

**The Corporation of the
Township of Guelph/Eramosa**

By-law Number 80/2015

**A By-law to Manage and Regulate
Public Parks and Open Space
in the Township of Guelph / Eramosa**

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, permits a municipality to pass by-laws respecting parks and recreation;

AND WHEREAS the Council of the Corporation of the Township of Guelph/Eramosa is desirous of enacting a by-law to provide for the maintenance, operation, management and regulation of municipal parks and open spaces;

NOW THEREFORE the Council for the Corporation of the Township of Guelph/Eramosa enacts as follows:

DEFINITIONS

1.1 In this By-law:

- (a) “*animal*” shall mean any member of the animal kingdom, other than a human;
- (b) “*Council*” shall mean the Council of the Corporation of the Township of Guelph/Eramosa;
- (c) “*Director*” shall mean the Director of Parks and Recreation for the Township, or his/her designate;
- (d) “*dog*” shall mean a male or female dog over the age of twelve (12) weeks;
- (e) “*domestic animal*” is an *animal* kept by a *person* for pleasure or companionship, excluding *livestock*;
- (f) “*firearm*” includes a gun, air gun, spring gun, pellet gun, bow or crossbow;
- (g) “*fireworks*” shall mean a device containing combustible chemicals that causes a explosion when ignited;
- (h) “food preparation and vending vehicle” shall mean a *vehicle* in or from which food is prepared and/or provided and shall include a chip wagon, mobile barbeque, mobile food vehicle, refreshment vehicle and refrigerated bicycle cart;
- (i) “*livestock*” shall mean a farm animal that is kept by a *person* for animal husbandry, or for its pelt, wool or fur, or for food or research purposes, and includes horses, cows, pigs, and sheep, but does not include a dog or cat;
- (j) “*mobile device*” includes a tablet, smartphone, cell phone, camera or other photographic device or recording device;
- (k) “*Officer*” means a Police Officer, municipal law enforcement officer or other *person* appointed by by-law to enforce the provisions of this By-law;
- (l) “*park*” means Township property that is under the control or management of the Township and which is set aside and used for:

1. Active recreational purposes
 2. passive recreational purposes including open space land and recreational trails
 3. Conservation purposes including woodlots, hazard lands and naturalized open areas
 4. drainage including wetlands and stormwater management areas
 5. utility corridors
- (m) “*parking area*” shall mean an area that is physically laid out for the purpose of parking *vehicles* or that is designated by an official sign for such purpose by the *Township*;
- (n) “*Person*” includes a corporation and its heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law;
- (o) “*Police Officer*” shall mean an officer of the Ontario Provincial Police;
- (p) “*posted area*” shall mean an area that is posted with a sign, notice or other device for a specific purpose or to restrict certain activities in or on a *park*;
- (q) “*Township*” shall mean the Corporation of the Township of Guelph/Eramosa or the land within the geographic limits of the Corporation of the Township of Guelph/Eramosa as the context requires;
- (r) “*vehicle*” includes a motor vehicle as defined under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and any bicycle, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power, and includes snow vehicles, but excludes a wheelchair or similar device (powered or otherwise) used by an individual due to a disability, a baby carriage or cart, child’s wagon, child’s stroller, child’s sleigh or other conveyance of like nature.
- (s) “*verified service dog*” includes a guide dog and other trained service *animal* or service *animal* “in training” used principally to assist *persons* with a visual, hearing or other impediment, and also includes any dog used in a law enforcement role by the Ontario Provincial Police, the Royal Canadian Mounted Police, the Canadian Military, or any other public law enforcement agency.

2. BY-LAW APPLICABILITY

- 2.1 Parks in the Township are for the use, benefit and pleasure of all *persons*, subject to the rules and regulations passed under this By-law and all other applicable by-laws and legislation.

3. DIRECTOR’S DUTIES

- 3.1 The Director shall be responsible for:
- (a) the administration of this By-law;
 - (b) the management, control, regulation, maintenance and development of all *parks*;
 - (c) the issuing of permits and the making of any required designations pursuant to the provisions of this By-law;
 - (d) the posting of signs in a *park*;
 - (e) regulating or restricting the use or attendance at a *park* or any portion of a *park* as deemed necessary and in the interest of public safety and welfare.

4. POSTED SIGNS

4.1 In a *park*, no *person* shall:

- (a) enter a *posted area* that is designated “No Admittance” or “No Trespassing”;
- (b) go on foot or otherwise upon the grass, lawn or turf in a posted area;
- (c) contravene the rules or regulations of a posted sign.

4.2 Where a *person* contravenes the rules or regulations of a *park*, the *Director* or *Officer* may direct that *person* to leave the *park*.

5. ANIMALS IN PARKS

5.1 In addition to any other provision of this By-law, *animals* in *parks* shall be subject to the Animal Control By-law, as amended from time to time.

5.2 At all times in a *park*, a *domestic animal*, other than a dog, must be kept under the control of a *person* with sufficient strength and ability to control the *domestic animal*.

5.3 In a *park*, a dog shall be kept on a leash no longer than 1.83 metres pursuant to the Township’s Animal Control By-law, as amended from time to time.

5.4 Any *person* owning or having a *domestic animal* under his or her control in a *park* shall immediately remove and dispose of any excrement deposited by said *animal*.

5.5 No *person* shall:

- (a) bring any *livestock* or any other non-domestic *animal* into a *park*;
- (b) kill, maim, trap, injure or in any way molest or disturb any *animal*, including birds, waterfowl or other wildlife whose habitat is in a *park*;
- (c) remove or injure the nests or eggs of any bird or fowl located in a *park*;
- (d) feed waterfowl and/or wildlife in a *park*;
- (e) lead or let loose any *animal* or fowl of any kind in a *park*;
- (f) disturb any wildlife or damage any *park* property;
- (g) permit a dog, cat or other *domestic animal* to enter any splashpad, garden, landscaped area, playground or sports field or any other posted area to prohibit same.

5.6 A *person* reliant upon a *verified service dog* is not subject to the provisions of Section 5.5 (g).

5.7 Notwithstanding any other provision of this By-law, a dog is permitted to be off a leash in a designated leash free *park* provided the owner or caregiver is in compliance with the applicable rules and regulations for the designated leash free *park*.

6. FIREWORKS, FIREARMS AND OPEN FIRES

6.1 No *person* shall, in a *park*:

- (a) set or permit an open fire, for any purpose, including cooking;

- (b) possess a *firearm*, archery equipment or catapult;
- (c) fire or discharge any torpedo, rocket or other *fireworks*.

7. ALCOHOL

7.1 No *person* shall, in a *park*, consume, serve, possess or sell alcohol without obtaining the necessary permits and approvals required by any applicable public authority, including those from the Alcohol and Gaming Commission of Ontario.

8. CAMPING & LODGING

8.1 No *person* shall:

- (a) erect a tent or shelter, or park a trailer of any kind for overnight accommodation in a *park*;
- (b) dwell, camp or lodge in a *park*.

9. SIGNS, HANDBILLS

9.1 No *person* shall erect, post distribute, or otherwise display any signs, notices, posters, handbills, circulars, signboards or advertising devices in a *park*.

10. COMMERCIAL ACTIVITIES

10.1 No *person* shall practice, carry on, conduct or solicit for any business or trade in a *park*.

10.2 No *person* shall park or operate a *food preparation and vending vehicle* in a *park*.

11. RECREATION

11.1 In a *park*, no *person* shall:

- (a) play golf or hit a golf ball;
- (b) enter any portion of a washroom, bathhouse, or change room set apart for the opposite sex
- (c) use a mobile device in a washroom, bathhouse or change room located in a *park*.

11.2 Notwithstanding Section 11.1 (b) a *person*:

- under the age of eight (8) years; or
- with a disability or requiring assistance

may enter a washroom, bathhouse, or change room of the opposite sex, who at the time is accompanied by a parent, guardian or caregiver.

11.3 No *person* shall, while in a *park*, erect a tent or other temporary structure exceeding 108sq/ft for recreational purposes without obtaining the necessary permits and approvals from the *Township* and/or other agencies.

12. PARKING

12.1 Parking is only permitted in a *park* between the hours of 6:00 am and 11:00 pm.

12.2 Overnight parking between the hours of 11:00 pm and 6:00 am the following day is prohibited in all *parks*.

- 12.3 Parking is prohibited in *parks* except in designated parking areas.
- 12.4 No *vehicle* shall stand upon any part of any road, driveway or parking area in any *park* in such a manner as to cause congestion to traffic or in any other way cause an obstruction of such road or driveway.
- 12.5 Parking of commercial *vehicles* is prohibited in all *parks*.

13. VEHICLES

- 13.1 In a *park*, no *person* shall:
- (a) operate any *vehicle* other than on a road or driveway provided for such purpose.
 - (b) instruct, teach or coach any *person* in the driving or operation of a *vehicle*;
 - (c) use any portion of a *park* for the purpose of washing, cleaning, polishing, servicing, maintaining, or with the exception of an emergency, repairing any *vehicle*;
 - (d) operate or ride any motorized go-carts, dirt bikes, off-road vehicles, including all-terrain vehicles, and similar vehicles in a *park*, on a walkway, or in a parking area;

14. BICYCLES

- 14.1 Riders of bicycles in any *park* shall comply with all traffic rules.
- 14.2 Bicyclists shall yield the right-of-way to pedestrians.
- 14.3 Bicyclists shall not damage the surface of trails, and must remain on designated trails.

15. GENERAL PROHIBITIONS

- 15.1 No *person*, in a *park* shall:
- (a) indulge in riotous, boisterous, threatening or indecent conduct, use profane or indecent language, nor create a nuisance by spying, frightening or annoying any other *person* in any manner, or interfere with the enjoyment of others;
 - (b) make excavations, modifications and or alterations for any purpose in a *park*;
 - (c) move any building or structure in a *park*, or remove, destroy, or injure any plant material;
 - (d) possess an axe, saw, chainsaw or other implement normally used for the cutting or trimming of trees;
 - (e) Operate loud speakers or sound amplifying equipment;
 - (f) operate, or use, any radio, tape player, compact disc player, dvd player, car radio, or any other sound reproducing system in a manner that disturbs or interferes with other *persons* in or near the *park*, and such operation shall be in keeping with the Township's Noise By-law, as amended from time to time.
 - (g) install a gate in a fence adjacent to a *park* that creates an access point to a *park*.

- (h) encroach upon or take possession of any *park* property by any means whatsoever, including but not limited to the construction, installation, placement or maintenance of any object on *park* property;
- (i) engage in conduct that endangers the health and safety of himself, herself or others;
- (j) enter into a *park* with machinery, equipment or other construction vehicles unless authorized.

16. WASTE AND POLLUTION

16.1 In a *park*, no *person* shall:

- (a) dispose of or dump garbage, litter, tree trimmings, grass clippings, or like refuse;
- (b) dump or deposit snow, fill, soil, or building or construction materials;
- (c) Dispose of household garbage or waste in *park* waste receptacles;
- (d) dump into any waters of any pond, lake, stream, or watercourse of any kind any reptiles, fish, animals or other living organisms;
- (e) dump or drain onto any soils or into any waters of any pool, pond, lake, stream, fountain or watercourse of any kind any material, toxic or otherwise, which may have the effect of polluting same;
- (f) dump or drain their pool, or hot-tub water.

17. ORGANIZED GATHERINGS AND PICNICS

17.1 No *person* shall, in a *park*:

- (a) hold a picnic, organized gathering or event for more than twenty-five (25) *persons* without obtaining a permit or the written authorization of the *Director*;
- (b) interfere with a permitted picnic, organized gathering or event.

18. FILMING

18.1 No *person* shall film a motion picture in a *park* except in accordance with the *Township's* policy.

19. HOURS

19.1 No *person* shall remain in or enter into any *park* between the hours of 11:00 p.m. and 6:00 a.m. the following day.

19.2 The *Director* may, in writing, authorize extensions to the hours listed in section 19.1 of this By-law.

20. EXEMPTION

20.1 The Township and the Ontario Provincial Police are exempt from the provisions of this By-law.

20.2 Vehicles operated for emergency services on behalf of an ambulance service, fire department, police department, and/or Hydro have full access to all parts of a *park* at all times.

20.3 A *person* given written authorization by the *Director*.

21. SEVERABILITY

21.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

22. SHORT TITLE

22.1 This by-law shall be known as the Parks By-law.

23. SINGULAR AND PLURAL USE

23.1 In this By-law, unless the context otherwise requires words importing the singular shall include the plural and use of the masculine shall include the feminine, where applicable.

24. ENFORCEMENT AND PENALTY PROVISIONS

24.1 The enforcement of this By-law shall be conducted by an *Officer*.

24.2 No *person* shall hinder or obstruct an *Officer* in the enforcement of this By-law.

24.3 Any *person* who is alleged to have contravened any section of this By-law shall identify themselves to an *Officer* upon request, failure to do so shall be deemed to have hindered or obstructed an *Officer* in the execution of his duties.

24.4 Any *person* who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable:

- (a) on a first offence, to a fine not more than 50,000.00; and
- (b) on a second and each subsequent offence, to a fine of not more than \$100,000.00.

24.5 Any *person* who is issued a Part 1 offence notice or summons and is convicted of an offence under this By-law shall be subject to a fine, to a maximum as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

24.6 Every director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law by the corporation is guilty of an offence.

24.7 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

25. EFFECT

25.1 This By-law shall come into force and effect on the day it is passed.

READ three times and finally passed
this **19th** day of **October, 2015**.

Chris White, Mayor

Meaghen Reid, Clerk

