

SOUTH FRONTENAC TOWNSHIP

BY-LAW 2003 - 90

A BY-LAW TO AMEND BY-LAW 2002-57, BEING A BY-LAW TO REGULATE THE USE OF PARKS

WHEREAS Section 207(52)(c) of the Municipal Act, R.S.O. 1990, Chap. M. 45, as amended, provides that a municipal council may appoint a Board of Management to exercise all or any powers that are conferred on boards of park management by the Public Parks Act; and,

WHEREAS Section 11(1) of the Public Parks Act R.S.O. 1990, Chap. P. 46, as amended, provides that the board of park management may pass by-laws for the use, regulation, protection and government of the parks; and

WHEREAS Section 11(4) of the Public Parks Act grants the said board power in and by their by-laws for the infraction thereof, and such by-laws may be enforced and the penalties thereunder recovered in like manner as by-laws of municipal councils and the penalties thereunder may be enforced and recovered; and

WHEREAS the parks in the Township of South Frontenac are intended to be used cooperatively as recreation resource by the public, and more particularly children and adults who are residents of South Frontenac Township who are expected to respect the rights of others in the parks.

NOW THEREFORE District Recreation Committees are hereby construed as Boards of Management and will assist in programming the use of Township recreation facilities and advise the Township of any possible improvements of those facilities and may recommend to Council but not pass any by-laws.

AND THEREFORE the Council of the Corporation of the Township of South Frontenac enacts as follows:

1. This By-law may be cited as the "Parks By-law" and replaces all such prior Parks By-Laws.

2. DEFINITIONS

- (a) "Parks" includes all public owned parks, land, buildings, structures and equipment used for recreation purposes and designated as such by the Township of South Frontenac.
- (b) "Board of Park Management" means the District Recreation Committee.
- (c) "District Recreation Committee" means those committees so designated by the Township of South Frontenac being one committee for each of the Districts of: Bedford, Loughborough, Portland, and Storrington.
- (d) "Council" means the Council of the Township of South Frontenac.
- (e) "Motor Vehicle" means a vehicle as defined in the Ontario Highway Traffic Act and includes snowmobiles.
- (f) "Other Vehicles" includes: motorcycles, mini-bikes, bicycles, trail bikes, all terrain vehicles, scooters, skateboards, in-line skates, or roller-skates.
- (g) "Boats" means all boats propelled by a motor, regardless of the horsepower, whether inboard or outboard and includes all personal (motorized) watercraft.

1. VEHICLES

- (a) No person shall operate any motor vehicle whether licensed or unlicensed, which is propelled by a motor, in a park, except in areas designated for such use by the District Recreation Committees;
- (b) No person shall operate a motor vehicle in areas designated pursuant to subsection (a) in excess of 10 miles per hour (16 kilometres per hour);
- (c) No person shall park a vehicle overnight within park boundaries; any vehicle found parked contrary to this subsection shall be towed away at the owner's expense, unless authorized by Council.

2. OTHER VEHICLES

- (a) No person shall operate in parks such other vehicles used for transportation, whether motorized, or powered by the operator, except as designated by Council.

3. BOATS

- (a) No person shall use a boat or personal watercraft propelled by an inboard or outboard motor in a public swim area.
- (b) Non-motorized watercraft such as: canoes, kayaks and sailboats shall not use public swim areas.

4. ANIMALS

- (a) Any person who owns, harbors, or possesses an animal, or who has the care and control of an animal, shall prevent the animal from defecating in a park and otherwise clean up forthwith. Dogs must be kept on a leash at all times in a park; said leash not to exceed three (3) metres in length.
- (b) Persons are not allowed to let swim, or bathe dogs or other animals at public beaches.

5. CAMPING

- (a) Overnight camping is not permitted in Township owned parks, unless approved by Council.

6. SALE OF MERCHANDISE OR TRADE OR BUSINESS

- (a) No person shall sell or offer for sale, or expose any merchandise of any nature or kind, for immediate or future delivery, or any skill or services to be exercised or performed immediately or in the future, or solicit any trade, occupation or business of any kind, without the prior written permission of the District Recreation Committee and approval of Township Council as required.
- (b) Any organized group or organization, whether it be a non-profit group or a for profit group who wishes to use any of the facilities (parks) as defined in this by-law must first obtain the written approval of the appropriate District Recreation Committee responsible for the facility and Township Council as required before utilizing that facility and shall pay the fee established from time to time by that District Recreation Committee for its use.
- (c) Nothing in Section 6(b) removes the right of the individual District Recreation Committee or Township Council as required, to approve or deny any application for the use of any of their facilities (parks), or vary the required fee, on request, that has been established by that District Recreation Committee for the use of said facilities.

7. FIRES

- (a) All fires must conform to the Township Burning By-law;
- (b) No person shall light or maintain a fire in a park without prior written permission from the District Recreation Committee as approved by the Fire Chief;
- (c) The provisions of subsection (a) do not apply to fires in metal barbecues or similar containers in properly designated parks;
- (d) Persons maintaining a fire or barbecue shall be responsible for ensuring that it is extinguished prior to leaving the park and shall be liable for any loss, damage, cost, expense or claim of any kind arising from any failure to properly extinguish such fire or barbecue;
- (e) Individuals wishing to conduct a fireworks demonstration in a park must obtain prior written consent from the District Recreation Committee and the Township Fire Chief, and shall comply with all conditions imposed in connection with the granting of such consent;

8. RECREATIONAL FACILITIES RENTAL

- (a) District Recreation Committees may levy fees for the use of Township recreational facilities by private persons, teams, clubs or associations.
- (b) Fees may be waived if the Committee deems a cash or other benefit will accrue to the Community.
- (c) In general, fees should contribute significantly to any direct costs to the Township of the event being held in, or on, Township premises,

9. GAMES

- (a) No person in a Park shall engage in any game or activity that is dangerous or is likely to cause injury or damage, without the consent of the Municipality.
- (b) No person shall participate in an organized team game under the auspices of an approved sports association except in areas designated by Council.
- (c) No person shall interfere with an organized team game, nor be on the area normally used for such game while it is in progress, unless he is a participant or official of such game.

10. ALCOHOLIC BEVERAGES

- (a) No alcoholic beverages are to be brought onto Township recreational property.
- (b) Alcoholic beverages unopened or locked in a vehicle are excluded, as in section 10(a).
- (c) District Recreation Committees may recommend to Council the sale and serving of alcoholic beverages for certain events sponsored by private individuals who are Township residents, District teams, associations, or non-profit organizations where a public benefit is deemed to result.
- (d) For section (c) to apply, a Special Occasion permit must be obtained from the LCBO for the serving of alcoholic beverages, suitable insurance acquired as necessary and approved of Council.

11. PROTECTION OF PROPERTY

No person shall within a park;

- (a) Climb, break, injure, deface, or remove any structure, equipment, tree, plant, or building. Climbing is permissible only on equipment designated and constructed for that purpose;
- (b) Distribute any hand bills or circulars or post any bills, notices or advertising device of any nature or kind, without the prior written permission of Council;
- (c) Disturb, molest, move, attempt to kill, or kill, any bird or animal, or remove or injure any bird's nest or eggs;
- (d) Enter any place where a sign prohibiting admittance or trespassing is displayed, or where admission is otherwise prohibited or restricted;
- (e) Indulge in any riotous, boisterous, threatening or indecent conduct, or any abusive, threatening or profane language in a park;
- (f) Create a nuisance by loitering, spying, accosting, frightening, annoying or in any way interfering with any other person lawfully using the park;
- (g) Drop or leave at any place in any park, except in receptacles provided for that purpose, any refuse, paper, bottles, cans or rubbish of any nature or kind;
- (h) Throw into a pool, fountain, pond, stream, or lake any foreign object that is likely to injure any person or pollute the water.
- (i) Curfews must be followed as established by the Council to the Township of South Frontenac on recommendation by the District Recreation Committee.

12. LOITERING

- (a) Any person frequenting any park after 11:00 p.m. or before 5:00 a.m. who fails to account satisfactorily for his or her presence, and fails to obey a request to vacate the premises immediately may be charged under the Trespass to Property Act, Ch.T.21, R.S.O. 1990.

13. ENFORCEMENT

- (a) The provisions of this By-Law shall be enforced by the By-law Enforcement Officer authorized by the Township who shall carry identification to prove such authorization.
- (b) Any peace officer appointed by Council or OPP member of the South Frontenac Detachment is hereby authorized to enforce the provisions of this By-law.

14. PENALTIES

- (a) Any person who contravenes any of the provisions described above is guilty of an offence and upon conviction shall be subject to a fine as prescribed in The Provincial Offences Act, R.S.O., 1990, C. P.33, as amended.
- (b) If any section of or part of this by-law is found to be illegal or beyond the powers of the Council of the Township of South Frontenac to enact, such section or part shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent therefrom and to be enacted as such.

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC, BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:

Dated at The Township of South Frontenac this 18th day of November, 2003.

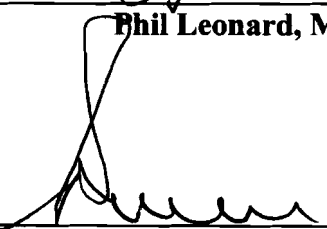
Read a first and second time this 18th day of November, 2003.

Read a third time and finally passed this 18th day of November, 2003.

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC**



Phil Leonard, Mayor



Gordon Burns, Clerk-Administrator