

THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE



BY-LAW NO. 1-2015

Being a By-law to provide for the use, protection and regulation of public parks and recreation areas in the Municipality of Thames Centre.

WHEREAS Section 5(3) of the *Municipal Act, 2001, c. 25*, as amended, authorizes a municipality to pass by-laws to exercise its municipal powers;

AND WHEREAS all public parks and recreation areas under the authority of the Municipality of Thames Centre are for the use, benefit, and enjoyment of the public;

AND WHEREAS the Council of The Corporation of the Municipality of Thames Centre deems it desirable to pass a By-law to provide for the use, protection and regulation of public parks and recreation areas in the Municipality of Thames Centre;

NOW THEREFORE the Council of The Corporation of the Municipality of Thames Centre **HEREBY ENACTS AS FOLLOWS:**

1.0 INTERPRETATION:

Animal - defined

"Animal" means any domestic animal, including but not limited to a dog, cat or horse, that is under the supervision and control of an owner, and any animal such as may be found in the wild such as a rabbit, raccoon, or squirrel, and any bird such as a robin, blue jay or goose.

Authorized parking area - defined

"Authorized parking area" means an area of a park or recreation area designated, set aside for, or established, for the parking of motor vehicles, which may have posted regulations with respect to the use of the area.

Bicycle - defined

"Bicycle" includes a unicycle and a tricycle but does not include a motor-assisted cycle of any type.

Control - defined

"Control" includes care and custody.

Council - defined

"Council" means the Council of The Corporation of the Municipality of Thames Centre.

Designated - defined

"Designated" means an area defined or constructed for a specific use which may include posted conditions.

Director - defined

"Director" means the Director of Community Services and Development, his or her designate, and any municipal employee acting under his or her direction.

Environmentally Significant Area - defined

"Environmentally Significant Area (ESA)" means an area as designated in the Official Plan of the Municipality of Thames Centre and which is under public ownership and/or management containing features and/or attributes of environmental and natural significance that warrant their retention in a natural state.

Facility – defined

"Facility" means any enclosed structure with a roof and entrance door.

Manager – defined

“Manager” means the Recreation and Facilities Manager, his or her designate and any Municipal employee acting under his or her discretion.

Motor vehicle - defined

“Motor vehicle” has the meaning attributed to it in the *Highway Traffic Act*.

Multi-use pathway - defined

“Multi-use pathway” means that part of a park or recreation area that has been improved with a hard surface and intended for a variety of uses including pedestrians, in-line skating, and vehicles, excluding motor vehicles, horses and horse-drawn conveyances of any sort, and motorized snow vehicles.

Municipality - defined

“Municipality” means The Corporation of the Municipality of Thames Centre.

Natural park area - defined

“Natural park area” means an area which may be an entire park or part of a park, preserved in its natural or near natural state or an area created to remain thereafter in a natural state as open space and available for use by the public. For the purposes of this definition, natural shall mean established by nature or a selection process favouring survival of organisms best adapted to their environment.

Park - defined

“Park” means land and land covered by water and all portions thereof owned 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, including a natural park area and an Environmentally Significant Area as defined in this by-law, that has been or hereafter may be placed under the jurisdiction of the Municipality, including any buildings, structures, facilities, erections, and improvements located in or on such land, save and except where such land is governed by other by-laws of the Municipality.

Pool - defined

“Pool” means a facility designed and constructed for the purpose of swimming or wading by the public.

Refuse - defined

“Refuse” includes, but is not limited to, paper wrappers, food containers, discarded food, disposable eating utensils, newspapers, drink containers of all kinds, disposable diapers, broken glass, grass clippings, and inert fill of any kind.

Recreation area - defined

Recreation area means an area or building or combination of both, under the control of the Municipality, which is maintained and supervised by employees of the Municipality and includes: golf course, tennis court, arena, skating rink, swimming pool, wading pool, play area, sports field, designated area of a park, a building or portion of a building which is owned, leased or used by the Municipality, including a school and school grounds, for the purpose of offering recreation to the public.

Roadway- defined

“Roadway” means that part of a park or recreation area that is improved, designed or ordinarily used by vehicles.

Tertiary trail - defined

“Tertiary trail” means that part of a park or recreation area that has been marked, posted, or blazed for the purpose of hiking by the public, is not hard surfaced, and on which the use of in-line skates, bicycles, motor vehicles, and motorized snow vehicles is prohibited.

Unlighted park, recreation area - defined

"Unlighted park or recreation area" includes any park or recreation area that is lighted for security reasons but not in actual use of such area for recreational purposes.

Vehicle - defined

"Vehicle" includes a motor vehicle and any vehicle drawn, propelled or driven by any kind of muscular power, and includes a motorized snow vehicle, but excludes a child's wagon, and a baby carriage.

2.0 BY-LAW APPLICATION AND ADMINISTRATION

2.1 By-law applicability - defined

This by-law applies to all recreation areas, parks and any premises located therein which are under the control and management of the Municipality, together with the avenues, boulevards, drives, streets, and approaches thereto and connecting the same.

2.2 Emergency - maintenance vehicles - exception

Notwithstanding any provision of this by-law, vehicles operated on behalf of an ambulance service, fire department, police department, and the Municipality shall have full access to all parts of a park and/or a recreation area at all times.

2.3 By-law administration

This by-law is administered by the Department of Community Services & Development.

3.0 GENERAL PROHIBITED ACTIVITIES

3.1 In any park or recreation area within the Municipality, no person shall:

- 3.1.1 drive, ride, or operate any vehicle or carry on in-line skating upon a roadway in any direction other than the direction indicated on signs posted by the Director;
- 3.1.2 drive, ride, or operate a vehicle or carry on in-line skating in violation of posted signs;
- 3.1.3 operate any vehicle or carry on in-line skating at a rate of speed in excess of the posted speed limit or in excess of 30 kilometres per hour in unposted areas;
- 3.1.4 drive, ride, or operate any motor vehicle or horse drawn conveyance on a multi-use pathway;
- 3.1.5 drive, ride, or operate a bicycle, motor vehicle or carry on in-line skating on a tertiary trail;
- 3.1.6 operate a motor vehicle except on a roadway or in an authorized parking area;
- 3.1.7 park a motor vehicle in a place other than an authorized parking area;
- 3.1.8 drive, operate, park, or leave unattended a motor vehicle in any part of a park or recreation area between 10:00 p.m. and 6:00 a.m. in the morning of the following day;

- 3.1.9 conduct themselves in a boisterous or unseemly manner so as to disturb any inhabitant or interfere with the enjoyment of the park or recreation area by any member of the public;
- 3.1.10 hold or take part in an unauthorized public meeting or gathering;
- 3.1.11 play or practice golf or strike any golf ball by any means whatsoever in an area not designated for such activities;
- 3.1.12 remain in an unlighted park or recreation area between the hours of 11:00 p.m. and 6:00 a.m. of the following day;
- 3.1.13 climb, break, peel bark from, cut, remove, deface, or otherwise damage any tree, shrub, bush, flower, plant, or roots;
- 3.1.14 post signs or posters on any tree, bush, or shrub;
- 3.1.15 remove, break, deface, or otherwise damage any monument, cage, pen, gate, seat, bench, picnic table, fence, lock, barrier, or any other equipment of the Municipality locate therein;
- 3.1.16 fail to deposit refuse in containers provided or if containers are not provided fail to remove refuse from a park or recreation area;
- 3.1.17 fail to remove any utensils, equipment, or articles taken into an area designated for picnics;
- 3.1.18 cause or permit any animal under their control or ownership to swim, or enter into, or foul any swimming or wading pool intended for human use only;
- 3.1.19 walk on grass in an area where signs are posted prohibiting such activity;
- 3.1.20 disturb, wound, kill, or injure any bird, fowl, or animal whether domesticated or wild;
- 3.1.21 remove or injure the nests or eggs of any bird or fowl;
- 3.1.22 wilfully or maliciously hinder, or interrupt, or cause to be hindered or interrupted, the Director, all employees acting under his or her direction, any agent of the Municipality, their workers or employees, in the exercise of their powers and duties;
- 3.1.23 wilfully or maliciously let off or discharge any water so that it runs waste or useless from or out of any reservoir, pond, river, or lake located in a park or recreation area;
- 3.1.24 lay or cause to be laid any pipe, or conduit to communicate with any pipe or main belonging to the waterworks connected with any park or recreation area or in any way obtain water without the consent of the Director;
- 3.1.25 discharge or permit the discharge of any water from private properties, including pool water and water from a roof drainage system, onto, into, or over any park or recreation zone;

- 3.1.26 participate in an organized team game under the auspices of an approved sports association, except in areas designated by the Director;
- 3.1.27 interfere with an organized team game, nor be on the area normally used for such game while it is in progress, unless he is a participant or official of such game;
- 3.1.28 have in his or her possession any object which could cause injury except approved sports equipment at a time and place where the sport is permitted;
- 3.1.29 throw onto any ice rink any object which is likely to cause injury to a participant, damage to the rink, or which could interfere with the use of the rink;
- 3.1.30 conduct a fireworks demonstration without written consent from the Director and the Municipal Fire Chief, and shall comply with all conditions imposed in connection with the granting of such consent;
- 3.1.31 fail to remove forthwith, and sanitarily dispose of excrement left by such animal on municipal property, roadsides/ditches, parks, and recreation areas in accordance with the *Dog Licencing and Control By-law*;
- 3.1.32 enter any place where a sign prohibiting admittance or trespassing is displayed, or where admission is otherwise prohibited or restricted;
- 3.1.33 indulge in any riotous, boisterous, threatening, or indecent conduct, or any abusive, threatening or profane language;
- 3.1.34 create a nuisance by loitering, spying, spitting, accosting, frightening, annoying, or in any way interfering with any other person lawfully using a park;
- 3.1.35 throw into a pool, fountain, pond, or stream any foreign object that is likely to injure any person or to pollute the water;
- 3.1.36 dump trash, rubbish, waste or other refuse in a park;
- 3.1.37 smoke within 20 metres of any park facility; and
- 3.1.38 smoke on any recreational amenity, sports fields and spectator areas owned by the Municipality of Thames Centre
- Within 20 metres of recreational amenities (swimming pools, splash pads, courts, playground equipment, sand boxes, outdoor ice rinks, etc.);
 - Within 20 metres of sports fields (soccer pitches, ball diamonds, football fields, beach volleyball courts, running tracks, etc.); and
 - Within 20 metres of spectator areas adjacent to sporting areas and any public areas within 20 metres of any point on the perimeter of a sporting area or a spectator area adjacent to a sporting area.
- 3.1.39 cause or permit any animal under their ownership or control to enter a park facility without written permission from the Director, except for service animals identified under the Accessibility for Ontarians with Disabilities Act.

3.2 Exception – Motorized Wheel Chairs

Despite any regulation in this by-law restricting the use of motor vehicles in parks and recreation areas, motorized wheel chairs may be used on all multi-use pathways and tertiary trails.

4.0 ACTIVITIES - SUBJECT TO APPROVAL

4.1 Unless authorized by the Director, in a park or recreation area, no person shall:

- 4.1.1 cook food, unless any fire required to do so, is in a fireplace or barbecue;
- 4.1.2 use a sports field for any game or practice without booking such sports field in advance;
- 4.1.3 erect a tent or shelter, or park a trailer of any kind for overnight accommodation;
- 4.1.4 take part in or conduct commercial worm picking;
- 4.1.5 hold or take part in a public meeting or gathering or deliver any public speech;
- 4.1.6 hold or take part in a meeting or gathering that obstructs the free passage of vehicular traffic;
- 4.1.7 have exclusive use of any portion or all of a park or recreation area;
- 4.1.8 ride or lead a horse, pony, or like animal in an area not designated for such activity;
- 4.1.9 drive, lead, or use a horse-drawn wagon or sleigh;
- 4.1.10 post signs or posters on poles, planters, buildings, fences, benches, picnic tables, electrical transmission units, lamp standards, or other equipment of any kind;
- 4.1.11 sell refreshments or other merchandise to the public;
- 4.1.12 operate any business, game, show, or amusement for admission by the public; and
- 4.1.13 operate or use a metal detector.

4.2 Public Gatherings - Location

The locations made available for approved public meetings, gatherings, or public speeches shall be determined by the Director upon the receipt of a written application for the use of a park or recreation area for such meeting, gathering, or public speech.

5.0 SPECIAL PROHIBITIONS – APPLICABILITY

The special prohibitions in this Part are in addition to any applicable general prohibitions in PART 3 of this by-law.

5.1 Environmentally Significant Areas (ESA) - Prohibitions

The following special prohibitions shall apply to all persons entering into and using a park or recreation area designated as an Environmentally Significant Area (ESA) or as a natural park area:

- 5.1.1 No person shall cut or remove any plant, aquatic vegetation, wood, turf, grass, soil, rock, sand, or gravel without the express authority of the Director;
- 5.1.2 No person shall carry out any scientific investigation or study without the express authority of the Director who may impose specific conditions which shall be adhered to;
- 5.1.3 No person shall cause or permit any animal under their ownership or control to enter into or foul any of the waters of any pond, stream or river;
- 5.1.4 No person shall swim in, bathe in, or pollute in any way the waters of any pond or stream;
- 5.1.5 No person shall camp, set up a tent, park a trailer, or hold a picnic, unless the area is specifically designated for such purpose;
- 5.1.6 No person shall deposit, dump, or leave waste and/or refuse of any kind;
- 5.1.7 No person shall operate a vehicle, bicycle or motorized snow vehicle within the boundaries of an ESA or a natural park area unless signs are posted specifically allowing such activity; and
- 5.1.8 No person shall ride, lead, or drive any animal within the boundaries of an ESA, except for a dog which must be on a leash in accordance with the requirements of the *Dog Licensing and Control By-law*.

5.2 Encroachment

No land owner owning land adjacent to any park or recreation area as designated by the Municipality shall encroach on the park or recreation area by means of and not limited to, cutting grass; planting flowers, trees, shrubs, or other plant life; constructing buildings, structures, or equipment; making an unauthorized access; constructing a fire pit; cutting or removing trees, shrubs or plants; and dumping or depositing waste or debris.

6.0 FEES

6.1 Use without payment - prohibited

No person shall use a park or recreation area without first having paid the applicable fee, if any.

7.0 ENFORCEMENT

7.1 Applicable law

Park and recreation area users are subject to all applicable Municipal by-laws and all Federal and Provincial laws and regulations, and all persons violating any by-law or law may be evicted from any park or recreation area.

7.2 Fine - upon conviction

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

7.3 Continuation - repetition of offence - prohibited

The court in which the conviction has been entered and any other court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed by the court on the person convicted.

The provisions of this by-law shall be enforced by employees or agents authorized by the Municipality who shall carry identification to prove such authorization.

Any peace officer is hereby authorized to enforce the provisions of this by-law.

8.0 MISCELLANEOUS

8.1 By-law reference on signs - deemed to conform

That By-law No. 70-2013, be repealed in its entirety.

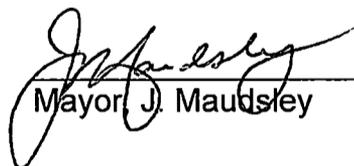
A sign posted by the Municipality in a park or recreation area, referencing former Parks and Recreation By-laws shall be deemed to be references to this by-law.

8.2 Validity

It is declared that notwithstanding that any part or parts of this by-law, or sections thereof, may be found by any court of law to be bad or illegal or beyond the power of the Council to enact, such part or parts or sections thereof shall be deemed to be severable and that all other parts or sections of this by-law are separate and independent there from and enacted as such.

READ a FIRST and SECOND time this 12th day of January, 2015.

READ a THIRD time and **FINALLY PASSED** this 12th day of January, 2015.



Mayor, J. Maudsley



Clerk, M. Lewis

MUNICIPALITY OF THAMES CENTRE

SET FINE SCHEDULE

PART I, *Provincial Offences Act*

By-law No. 1-2015, Parks and Recreation By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Operating a motor vehicle on a multi-use pathway	Section 3.1.4	\$30.00
2	Operating a motor vehicle on a tertiary trail	Section 3.1.5	\$30.00
3	Operating a bicycle on a tertiary trail	Section 3.1.5	\$30.00
4	Operating a vehicle other than on a roadway or authorized parking area	Section 3.1.6	\$30.00
5	Parked a motor vehicle in a place other than an authorized parking area	Section 3.1.7	\$30.00
6	Boisterous and unseemly conduct in a park	Section 3.1.9	\$30.00
7	Holding an unauthorized public meeting	Section 3.1.10	\$30.00
8	Participating in an unauthorized public meeting	Section 3.1.10	\$30.00
9	Playing golf in a park	Section 3.1.11	\$30.00
10	Posting a sign on a tree or plant	Section 3.1.14	\$30.00
11	Littering in a park	Section 3.1.16	\$105.00
12	Entering of a pool by an animal under an owners control	Section 3.1.18	\$105.00

NOTE: Penalty provisions for the offences indicated above is Section 7.0 of By-law No. 1-2015, a certified copy of which has been filed.

MUNICIPALITY OF THAMES CENTRE

SET FINE SCHEDULE

PART I, *Provincial Offences Act*

By-law No. 1-2015, Parks and Recreation By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
13	Fouling of a pool by an animal under an owners control	Section 3.1.18	\$105.00
14	Injuring an animal in a park	Section 3.1.20	\$105.00
15	Use of water without consent	Section 3.1.24	\$30.00
16	Discharge of water from private property onto a park	Section 3.1.25	\$30.00
17	Interfering with an organized team game	Section 3.1.27	\$30.00
18	Throwing an object onto an ice rink	Section 3.1.29	\$105.00
19	Discharge of fireworks without consent	Section 3.1.30	\$105.00
20	Failure to remove excrement left by an animal	Section 3.1.31	\$30.00
21	Causing threatening or profane language	Section 3.1.33	\$105.00
22	Causing a nuisance	Section 3.1.34	\$105.00
23	Throwing an object into a pool	Section 3.1.35	\$105.00
24	Polluting a pool	Section 3.1.35	\$105.00
25	Dumping of rubbish in a park	Section 3.1.36	\$105.00

NOTE: Penalty provisions for the offences indicated above is Section 7.0 of By-law No. 1-2015, a certified copy of which has been filed.

MUNICIPALITY OF THAMES CENTRE

SET FINE SCHEDULE

PART I, *Provincial Offences Act*

By-law No. 1-2015, Parks and Recreation By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
26	Smoking within 20 metres of any park facility	Section 3.1.37	\$105.00
27	Smoking within 20 metres of any recreational amenity	Section 3.1.38	\$105.00
28	Entering a park facility with an animal without permission	Section 3.1.39	\$30.00
29	Unauthorized activity in a park, namely riding a horse or pony	Section 4.1.8	\$30.00
30	Unauthorized activity in a park, namely selling refreshments	Section 4.1.11	\$105.00
31	Unauthorized activity in a park, namely operating a business	Section 4.1.12	\$105.00
32	Unauthorized activity in an environmentally significant area, namely removing a plant	Section 5.1.1	\$30.00
33	Unauthorized activity in an environmentally significant area, namely camping	Section 5.1.5	\$30.00
34	Unauthorized activity in a park, namely dumping of waste	Section 5.1.6	\$105.00
35	Unauthorized activity in a park, namely operating a vehicle	Section 5.1.7	\$105.00
36	Encroachment on a park	Section 5.2	\$105.00

NOTE: Penalty provisions for the offences indicated above is Section 7.0 of By-law No. 1-2015, a certified copy of which, has been filed.