

TOWN OF EAST GWILLIMBURY
BY-LAW NUMBER 2001- 102

A By-law for the Use, Regulation, Protection and Government of Parks in the Town of East Gwillimbury.

WHEREAS the Council of the Corporation of the Town of East Gwillimbury is empowered by the Municipal Act, R.S.O. 1990 c. M. 45, as may be amended from time to time to exercise all or any of the powers that are conferred in Boards of Park Management by the Public Parks Act R.S.O. 1990, P. 46 as may be amended from time to time;

AND WHEREAS it is desirable to regulate, protect and govern the use of parks.

NOW THEREFORE, the Council of the Corporation of the Town of East Gwillimbury hereby ENACTS as follows:

1. Definitions

In this by-law,

- (a) "authorized sign" means any sign, notice, or other device placed or erected in or upon a park, under the authority of this by-law;
- (b) "bicycle" includes a tricycle and unicycle but does not include a motor assisted bicycle;
- (c) "control" includes care and custody;
- (d) "Council" means the Council of The Corporation of Town of East Gwillimbury;
- (e) "designated area" means an area defined or constructed for a specific use, which may include posted conditions;
- (f) "Director" means the Director of Parks and Recreation for the Town appointed by Council whose duties include the management, operation and maintenance of parks or his or her designate.
- (g) "disabled person" includes a person who is blind or who has any degree of physical disability, which requires the physical reliance on a wheelchair, crutches, braces, canes or other similar remedial appliance or device;
- (h) "motor vehicle" means a motor vehicle within the meaning of the Highway Traffic Act, R.S.O. 1990, c.H.8, as may be amended from time to time;
- (i) "motorized recreational vehicle" means a snowmobile, go-cart, trail bike, mini bike, all-terrain vehicle, or similar vehicle, propelled or driven by an internal combustion engine;
- (j) "municipality" means the Corporation of the Town of East Gwillimbury;
- (k) "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;

- (l) "park" means land and land covered by water and all portions thereof owned by or made available by lease, agreement, or otherwise to the municipality, that is or hereafter may be established, dedicated, set apart or made available for use as public open space or golf course, and that has been or hereafter may be placed under the (jurisdiction) of the Director including any and all buildings, structures, facilities, erections, designated parking areas and improvements located in or on such land, save and except where such land is governed by other by-laws of the municipality;
- (m) "permit" means any written authorization of Council, or the Director or where such authority has been delegated;
- (n) "post" or "posted" refers to the erection or presence of permissive, regulatory, restrictive, warning or prohibitive signs and "posted area" means an area where such signs are erected;
- (o) "vehicle" includes a motor vehicle as defined under the Highway Traffic Act, R.S.O. 1990, c.H.8, as may be amended from time to time, and any bicycle, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power, but excludes wheelchair or similar device (powered or otherwise) used by an individual due to a disability, baby carriage or cart, child's wagon, child's stroller, child's sleigh or other conveyance of like nature;
- (p) "watercraft" means any device for conveyance in or on water and includes but is not limited to boats, rowboats, sailboards, canoes, kayaks, or dinghies.

PART 1 - CONDUCT

2. Restricted Areas

While in any park, no person shall enter into areas posted to prohibit or restrict admission of the public.

3. Conduct

While in any park, no person shall:

- (a) indulge in any riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language;
- (b) cast, throw or in any way propel any object in such manner as may or does endanger or cause injury or damage to any person or property;
- (c) create a nuisance by loitering, spying, accosting, frightening, annoying or otherwise disturbing other persons; or
- (d) create a nuisance or in any way interfere with the use and enjoyment of the park by other persons.

4. Firearms and Offensive Weapons

While in any park, no person shall be in possession of or use any firearm, air gun, bow and arrow, axe or offensive weapon of any kind unless authorized by permit.

5. Fireworks

While in any park, no person shall ignite, discharge or set off any firecrackers, rockets or other fireworks except as a fireworks display. A fireworks display shall not be permitted unless authorized by permit issued by the Fire Department pursuant to Town of East Gwillimbury Fireworks By-law as amended from time to time.

6. Injuries and Damage

No person shall in any park:

- (a) climb any building, structure or equipment, unless it is equipment designed for climbing;
- (b) break, injure, deface or remove the whole or any part of any flowers, plant material, trees or other vegetation or any building, structure, equipment or other property of the municipality;
- (c) unless authorized by permit, climb or remove the whole or any part of rocks, boulders, rock faces or remove any soil, sand or wood;
- (d) 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; or
- (e) drive, park or walk in an area posted to prohibit same.

7. Waste and Pollution

No person shall in any park:

- (a) dispose or dump garbage, litter, tree trimmings, or any other refuse, except that which is generated through the normal use of the park and shall only deposit same in receptacles provided for such purpose;
- (b) dispose of or dump garden refuse except in a designated area therefore;
- (c) unless authorized by permit, dump or deposit snow, fill, soil, building or construction materials;
- (d) dump or drain onto any soils or into the waters of any pool, pond, lake, stream, fountain or watercourse of any kind any material, toxic or otherwise, which may have the effect of polluting same; or
- (e) release any balloons.

8. Protection of Wildlife

While in any park, no person shall:

- (a) subject to the provisions of section 19, kill, attempt to kill, maim, injure, trap or disturb any animal, bird, waterfowl, fish, worms, or other wildlife; or
- (b) touch, injure or remove any nest or egg there from.
- (c) allow a pet to kill, attempt to kill, maim, injure, trap or disturb any animal, bird, waterfowl, fish, worms, or other wildlife.

9. Encroachment

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 unless in accordance with the Town's encroachment policy as authorized by Council.

10. Alcohol

While in any park, no person shall consume, serve or sell alcoholic beverages unless in accordance with the Town of East Gwillimbury's Municipal Alcohol Policy and with any required approvals of the Liquor License Board of Ontario.

PART II - PARK USE

11. Campfires and Barbecues

While in any park, no person shall:

- (a) light, build or stoke an open fire or bonfire unless in a designated area and authorized by permits from the Parks and Recreation Department and the Fire Department;
- (b) use portable barbecues unless authorized by permit;
- (c) use fuel other than charcoal or briquettes in stationary barbecues; or
- (d) leave a barbecue or campfire without extinguishing the fire and ensuring that the embers are cold.

12. Organized Gatherings and Picnics

While in any park, no person shall:

- (a) unless authorized by permit, hold a picnic, organized gathering or event for more than twenty-five persons; or
- (b) interfere with a picnic, organized gathering or event authorized by permit.

13. Amplifiers and Loud Speakers

Except in accordance with the municipality's noise by-law and unless authorized by permit, no person shall operate loud speakers or amplifying equipment in any park.

14. Camping and Lodging

Unless authorized by permit, no person shall dwell or lodge in any park.

15. Tents and Structures

Unless authorized by permit, no person shall place, install or erect any temporary or permanent tent or structure in any park.

16. Bathing, Swimming, and Sun Bathing

No person shall in any park:

- (a) in or adjacent to any swimming pool, fail to abide by posted signs or to obey the instructions of any lifeguard or other authorized person;
- (b) swim, bathe or wade in any fountain, pond, lake or stream, except in a designated area; or
- (c) utilize facilities without being properly attired including appropriate swimwear or beach clothing.

17. Use of Wash and Change Rooms

No person shall enter any portion of any washroom, bathhouse, or change room in any park set apart for the opposite sex.

PART III - GAMES, SPORTS AND ORGANIZED ACTIVITIES

18. Organized Sports or Activities

- (1) While in any park, no person shall:
 - (a) arrange or engage in an organized sport or activity, unless authorized by permit; or
 - (b) interfere with an organized sport or activity authorized by permit.
- (2) In addition to the prohibitions set out in subsection (1), while in any park no person shall utilize a designated area without a permit where same is posted to prohibit or restrict such use.

19. Fishing

No person shall fish in an area posted to prohibit same, in any park.

20. Golfing

While in any park, no person shall play or practice golf or strike a golf ball except on a golf course or in a designated area.

21. Model Aircraft and Rockets

While in any park, no person shall operate any powered models of aircraft, rockets, watercraft or vehicles unless authorized by permit.

22. Gliders and Hot Air Balloons

Unless authorized by permit, no person shall tether, launch or land any hot air balloon, hang glider, ultra light aircraft, parachutes or similar conveyance in any park except in the case of an emergency landing.

23. Skating

No person shall construct, skate on, or otherwise use any or artificial ice surface not authorized by permit located in any park.

24. Skiing, Tobogganing and Sledding

No person shall ski, toboggan, snowboard, skibob or sled and/or dog sled in any park posted to prohibit same.

25. Roller Skates and Skate Boards

While in any park, no person shall obstruct, inconvenience or endanger other users of the park while operating or utilizing traditional or in-line roller skates, skate boards or like conveyances.

26. Tennis

No person shall enter, walk, or play upon a designated area for tennis in any park, except in accordance with the posted rules and regulations.

PART IV - VEHICLES

27. Roadways

- (1) The Council or, where such authority has been delegated, the Director of Parks and Recreation is authorized to establish appropriate regulations to regulate the use of park roadways.
- (2) Unless authorized by permit, and except as provided in section 30 with respect to bicycles, no person shall while in any park drive, operate, pull or ride any vehicle except on a roadway or parking area.

28. Parking

No person shall in any park:

- (a) park or leave a vehicle except in a designated area for parking;
- (b) park or leave a vehicle between the hours of 11:00 p.m. and 6:00 a.m., except in a designated area allowing for such overnight parking, or where authorized by permit;
- (c) stop or park a vehicle in a designated area for parking, except in a parking space and in accordance with posted conditions;
- (d) stop or park a vehicle in a designated disabled parking space, unless a disabled person parking permit issued in accordance with the provisions of the Highway Traffic Act, R.S.O. 1990, c.H.8, as may be amended from time to time, is properly displayed on or in the vehicle;

or

- (e) use any parking space except while using the park.

29. Other Activities

No person shall make use of any roadway or parking lot in any park for:

- (a) washing, cleaning, servicing, maintaining or, except in the event of an emergency, the repair of any vehicle unless authorized by permit; or
- (b) instructing, teaching or coaching any person in the driving or operation of a motor vehicle.

30. Bicycles

While in any park, no person shall:

- (a) ride or operate any bicycle where posted to prohibit same; or
- (b) obstruct, inconvenience or endanger other users of the park while riding or operating a bicycle.

31. Motorized Recreational Vehicles and Motorized Snow Vehicles

No person shall ride, drive, park or be in possession or control of a motorized recreational vehicle and/or motorized snow vehicle in any park.

32. Trucks and Commercial Vehicles

No person shall unless authorized by permit, drive, operate, pull or ride in any park:

- (a) any heavy machinery or equipment of any description and whatever the mode of power; or
- (b) any truck, trailer or bus whatsoever except a vehicle that is,
 - (i) being used for the purpose of making a delivery to a point within the limits of the park while it is proceeding to or from such point of delivery, or
 - (ii) operated for personal, recreational, or non-commercial use.

33. Speed

Unless authorized by permit, while in any park no person shall operate:

- (a) any vehicle on a roadway at a speed in excess of the posted limit; or
- (b) a bicycle other than on a roadway at a speed in excess of 20 kilometers per hour.

PART V - ANIMALS

34. Horses

- (1) Unless authorized by permit, no person as owner or person having control of any horse shall permit it to enter or remain in a park unless:
 - (a) within a designated area for use by horses; and
 - (b) it is well broken and wearing a bridle.
- (2) No person riding or having control of a horse in any park shall obstruct, inconvenience or endanger other users of the park.

35. Dogs

- (1) While in any park, no person as owner or person having control of any dog shall:
 - (a) allow it to run at large;
 - (b) excluding blind persons reliant upon a guide dog, permit any dog to enter any beach, pond, swimming area, farm area, garden, landscaped area, playground or sports field, or any other area posted to prohibit same.
- (2) While in any park, every person as owner or person having control of any dog shall:
 - (a) ensure that it is on a leash or chain;
 - (b) excluding disabled persons, pick up and remove forthwith excrement left by the dog and dispose of it in a sanitary manner in a receptacle for litter or in some other suitable container.

36. Dangerous Animals

No person as owner or person having the control of any animal shall bring into or permit such animal to enter any park if it may or does constitute a danger to other park users.

PART VI - WATERCRAFT

37. Boating & Mooring

No person shall, subject to any right at law to do so, place, operate, drive, ride or moor any watercraft in any park in any area posted so as to prohibit or restrict the type and allowable uses of watercraft.

PART VII - COMMERCIAL ENTERPRISES

38. Sale of Merchandise, Trade or Business

- (1) Unless authorized by permit for a special event organized or sponsored by the municipality, no person shall, while in any park, sell or offer or display for sale:
 - (a) any food, drink or refreshment;

- (b) any goods, wares, merchandise or articles including promotional materials, souvenirs and novelties; or
 - (c) any art, skill, service or work.
- (2) While in any park, no person shall practice, carry on, conduct or solicit for any trade, occupation, business or profession.

39. Filming and Videotaping

While in any park, no person shall take or permit to be taken for remuneration any film, photograph, videotape or television broadcast unless authorized by permit.

40. Circular and Advertisements

Unless authorized by permit, no person shall:

- (a) while in any park distribute, discard, or display any handbill, notice, or other circular, bill or advertisement; or
- (b) 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.

PART VIII - REGULATION AND ENFORCEMENT

41. Permits and Licenses

- (1) Permits issued for activities contemplated in this by-law may be subject to such fees as Council shall from time to time establish.
- (2) Permits issued for activities contemplated in this by-law may include conditions as to time, location, area, equipment, and number of participants, type of activities, release, indemnity, letter of credit and insurance coverage.
- (3) The issuance of a permit pursuant to this 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.
- (4) No permit contemplated by this by-law shall be issued if same would result in the contravention of other applicable law.

42. Posting of Signage

The Director of Parks and Recreation is authorized to post signage of permission, regulation, restriction, warning or prohibition with respect to uses of or activities in any park in accordance with the provisions hereof.

43. Closure

The Director of Parks and Recreation, a Police Officer or Provincial Offences Officer is authorized to close off for such period or periods as they deem 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.

44. Exclusions and Exemptions

- (1) This by-law shall not apply to:
 - (a) the drivers, operations 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;
 - (b) employees or agents of the municipality while engaged in works or services undertaken for or on behalf of the municipality; or
- (2) This by-law shall be subject to provisions of contracts and agreements now or hereafter entered into by the municipality covering works or services to be performed in any park.
- (3) All Parks within the Town of East Gwillimbury shall be closed between 11:00p.m. and 6:00 a.m. Monday through Sunday except where special permits are granted.

45. Enforcement

- (1) Any police officer, provincial offenses officer or employee of the municipality designated by the Director of Parks and Recreation is authorized to inform any person of the provisions of this by-law and to request compliance therewith.
- (2) In addition to any other authority they may have, any police officer, provincial offenses officer or employee of the municipality whose duties include the enforcement of this municipal by-law, is authorized to order any persons believed by such officer or employee to be contravening or who has contravened any provision of this by-law,
 - (a) to desist 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 which the officer or employee believes is or was involved in such contravention; or
 - (c) to leave the park.
- (3) Any police officer, provincial offenses officer or municipal law enforcement officer may enforce the provisions of this by-law.
- (4) Where any person contravenes any of the provisions of this by-law, or fails to comply with the order referred to in subsection (2) hereof, the permission and license of such person to remain in the park is revoked.

46. Penalties

- (1) Any person contravening any of the provisions of this by-law, other than clause 33 (a) resulting from the operation of a motor vehicle, is guilty of an offence and on conviction is liable to a fine in such amount provided by the Provincial Offences Act, R.S.O. 1990 c.P.33, as may be amended from time to time.
- (2) Any person contravening the provision contained in clause 33 (a) of this by-law, resulting from the operation of a motor vehicle, is guilty of an offence under the Highway Traffic Act, R.S.O. 1990 c.H.8, and, pursuant to the

Provisions thereof, on conviction is liable to a fine in such amount provided by the Highway Traffic Act, R.S.O. 1990 c. H.8 as may be amended from time to time.

- (3) The owner of a motor vehicle that is parked or left in contravention of section 28 of this by-law is guilty of an offence and on conviction is subject to the provisions of this section, unless at the time of the offence the motor vehicle was in the possession of another person without the owner's consent.

47. Removal of Vehicles

A police officer or provincial offences officer upon discovery of any vehicle parked or standing in contravention of section 28 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 vehicle which may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, c. R.25, as may be amended from time to time, or any successor acts thereto.

48. Severability

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in full force and effect.

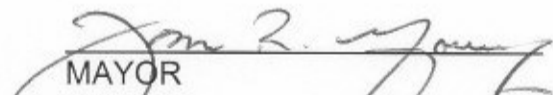

49. Short Title

The short title of this by-law shall be the Town of East Gwillimbury Parks by-Law.


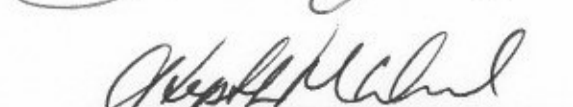
50. Enactment

This by-law shall come into force and effect on the 1st day of November 2001.

READ A FIRST AND SECOND TIME this 1 day of *October* 2001.


MAYOR

CLERK

READ A THIRD TIME and finally passed on the 1 day of *October* 2001.


MAYOR

CLERK