



BY-LAW NO. 2004-60

OF

The Corporation of Norfolk County

BEING A BY-LAW TO REGULATE, PROTECT AND GOVERN THE USE OF PUBLIC PARKS.

WHEREAS the Council of The Corporation of Norfolk County is empowered by Sections 11(1) and 9 of the Municipal Act, S.O, 2001, as amended, to pass By-laws respecting parks including the power to regulate or prohibit;

AND WHEREAS it is desirable to regulate, protect and govern the use of parks in Norfolk County;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF NORFOLK COUNTY HEREBY ENACTS AS FOLLOWS:

Definitions

1. In this By-law:
 - (a) **"Authorized sign"** shall mean any sign, notice or other device placed or erected in or upon a park, under the authority of this By-law;
 - (b) **"Bicycle"** shall mean a vehicle propelled by muscular power only, upon which a person may ride, having one or more wheels;
 - (c) **"General Manager"** shall mean the General Manager of the Community Services Department or his or her designate(s);
 - (d) **"Control"** includes care and custody;
 - (e) **"County"** shall mean The Corporation of Norfolk County;
 - (f) **"Council"** shall mean the Council of The Corporation of Norfolk County;
 - (g) **"Designated area"** shall mean an area defined or constructed for a specific use which is Posted as such and restricts use through conditions or the requirement of a permit which is granted through an exemption;

Definitions (Cont'd)

- (h) **In-Line Skates** shall mean a pair of boots with attached rollers or wheels on the bottom that are worn by a person to facilitate gliding and is propelled by muscular power, to include roller blades and roller skates.
- (i) **"Manager Parks & Facilities"** shall mean the Manager of Parks & Facilities Division or his or her designate(s);
- (j) **"Motor vehicle"** shall mean 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;
- (k) **"Motorized recreation vehicle"** shall mean a snowmobile, go-cart, trail bike, mini-bike, all terrain vehicle, or similar vehicle, propelled or driven by an internal combustion engine;
- (l) **"Organized sport or activity"** shall mean 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;
- (m) **"Park"** shall mean land and land covered by water and all portions thereof owned by or made available by lease, agreement, or otherwise to the County, that is or hereafter may be established, dedicated, designated, set apart or made available for use as a **park**, and that has been or hereafter may be placed under the jurisdiction of the General Manager of the Community Services Department including any and all 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 *County*.
- (n) **"Parking area"** shall mean a part of a park that is designated and intended to park *motor vehicles*;
- (o) **"Permit"** shall mean any written authorization of *Council*, a Committee established by *Council* or the General Manager where such power has been delegated;
- (p) **"Post"** or **"Posted"** shall refer to the erection or presence of permissive, regulatory, restrictive, warning or prohibited signs and *"Posted area"* means an area where such signs are erected;
- (q) **"Scooter"** shall mean a footboard mounted on wheels and a steering column with a handle that is propelled by muscular power.
- (q) **"Service animal"** shall include a guide dog and other trained service animal identifiable by a harness and used principally to assist persons with a visual, hearing or other impediment;
- (r) **"Skateboard"** shall mean a form of conveyance consisting of any number of wheels attached to a flat surface which is designed to support the weight of a rider;

Definitions (Cont'd)

- (s) “**Vehicle**” shall include a *motor vehicle* as defined under *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, and includes in-line roller skates and skateboards, but excludes a 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, sleigh or other conveyance of like nature;
- (t) “**Watercraft**” shall mean any device for conveyance in or on water and includes but is not limited to boats, rowboats, sailboards, canoes, kayaks, or dinghies.

Scope

- 2. This By-law shall apply to all parks in the County.

PART 1 – CONDUCTRestricted Areas

- 3. While in a *park*, no person shall enter into an area in a *park* where it is *Posted* to prohibit or restrict admission to the public.

Exemptions

- 4. Activities prohibited within this By-law shall be permitted within a park or designated area of a park where:
 - (i) Posted allowing for such activity(ies); or,
 - (ii) through a permit, which has been authorized at the discretion of the Manager of Parks & Facilities or his or her designate.

Conduct

- 5. While in a park no person shall:
 - (a) indulge in any riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language; or,
 - (b) cast, throw or in any way propel any object in such a manner as may or does endanger or cause injury or damage to any person or property; or,
 - (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.

Firearms or Offensive Weapons

6. While in a *park* no person, shall be in possession of or use any firearm, torpedo, rocket of any type, air gun, bow and arrow, axe or offensive weapon of any kind.

Fireworks

7. While in a *park*, no person shall ignite, discharge or set off any fireworks except at a fireworks display authorized through an exemption, which is compliant with those regulations set forth by Norfolk County, the Province of Ontario and authorized by the Norfolk County Fire Chief or his or her designate.

Injury and Damage

8. No person shall in any park:
- (a) climb any building, structure or equipment, unless it is equipment designed for climbing; or,
 - (b) destroy, cut, mark, break, dig, pull up or burn or in any way damage, injure, remove or deface:
 - (i) any tree, flower, flower bed, bush, shrub, plant, sod, grass or other vegetation, soil, sand, gravel, or wood;
 - (ii) any monument, fountain, bridge, wall, seat, bench, structure or article of park equipment or any other appurtenance thereof; or,
 - (c) in any manner disturb ground which is under repair, prepared for planting, has been newly seeded or sodded or is a *Posted area* to that effect; or,
 - (d) drive, park or walk in an area *Posted* to prohibit same.

Waste and Pollution

9. No person shall in any park:
- (a) dispose or dump garbage, litter, tree trimmings, garden refuse, or like refuse, except that which is generated through the normal use of the park and shall only deposit same in receptacles provided for such purpose; or,
 - (b) dump or deposit snow, fill, soil, building or construction materials; or,
 - (c) dump or drain onto any soils or into waters of any pool, pond, lake, stream, fountain or watercourse of any kind any material, toxic or otherwise, which may have effect of polluting same.

Protection of Wildlife

10. While in a park no person shall:
- (a) kill, attempt to kill, trap, hunt, pursue or in any manner disturb any animal, bird, waterfowl or other wildlife; or,
 - (b) feed any waterfowl where *Posted* to prohibit same.

Encroachment / Access to Private Property

11. No person shall:
- (a) encroach upon or take possession of any park, temporarily or permanently, 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; or,
 - (b) make use of a park for the operation of any vehicle to access an adjacent property.

Alcohol

12. While in a park, no person shall consume, serve or sell alcoholic beverages unless authorized through an exemption which includes the appropriate Special Occasion Permit from the Alcohol and Gaming Commission of Ontario.

PART II – PARK USECampfires and Barbecues

13. Subject to the By-law, regulating the setting of fires in Norfolk County, known as By-law 2002-243, as amended, while in a park, no person shall:
- (a) light, build or stoke a fire or bonfire, in an undesignated area; or,
 - (b) use a solid fuelled portable barbecue; or,
 - (c) use fuel other than charcoal or briquettes in a barbecue provided by the County; or,
 - (d) leave a fire unattended or leave the site of the fire before the fire is completely extinguished.

Organized Gatherings and Picnics

14. While in a park, no person shall:
- (a) interfere with a picnic, organized gathering or event authorized by permit; or,
 - (b) hold a picnic, organized gathering or event for more than twenty-five persons without obtaining a reserved use permit.

Amplifiers and Loud Speakers

15. (a) Subject to the By-law(s) regulating noise, known as the Noise By-law, as amended, no person shall operate loud speakers or sound amplifying equipment while in a park; or,
- (b) While in a park no person shall operate, or use any radio, tape player, compact disc player, car radio, music-producing instrument or any other sound reproducing system in a manner which, disturbs or interferes with other persons in or near the park.

Camping and Lodging

16. No person shall dwell, camp, or lodge in a park or designated parking area.

Tents and Structures

17. No person shall place, install or erect any temporary or permanent tent or structure in any park.

Bathing, Swimming and Sun Bathing

18. No person shall in any park:
- (a) enter any public swimming pool, except at times designated for swimming; or,
 - (b) 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; or,
 - (c) swim, bathe or wade in any fountain, pond, lake or stream, except in a designated area; or,
 - (d) other than an approved personal floatation device take any inflatable device, swimming assist, snorkel or other underwater breathing device into the water in a park; or,
 - (e) utilize facilities without being properly attired including appropriate swimwear.

Use of Wash and Change Rooms

19. 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 SPORTS**Organized Sports or Activities**

20. (a) While in a park, no person shall:
- (i) arrange or engage in an organized sport or activity, except in a designated area; or,
 - (ii) interfere with an organized sport or activity occurring within a designated area, which has been authorized through an exemption.
- (b) In addition to the prohibitions set out in subsection (a), while in any park no person shall utilize a designated area where same is Posted to prohibit or restrict such.

Golfing and Archery

21. No person shall play or practice golf or archery except in a designated area.

Model Aircraft and Rockets

22. No person shall operate any powered models of aircraft or rockets except in a designated area.

Skiing, Tobogganing and Sledding

23. No person shall ski, toboggan, snowboard, skibob or sled in any area in any park Posted to prohibit the same.

In-Line Skates and Skateboards

24. (a) While in a park, no person shall:
- (i) operate or utilize scooters or in-line skates, skateboards or like conveyances where Posted to prohibit or otherwise restrict these of the same; or,
 - (ii) obstruct, inconvenience or endanger other users of the park while operating or utilizing roller skates, in-line skates, skateboards or like conveyances.
- (b) No person shall operate or utilize roller skates or in-line roller skates, skateboards or like conveyances in a designated area for such in a park except in accordance with the Posted rules and regulations.

Tennis

25. 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 – VEHICLESRoadways

26. (a) The Council, or where such authority has been delegated to the General Manager, is authorized to establish appropriate rules to regulate the use of park roadways.
- (b) Except as provided in respect to Section (28) with respect to bicycles, no person shall while in a park drive, operate, pull or ride any vehicle except on a roadway or parking area.

Parking

27. No person shall in any park:
- (a) park or leave a vehicle except in a designated area for parking; or,
 - (b) park or leave a vehicle between the hours of 11:01 pm and 6:59 am except in a designated area allowing for such overnight parking; or,
 - (c) stop or park a vehicle in a designated area for parking, except in a parking space and in accordance with Posted conditions; or,
 - (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 their vehicle; or,
 - (e) use any parking space except while using the park; or,
 - (f) park in a designated fire route.

Other Activities

28. No person shall make use of any roadway or designated area for parking in any park for:
- (a) washing, cleaning, servicing, maintaining or, except in the event of an emergency, the repair of any vehicle; or,
 - (b) the operation of any vehicle to access an adjacent property; or
 - (c) instructing, teaching or coaching any person in the driving or operation of a motor vehicle; or,
 - (d) playing any games and / or sports.

Bicycles

29. While in any park, no person shall:
- (a) ride, operate or be in possession of any bicycle where Posted to prohibit same; or,
 - (b) obstruct, inconvenience or endanger other users of the park while riding or operating a bicycle.

Motorized Recreational Vehicles

30. 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.

Trucks and Commercial Motor Vehicles

31. No person shall 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 being used for the purpose of making a delivery to a point within the limits of the park while proceeding to or from such point of delivery.

Speed

32. No person shall operate any vehicle on a roadway at a speed in excess of the Posted limit.

Dumping

33. No person shall dispose or dump any form of rubbish or garbage where Posted to prohibit the same.

PART V – ANIMALS

33. No person shall bring any animal into a park, including a horse or pony, except a domesticated animal, which includes but is not limited to a dog or cat.
34. (a) While in a park, no person as owner or as a person having control of any dog, cat or other domesticated animal, excluding persons reliant upon service animal, shall:
- (i) allow him/her to run at large, except in Posted designated areas; or,
 - (ii) permit any dog, cat or other domesticated animal to enter any beach, pond, swimming area, garden, landscaped area, playground or sports field, or any other Posted designated area to prohibit same; or,
 - (iii) disturb wildlife; or,
 - (iv) damage any park resources.

- (b) While in a park, every person as owner or person having control of any dog, or cat or other domesticated animal shall ensure:
 - (i) that it is on a leash or chain not exceeding six (6) feet (1.9 metres) in length when not running at large in a Posted designated area; or,
 - (ii) that he/she picks up and removes forthwith excrement left by a dog, or cat or other domesticated animal and dispose of it in a sanitary manner in a receptacle for litter or in some other suitable container; and,
 - (iii) The provisions of sub-paragraph (i) do not apply to a person who has control of a service animal where it is being used to aid a person with a visual, hearing or other impediment.
- 35. (a) No person as owner or person having control of a dog or cat or other domesticated animal shall bring in or permit such dog, or cat or other domesticated animal to enter any park if it:
 - (i) may or does constitute a danger to other park users; or,
 - (ii) is reasonably likely to frighten other park users.
- (b) No person as owner or person having control of a dog or cat or other domesticated animal shall bring in or permit such dog, or cat or other domesticated animal to enter any park if that person or the person having control:
 - (i) has previously been advised by a police officer or By-law Enforcement Officer not to bring the dog, cat or other domesticated animal into a park; or,
 - (ii) has been convicted of an offence related to the conduct of the dog, cat or other domesticated animal under the Dog Owners' Liability Act, R.S.O. 1990, c.D 16 or this By-law or any other municipal By-law.

PART VI – WATERCRAFT

Boating

36. No person shall place, operate, drive or ride any watercraft in any park in any Posted area which prohibits or restricts the allowable uses and the type of the same

Mooring

37. (a) No person shall, subject to any right at law to do so, moor watercraft in any park:
 - (i) except in designated area; or,
 - (ii) for a period longer than 48 hours, except in a marina or boating, sailing, canoeing, or yacht club authorized by Council, or as otherwise Posted; or,
 - (i) contrary to Posted restrictions or prohibitions or in any way that may or does endanger or inconveniences other watercraft or their use or other users of the park.
- (c) Except in a designated area, no person shall launch any watercraft from any park into any lake or river.
38. In addition to any other remedy the County may have available to it, boats moored in contravention of Section (36) may be removed by the County with no notice to the owner and/or occupant.

PART VII – COMMERCIAL ENTERPRISE**Sale of Merchandise, Trade or Business**

39. (a) No person shall, while in a park, sell or offer or display for sale:
- (i) any food, drink or refreshments; or,
 - (ii) any goods, wares, merchandise or articles including promotional material, souvenirs and novelties; or,
 - (iii) any flowers, fruits or vegetables; or,
 - (iv) any art, skill, service or work.
- (b) No person shall, while in a park, practice, carry on, conduct or solicit for any trade, occupation, business, profession or charity.

Filming and Videotaping

40. While in a park, no person shall take or permit to be taken any film, photograph, or videotape where *Posted* to prohibit same.
41. Subject to Norfolk County Policy on film promotion, as amended, while in a park no person shall take or permit to be taken any film or videotape for the purpose of commercial broadcast, excluding news broadcasts, or production unless through an exemption.

Circulars and Advertisements

42. (a) Excluding County staff, no person shall:
- (i) while in any park distribute, discard, or display any handbill, notice, or other circular, bill or advertisement; or,
 - (ii) post, nail, stencil or otherwise fasten or erect any poster, sign, notice, placard or other circular, bill, advertisement or paper to any park property.

PART IX – REGULATION AND ENFORCEMENT**Permits and Licenses**

43. (a) Permits issued for activities contemplated in this By-law may be subject to such fees as Council shall from time to time establish by by-law.
- (b) Permits issued for activities contemplated in this By-law may include conditions as to time, location, area, equipment, and number of participants, types of activities, release, indemnity and insurance coverage.
- (c) Permit holders requiring additional services that are above the regular services provided in parks may be subject to additional fees for such services, as Council shall from time to time establish by by-law.
- (d) The issuance of a permit pursuant to the 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.

Permits and Licenses (Cont'd)

- (e) Permit holders requiring assistance in obtaining regulatory approvals may be subject to such fees as Council shall from time to time establish by by-law.
- (f) The authority to issue permits referred to in this By-law is delegated to the General Manager or his or her designate(s).

Posting of Signage

44. The General Manager 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.

Temporary Closure

45. The General Manager is authorized to close off for such temporary period as the General Manager deems appropriate any park or part or parts thereof to relieve or prevent overcrowding or traffic congestion, or in the interests of public safety, or as may be authorized by Council.

Exclusions and Exemptions

46. This By-law shall not apply to:
- (a) the drivers, operators or other personnel ambulances, police or fire department vehicles; or,
 - (b) employees or agents of the County while engaged in works or services undertaken for, or on behalf of the County.

Enforcement

47. (a) Any Police Officer, Provincial Offences Officer, By-law Enforcement Officer or employee(s) of the County designated by the General Manager 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, By-law Enforcement Officer or employee(s) of the County designated by the General Manager 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;
 - (ii) 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
 - (iii) to leave the park.
- (c) Any Police Officer, Provincial Offences Officer, By-law Enforcement Officer may enforce the provisions of this By-law.

Enforcement (Cont'd)

- (c) Where any person or persons in a group contravenes any provisions of this By-law to which a permit and/or license has been issued, or fails to comply with an order referred to in subsection (b) hereof, the permit and/or license of such person or group to remain in that park is revoked.

Penalties

48. Every person who contravenes any provision of this By-law is guilty of an offence and penalties pursuant to the provisions of the Provincial Offences Act.

Severability

49. 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, it shall be severed and it is hereby declared that the remainder of the By-law shall be valid and shall remain in full force and effect.

Short Title

50. This By-law shall be referred to as the "Parks Use By-law".

Repeal and Transition

51. (a) That the former City of Nanticoke By-law 74-77, the former Town of Simcoe By-law 84-36, former Township of Delhi By-law 490-81, former Township of Norfolk By-law 1061-88, and any amendments thereto, are hereby repealed in their entirety upon this By-law coming into force and effect.
- (b) Notwithstanding subsection (a) all permits heretofore issued prior to this By-law coming into effect, shall, during the period for which the same have been issued remain in full force and effect unless for some other reason they are terminated, suspended, forfeited or revoked, and the provisions of this By-law shall apply to all such permits.

Effective Date

52. That the effective date of this by-law shall be the date of final passage thereof.

ENACTED AND PASSED THIS 30TH DAY OF MARCH, 2004.

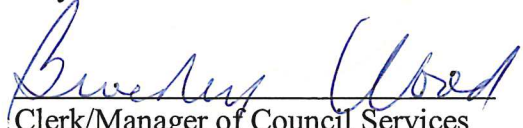
First Reading: March 30, 2004

Second Reading: March 30, 2004

Third Reading: March 30, 2004

C.S.D. 04-14


Mayor


Clerk/Manager of Council Services