping and Lodging

While in a park, no person shall:

- (a) Camp, dwell, or lodge in a Park;
- (b) Place, install, erect or park any temporary or permanent tent, shelter, structure, or trailer in any Park;

3.7 Encroachment

Unless otherwise approved by Council, 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;

3.8 Disorderly Conduct

While in the park, no person shall:

- (a) Throw stones or other missiles;
- (b) Gamble;
- (c) Enter or attempt to enter any part of portion thereof; marked off, enclosed or fenced, to which an admission charge is being made, without paying such charge;
- (d) Use any building, structure, or equipment for other than its intended purpose;
- (e) Remove, change location, or in any way disturb the setting of the playground or any equipment, chattels or fixtures or any part or portion thereof;
- (f) Allow any dog or other pet owned by him or her, or under his or her supervision to run loose. Dogs are permitted in parks only if on a leash. Any person owning or having under his or her supervision any dog or pet shall immediately remove any excrement deposited in a park by the said dog or pet;
- (g) Camp or lodge or hold any group picnic except at places designated for such purposes;
- (h) Practice, carry on, conduct or solicit for any trade;

PART 4 – Park use

4.1 Organized Gatherings and Picnics

- (a) While in the park, no person shall hold a picnic, organized gathering or event for more than thirty (30) people without obtaining a permit from the Town;
- (b) Any person can reserve a designated picnic area through the Town by obtaining a permit.
- (c) While in the park, no person shall interfere with a picnic, organized gathering or event;

- (d) Gatherings and picnics requiring a tent, must provide locates and follow the recommendations of the Town;

4.2 Barbeques and fires

While in the park, no person shall;

- (a) Light, build, or stroke a fire or bonfire;
- (b) Leave a fire or barbeque unattended;
- (c) Leave hot coals in the Town of Lakeshore barbeque when finished – expended coals are to be placed in containers provided. If no container is available, coals must be removed and disposed of by the user.

4.3 Music

- (a) While in the park, no person shall operate, or use, any sound device in a manner which disturbs or interferes with other persons in or near the park;
- (b) Unless authorized by the Town, loud speakers or sound amplifiers are not to be used in parks.

4.4 Organized sports

- (a) While in the park, no person shall organize sports in the parks or on the diamonds and fields without pre-booking the areas from the Recreation Services Division;
- (b) In order to run an organized sports team/league, facilities must be booked in advanced with the Town;
- (c) User fees may apply;

4.5 Animals

While in the park, no person shall:

- (a) No personas owner or person having control of any dog, cat or other domesticated animal shall:
 - i. Allow it to run at large, except in designated dog parks;
 - ii. Excluding persons reliant upon a service animal, permit any dog, cat or other domesticated animal to enter any beach, pond, swimming area, garden, landscaped area, playground or sports field, or any other area posted to prohibit same, or disturb any wildlife or damage any park resources.
- (b) While in a park, every person as owner or person having control of any dog, or cat or other domesticated animal shall:
 - i. Ensure that it is on a leash or chain not exceeding 6 feet (1.9 meters) in length when not running at large in a designated dog park;
 - ii. Pick-up and remove forthwith excrement left by a dog, cat or other domesticated animal and dispose of it in a sanitary manner in a receptacle provided. (provisions do not apply to a

person who has control of a service animal where it is being used to aid a person with a visual, hearing or other impediment;

- (c) While a dog, cat or other domesticated animal is in a designated dog park, every person as owner or person having control of the animal shall:
 - i. Carry with him/her a leash;
 - ii. Immediately remove the animal that shows aggressiveness toward people or other animals or at the direction of enforcing officer for the Town of Lakeshore;
 - iii. Ensure that the animal does not leave the designated area while off the leash and;
 - iv. Ensure that the animal while in the designated area is under voice control and within visual site at all times;

4.6 Filming and Videotaping

- (a) While in a park, no person shall take or permit to be taken for remuneration any video, photograph or television broadcast unless:
 - i. Authorized by permission from the Town;
 - ii. Otherwise posted;

PART 5 – Permits

- (a) Permits issued for activities contemplated in this by-law may be subject to such fees as Council approved Tariff of Fees;
- (b) Permits can be obtained through the Recreation Services Division;
- (c) Permits issued may have additional conditions than those outlined in this By-law;
- (d) The issuance of a permit to the By-law shall not relieve any person from the necessity of acquiring any other license or permit required for such activity by any governmental or public authority;

Part 6 - Exceptions

- (a) The Council, Director or a person duly authorized by Council may issue a permit for the use of all or a portion of a park or park buildings subject to such terms and conditions as the Council or Director may consider reasonable, desirable and appropriate.
- (b) The Council may, from time to time, prescribe a fee or fees for the use of a park or park buildings or a portion thereof and no person shall use such park or park buildings or portion thereof without first having paid the prescribed fee.
- (c) All requests for the use of the parks for specific purposes are to be referred to the Recreation Services Division for the Town of Lakeshore or any person authorized by Council to undertake this function for allocation of the parks on available dates for the purposes required, all persons and organizations in the municipality, having equal rights to

the use of the parks subject to the directions, regulations and fees approved by Council from time to time.

- (d) The Council of the Town of Lakeshore may grant a permit on such terms as it shall consider appropriate for the safety and protection of the Park and Park buildings and its occupants, to any person, to enter upon or remain in the one or more of the Parks or Park Buildings, beyond the time specified in subsection 3.4 of this By-law, provided that upon the expiry of the time stipulated in such permit, no person shall enter on or remain in such Park or Park buildings, save peace officers and town employees in the course of their employment.
- (e) Any person obtaining permission under part 5 of this By-law shall produce a written copy of that permission on demand of a member of the Town of Lakeshore Detachment of the Ontario Provincial Police force or an officer appointed under authority of town Council.
- (f) The Council, or its duly authorized Agent, may at any time, set aside a place or places in any park temporarily for parking purposes or may at any time temporarily close off or otherwise obstruct any path or roadway on which traffic is permitted by this By-law, whether for pedestrian or vehicular traffic, and may, at any time for sufficient reason temporarily close any park or portion thereof to the public use.
- (g) Council may by resolution delegate the performance of any of its duties herein provided to a Committee or individual appointed by the said Council, for the purpose of directing and controlling parks.

PART 7 - Enforcement

- (a) Lakeshore O.P.P. Officers or Municipal By-law Enforcement Officers appointed by the Town of Lakeshore are authorized to inform any person of the provisions of this By-law and to request compliance therewith.
- (b) Lakeshore O.P.P. Officers or Municipal By-law Enforcement Officers appointed by the Town of Lakeshore are authorized to order any person believed by such Officer to be contravening or who has contravened any provision of this By-law to:
 - i. desist from the activity constituting or contributing to such contravention;
 - ii. remove from the park any animal or thing owned by or in the control of such person which the officer believes is or was involved in such contravention; or
 - iii. leave the park.
- (c) Every person who violates or causes or permits a violation of any provision of this By-law shall be guilty of an offence and upon conviction therefore; forfeit and pay a penalty not exceeding FIVE THOUSAND DOLLARS (\$5,000.00) exclusive of costs for each such offense, which penalty and costs are recoverable under The Provincial Offenses Act.
- (d) A reward up to a maximum of ONE HUNDRED DOLLARS (\$100.00) may be paid upon the conviction of the offender to any person who supplies information leading to the apprehension or conviction of any person guilty of any offence under this By-law.

PART 8 - Administrative

- (a) Should any section, subsection, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the said section shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.
- (b) This By-law takes effect from the date of final passage by Council.
- (c) All previous By-laws dealing with the same subject are hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16,
DAY OF FEBRUARY 2016.**



**TOM BAIN
MAYOR**



**MARY MASSE
CLERK**

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