

CORPORATION OF THE CITY OF CLARENCE-ROCKLAND

BY-LAW NUMBER 2010-36

WHEREAS pursuant to the Municipal Act, 2001, S.O. 2001, c. 25, as amended Council of a local municipality may pass a By-law to regulate and control all public parks and park buildings in the City of Clarence-Rockland and to protect these lands on behalf of the public interest;

AND WHEREAS the Municipal Act 2001, S.O. 2001, c. 25, provides the City of Clarence-Rockland with broad authority to pass by-laws within various "spheres of jurisdiction", including a by-law with regard to the health, safety and well-being of persons in public parks and park buildings in the City;

AND WHEREAS this By-law applies to all parks and park buildings owned by or under the control and management of the city.

AND WHEREAS the Council of the City of Clarence-Rockland deems it expedient to regulate the use of parks and park facilities within the limits of the city.

NOW THEREFORE the Council of the City of Clarence-Rockland enacts as follows:

DEFINITIONS:

1. In this by-law:

"alcoholic beverage" means spirits, liquor, beer, wine 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;

"animal" means any member of the animal kingdom, other than a human, and includes birds;

"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;

"boat" includes a canoe, rowboat, punt, sailboat, outboard and inboard motor boat, and personal water craft;

"camp" means to erect a structure, hut or tent for the purpose of providing shelter;

"City" means the municipal corporation of the City of Clarence-Rockland or the geographic area of the City of Clarence-Rockland as the context requires;

"Director" means the Director of Parks and Recreation of the City of Clarence-Rockland or authorized designates, unless otherwise specified;

"facility" means any area, pool, building or structure in a park under the jurisdiction of the Community Services and Recreation Department of the City of Clarence-Rockland;

"motorized vehicle" means an automobile, truck, motorcycle or any other vehicle propelled or driven by means other than muscular power but does not include a wheelchair or motorized vehicles operating pursuant to the approval of the Director;

"Municipal law enforcement officer" means a peace officer for the purpose of enforcing municipal by-law, as set out in the **Police Services Act**.

"organized team sport" means a team sport which operates under the auspices of a league, club or association and has a registration process with designated player rosters;

"park" means a playground, playing field, ball diamond, sports field, Boat Launch, recreation centre, community building, facility, square, garden, water, pedestrian walkway or any other area owned, leased or used by the City and devoted to active or passive recreation and includes any lane or walkway or public parking area leading thereto;

"person" means any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law;

"service animal" means an animal trained by a recognized school for service as a guide dog for the blind or visually-impaired, a guide dog for the deaf or hearing-impaired, or a special skills dog for other disabled persons and includes an animal used in therapy, registered with a recognized organization for that purpose;

"sports field" means an area in a park set aside for use in sports, such as football, soccer, rugby and cricket, requiring an open field space;

“waste” means paper, bottles, broken glass, cans, rags, garbage, rubbish, debris or refuse of any kind.

“wheel chair” means a chair mounted on wheels, which is propelled by muscular power or any other type of power and is used for the carriage of a person who has a disability.

INTERPRETATION

2. (1) In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
- (2) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

HOURS OF OPERATION

3. (1) No person shall:
 - (a) remain or enter into any park between the hours of 10:00 o'clock in the afternoon (p.m.) and 5:00 o'clock in the forenoon (a.m.) except as a participant or spectator of a function approved by the Director;
 - (b) remain in the park upon completion of an activity as a participant or spectator no more than (1) on hour after the end of any function;
 - (c) enter any place in a park where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted.
- (2) Despite subsection (1), where the hours of operation in a park are posted and differ from those in subsection (1), no person shall remain or enter into the park outside of the posted hours provided that the posted hours are no later than 11:00 o'clock in the afternoon (p.m.) or earlier than 5:00 o'clock in the forenoon (a.m.).

- (3) Where the posted hours are later than 11:00 o'clock in the afternoon (p.m.) or earlier than 5:00 o'clock in the forenoon (a.m.), clauses (a) and (b) of subsection (1) shall apply.

ANIMALS

4. (1) No person being the owner or having care and custody of an animal shall permit such animal to be in a park without having physical control of such animal by means of a leash not exceeding eight (8) feet.
- (2) Subsection (1) shall not apply to a person with a service animal.
- (3) Despite subsection (1) and subject to other applicable municipal by-laws, the Director may permit animals to be brought into a park for specific events, if the applicant files with the Director request for a specific event indicating the time, date, place and purpose together with any additional information requested by the Director.
- (4) No person being the owner or having care and custody of an animal shall fail to pick up the animal excrements.

SPORTS AND ACTIVITIES

5. (1) No person shall participate in or play baseball, softball, basketball, volleyball, football, soccer, rugby, tennis, croquet, cricket, badminton, ultimate frisbee, disk golf, skateboarding or any other sport or activity in a park except in an area designated by the Director for such respective purpose and in accordance with subsection (2).
- (2) No person shall use a ball diamond or a use a sports field on any day between the 30th day of November and the 30th day of April of any year, except as provided for in subsection (6).
- (3) Despite subsection (2), the Director may, at his or her discretion, amend the dates on which a ball diamond and sports field may be used, on the basis of the ground conditions of the ball diamond or sports field.

- (4) Despite subsection (2), the Director may, at his or her discretion, restrict or permit access, at any time and to any one ball diamond or sports field, on the basis of the ground conditions of the ball diamond or sports field.
- (4.1) Subject to subsections (3) and (4), no person shall use or access a ball diamond or sports field to which access has been restricted by the Director.
- (5) No person shall engage in any horse race or ride a horse in a park in an area not designated for that purpose by the Director.
- (6) No person shall access or engage in casual winter sports during the winter months unless,
 - a. the ground is snow covered,
 - b. the site is not altered, and
 - c. there is no damage to the field.
- (7) No person shall play golf, drive a golf ball or use golf clubs or other like equipment or drive a golf cart in a park except in an area designated by the Director for that purpose.
- (8) No person shall use a tennis court located in a park unless such person is a participant or a spectator.
- (9) No person shall possess any bows or arrows or discharge arrows in or into a park except in an area designated by the Director as an archery range.
- (10) No person shall operate a motor driven model airplane, helicopter or rocket except in an area designated by the Director for that purpose.
- (11) No person shall use a barbecue in a park except in areas designated by the Director for that purpose.
- (12) No person shall engage in any sport or activity that may endanger any park user.

- (13) No person shall restrict the use of any portion of the park without the written approval of the Director.

CYCLING, SKATEBOARDING, ROLLERBLADING, MOTORIZED VEHICLES

6. (1) The Director may designate a park or part thereof as a place in which the riding of bicycles is prohibited and shall provide signage to indicate the park or part thereof to which the designation applies.
- (2) No person shall ride a bicycle or participate in skateboarding or rollerblading in a park, or part thereof, designated by the Director as prohibiting cycling, skateboarding or rollerblading.
- (3) No person shall drive a motorized vehicle in a park, except in areas and during hours designated by the Director for that purpose.
- (4) No person shall drive, park or stop a motorized snow vehicle or an all terrain vehicle in a park except in areas and during the hours designated by the Director for that purpose.
- (5) No person shall drive a motorized vehicle in a park in such a fashion as to create a hazard condition or cause damage to its infrastructure

PERMITS

7. (1) No person shall, in a park and without a permit issued by the Director:
- a. sell, or offer, expose or advertise for sale any:
- i. food or drink,
 - ii. newspaper, magazine or publication,
 - iii. goods, wares or merchandise,
 - iv. art, skill or service;
- b. practice, carry on, conduct or solicit for any trade, calling, business or occupation;

- c. distribute any flyers or circulars, or post any bills, notices or advertising devices, including signs, of any kind;
 - d. convene, conduct or participate in any parade or procession;
 - e. convene, conduct or hold a public meeting, or deliver a speech as a member of or to members of any group or to members of the general public;
 - f. have in his/her possession any alcoholic beverage;
 - g. ignite, discharge or set off any fireworks or firecrackers;
 - h. light any open air fire in any park, except in places, specifically provided by the City;
 - i. camp in any park, or construct any tent or other structure;
 - j. use a public address system or other device or equipment for amplifying sounds in a park;
 - k. play any music whether individually or in a band, or
 - l. allow a hot air balloon to land or take off from a park, except in emergency situations only.
- (2) No person without a permit shall refuse to vacate a park, or portion of a park, in the event that a holder of a permit for that park, or portion of the park, wishes to access the area in accordance with the terms and conditions of his or her permit.
- (3) No permit holder shall undertake to use a park or its facilities unless the permit holder:
- a. maintains, at his or her own expense, liability insurance coverage related to the holding of the event and subject to limits of not less than Two Million Dollars (\$2,000,000.00), inclusive per occurrence, for bodily injury, death and damage to property, and such insurance shall be in the name of the permit holder or the sponsoring organizer of the event and, where applicable,

- shall name the City of Clarence-Rockland as an additional insured;
- b. is eighteen (18) years of age or older;
 - c. does not charge admission or sell refreshments except as authorized by the Director;
 - d. follows the incident reporting procedures outlined in the permit in the event of an incident, including the contacting of on-site City staff, Police , paramedic or fire services, as appropriate; and
 - e. complies with any other conditions of the permit issued by the Director pursuant to subsection (6).
- (4) A permit issued by the Director is valid on the date or dates shown on the permit.
- (5) No holder of a permit issued by the Director shall access or use a park unless the permit holder:
- a. accesses or uses the area of the park designated by the Director for the permitted use;
 - b. produces his or her permit upon being so directed by the Director or a Municipal Law Enforcement Officer;
 - c. immediately vacates the park upon being so ordered by the Director or a Municipal Law Enforcement Officer; and
 - d. complies with the conditions of the permit, including any additional conditions imposed by the Director pursuant to subsection (6).
- (6) The Director may attach such additional conditions to a permit as deemed necessary to ensure public safety, protect City property or maintain the enjoyment of the park for the public.
- (7) A permit for park use issued by the Director is not transferable.
- (8) The permit holder shall comply at all times with all other applicable municipal by-laws and provincial and federal laws.

ENCROACHMENT

8. No person, being the owner or tenant of land adjacent to a park property, shall allow, cause or permit the following on park property:
- a. planting of any hedge, tree, shrub or garden,
 - b. construction of any fence, storage shed, retaining wall or other structure of any kind,
 - c. keeping of any composting receptacle or pile, or placing of any string, wire, chain, rope or similar material.

ASSET PROTECTION

9. (1) No person shall, in a park, cut, climb, break, injure, deface, disturb or remove any property including:
- a. a tree, shrub, bush, flower, plant, grass, wood, soil, sand, rock or gravel,
 - b. building, cage, pen, or monument.
- (2) No person shall, in a park, mark or write upon, damage or otherwise injure any property of the City including:
- a. any part of the interior or exterior of a building,
 - b. any monument, fence, bench or other structure.
- (3) No person shall throw a stone or other object that may cause injury or damage to any person or to property.
- (4) No person shall, in a park:
- 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. provide, cause to be provided, deposit or leave any food that may be used by wildlife in a park.
- (5) No person shall, in a park:
- a. leave or deposit any waste, except in a receptacle provided for that purpose,
 - b. deposit or leave any paint, grease, oil, offal or any dangerous matter that has an odour or appearance found to be offensive by users of the park,
 - c. scatter any paper, cardboard, or any other material; or undertake any maintenance activities or alter existing grounds or facilities unless authorized to do so by the Director.
- (6) No person shall discharge, dump or leave any construction material, earth, dirt, rock, snow, stone or any other materials in a park, or in any ravine, slope, or other land access way to a park, except with the written consent of the Director.
- (7) No person shall use a park or any part thereof for the purpose of:
- a. washing, cleaning, polishing, servicing, maintaining or, with the exception of any emergency, repairing any motorized vehicle, or
 - b. instructing, teaching or coaching any person in the driving or operation of a motorized vehicle.
- (8) No person shall transport across, launch, beach or dock a boat in any park except on a portion of land specified for such purposes and with proper authorization by the Director.

SKATING

10. No person using a skating rink in a park shall:
- a. race or speed so as to endanger or interfere with any other person using the rink,

- b. carry a cane, stick or any other object that is, or is likely to be, dangerous to other persons on a rink, except such equipment as may be required for any sport or activity approved by the Director;
- c. use the rink during the preparation period; or
- d. fail to obey the instructions of a person employed by the City of Clarence-Rockland or any other person appointed by the Director to oversee the operation and use of skating rinks.

SWIMMING

- 11. No person shall swim, bathe, wade in or enter the waters off a boat launch pad.

GENERAL

- 12. (1) No person shall engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior in a park.
- (2) No person shall engage in any activity so as to interfere with or become a nuisance to the general public using the park.
- (3) No person shall discharge any firearm in a park.
- (4) No person shall smoke within nine metres (9m) of the entrance or exit of a facility or any other building that is owned or leased by the City.
- (5) For the purposes of subsection (1), "smoke" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment and "facility" includes only a building or structure.
- (6) No person shall engage in any casual or unscheduled games that may interfere with regular or scheduled authorized activities by the Director.

- (7) No person shall use any park in such a manner as to endanger, interfere, or jostle other persons using such park or facility with the exception of when such interference is permitted during organized events

RESTRICTION OF USE

13. (1) The Director may, at any time and at his or her discretion, temporarily or permanently close to the public a park, a portion of a park or a building in a park due to inclement weather or other circumstances deemed appropriate by the Director.
- (2) Where the Director has temporarily or permanently closed to the public a park, a portion of a park or a building in a park pursuant to subsection (1), no person shall remain in or enter the closed area.

INDEMNIFICATION

14. The applicant for a permit to access any park shall indemnify and save harmless the City of Clarence-Rockland from any and all claims, demands, causes of action, losses, costs or damages that the City of Clarence-Rockland may suffer, incur or be liable for resulting from the use of the park whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

REVOCAATION

15. Permits issued to a permit holder under this by-law may be revoked by the Director if, in the opinion of the Director, the permit holder fails to comply with the requirements of the permit or any other provisions of this by-law.

EXEMPTIONS

16. (1) The provisions of this by-law shall not apply to the City of Clarence-Rockland or its agents, employees or contractors during the course of performing their duties in relation to park construction, maintenance enforcement or other necessary activities.
- (2) The provisions of this by-law shall not apply to the any bona fide emergency service providers.

ENFORCEMENT

17. (1) This By-law shall be enforced by the Municipal Law Enforcement Officers of the City.
- (2) No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer in the lawful performance of his duties.

OFFENCES AND PENALTIES

18. (1) Every person who contravenes any of the provisions of this by-law is guilty of an offence.
- (2) Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33.
- (3) Where a person has been convicted of an offence under this by-law:
 - a. the Ontario Court of Justice, or
 - b. any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offence.
19. Every person who acts in contravention of this by-law so as to cause the City to incur costs due to his or her actions shall, in addition to any penalty provided for herein, be liable to the City for all expenses incurred for the purpose of repairing or replacing damaged property or removing unauthorized materials, and such expenses may be recovered by court action or in a like manner as municipal taxes.

BY-LAW REPEALED

20. By-law Number 2000-65 of the City of Clarence-Rockland "Being a by-law to regulate the use of Parks" is hereby repealed.

EFFECTIVE DATE

21. This by-law shall come into force on June 1st, 2010.

READ, DONE AND PASSED IN OPEN COUNCIL, THIS 12TH DAY OF APRIL 2010.

(Original signed by)

Richard Lalonde, Mayor

(Original signed by)

Monique Ouellet, Clerk