



## The Corporation of the Township of Hamilton

### By-law Number 2017 - 16

#### ***Being a By-law to Regulate, Protect and Govern the Use of Parks, Recreation Areas and Park Facilities Under the Authority of the Township of Hamilton***

WHEREAS Section 11(3) of the Municipal Act, 2001, as amended, provides that the Council of a local municipality may pass by-laws respecting matters within the sphere of jurisdiction of culture, parks, recreation and heritage;

WHEREAS it is desirable to regulate, protect and govern the use of parks, public open spaces, waterfronts in the Township of Hamilton; and

WHEREAS all public properties are for the use, benefit and pleasure of the Public and it is necessary to prevent any person from improperly interfering with such use, benefit and pleasure.

#### **1. Definition**

- a) **“Authorized sign”** means any sign, notice, or other device placed or erected in or upon a park or recreation area, under the authority of this By-Law;
- b) **“Bicycle”** means a vehicle propelled or driven by muscular power consisting of a tubular metal frame mounted on spoke wheels, one behind the other, and equipped with handlebars, a saddle like seat and foot pedals and includes a tricycle, unicycle, mountain bike, BMX and other similar bikes designed for recreational purposes and in accordance with the Highway Traffic Act includes a tricycle and unicycle but does not include a motor-assisted bicycle.
- c) **“Boat”** means a watercraft, whether powered or not, which is designed for carrying persons or chattels over water, and includes a ship under the jurisdiction of Parliament of Canada pursuant to the *Constitution Act*, including personal watercraft.
- d) **“Commercial Vehicle”** means any motor vehicle carrying a commercial motor vehicle licence under the *Highway Traffic Act*, which exceeds one half ton in capacity, and includes buses, tractors used to pull trailers on highways, and any vehicle from which anything is sold.
- e) **“Concession”** shall mean the operation of any business including, without limiting the generality of the foregoing, the selling of refreshments, or any other merchandise; or the operation of any games, shows or amusements; or the taking or selling of photographs, or soliciting or accepting money or orders for the sale of photographs; or other goods, services or merchandise; or the operation of any business whatsoever;
- f) **“Council”** means the Council of the Township of Hamilton;
- g) **“Department”** shall mean the Department Parks and Recreation of the Corporation of the Township of Hamilton;
- h) **“Designated Area”** means an area defined or constructed for a specific use which may include posted conditions;
- i) **“Docking or Mooring”** means to fasten, affix, tie or anchor a boat to a structure or to a municipal land.
- j) **“Manager”** means the Manager of Park and Recreation for the Township of Hamilton or his/her designate;
- k) **“Firearm”** means any barreled weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a person or animal, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a firearm. It includes a device that propels a projectile by means of any explosion, compressed gas or spring or includes, without limitation, a rifle, handgun or spring gun, knife, crossbow, longbow, air or pellet rifle;

- l) **“Fireworks”** means a pyrotechnical display comprised of a combustible or explosive device; or combination of explosives and combustibles set off to produce a striking display of light or a loud noise, used for signaling or as part of a celebration, and noise for amusement;
- m) **“Licence”** (liquor) means a licence issued by the Board pursuant to the *Liquor Licence Act, R.S.O 1990, Chapter L. 19* and the regulations thereunder;
- n) **“Liquor”** means 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;
- o) **“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;
- p) **“Park”** means and includes all public parks, approved parks, trails including, without limiting the foregoing, pedestrian walkways, pedestrian bridges, pathways, recreational trails, waterfront lands, beaches, woodlots, outdoor ice rinks, playground equipment, sport fields, tennis courts, climbing apparatus, open space, water features, buildings, structures, gardens, marinas, skatepark and recreation areas and all portions thereof owned or under the control of the Municipality, including that of any Board or Commission.
- q) **“Park, Parked or Parking”** means to allow a vehicle to remain stationary on a street or parking area, except when stopped in obedience to traffic regulations, signs or signals, or for a longer period of time than is actually required, for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- r) **“Permit”** means any written authorization of Council, or the written authorization of the Municipal Staff or designate which has been delegated the authority to issue the permit by Council;
- s) **“Post” or “posted”** refers to the erection or presence of authorized signs that regulate, restrict, or prohibit activities in a designated area.
- t) **“Posted Area”** means an area where such signs are erected or displayed;
- u) **“Recreation Area”** means an area or Parks facility under the control of the Municipality, maintained and supervised by employees of the Municipality or an approved contractor, and shall include an area of park, sports field, play area, waterfront, beach, canteen, tennis courts;
- v) **“Township”** means the Corporation of the Township of Hamilton;
- w) **“Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle any part of which is intended for, or used by, the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- x) **“Vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, bicycle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- y) **“Weapon”** means anything used or intended for use in causing death or injury to persons whether designed for the purpose or not or anything used or intended for use for the purpose of threatening or intimidating any persons, and without restricting the generality of the foregoing, includes any firearm as may be defined from time to time by the Criminal Code of Canada;
- z) **“Water Feature”** includes rivers, lakes, streams, creeks, storm water management ponds, locks, reservoirs, estuaries, swales, man made or natural streams, manmade ditches, fountains, splash pads and other geographical features containing water at some time during the year but does not include private or municipal swimming pools or decorative man-made self-contained garden ponds on private residential property.

## 2. Hours

- a) All parks, shall close at eleven o'clock (p.m.) local time and shall remain closed until seven o'clock (a.m.) local time the following morning unless otherwise posted
- b) No person shall be or remain in a park after the closing hour or before the opening hour unless authorized by the Department

- c) No person shall remain in any Park or Recreation Area after having been asked to leave by a Police Officer, Supervisor, By-law Enforcement Officer, or any other person appointed by the Corporation for the care and control of the Park or Recreation Area

### **3. Restricted Areas**

- a) No person shall enter any place where a sign is posted prohibiting admittance or trespassing is displayed, or where admission is otherwise restricted or prohibited

### **4. Conduct**

No person shall, in any Park or Recreation Area:

- a) Destroy, injure, deface, move or remove any building, structure or equipment or any growing plant of any kind, or mark or write upon any building, equipment, or structure;
- b) Disturb, molest, move, trap, hunt and attempt to kill any bird or animal, including wildlife or remove or injure any nest or eggs except with the written permission of the Township;
- c) Climb any building, structure or equipment, that is not playground equipment designed for climbing unless said individual is employed under contract or is acting on the direction of the Township to carry out such acts;
- d) Engage in unauthorized activity on a cenotaph, park benches, monuments, including but not limited to roller blading or skateboarding;
- e) Indulge in any riotous, boisterous, threatening or indecent conduct, or use abusive, threatening or profane language, or accost or annoy or in any way interfere with any other person;
- f) Exhibit inappropriate personal hygiene, i.e. an individual whose bodily hygiene is so offensive as to constitute a nuisance to other patrons;
- g) Create a nuisance by loitering, spying, frightening, annoying or generally making himself or herself objectionable to other person or persons; the Parks and Recreation Areas being considered a public place for the purposes of any law or statute to this effect;
- h) Post or distribute signs of any kind, flyers, circulars, printed or otherwise, on fences, trees, lamp standards, poles, buildings, structures, electrical transmission units, vehicles, benches, picnic tables, flower planters, or equipment of any kind located within Corporation's facilities or in any Park or Recreation Area;
- i) Create a nuisance with unpermitted use of amplifiers and loud speakers; the Parks and Recreation Areas being considered a public place for the purposes of any law or statute to this effect;
- j) Encroach upon or take possession of any park or recreational area or part of any park or recreational area 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, cultivation, grooming or landscaping thereon; or
- k) Disobey any posted official sign.

### **5. No Smoking in Public Spaces**

In accordance with the "Smoke-Free Ontario Act;

- a) No person shall smoke in a publicly-owned outdoor sporting areas, spectator areas, sporting areas and public areas within 20 metres of any point of the edge of the sporting or spectator areas.
- b) No person shall smoke on children's playgrounds or in a public places within 20 metres of a playground (slides, swings, climbing equipment, splash pads, wading pools, sandboxes, or any area open to the public).
- c) This applies to all areas owned by the province, a municipality, college and universities used primarily for sports.

## **6. Firearms or Offensive Weapons**

- a) No person shall bring into any park, or carry, or discharge therein a firearm, air gun, bow and arrow, axes, knives (other than dinner cutlery when used for dining purposes), sling shot or offensive weapon of any kind unless authorized by agreement with the Township.

## **7. Fireworks**

- a) No person shall ignite, discharge or set off any fireworks in any park, except as a controlled and supervised fireworks display authorized by permit.

## **8. Vehicles**

### **8.1 Roadways**

No person shall drive, ride or operate any Motor Vehicle in any park, pedestrian bridge or recreation area other than upon a roadway unless authorized by permit.

### **8.2 Parking**

All parks are deemed to be for "Day Use" only:

- a) No person shall leave a vehicle or trailer in any park overnight except in areas designated to allow such overnight parking.
- b) No person shall park a Motor Vehicle in a Park or Recreation Area except in such places as shall be set apart and designated for the purpose by the Corporation.
- c) Any unauthorized vehicles may be removed, or towed on the instructions of a Police Officer or By-Law Enforcement Officer.

### **8.3 Other Activities**

No persons shall make use of any roadway or designated area for parking in any park for:

- a) Washing, cleaning, servicing, or maintaining any vehicle except in the event of an emergency, repairing any motor vehicle;
- b) Instructing, teaching or coaching any person in the driving or operation of a motor vehicle; or
- c) Playing of any games and/or sports unless authorized by permit.

### **8.4 Motorized Recreational Vehicles**

No person shall ride, drive, park or be in the possession or control of a motorized recreational vehicle in any park except in a designated area, with the exclusion of any vehicles used by the Police Force providing Police Services, Parks, Recreation Department or some other emergency response organization.

### **8.5 Trucks and Commercial Vehicles**

No person shall drive, operate, pull or ride in any park or recreation area;

- a) Any heavy equipment of any description and whatever the mode of power that cannot be licensed under the *Highway Traffic Act*; or
- b) Any truck, trailer or bus whatsoever except a vehicle that is 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.

**9. Refuse/Recycling**

No person shall in any park or recreation area:

- a) Dispose or dump garbage, litter tree trimmings, or like refuse except that which is generated through the normal use of the park or recreation area and shall only deposit same in receptacles provided for such purpose;
- b) Break glass containers or deposit or strew any refuse or waste paper, wrapper container or garbage anywhere within a Park or Recreation Area except in the receptacles provided for that purpose;
- c) Place, deposit, dump or drain onto any soils or into any water of any pool, pond, lake, stream, fountain or watercourse of any kind any material, toxic or otherwise, which may have the effect of impairing the quality of the water or soil;
- d) Unless authorized by permit, dump or deposit snow, fill, soil and building or construction materials.

**10. Animals**

- a) Dogs must be leashed at all times and kept under control, any animal found at large in a Park or Recreation Area may be dealt with, in accordance with the Animal Control By-law (2014-23, as amended by 2015-34)
- b) Any owner whose animal deposits feces on Municipal Parks shall immediately and fully clean up the said feces.

**11. Alcohol Beverages**

- a) All Parks and Recreation Areas are hereby designated as places where the possession of liquor is prohibited except where specifically authorize by Special Occasion Permit which has been issued by the Liquor Control board and consented to by the Municipality. For the Purposes of this Section, "Liquor" means liquor, as defined in the *Liquor Licence Act for Ontario*, R.S.O. 1990, C. L. 19, as amended from time to time;

**12. Games, Sports and Activities**

- a) No person shall engage in playing/practicing golf or archery in any Park or Recreation Area or part thereof without obtaining permission from the Municipality;
- b) Reflective of paragraph 12 (a) no person shall play or practice any sport or game that is deemed unsafe around other Park or Recreation Area users;
- c) Team games shall be played in areas specifically designated by the corporation, and a permit must be obtained from the Parks, Recreation and Culture Department;
- d) No person shall interfere with the conduct of any authorized team game being played in any Park, nor attempt to otherwise use the area so permitted;
- e) No person shall play or practice any game within a Park or Recreation Area where prohibited.

**13. Campfires and Barbeques**

- a) No person shall light, build, or stoke a fire or bonfire in any Park or Recreation Area as set out in the Fire Bylaw 2014-19;
- b) No person shall in any Park or Recreation Area use any barbeque or cooking device without a "Special Event" permit issued for the specific day and kept at all times on the person in charge of the barbeque.
- c) If food is to be sold the permit holder must provide evidence of completion of a food safety course/food handlers certificate provided by the Health Unit and ensure that one certified individual is on site at all times. In addition to the Municipal special event permit all persons in charge must

apply to the Haliburton, Kawartha, Pine Ridge District Health Unit for a special event permit when food is being offered for sale.

**14. Picnics and Camping**

- a) Permits can be obtained from the Parks and Recreation Department for group picnics held in designated areas;
- b) No person shall interfere with a picnic being conducted by a permit holder;
- c) No person shall erect any tent, shelter or structure of any kind in a municipal Park or Recreation Area without the written authorization of the Corporation;
- d) No person shall use a Park or Recreation Area for the purpose of camping, overnight sleeping or accommodations.

**15. Skiing, Tobogganing and Sledding**

While in a park, no person shall ski, toboggan, snowboard, ski-bob or sled in any area posted to prohibit same.

**16. Concession/Sale of Merchandise**

- a) No person shall operate a concession in any Park or Recreation Area without first having obtained a License from the Corporation and an approved permit;
- b) Any person desiring a License for the operation of a concession shall apply therefore in writing to the Corporation which;
  - I. May grant a License upon such terms, and subject to such conditions as the Corporation deems appropriate; or
  - II. May in the sole discretion of the Corporation refuse to grant a License; and
  - III. Every license issued pursuant to the provision of this By-law shall be for the period as stated on the License.
- c) No person shall sell or offer for sale, or expose any merchandise of any nature or kind for immediate or future delivery, or shall any person offer in return for payment any art, skill or service to be exercised or performed immediately or in the future nor solicit any trade, occupation or business of any kind in any Park or Recreation Area without the written permission of the Corporation with proof of the applicable License which may be required;

**17. Boats**

- a) All Waterfront Parks are deemed "Day Use" only. Boats are not permitted to be moored to Municipal docks in excess of 24 hours.
- b) No person shall use a dock, wharf, boat launching facility, water access area or other structures in a park for commercial use or as a loading or unloading zone of a commercial nature unless authorized by Council.
- c) No person shall store a boat in any park.
- d) No person shall service or wash a boat in a park.
- e) Any boat docked, moored or left unattended, contrary to this bylaw within a park may be removed by the Township or a person contracted on its behalf for the purpose, and shall be subject to the lien provisions, storage and disposal requirements.

**18. Regulation and Enforcement**

**18.1 Regulation**

- a) Any person may apply to the Township for any permit required by this By-law by submitting a request for the permit in writing together with any fee that may be required by any By-law for the activity of which the permit is required;
- b) A decision as to whether a permit required by this By-law may be granted at the sole discretion of the Township and may be granted by Council or designate on such terms and conditions that Council or designate may consider advisable;

- c) Permits issued for activities contemplated in this By-law may include, but not limited to conditions as to time, location, area, equipment, number of participants, type of activities, release, indemnity and insurance coverage;
- d) The issuance of a permit pursuant to the By-Law shall not relieve any person from the necessity of acquiring any other licence or permit required for such activity by any governmental or public authority;
- e) No permit contemplated by this By-Law shall be issued if same would result in the contravention of any other applicable law;
- f) The authority to issue permits referred to in this By-law is delegated to the Director or his/her designate; and
- g) Any costs incurred by the Township due to non-compliance of this By-Law shall be charged back to the individual who is in non-compliance.

### **18.2 Posting of signage**

The Manager of Parks and Facilities and/or CAO and/or Director of Fire and Emergency Services is authorized to post signage of permission, regulation, restriction, warning or prohibition with respect to uses of or activities in any Park or Recreation Area in accordance with the provisions hereof.

### **18.3 Temporary Closure**

The Manager of Parks and Facilities and/or CAO and/or Director of Fire and Emergency Services and/or By-Law Enforcement Officers are authorized to close off for such temporary period as deemed appropriate any Park, Recreation Area or part of parts thereof to relieve or prevent overcrowding or traffic congestion, authorized construction, weather conditions or in the interests of public safety.

### **18.4 Exclusions and Exemptions**

This By-law shall not apply to:

- a) The drivers, operators or other personnel of ambulances, police or fire department vehicles; or
- b) Employees or agents of the Township while engaged in works or services undertaken for or on behalf of the Township.

### **18.5 Administration**

- a) Any Police Officer, Provincial Offences Officer, Municipal By-law Enforcement Officer or employee of the Township designated by Council to administer this By-law is authorized to inform any person of the provisions of this By-law and to request compliance therewith;
- b) Any Police Officer, Provincial Offences Officer, Municipal By-law Enforcement Officer or employee of the Township designated by Council 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;
  - i. To desist from the activity constituting or contributing to such contravention; or
  - ii. To remove from the Park or Recreation Area 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
  - iii. To leave the Park or Recreation area.
- c) Any Police Officer, Provincial Offences Officer, or Municipal By-law Enforcement office may enforce the provisions of this By-Law;
- d) Any permit that has been issued to any person or group may be revoked by the Manager of Parks and Facilities or designate forthwith where a person to whom the permit was issued or any person in the group represented by the person who was issued the permit contravenes any provision of this By-law or contravenes any condition upon which the By-law was issued.

**18.6 Penalties**

Any person who contravenes any portion of this By-law is guilty of an offence and upon conviction is liable to such fines and other penalties as provided for under the *Provincial Offences Act*.

**18.7 Short Title**

This By-law shall be referred to as the “Parks and Recreation By-law”

**18.8 Effective Date**

This By-law shall come into force and effect on the date it is enacted by Council which shall come into force and effect upon final passing thereof.

This By-law given a first and second reading this 18<sup>th</sup> day of April, 2017.

This By-law given a third reading and finally passed this 18<sup>th</sup> day of April, 2017.

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Mark Lovshin. Mayor

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K. Surerus, Municipal Clerk