

THE CORPORATION OF THE TOWNSHIP OF MULMUR
BY-LAW NO. 10-11

A by-law to provide for the regulation, maintenance and protection of parks in the Township of Mulmur

WHEREAS subsection 11(2) paragraph 3 of the *Municipal Act, 2001*, S. O. 2001, c. 25, as amended authorizes a lower tier municipality to pass a by-law with respect to parks;

AND WHEREAS the Council of The Corporation of the Township of Mulmur deems it desirable to enact a new by-law for the use, regulation, protection and governance of the parks and parkland in the Township of Mulmur;

NOW THEREFORE the Council of The Corporation of the Township of Mulmur ENACTS as follows:

PART I - DEFINITIONS

1. In this by-law:

“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 care and custody;

“Council” means the Council for The Corporation of the Township of Mulmur;

“damage” includes destroy, cut, mark, break, dig, pull up, burn, injure, tamper with, remove, vandalize or deface;

“Director” means the Director of Public Works for the Township or designate;

“large event” means an organized gathering of more than twenty persons;

“motor vehicle” includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the *Highway Traffic Act*, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*;

“motorized recreational vehicle” means a motorized snow vehicle, go-cart, trail bike, mini-bike, all terrain vehicle, pocket bike, scooter, or similar vehicle, propelled or driven by an internal combustion engine or electric motor and includes but is not limited to off-road vehicles as defined by the *Off-Road Vehicles Act* R. S. O. 1990, c. O. 4 and motorized snow vehicles as defined under the *Motorized Snow Vehicles Act* R. S. O. 1990, c. M. 44;

“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 owned by the Township or made available by lease agreement or otherwise to the Township that has been designated by the Township as public parkland including but not restricted to, centre medians, storm water management areas, public walkways or public trail ways;

“parking area” means the part of the park that is designated and intended to park motor vehicles;

“permissible area” means an area of a park that is designated to permit a certain activity and may be indicated as such by the posting of a sign, notice or other device;

“permit” means any written authorization issued by the Director in accordance with the current applicable Township policy;

“playground” means the play equipment and the play surface including the encroachment area;

“post” or “posted” means the erection or presence of a permissive, regulatory, restricted, warning or prohibitive authorized sign and “posted area” means an area where such authorized signs are erected;

“prohibited area” means an area of a park that is designated to prohibit a certain activity and may be indicated as such by the posting of a sign, notice or other device;

“property” includes all buildings, structures, equipment, trees, shrubs, horticultural displays, benches, tables, authorized signs, tennis courts, arenas, rinks, pools, waste disposal containers, landscaping materials, playground apparatus, shelters, fencing, lighting, parking areas and other such properties that may be constructed, installed, placed or erected in a park and that are owned, leased or under the care and control of the Township;

“Township” means The Corporation of the Township of Mulmur.

PART II – APPLICATION

Scope

2. This by-law shall apply to every person while in a park.

3. Use by permit holders shall take precedence over casual users of a park.

Exclusions and Exemptions

4. Notwithstanding section 2 above, this by-law shall not apply to:
- (1) the drivers, operators or other personnel of ambulances, police or fire department vehicles; or
 - (2) employees or agents of the Township while engaged in works or services undertaken for or on behalf of the Township.

PART III – SIGNS

5. (1) The Director is authorized to post signs of permission, regulation, restriction, warning or prohibition with respect to the uses of or activities in any park.
- (2) It is not a requirement for a sign to be posted for an activity to be prohibited or permitted.
6. Every person in a park shall comply with all authorized signs.

PART IV -CONDUCT

Conduct of Persons

7. Every person in a park shall comply with all applicable federal and provincial statutes and regulations and Township by-laws and policies.
8. (1) No person shall create, cause, or permit to be caused or created, a nuisance, hazard, threat or any undue noise that does or may in any way unreasonably interfere with the use and enjoyment of the park by another person in or adjacent to the park. (*Reference Noise By-Law #10-02*)
- (2) No person shall permit an animal controlled by him or her to create a nuisance hazard, threat or any undue noise that does or may in any way unreasonably interfere with the use and enjoyment of the park by another person in or adjacent to the park. (*Reference Dog By-Law #11-02*)

PART V -PROHIBITED ACTIVITIES

9. No person in a park shall:
- (1) climb any tree, building, fence, structure, bench, seat, table, monument, sign, equipment, or like item unless it is equipment designed and intended for climbing;
 - (2) damage, vandalize, disturb or remove any property or vegetation;
 - (3) dispose or dump any litter or refuse, solid or liquid, except that which is generated through the reasonable use of the park and shall only deposit same in receptacles provided for such purpose;
 - (4) release any balloons;
 - (5) throw confetti or similar object;
 - (6) kill, attempt to kill, trap, hunt, pursue or in any manner disturb any animal, bird, waterfowl, fish, or other wildlife, provided that this provision shall not apply to any person lawfully fishing unless posted otherwise;
 - (7) use a charcoal barbecue without permission
 - (8) use a propane barbecue without permission
 - (9) operate or use any television, radio, tape player, compact disc player, car radio or any sound reproducing system in a manner which disturbs or interferes with other persons in or near a park; (*Reference Noise By-Law #10-02*)
 - (10) use park equipment for any use other than its intended use and, more specifically, no person shall use skateboards, in-line skates, or bicycles on any playground;
 - (11) drive, park or walk or otherwise use any area posted to prohibit same;
 - (12) install a gate in a Township-owned fence adjacent to a park;
 - (13) enter into or onto a storm water management pond; or
 - (14) restrict access to a park facility by use of an unauthorized lock or other similar means.
10. Unless authorized by a permit, no person in a park shall:
- (1) offer or display for sale any item;
 - (2) post or distribute printed material of any kind;
 - (3) be in possession of or use any firearm including a historic or antique firearm, torpedo, rocket of any type, fireworks, air gun, gas operated or spring operated gun, catapult, bow and arrow, crossbow, axe or a like offensive weapon of any kind;
 - (4) operate loud speakers or sound amplifying equipment;
 - (5) install or erect a temporary or permanent tent or structure in a park;
 - (6) encroach upon or take possession of any parkland by any means, including the construction, installation or maintenance of any fence or structure, the dumping or storage of any materials or plantings, or the planting, cultivating, growing or landscaping thereon;

- (7) play or practice golf or archery;
- (8) attempt to or gain access to an electrical service panel or timer where authorized access shall only be by a licensed electrician;
- (9) tamper with, change or repair any electrical component and where authorized access shall only be by a licensed electrician;
- (10) tamper with, change or repair any plumbing where any authorized work undertaken on the plumbing shall be by a licensed plumber;
- (11) hold a large event; or
- (12) arrange or engage in an organized sport or activity unless a contract for same has been entered into with the Municipality.

11. No person in a park shall consume, serve, or sell alcoholic beverages unless authorized by a permit issued by the Liquor License Board of Ontario and written permission by the Township.

PART VI – PLAYGROUNDS

12. No person in a playground shall:

- (1) skateboard, ride a bicycle, use in-line skates or roller skates;
- (2) possess any glass bottle or other breakable container or item, or other sharp object; or
- (3) engage in boisterous play so as to endanger or unreasonably interfere with other users of the playground.

PART VII - VEHICLES Motor Vehicles and Motorized Recreational Vehicles

13. No person in a park shall drive, operate, pull or ride any motor vehicle, except on a roadway or parking area, unless authorized by permit.

Parking

14. No person in a park shall:

- (1) park or leave a motor vehicle except in a permissible parking space and in accordance with the posted conditions; or
- (2) park or leave a motor vehicle overnight, between the hours of 11:00 P.M. and 7:00 A.M., in a park without the permission of the Director.

Motorized Recreational Vehicles

15. No person shall ride, drive or be in possession or control of a motorized recreational vehicle except in a permissible area.

PART VIII –ANIMALS

16. (1) (a) Dogs, cats, and other small domestic animals are permitted to be in a park while under the care and control of a responsible person.
- (b) No other animals than those named in clause (a) above are permitted in a park unless authorized by a permit.
- (2) In addition to the requirement under clause (1) (a) above every owner or person having the care and control of a dog permitted in a park shall while in a park:
- (a) ensure that the dog is on a leash, chain or lead not exceeding 1.83 metres (6 feet);
 - (b) ensure that reel-type leashes are limited in length to 1.83 metres (6 feet) at all times;
 - (c) pick up and remove forthwith excrement left by the dog except where the person has a physical disability that impairs his or her ability to remove the excrement. (*Reference Dog By-Law 11-02*)

17. If a Notice to Muzzle has been served, the dog shall while in a park, in addition to complying with the leashing requirements under By-Law 11-02, shall also wear a muzzle.

PART IX-HOURS

18. Every park shall close at 11:00 P.M. and shall remain closed to the public until 7:00 A.M. unless a permit has been issued authorizing the use of the park.

PART X -REGULATION AND ENFORCEMENT

19. (1) Permits issued for activities contemplated in this by-law may include conditions including but not limited to time, location, area, equipment, number of participants, types of activities, security deposit, the requirement for releases, indemnity and insurance coverage.

(2) The issuance of a permit pursuant to this by-law shall not relieve any person from the necessity of complying with all other applicable federal and provincial statutes and regulations and Township by-laws and policies or from acquiring any other license or permit required for such activity by any government or public authority.

(3) No permit contemplated by this by-law shall be issued if same would result in the contravention of any other applicable law.

(4) A permit may not be assigned or transferred by a permit holder.

(5) Every permit holder shall comply with the terms and conditions of his or her permit.

Temporary Closure

20. The Director or a police officer may close off for such temporary period as deemed appropriate any park or part thereof to relieve or prevent overcrowding or traffic congestion, or in the interests of public safety, or to undertake works in or to the park.

Enforcement

21. (1) Any police officer, provincial offences officer, municipal law enforcement officer or employee of the Township designated by the Director 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:

(a) to cease from the activity constituting or contributing to such contravention;

(b) to remove from the park any animal or thing owned by or in the control of such person that the officer or employee believes is or was involved in the contravention; or

(c) to leave the park immediately.

(2) Any police officer, provincial offences officer or municipal law enforcement officer may enforce the provisions of this by-law and may act as an agent of the Township for the purposes of enforcing the *Trespass to Property Act*, R. S. O. 1990, c. T. 21, as amended.

(3) A permit issued under this by-law shall be revoked if a permit holder or a person participating in an event or activity for which a permit has been issued breaches a condition of the permit or to fails to comply with a provision of this by-law.

Penalties

22. Every person who contravenes the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine in accordance with the *Provincial Offences Act*, R. S. O. 1990, c. P. 13, as amended.

PART XI-GENERAL

Validity

23. If a court of competent jurisdiction declares any provision, or any part of a provision of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law, that each and every other provision of this by-law authorized by law, be applied and enforced in accordance with its terms to the extent possible by law.

24. A word interpreted in the singular has a corresponding meaning in the plural and vice-versa.

25. This by-law may be referred to as the Park By-law.

BYLAW READ A FIRST AND SECOND TIME THIS 5th DAY OF April , 2011.

BYLAW READ A THIRD TIME THIS 5th DAY OF April , 2011.

Terry Horner
CLERK

Paul Mills
MAYOR