

The Corporation of the Township of Perry
By-law #2006-15

Being a By-law relating to the Use, Protection and Regulation of
Public Parks and Designated Swimming Areas in the Township of Perry

WHEREAS pursuant to Section 11 of the Municipal Act, 2001, SO 2001, c. 25, as amended, a municipality may pass by-laws respecting matters within the sphere of jurisdiction of culture, parks, recreation and heritage;

NOW THEREFORE the Council of the Corporation of the Township of Perry enacts as follows:

1. DEFINITIONS

1.1 In this by-law:

“Authorized Parking Area” means an area of a park designation, 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” includes a unicycle and a tricycle, but does not include a motor assisted cycle of any kind.

“Change Room” means any permanent or temporary structure or portion of a structure designed to accommodate persons for the purpose of changing their clothing. A change room may or may not include washroom facilities.

“Council” means the Council of the Corporation of the Township of Perry.

“Designated Swimming Area” means an area designated by the Township for swimming, and includes lands and beaches designated as forming part of such area.

“Fireworks” means devices containing combustible chemicals that cause explosions or light and/or sound effects, including a rocket or torpedo.

“Hiking Trail” means that part of a park that has been marked, posted or blazed for the purpose of hiking, walking and running by the public, is not pavement or concrete and on which in line skates, skateboards, bicycles, motor vehicles, and motorized recreational vehicles is prohibited. Hiking trails may or may not be accessible to motorized wheel chairs depending on topographic restrictions.

“Liquor” shall have the same meaning as defined in the Liquor Licence Act, RSO 1990, c. L-19, as amended.

“Motor Vehicle” shall mean and includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the Highway Traffic Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a motorized recreational vehicles.

“Motorized Recreation Vehicle” means a motorized snow vehicle, go-cart, trail bike, mini-bike, all terrain vehicle (ATV), pocket bike, scooter, or similar vehicle, propelled or driven by an internal combustion engine or electric motor and includes but is not limited to off-road vehicles, as defined by the Off Road Vehicles Act RSO 1990, c. 0.4 and Highway Traffic Act RSO 1990, as amended, and motorized snow vehicles as defined under the Motorized Snow Vehicles Act, RSO 1990, c. M.44

“Natural Park Area” means an area which may be a 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 purpose of this definition, natural shall mean established by nature or a selection process favoring survival of organisms best adapted to their environment.

“Playground” means the play equipment and the play surface including the encroachment area.

“Property” includes all buildings, structures, equipment, trees, shrubs, horticultural displays, benches, tables, authorized signs, rinks, waste disposal containers, playground equipment, shelters, fencing, lighting, authorized parking areas and other such properties that may be constructed, installed, placed or erected in a park and that are owned, leased or under the care and control of the Township.

“Public Meeting or Gathering” means a picnic, organized gathering or event, organized athletic event/game, sale, or festival of more than twenty-five (25) persons.

“Public Park” means land and land covered by water and all portions thereof owned or made available by lease, agreement, or otherwise to the Township, 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 Township, including all buildings, structures, facilities, erections and improvements located in or on such land.

“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 and inert fill of any kind.

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

“Run at Large” means a dog found in any place other than the premises or property of the owner, not on a leash of a maximum of two (2) metres of which the dog cannot escape, and not under the control of the owner.

“Sexual Activity” means any physical contact of a sexual nature involving genitalia, buttocks, or female breasts by one or more individuals.

“Township” means the Corporation of the Township of Perry.

2. APPLICATION AND ADMINISTRATION/ ENFORCEMENT

Scope:

2.1 This by-law shall apply to every person while in a public park and/or designated swimming area.

2.2 Notwithstanding any provision of this by-law, vehicles operated on behalf of an ambulance service, fire department, police department, utility company, agents of the Township and the Township itself shall have full access to all parts of a public park and/or swimming area at all times where such access is possible.

Administration/ Enforcement:

2.3 This by-law shall be administered and enforced by the Township of Perry Parks and Recreation Department, any Township employee, the Ontario Provincial Police or any other person or organization as directed by Council.

3. PERRY TOWNSHIP PARKS AND DESIGNATED SWIMMING AREAS

3.1 “Parks” shall include:

- 1) Lot 22, Con. 13 (Brooks’ Falls);
- 2) Pt. Lot 16, Con. 10 (Emsdale Fairgrounds/Playground/Rink Area)
- 3) Lot 25, Con. 6, Part Blk. A (Clear Lake Park);
- 4) Plan M-448, Blk. A and Inst. 109897 (Novar Ball Park/Playground/Rink Area)
- 5) Former piece of Main St. in Novar (Small Novar Park)

3.2 “Designated Swimming Areas” shall include:

- 1) Lot 1 and 2, Plan 169 (Clear Lake Beach)
- 2) Pt. Lot 12, Con. 3 (Long Lake Park)

4. PROHIBITED ACTIVITIES IN PUBLIC PARKS AND DES. SWIMMING AREAS

In any park or designated swimming area within the Township, no person shall:

- 4.1 drive, ride or operate any motorized recreational vehicle;
- 4.2 Operate a motor vehicle except on designated roadways or in authorized parking areas, and not in excess of a speed limit of 30 kilometres per hour.
- 4.3 drive, ride or operate a bicycle, motor vehicle, skateboard or carry on in-line skating on a hiking trail;
- 4.4 drive, operate, park or leave unattended a motor vehicle in any part of a park between the hours of 10:00 pm and 6:00 am of the following day;
- 4.5 engage in riotous, boisterous, violent, threatening or illegal conduct or use profane or abusive language, including:
 - 1) making any verbal comments or physical gestures, about or toward anyone that could reasonably be considered to be offensive, derogatory or abusive;
 - 2) make noise likely to disturb any inhabitant or interfere with the enjoyment of the park through the use of electronic equipment, or any other means;
 - 3) urinating or defecating except in a designated washroom facility;
- 4.6 engage in conduct that endangers the health and safety of himself, herself or others;
- 4.7 paint likeness, take pictures, record video or record audio or any persons without the consent of the person, or, where the person is a minor, without consent of a parent or legal guardian, in instances where a public complaint has been received regarding such activity;
- 4.8 engage in any sexual activity;
- 4.9 consume, serve, sell, or possess liquor without proper approval of the Township and the Alcohol and Gaming Commission of Ontario (AGCO);
- 4.10 hold or take part in an unauthorized public meeting or gathering;
- 4.11 enter or remain in a park between 10:00 pm and 6:00 am of the following day and/or enter or remain in a designated swimming area between 9:00 pm and 7:00 am the following day;

- 4.12 climb, break, peel bark from, cut, remove, burn, deface or otherwise damage any tree, shrub or bush, or pick, destroy or remove any flower, plant, roots, grass or rocks;
- 4.13 cause or permit any animal under their control or ownership to damage any tree shrub, bush flower, plant or roots;
- 4.14 post any sign or poster on any tree, bush or shrub;
- 4.15 remove, break, deface, or otherwise damage any monument, display, cage, pen, gate, seat, bench, picnic table, fence, posted sign, lock, barrier, or any other equipment of the Township located therein;
- 4.16 fail to deposit refuse in containers provided or if containers are not provided, fail to remove refuse from the park;
- 4.17 fail to remove any utensils, equipment or articles taken into a park or swimming area;
- 4.18 hinder or obstruct, or attempt to hinder or obstruct, any person exercising or performing a duty under this by-law;
- 4.19 loiter in any change room or washroom, or engage in conduct that could reasonably be considered to be offensive in a change room or washroom;
- 4.20 engage in overnight camping;
- 4.21 permit an animal under their ownership or control to run at large;
- 4.22 fail to remove and dispose of excrement of an animal under their ownership or control;
- 4.23 use a charcoal, propane or other form of barbeque or portable stove, unless otherwise authorized by Council for the purpose of a public meeting or gathering;
- 4.24 possess an air-gun, firearm, gas operated gun, paint ball gun, archery equipment or catapult;
- 4.25 fire or discharge any torpedo, rocket or other fireworks;
- 4.26 build or light an open fire of any kind, including campfires;
- 4.27 throw stones or other missiles;

- 4.28 beg, solicit, or invite contributions; sell or offer for sale any goods, or solicit patronage for any business, restaurant or hotel without consent and authorization by Council and the terms and conditions that Council may impose;
- 4.29 wash, clean, polish, service, maintain, or with the exception of any emergency, repair any motorized vehicle or water vessel;
- 4.30 instruct, teach or coach any person in the driving or operation of a motorized vehicle;
- 4.31 conduct any public meeting or gathering involving more than twenty-five (25) people without the express written consent and authorization from Council, and the terms and conditions that Council may impose;
- 4.32 swim or bathe, except in a 'designated swimming area';

5. FURTHER PROHIBITED ACTIVITIES IN SWIMMING AREAS

No person shall, within a designated swimming area:

- 5.1 take into or use any motorized boat or water skis;
- 5.2 engage in any type of water activity such as skin, scuba or other forms of diving;
- 5.3 take into or possess any glass or metal bottle or container;
- 5.4 take into or permit any cat, dog or other animal;
- 5.5 move, damage or in any way interfere with any safety signs installed for public information;
- 5.6 pollute or contribute to the pollution of a lake or watercourse;
- 5.7 feed or in any way attract birds or animals to a lake or watercourse;
- 5.8 deposit any solid or liquid matter into a lake or watercourse;
- 5.9 ice skate, ice fish or toboggan on a lake or watercourse at a swimming area during the winter months;

6. PENALTIES

- 6.1 Every person who contravenes any of the provisions of this by-law may be ordered to leave a park or swimming area.
- 6.2 Every person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided for by the Provincial Offenses Act
- 6.3 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 penalty imposed by the court on the person convicted.

7. VALIDITY

Should any part of this By-law, including any part of the schedules attached hereto be determined by a Court of competent jurisdiction to be invalid or of no force and effect, it is the stated intention of Council that such invalid part of the By-law shall be severable and that the remainder of this By-law, including the remainder of the schedules attached hereto, as applicable, shall continue to operate and to be in force and effect.

8. EFFECTIVE DATE

This by-law shall come into force and take effect upon the day of its final passing.

Read a first time this 21 day of June, 2006.

Read a second, third and final time and enacted in Open Council this 21 day of June, 2006.



Mayor



Clerk- Administrator