

THE CORPORATION OF THE TOWNSHIP OF BROCK

BY-LAW NUMBER 1977-2006-PP

BEING A BY-LAW TO REGULATE AND CONTROL THE USE OF PARKS AND PARK BUILDINGS UNDER THE JURISDICTION OF THE TOWNSHIP OF BROCK

WHEREAS paragraph 5 of section 16(1) of the Municipal Act, S.O. 2001, as amended, provides that the council of a municipality may pass by-laws to regulate and control culture, parks, recreation and heritage that are under the control of the municipality;

AND WHEREAS the Council of the Township of Brock deems it expedient to regulate and control the use of parks and park buildings under the jurisdiction of the Township of Brock;

NOW THEREFORE BE IT ENACTED by the Council of the Corporation of the Township of Brock as follows:

1. DEFINITIONS

In this by-law:

- a) "all-terrain vehicle" means an off-road vehicle that:
 - i) has four wheels, the tires of which are in contact with the ground,
 - ii) has steering handlebars,
 - iii) has a seat that is designed to be straddled by the driver, and,
 - iv) is designed to carry a driver only and no passengers;
- a) "firearm" means any barrelled weapon from which any shot, bullet or other projectile can be discharged and includes any frame or receiver of such barrelled weapon and anything that can be adapted for use as a firearm and includes a gun, musket, pistol, revolver, rifle, spring gun, or air gun;
- b) "fireworks" means devices containing combustible chemicals that cause explosions or spectacular effects;
- c) "game" means any activity which involves an object being thrown, hurled or propelled and includes, without limiting the generality of the foregoing, baseball, softball, fastball, cricket, golf, archery, football, soccer, rugby, field hockey, javelin, discus, caber or hammer throwing, racquet games, hockey, and lacrosse;
- d) "hunt" means to chase, pursue, follow after or on the trail of, search for, shoot at, stalk or lie in wait for, worry, molest, take or destroy any animal, bird, whether or not the animal or bird be then or subsequently captured, injured or killed;

- e) "litter" means dumping, throwing, placing, depositing or leaving, or causing to be dumped, thrown, placed, deposited, or left any refuse, garbage or debris or any kind or any object or substance which tends to pollute, mar or deface;
- f) "motor vehicle" means any automobile, motorcycle, motor assisted bicycle, or any other vehicle propelled or driven other than by muscular power;
- g) "motorized snow vehicle" means a self-propelled vehicle designed to be driven primarily on snow;
- h) "municipality" shall mean the Corporation of the Township of Brock;
- i) "park" means any municipal property that is or hereafter may be established, dedicated, set apart or made available for use and includes playgrounds, sports fields, memorial, squares, trails, gardens, waters, marinas, boat launches, and any other area or areas used for active or passive recreational purposes or for any purpose ancillary thereto;
- j) "park buildings" means any recreation centres, arenas, indoor swimming pools, curling clubs, museum buildings, grandstands, halls, washrooms, and any other buildings used for active or passive recreational purposes or for any purpose ancillary thereto;
- k) "posted area" means an area where permissive, warning, or prohibition signs are erected;
- l) "power boat" means any device that is capable of floating and to which is affixed or enclosed a motor as a means of propulsion and without limiting the foregoing includes jet skis, sea doos, motor boats, and any other motorized watercraft;
- m) "structure" means any construction or any production of piece of work artificially built up or composed of parts joined together in some definite manner and without limiting the generality of the foregoing includes a wading pool, monument, fountain, bridge, fence, wall, gate, pavement, sidewalk, seat, bench, shelter, barbeque, sign, gazebo, skateboard ramps, playground equipment, basketball court, tennis court, track, ball diamond or any other structure used for active or passive recreational purposes or for any purpose ancillary thereto;
- n) "vegetation" means any tree, flower, flower bed, bush, shrub, plant, sod, and grass;
- o) "vehicle" means 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, but does not include a motorized snow vehicle or streetcar;
- p) "weapon" means anything used, designed to be used or intended for use in causing death or injury to any person, or anything used, designed to be used or intended for use for the purpose of threatening or intimidating any person and, without restricting the generality of the foregoing, includes any firearm.

2. No person, except a person acting under the authority of an approval issued by the Municipality, which shall include any agreements and recognized understandings between the Municipality and any Community Associations, shall:
 - a) enter into or remain in a park between the hours of 10:00 o'clock in the afternoon and 6:00 o'clock in the forenoon. Notwithstanding the foregoing, no person shall ride or drive any motor vehicle, vehicle, motorized snow vehicle, or all-terrain vehicle within Centennial Park, Wellington Street Park, or Harbour Park between the hours of 1:00 o'clock in the forenoon and 6:00 o'clock in the forenoon between December 1st in a calendar year through March 31st in the calendar year immediately following;
 - b) enter into or remain in a park building when the park building is closed to the public;
 - c) fly or operate any engine powered aeroplane in a park;
 - d) use any apparatus, mechanism or device for the amplification of the human voice, music, or other sound in a park;
 - e) offer goods for sale, lease, rent or barter in a park or a park building;
 - f) set off fireworks in a park;
 - g) erect or leave any tent, shelter or structure of any kind in a park;
 - h) possess liquor in a park or park building;
 - i) operate an amusement ride, hot air balloon or game of chance in any park or park building;
 - j) organize or arrange a picnic of more than twenty-five (25) persons in any park;
3. No person shall:
 - a) skate, roller skate, in-line skate or use a skateboard except in areas of the park designated for such purpose or in areas of the park that shall not cause an element of danger or injury to any person;
 - b) use, ride, train or race a horse in a park except in accordance with an event sanctioned by the Municipality inclusive of an event sanctioned by the Beaverton and/or Sunderland Agricultural Society;
 - c) play, organize, encourage or otherwise take part in any game or activity which involves thrown, hurled or propelled objects in areas of the park not designated for that type of game or activity or that may cause an element of danger to those people not involved in the same game or activity;
 - d) carry a firearm or weapon in any park;

- e) distribute or display any advertisement, notice, bill or paper in any park or park building or affix any advertisement, notice, bill or paper to any vegetation, structure or building in a park or park building;
- f) damage, deface or remove any vegetation, structure, or building in a park or park building;
- g) obstruct a roadway, path or parking area in any park;
- h) swim, bathe or wade in a fountain or ornamental pond in a park except those designated for such purposes;
- i) pollute any stream, river, lake, pond, swimming pool, or wading pool in a park or park building;
- j) dress or undress in a park or park building except in a proper change facility;
- k) be nude in a park or park building except when robing or disrobing in a proper change facility;
- l) litter in a park or park building;
- m) encroach onto or make exclusive use of any portion of a park;
- n) conduct oneself in such manner as to be obnoxious, boisterous or objectionable to any other person or group, or use profane, indecent or abusive language in a park or park building;
- o) hunt any animal or bird in any park;
- p) damage or disturb the nest or den of any bird or animal in a park;
- q) permit an animal or pet to enter or remain in a park unless the animal or pet is restrained by a leash;
- r) permit an animal under his or her control to defecate without removing and disposing of same by the animal on the grounds of the park;
- s) stop or park any motor vehicle in a park except in a designated parking area and in a designated parking space;
- t) clean, polish, maintain or repair any motor vehicle in a park except for an event specifically sanctioned by the Municipality;
- u) ride or drive any motor vehicle, vehicle, motorized snow vehicle, or all-terrain vehicle except upon the roadway therein designated for public vehicular use within a park. This provision shall not apply to Centennial Park, Wellington Street Park, nor Harbour Park subject to the meeting the provisions of clause 2 a);

- v) climb onto any structure not intended for that purpose or on any bridge within a park;
 - w) dive or jump from any bridge within a park;
 - x) launch any power boat within a park except at the Beaverton harbour; and,
 - y) light or maintain a fire in a park, unless written approval is received from the Municipality's Fire Chief;
4. The Municipality may issue a permit or approval for the use of all or portions of a park or park building subject to such terms and conditions as the Municipality may consider reasonable, desirable, and appropriate.
 5. The Municipality may, from time to time, prescribe a fee or fees for the use of the park or park building or a portion thereof and no person shall use such park or park building or portion thereof without first having paid the prescribed fee.
 6. The provisions contained in sections 2 and 3 of this by-law do not apply to:
 - a) an employee of the Municipality while engaged in the performance of his or her duties; and,
 - b) a member of the police service while engaged in the performance of his or her duties.
 7. Any provincial offences officer or municipal law enforcement officer appointed by the Municipality is authorized to inform any person of the provisions of this by-law and to require compliance therewith.
 8. Any provincial offences officer or municipal law enforcement officer appointed by the Municipality whose duties include the enforcement of this by-law is authorized to order any person believed by such officer 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;
 - b) to remove from the park any animal or thing owned by or in the control of such person which the officer believes is or was involved in such contravention; or,
 - c) to leave the park or park building.
 9. Any provincial offences officer or municipal law enforcement officer appointed by the Municipality for such purpose may enforce the provisions of this by-law.
 10. Where any person contravenes any of the provisions of this by-law, or fails to comply with any order referred to in section 8 of this by-law, the permission and/or approval of such person to remain in the park or park building is revoked.
 11. Every person who contravenes any provisions of this by-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence, exclusive of costs as prescribed by the *Provincial Offences Act*, R.S.O. 1990, as amended.

12. Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the said section, subsection, clause or provision shall not affect the validity of this by-law in whole or any part thereof, other than the part so declared.
13. This by-law shall become effective of the date of its final passing.

BY-LAW NUMBER 1977-2006-PR READ A FIRST, SECOND, AND THIRD TIME, AND FINALLY PASSED ON THIS 16TH DAY OF JANUARY, A.D., 2006.

Mayor
Keith Shier

Clerk-Administrator
George S. Graham