

The Corporation of the Town of Tecumseh

By-Law Number 2024-107

A by-law to regulate municipal Parks in the Municipality of Tecumseh

Whereas Sections 9 to 11 of the *Municipal Act*, 2001, S.O. 2001 c. 25, as amended, (the "**Municipal Act**") confer the power to a municipality to pass by-laws regulating and prohibiting with respect to culture, parks, recreation and heritage;

And Whereas Sections 9 to 11 of the Municipal Act confer the power to a municipality to pass by-laws regulating and prohibiting with respect to parking on municipal parking lots and structures;

And Whereas Sections 9 to 11 of the Municipal Act confer the power to a municipality to pass by-laws regulating and prohibiting with respect to animals;

And Whereas Section 429 of the Municipal Act, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act;

And Whereas Section 434.1 of the Municipal Act, authorizes a municipality to require persons to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a municipal by-law passed, subject to conditions as the municipality considers appropriate;

And Whereas the Council of The Corporation of the Municipality of Tecumseh is desirous to enact the following by-law for regulating all municipal parks in the Municipality.

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

Part 1: Definitions:

In this By-Law wherever a word is used with its first letter capitalized, the term is being used as it is defined in this Part 1.

- 1.1 "**Authorized Sign**" means any sign, notice, or other device placed or erected in or upon a Park, under the authority of this By-law.
- 1.2 "**Bicycle**" includes a tricycle and unicycle but does not include a motor assisted Bicycle.
- 1.3 "**Cannabis**" refers to any recreational cannabis in any form.
- 1.4 "**Control**" includes care and custody.

- 1.5 **"Council"** means the Council of the Corporation of the Town of Tecumseh.
- 1.6 **"Designated Area"** means an area defined or constructed for a specific use, which may include posted conditions.
- 1.7 **"E-Scooter"** means a vehicle that has:
- (a) two wheels placed along the same longitudinal axis, one placed at the front of the e-scooter and one at the rear,
 - (b) platform for standing between the two wheels,
 - (c) a steering handlebar that acts directly on the steerable wheel, and
 - (d) an electric motor not exceeding 500 watts that provides a maximum speed of 15 kilometres per hour.
- 1.8 **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.
- 1.9 **"Motorized Recreational Vehicle"** means a snowmobile, go-cart, trail bike, minibike, all terrain vehicle, power-assisted bicycle or similar Vehicle, propelled or driven by an internal combustion, or battery/electrical engine.
- 1.10 **"Municipality"** means The Corporation of the Town of Tecumseh.
- 1.11 **"Naturalized Area"** means an area of land or water dominated by native vegetation and undisturbed by human activity.
- 1.12 **"Organized Gathering"** means any gathering by a group or organization whether or not pre-planned or formally constituted, including but not limited to:
- (a) weddings and bridal/baby showers;
 - (b) funerals;
 - (c) celebrations of life;
 - (d) concerts;
 - (e) family reunions, parties, picnics or similar events;
 - (f) parades;
 - (g) political or religious gatherings/speeches and/or meetings;
 - (h) family reunions;
 - (i) public and/or other meetings of any groups or organizations;

- (j) any event otherwise determined by the Municipality acting reasonably to be an Organized Gathering.

- 1.13 **"Organized Sport"** or **"Activity"** means a sport, game, exercise class, recreational program, or activity pre-planned by a group or organization whether or not formally constituted and whether or not the players or members wear uniforms.
- 1.14 **"Park"** means land and land covered by water, and all portions thereof; owned by or under the care and control of the Municipality 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 a public open space, naturalized area, or such other public recreational use, 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 Municipality.
- 1.15 **"Parking Area"** means a part or those parts of a Park that is designated and intended to park Motor Vehicles.
- 1.16 **"Permit"** means any written authorization of Council, a committee established by Council or employee of the Municipality where such power has been delegated.
- 1.17 **"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 located.
- 1.18 **"RC Vehicle"** refers to any remote-controlled vehicle such as a car, truck, buggy, boat, plane, helicopter, or drone.
- 1.19 **"Refuse"** means any article, thing, that appears to be waste material and is discarded as waste including but not limited to the following classes of waste material:
 - (a) grass clippings, tree cuttings, brush, leaves and garden refuse;
 - (b) paper, cardboard, clothing;
 - (c) all kitchen and table waste, of animal or vegetable/fruit origin resulting from the preparation or consumption of food except any acceptable material placed in a container;
 - (d) cans, glass, plastic containers, dishes;
 - (e) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
 - (f) refrigerators, freezers, stoves or other appliances and furniture;

- (g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
 - (h) unlicensed motor vehicle, inoperative motor vehicle, vehicle parts and accessories, vehicle tires mounted on rims or unmounted, mechanical equipment;
 - (i) rubble, inert fill, fencing materials; and
 - (j) other miscellaneous scrap metal item.
- 1.20 **“Solid Fuel”** means any solid substance which may be used for fuel such as coal, wood, biomass, peat, and/or charcoal.
- 1.21 **“Temporary Shelter”** means a tent, lean to or other form of shelter that is temporary and portable in nature that is constructed from nylon, plastic, cardboard or other similar non-rigid material, and that covers an area of less than ten (10) square meters.
- 1.22 **“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.

Part 2: Scope

- 2.1 This By-law shall apply to all Parks in the Municipality and any premises located therein which are under the control or management of the Municipality inclusive of Parking Areas and of the streets and approach thereto and connecting the same.

Part 3: Conduct

3.1 Conduct

3.1.1 While in a Park no person shall:

- (a) engage in any riotous, boisterous, violent, lewd, sexual, threatening, or other illegal conduct or use profane or abusive language;
- (b) organize or take part in games of disc golf unless authorized by signage by the Municipality;
- (c) cast, throw, or in any way propel any object (unless such activity is permitted by the Municipality) in such a manner as may or does endanger or cause injury or damage to any person or property;

- (d) create a nuisance by loitering, spying, accosting, frightening, annoying or otherwise disturbing other persons; or otherwise act or cause others to act in any way which interferes with the reasonable use and enjoyment of any park by other persons;
- (e) urinate or defecate in or on a Park except in a provided public or private toilet facility;
- (f) enter or remain in any public park, place, area or location within a public park where a "No Admittance" sign has been erected;
- (g) release balloons or lanterns;
- (h) destroy or cut, mark, break, dig, tear up, burn, decorate, adorn, or in any way damage, injure or deface:
 - (i) any tree, flower bed, shrub, plant or sod;
 - (ii) any pool, fountain, bridge, fence, wall, gateway, roadway, pavement, parking area, sidewalk, walk or other facility, erection or improvement;
 - (iii) any building or other structure, or any appurtenance thereof; or
 - (iv) any swing, slide, playground apparatus, table, seat, bench, sign, vase or other fixture, equipment or personal property or ornament or utility, located in or upon any park;
- (i) walk, run, or drive a vehicle on or allow any animal or child in their custody to go upon any area or otherwise disturb any area that is under repair, has been or is being prepared for planting, has been or is being newly seeded or sodded, or is an area where restricted signs are posted;
- (j) construct upon or alter the grade of any property;
- (k) enter and leave any park except by designated entrance ways or exit, or enter or attempt to enter any facility, area or building sealed, locked or otherwise restricted from public access;
- (l) use any buildings, structures or equipment for any purpose other than that for which it was obviously intended;
- (m) remove or change the location of or in any way disturb the setting of playground or any other equipment or chattels or of any part or portion thereof;
- (n) climb any building, structure or equipment, unless it is equipment designed for climbing; and/or

(o) use of a metal detector in any park without permission.

3.1.2 In addition to any other penalty under this Bylaw, any person who violates this By-law may be removed from the Park pursuant to the Municipality's Visitor and No Trespass Policies.

3.2 **Firearms or Offensive Weapons**

3.2.1 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 unless authorized by Permit.

3.3 **Fireworks**

3.3.1 While in a Park, no person shall ignite, discharge or set off any fireworks except as a fireworks display authorized by Permit in compliance with Tecumseh's Firework By-law 2023-045 as amended.

3.4 **Encroachment**

3.4.1 Without written consent from the municipality, no person shall encroach upon or take possession of any park or part thereof by any means whatsoever, including but not limited to:

- (a) The construction, installation or maintenance of any fence or structure;
- (b) The planting, installation or maintenance of any plant, plant material, shrub, tree or garden;
- (c) Leave, deposit, store or dump any refuse or plant materials of any kind,
- (d) Store, maintain, repair or construct a vehicle of any description, trailer, building, structure, fence or playground equipment in any park;
- (e) Remove, destroy or construct any new pavement, sidewalk, crosswalk, trail, grass plot or roadway or any part thereof without written consent from the Municipality.

3.5 **Injury and Damage**

3.5.1 No person in any Park shall:

- (a) climb onto any Park building, structure or equipment not intended for that purpose;
- (b) climb any bridge in a Park;

- (c) damage or deface any Park building, structure or equipment;
- (d) damage or disturb in any manner grounds prepared for planting;
or
- (e) remove, mark, cut or destroy, any soil, sand, gravel, stone, rocks, wood, or any other material located in the Park.

3.6 **Waste and Pollution**

- 3.6.1 No person shall deposit, discharge, dump or leave waste of any kind and/or refuse of any kind in a Park.

3.7 **Protection of Wildlife and Environment**

- 3.7.1 While in a Park no person shall:

- (a) kill, attempt to kill, hunt, maim, injure, trap, remove or disturb any animal, bird, waterfowl, worms, or other wildlife; or
- (b) touch, injure or remove any nest or egg therefrom, or feed any waterfowl.
- (c) Allow any domestic animal under their care to chase, injure, harass, or kill any animal in the Park.

- 3.7.2 At any time, the Municipality may designate an area in a Park as a Naturalized Area for conservation purposes. These areas may include:

- (a) Woodlots,
- (b) Hazard lands, and/or
- (c) Naturalized open areas.

3.8 **Alcohol**

- 3.8.1 While in a Park, no person shall consume, serve or sell alcoholic beverages unless in compliance with the Alcohol Policy of the Municipality and as authorized by a Permit and with the approval of the Liquor Licence Board of Ontario.

3.9 **Recreational Drugs**

- 3.9.1 While in a Park, no person shall consume or sell any recreational cannabis, or emerging cannabis products (as may be identified from time to time by the Windsor-Essex County Health Unit) whether smoked or edible, unless they have a medical permit authorizing consumption.

3.10 Smoking

- 3.10.1 While in a Park, no person shall smoke or sell any tobacco, hookah, vape, and any similarly emerging tobacco products (as may be identified from time to time by the Windsor-Essex County Health Unit) and shall adhere to the provisions of the Municipality's Smoke Free Outdoor By-law 2014-60, as amended.

Part 4: Park Use

4.1 Access

- 4.1.1 Unless authorized by the Municipality, no person shall access or occupy a Park for non-recreational uses or to access an adjacent property
- 4.1.2 Unless authorized by the Municipality no person shall use, enter or gather in a Park between the hours of 10:00 p.m. and 6:00 a.m.

4.2 RC Vehicles and Rockets

- 4.2.1 While in a Park, no person shall drive, fly, or operate an RC vehicle, drone, or launch a rocket without written consent from the Municipality.

4.3 Campfires and Barbecues

While in a Park, no person shall:

- 4.3.1 light, build or stoke a fire or bonfire unless authorized by a permit;
- 4.3.2 leave unattended a solid or regular fuelled portable barbecue.

4.4 Organized Gatherings

- 4.4.1 While in a Park, no person shall:
- (a) hold or organize a Organized Gathering or Organized Sport or Activity for more than 25 persons without a permit;
 - (b) participate or take part in an Organized Gathering or Organized Sport or Activity for more than 25 persons that has not been authorized by a permit.
- 4.4.2 Where an Organized gathering or Organized Sport or Activity is for more than 25 people, a Permit must be obtained from the Municipality.

4.5 Photography and Videography

While in a Park or Parking Area, no person shall unless authorized by permit or otherwise posted:

- 4.5.1 engage in commercial photography or videography;
- 4.5.2 film, photograph, stream or videotape for remuneration/profit;
- 4.5.3 make a live or recorded broadcast or stream to media, except if same is made by a recognized news media;
- 4.5.4 paint likeness, take pictures, record, stream and/or broadcast video or record audio of any persons without the consent of that person and while in a wash or change room or such other areas where restricted signs are posted.
- 4.5.5 The Municipality shall be exempt from the prohibitions noted in this section and section 4.9 for the purposes of security, surveillance, health & safety, crime prevention and/or such other legal purposes in a Park.

4.6 **Amplifiers and Loudspeakers**

- 4.6.1 Unless authorized by Permit, no person shall operate loudspeakers or sound amplifying equipment while in a Park as per Noise By- Law 2023 -110 as amended.
- 4.6.2 While in a Park, no person shall cause or permit the emission of noise at an unacceptable volume and in a manner which reasonably disturbs or interferes with other persons in or near the Park.

4.7 **Camping, Lodging, Tents and Structures**

- 4.7.1 Unless authorized by a Permit, no person shall dwell, camp, or lodge in any Park or Parking Area and may be removed from the Park or Parking Area.
- 4.7.2 Unless authorized by a Permit, no person shall place, install, or erect any temporary or permanent structure or park an RV or recreational vehicle in a Park or Parking Area.

4.8 **Bathing and Swimming**

- 4.8.1 No Person:
 - (a) shall enter any public swimming pool, except at times designated for swimming
 - (b) shall enter any public swimming pool having an infectious disease.
 - (c) while 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.

- (d) shall Swim, bathe or wade in any pond, lake, stream, or Park except in a designated area.
 - (e) other than in designated leisure pools, shall swim or enter any body of water in a Park.
 - 4.8.2 Shall in or adjacent to any swimming pool, or other designated swimming areas, fail to abide by the posted signs or obey to the instructions of a lifeguard or authorized person, falsely call for help or assistance.
 - (a) stand, sit, or climb onto lifeguard perches or use equipment such as boards, or boats.
 - 4.8.3 Shall utilize facilities without being properly attired including appropriate swimwear.
 - 4.8.4 Shall change clothing in any area other than designated change rooms.
- 4.9 Washrooms and Change Rooms**
- 4.9.1 No person shall enter any portion of any washroom or change room in any Park except for those washrooms or change rooms that match their living gender identity.
 - 4.9.2 While in any washroom or change room, no person shall:
 - (a) urinate or defecate except in a designated washroom facility;
 - (b) paint likeness, take pictures, record video and/or audio of any persons if a minor or without consent;
 - (c) engage in sexual activity;
 - (d) climb, break, or destroy any facilities or equipment.

Part 5: Games, Sports and Organized Activities

5.1 Organized Sports or Activities

- 5.1.1 While in a Park, no person shall:
 - (a) arrange or engage in an Organized Sport or Activity, except in a Designated Area which has been Posted; or

- (b) interfere with an Organized Sport or Activity occurring within a Designated Area.

5.1.2 In addition to the prohibitions set out in subsection 5.1.1, while in any Park no person shall utilize a Designated Area without a Permit where same is Posted to prohibit or restrict such use.

5.2 **Golfing and Archery**

5.2.1 While in a Park no person shall play or practice golf or archery except in a Designated Area.

5.3 **Skiing, Tobogganing, and Sledding**

5.3.1 All persons shall ski, toboggan, snowboard, or sled in any area in any Park at their own risk and at no expense of the Municipality.

5.4 **Tennis/Pickleball**

5.4.1 No person shall enter walk or play upon a Designated Area for tennis/pickleball in any Park except in accordance with the Posted rules and regulations.

5.5 **Other Sports**

5.5.1 No person shall engage in playing any game such as baseball, basketball, cricket, croquet, football, golf, rugby, soccer, volleyball and frisbee, nor any other game that involves the projection of any object through the air, such as archery, except in areas designated by the Municipality, and in which facilities have been installed by the Municipality specifically for such purposes.

5.6 **Park Hours**

5.6.1 All Parks shall close at 10 p.m., and shall remain closed, until 6:00 a.m., the following morning unless otherwise posted.

5.6.2 No person shall remain in the park after the closing hour or before the posted opening hour.

5.6.3 No Organized Sport or Activity shall commence before 8 a.m., local time on Saturdays, Sundays, and statutory holidays.

Part 6: Vehicles

6.1 Roadways

- 6.1.1 The Council, or where such authority has been delegated to a Municipal Employee is authorized to establish appropriate rules to regulate the use of Park roadways.
- 6.1.2 Unless authorized by Permit, and except as provided in respect to section 6.5 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.

6.2 Parking

- 6.2.1 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 during which a Park is closed;
 - (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*, RSO 1990 c.H.8 as may be amended from time to time is properly displayed on or in the Vehicle;
 - (e) use any parking space except while using the Park;
 - (f) park in a designated fire route: or
 - (g) park without consent of the Director Community & Recreation Services or designate.

6.3 Other Activities

- 6.3.1 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;
 - (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.

6.4 Motorized Recreational Vehicles

6.4.1 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.

6.5 Recreational Vehicles

6.5.1 It shall constitute as an offence for a Person operating a Bicycle, Electric Kick Scooters, Roller Blades, Skateboard or Power-Assisted Bicycle to:

- (a) Operate the Bicycle, Electric Kick-Scooters or Power-Assisted Bicycle in areas not designated;
- (b) Fail to Adhere to designated trail or pathway surfaces;
- (c) Obstruct or otherwise endanger other users of the Park;
- (d) Travel speeds 20km/h or more;
- (e) Fail to obey signage;
- (f) Fail to yield to pedestrians;
- (g) Fail to keep right unless passing;
- (h) Fail to use a bell, horn or verbal indication when passing;
- (i) Fail to use caution around pedestrians;
- (j) Fail to Dismount when crossing streets, and
- (k) Fail to Operate the Bicycle, Electric Kick-Scooters or Power-Assisted Bicycle in a safe and prudent manner to the satisfaction of the Officer in their sole opinion.

6.5.2 No person shall operate more than two bicycles abreast at any time on any designated path and such operation shall not impede the pedestrian traffic in any public Park.

6.6 Exception

6.6.1 Despite any regulation in this By-law restricting the use of motor vehicles in parks, and for greater certainty only, a wheelchair or similar device (motorized or otherwise) used by an individual due to a disability may be used in all areas of parks including all multi-use pathways and the accessible portions of hiking trails.

6.7 Trucks and Commercial Motor Vehicles

No person shall drive, operate, pull or ride in any Park:

6.7.1 any heavy machinery or equipment of any description and whatever the mode of power; or

6.7.2 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.

6.8 Boating and Mooring

No person shall place, operate, drive or ride any watercraft in any Park in any area posted unless granted a Permit from the Municipality.

Part 7: Animals

7.1 General Conduct

7.1.1 Unless authorized by Permit no person shall bring any animal into a Park including a horse, pony, donkey or mule except a domesticated animal which includes but is not limited to a dog or a cat.

7.1.2 While in a Park, no person as owner or person having Control of any domesticated animal shall:

- (a) allow such animal to run at large, except in a Designated Area;
- (b) excluding persons reliant upon a Service Animal, permit any dog, or cat or other domesticated animal to enter any pond, swimming area, garden, landscaped area, playground or sports field, or any other area Posted to prohibit same, or disturb any wildlife or damage any Park
- (c) Otherwise, be in violation if the Municipalities' Animal Control By-laws (By-laws 1999-007, 2003-091 and 2017-61 (as amended or successors thereof)).

- 7.1.3 While in a Park every person as owner or person having Control of any dog or cat or other domesticated animal shall:
- (a) ensure that she/he is on a leash or chain not exceeding two metres six 6 feet six 6 inches in length when not running at large in a Designated Area or
 - (b) pickup and remove 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 unless has Control of a Service Animal where it is being used to aid a person with a visual, hearing or other disability, both mental and physical necessitating a service animal.
- 7.1.4 While a dog or cat or other domesticated animal is in an area designated as a leash free zone, every person as owner or person having Control of a dog cat or other domesticated animal shall:
- (a) carry with her/him a leash;
 - (b) immediately remove a dog or cat or other domesticated animal that shows aggressiveness toward people or other dogs or cats or other domesticated animals or at the direction of a police officer provincial offences officer municipal law enforcement officer or employee of the Municipality designated by Council to administer this By-law;
 - (c) ensure that the dog or cat or other domesticated animal does not leave the Designated Area while off her/his leash; and
 - (d) ensure that the dog or cat or other domesticated animal while in the designated Area is always under voice Control and within visual sight.
 - (e) ensure any excrement from a dog is picked up and removed from the Park.
- 7.1.5 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 she/he may or does constitute a danger to other Park users or is reasonably likely to frighten other Park users and the owner and or the person having Control of the dog, or cat or other domesticated animal has previously been advised by a police officer, provincial offences officer, municipal law enforcement officer or employee of the Municipality designated by Council to administer this By-law not to bring the dog, or cat or other domesticated animal into a Park or has been convicted of an offence related to the conduct of the dog or 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 8: Commercial Enterprises

8.1 Sale of Merchandise, Trade or Business

8.1.1 Unless authorized by Permit no person shall while in a Park sell or offer or display for sale:

- (a) any food drink or refreshment;
- (b) any goods wares merchandise or articles including promotional material, souvenirs, and novelties;
- (c) any flowers fruits or vegetables;
- (d) any art, skill, service work; or
- (e) photography for profit services.

8.1.2 Unless authorized by Permit, no person shall while in a Park, carry on, conduct, and/or solicit for any trade, occupation or business profession or charity.

8.2 Circulars and Advertisements

8.2.1 Unless authorized by Permit no person shall:

- (a) while in any Park distribute, discard or display any sign or advertising device; or
- (b) post, nail attach stencil or otherwise fasten or erect any sign or advertising device to any Park property.

Part 9: Regulation and Enforcement

9.1 Permits and Licences

9.1.1 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.

9.1.2 Permits issued for activities contemplated in this By-Law may include terms and conditions as to time, location, area, equipment, number of participants, type of activities, release, indemnity and insurance coverage.

- 9.1.3 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.
- 9.1.4 The authority to issue Permits referred to in the By-Law is delegated to the Director of Community and Recreation Services or designate.
- 9.1.5 The following factors shall be considered by the Municipality in reviewing an application for a permit or authorization under this Bylaw:
- (a) whether such activity will damage the Park;
 - (b) whether the proposed activity will or is likely to cause a hazardous or dangerous condition;
 - (c) the payment of applicable fees and charges if applicable, and as set out in the Municipality's Fees and Charges Bylaw; and
 - (d) the potential for conflicts with other persons using the Park.

Any person or group receiving any such permit or authorization is, at all times, subject to the conditions imposed and the provisions of this Bylaw in every respect; and the responsibility, at all times, is on the person or group receiving such permission to duly carry out all such conditions imposed, and to save harmless and protect the Municipality from and against any and all claims, demands, suits, or compensation of whatsoever kind arising either directly or indirectly out of the permission granted.

9.2 Posting of Signage

- 9.2.1 The Director Community & Recreation Services is authorized to Post any signage of permission, regulation, restriction, warning or prohibition with respect to the uses of activities in any park in accordance with the provisions hereof.

9.3 Temporary Closure

- 9.3.1 The Director Community & Recreation Services is authorized to close off parks for such temporary period as the Director 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.

9.4 Exclusions and Exceptions

- 9.4.1 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 Municipality while engaged in works or services undertaken for or on behalf of the Municipality.

9.4.2 A Council may upon an application from any person, authorize exemptions or minor variances from this By-Law, if in the opinion of Council, the general intent and purpose of the By-Law are maintained.

9.5 Enforcement

9.5.1 Any police officer, provincial offences officer, municipal by-law enforcement officer, or employee of the Municipality designated by Council to administer this By-Law is authorized to inform any person of the provisions of this By-Law and request compliance therewith.

9.5.2 Any police officer, provincial offences officer, municipal law enforcement officer, or employee of the Municipality 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:

- (a) to desist from the activity constituting or contributing to such contravention and to take such steps as may be required to come into compliance thereof;
- (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.

9.5.3 Any police officer, provincial offences officer, or municipal law enforcement officer may enforce the provisions of this By-Law.

9.5.4 Where any person contravenes any provisions of this By-Law or any person in a group to which a Permit and/or licence has been issued or fails to comply with an order referred to in subsection 2 hereof, the Permit and/or licence of such person or group to remain in that Park is revoked.

9.5.5 Any costs incurred by the Municipality in doing the work required to be done to ensure compliance by a person who is in contravention of any provisions of this By-law may be recovered by action or adding the costs to the tax roll and collecting them in the same manner as taxes.

9.6 Offences

9.6.1 Every Person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

- 9.6.2 Upon conviction, any fine imposed under this By-law may be collected under the authority of the Provincial Offences Act.
- 9.6.3 For the purposes of this By-law, “multiple offences” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- 9.6.4 For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

9.7 Continuation & Repetition Prohibited by Order

- 9.7.1 The court in which the conviction has been entered, and any 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 on the Person.

9.8 Administrative Penalties

- 9.8.1 As an alternative to the laying a charge under the Provincial Offences Act for any breach of any provision of this By-law, an Officer, may issue an Administrative Penalty to the Person who has contravened this By-law provided the authority for the Municipality to issue Administrative penalties has been granted by municipal by-law.
- 9.8.2 A By-Law Enforcement Officer has the discretion to either proceed by way of an Administrative Penalty or a charge laid under the Provincial Offences Act. If an Administrative Penalty is issued to a Person for a contravention of this By-law, no charge shall be laid against that same Person for the same contravention.
- 9.8.3 The amount of the Administrative Penalty for a contravention of a provision of this By-law is fixed as set out in an Administrative Penalty By-law of the Municipality, as amended from time to time, or any successor by-law.
- 9.8.4 A Person who is issued an Administrative Penalty shall be subject to the procedures as provided for in an Administrative Penalty By-law of the Municipality, as amended from time to time, or any successor by-law.
- 9.8.5 An Administrative Penalty imposed on a Person pursuant to this By-law this is not paid within fifteen (15) days after the day it becomes due and payable, constitutes a debt of the Person to the Municipality and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

9.9 Collection of Unpaid Fines

9.9.1 Where a fine is in default, the Municipality may proceed with civil enforcement against the Person upon whom the fine has been imposed, pursuant to the *Provincial Offences Act*.

9.9.2 The Municipality may make a request to the treasurer of a local municipality to add any part of a fine that is in default to the tax roll for any property in the local municipality for which all the Owners are responsible for paying the fine and collect it in the same manner as municipal taxes.

9.10 Validity and Severability

If any section or sections of this by-law or parts thereof are found in any court to be legal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed severable, and all other sections or part of this by-law shall be deemed separate and independent there from and enacted as such.

9.11 Repeal

9.11.1 By-law 2009-13 (Repealed By-law) and any amendments thereto are hereby repealed in their entirety upon the coming into force of this By-law.

9.11.2 Any by-laws of the Municipality or resolutions of Council, or portions thereof, inconsistent with or contrary to this By-law are hereby repealed upon the coming into force of this By-law.

9.12 Enactment

9.12.1 This By-law shall come into force and effect upon the date of its final passing thereof.

Read a first, second, third time and finally passed this 10th day of December, 2024.

Gary McNamara, Mayor

Robert Auger, Clerk