

CORPORATION OF THE TOWN OF HAWKESBURY

BY-LAW N° 23-2009

**Being a by-law to regulate parks and municipal
properties within the limit of the Town of Hawkesbury**

WHEREAS it is deemed necessary to revise By-law N° 37-86 regulating municipal parks, playground and other areas designated as park or playground adopted in 1986.

NOW THEREFORE the Municipal Council of the Corporation of the Town of Hawkesbury enacts as follows:

DEFINITIONS

1. In this by-law:

"Alcoholic beverage" means spirits, liquor, beer, wine or any combination thereof and includes any alcohol in a form appropriate for human consumption as beverage alone or in combination with any other substance;

"By-law Officer" means a person appointed by the Municipal Council of the Corporation of the Town of Hawkesbury as By-law Enforcement Officer to enforce the provisions of this by-law;

"Camp" means to erect a structure, hut or tent for the purpose of providing shelter, and means also the activity of living temporarily in a camp, or in a recreational vehicle;

"Chief of Police" means the Detachment Commander of the Hawkesbury Ontario Provincial Police, or his or her designate;

"Town" means The Corporation of the Town of Hawkesbury or the geographic area of the Town of Hawkesbury as the context requires;

"Director" means the Director of Recreation and Culture of the Town of Hawkesbury or authorized designates, unless otherwise specified, and in the case of the Pioneers' Place, means the Lessee of the park;

"Facility" means any area, pool, building or structure in a park under the jurisdiction of the Town of Hawkesbury;

"Motorized vehicle" means an automobile, truck, motorcycle or any other vehicle propelled or driven by means other than muscular power but does not include a wheelchair or motorized vehicle operating pursuant to the approval of the Director;

"Municipal property" means a real property owned by the Town used for other purposes than that of a park and includes vacant properties, parking lots and road allowances.

"Organized gathering" means picnics, events or gatherings, whether or not formally constituted, for more than fifty persons and also includes film productions;

"Organized team sport" means a team sport which operates under the auspices of a league, club or association and has a registration process with designated player rosters;

"Park" means a playground, playing field, ball diamond, sports field, beach, recreation centre, community building, facility, square, garden, water, pedestrian walkway or any other area owned, leased or used by the Town and devoted to active or passive recreation and includes any lane and walkway or public parking area leading thereto;

"Person" means any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law;

"Public place" means a property owned by a public or private entity or a person on which is carried business activities or public services;

"Service animal" means an animal trained by a recognized school for service as a guide dog for the blind or visually-impaired, as guide dog for the deaf or hearing-impaired, or a special skills dog for other disabled persons and includes an animal used in therapy, registered with a recognized organization for that purpose;

"Sport field" means an area in a park set aside for use in sports, such as football, baseball, and soccer, requiring an open field space;

"Swimming pool" means any swimming or wading pool or spray pad under the jurisdiction of the Town located in a park;

"Waste" means paper, bottles, broken glass, cans, rags, garbage, rubbish, debris or refuse of any kind;

"Wheel chair" means a chair mounted on wheels, which is propelled by muscular power or any other type of power and is used for the carriage of a person who has a disability.

INTERPRETATION

2. (1) In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
- (2) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

HOURS OF OPERATION

3. (1) No person shall:
 - a. remain or enter into any park between the hours of 10:00 p.m. and 6:00 a.m. except as a participant or spectator of an activity approved by the Director;
 - b. remain in the park upon completion of an activity as a participant or spectator of any function between the hours of 10:00 p.m. and 6:00 a.m.; or
 - c. enter any place where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted.
- (2) Despite subsection (1), where the hours of operation in a park are posted and differ from those in subsection (1), no person shall remain or enter into the park outside of the posted hours provided that the posted hours are no later than 10:00 p.m. or earlier than 6:00 a.m.

ANIMALS

4. (1) No person being the owner or having care and custody of an animal shall permit such animal to be in any of the parks listed on Schedule A, being an integral part of this by-law.

- (2) Subsection (1) shall not apply to a person with a service animal.
- (3) Despite subsection (1) and subject to other applicable municipal by-laws, the Director may permit animals to be brought into a park for specific events, if the applicant files with the Director a request for a specific event indicating the time, date, place and purpose together with any additional information requested by the Director.

SPORTS AND ACTIVITIES

5. (1) No person shall participate in or play any organized team sport in a park except in an area designated by the Director for such respective purpose.
- (2) No person shall use a tennis court located in a park unless such person is wearing appropriate footwear.
- (3) No person shall possess any bows or arrows or discharge arrows in or into a park except in an area designated by the Director as an archery range.

CYCLING, SKATEBOARDING, ROLLERBLADING, MOTORIZED VEHICLES

6. (1) The Director may designate a park or part thereof as a place in which riding of bicycles, skateboarding or rollerblading is prohibited and shall provide signage to indicate the park or portion thereof to which the designation applies.
- (2) No person shall ride a bicycle or participate in skateboarding or rollerblading in a park, or portion thereof, designated by the Director as prohibiting cycling, skateboarding or rollerblading.
- (3) No person shall drive a motorized vehicle in a park, except in areas and during hours designated by the Director for that purpose.
- (4) No person shall drive a motorized snow or all-terrain vehicle in a park or in a municipal property except in areas and during the hours designated by the Director for that purpose.

PERMITS

7. (1) No person shall, in a park and without a permit issued by the Director or in a municipal property:
 - a. sell, or offer, expose or advertise for sale any:
 - i) food or drink,
 - ii) newspaper, magazine or publication,
 - iii) goods, wares or merchandise,
 - iv) art, skill or service;
 - b. practice, carry on, conduct or solicit for any trade, calling, business or occupation;
 - c. distribute any flyers or circulars, or post any bills, notices or advertising devices, including signs, of any kind;
 - d. convene, conduct or participate in any parade or procession;
 - e. convene, conduct or hold a public meeting, or deliver a speech as a member of or to members of any group or to members of the general public.
 - f. have in his/her possession any alcoholic beverage;
 - g. ignite, discharge or set off any fireworks;
 - h. light any open fire;
 - i. camp, or construct any tent or other structure, except as provided in section 11;
 - j. play any organized team sport;
 - k. use a public address system or other device or equipment for amplifying sounds.

- (2) No person without a permit shall refuse to vacate a park, or portion of a park, in the event that a holder of a permit for that park, or portion of the park, wishes to access the area in accordance with the terms and conditions of his or her permit.
- (3) No permit holder shall undertake to use a park or its facilities unless the permit holder:
 - a. maintains, at his or her own expense, liability insurance coverage related to the holding of the event and subject to limits of not less than one million dollars (\$1,000,000.00\$), inclusive per occurrence, for bodily injury, death and damage to property, and such insurance shall be in the name of the permit holder or the sponsoring organizer of the event and, where applicable shall name the Town as an additional insured;
 - b. is eighteen (18) years of age or older;
 - c. does not charge admission or sell refreshments except as authorized by the Director;
 - d. complies with any other conditions of the permit issued by the Director pursuant to subsection (6).
- (4) A permit issued by the Director is valid on the date or dates shown on the permit.
- (5) No holder of a permit issued by the Director shall access or use a park unless the permit holder:
 - a. accesses or uses the area of the park designated by the Director for the permitted use;
 - b. produces his or her permit upon being so directed by the Director or a By-law Officer;
 - c. immediately vacates the park upon being so ordered by the Director or a By-law Officer; and
 - d. complies with the conditions of the permit, including any additional conditions imposed by the Director pursuant to subsection (6).
- (6) The Director may attach such additional conditions to a permit as deemed necessary to ensure public safety, protect Town property or maintain the enjoyment of the park for the public.
- (7) A permit for park use issued by the Director is not transferable.
- (8) The permit holder shall comply at all times with all other applicable municipal by-laws and provincial and federal laws.
- (9) The permit holder shall indemnify and save harmless the Town from any and all claims, demands, causes of action, losses, costs or damages that the Town may suffer, incur or be liable for resulting from the use of the park whether with or without negligence on the part of the permit holder, his or her employees, directors, contractors and agents.
- (10) Permits issued to a permit holder under this by-law may be revoked by the Director, if, in the opinion of the Director, the permit holder fails to comply with the requirements of the permit or any other provisions of this by-law.

ASSET PROTECTION

8. (1) No person shall, in a park, cut, climb, break, injure, deface, disturb or remove any property including:
 - a. a tree, shrub, bush, flower, plant, grass, wood, soil, sand, rock or gravel;
 - b. a building, cage, pen, or monument.
- (2) No person shall, in a park, mark or write upon, damage or otherwise injure any property of the Town including:

- a. any part of the interior or exterior of a building;
 - b. any monument, fence, bench or other structure.
- (3) No person shall throw a stone or other object that may cause injury or damage to any person or to property.
- (4) No person shall, in a park:
- a. disturb, injure, wound, hunt, trap, attempt to kill or kill any animal;
 - b. provide, cause to be provided, deposit or leave any food that may be used by wildlife in a park;
 - c. feed a wild animal or a bird in a park.
- (5) No person shall, in a park or municipal property:
- a. leave or deposit any waste, except in a receptacle provided for that purpose;
 - b. deposit or leave any paint, grease, oil, offal or any dangerous matter that has an odour or appearance found to be offensive by users of the park;
 - c. scatter any paper, cardboard, or any other material; or
 - d. undertake any maintenance activities or alter existing grounds or facilities unless authorized to do so by the Superintendent of Public Works.
- (6) No person shall discharge, dump or leave any construction material, earth, dirt, rock, snow, stone or any other materials in the park, or in any ravine, slope, or other land access way to a park, except with the written consent of the Superintendent of Public Works.
- (7) No person shall use a park or any part thereof for the purpose of:
- a. washing, cleaning, polishing, servicing, maintaining or, with the exception of any emergency, repairing any motorized vehicle; or
 - b. instructing, teaching or coaching any person in the driving or operation of a motorized vehicle.

SKATING

9. No person using a skating rink in a park shall:
- a. race or speed so as to endanger or interfere with any other person using the rink;
 - b. carry a cane, stick or any other object that is, or is likely to be dangerous to other persons on a rink, except such equipment as may be required for any sport or activity approved by the Director;
 - c. use the rink during the preparation period; or
 - d. fail to obey the instructions of a rink supervisor employed by the Town or any other person appointed by the Director to oversee the operation and use of skating rinks.

SWIMMING

10. No person shall:
- a. make use of a swimming pool without wearing a proper bathing suite, or safe clothing;
 - b. enter a swimming pool, except with the permission of the Director and subject to the conditions associated with such permission and only at the times designated for swimming;
 - c. fail to obey the instructions of a lifeguard or any other person appointed by the Director to oversee the facility;

- d. swim, bathe, wade in or enter the waters of a fountain, pond, lake, river or stream in a park, except in an area or at a time designated by the Directors for such purposes;
- e. permit a child in his or her care, custody or charge, to swim, bathe, wade in or enter into the waters of any ornamental pool or fountain;
- f. throw any article in any pool, fountain, pond, lake or stream that is likely to endanger any person or wildlife, or to pollute the water, or
- g. bring into or possess in a bathing area or swimming area of a park, any bottles, glassware, metal, or other material which may cause injury.

CAMPING

11. (1) No person shall camp in any parks or on any municipal properties within the Town, except in the Confederation Park under the conditions stipulated in the following subsections.

Confederation Park – specific conditions

11. (2) Overnight camping in a motorized recreational vehicle, or in a recreational trailer hauled by a motorized vehicle is authorized in the Confederation Park, on the west side of the park, in the gravel parking lot, between the hours of 7:00 p.m. and 9:00 a.m. the next morning.
11. (3) No person shall, in the Confederation Park, camp during the unauthorized hours, unless special authorization has been granted by the Director.
11. (4) No person shall, in the Confederation Park, camp for more than one consecutive night, unless special authorization has been granted by the Director.
11. (5) No person shall, in the Confederation Park, camp in a tent, or in any other structure, unless special authorization has been granted by the Director.
11. (6) No person shall, in the Confederation Park, camp in a prohibited area.
11. (7) No person shall, in the Confederation Park, hook a camp, a recreational vehicle, a recreational trailer to an electrical outlet, unless special authorization has been granted by the Director.
11. (8) No person shall, in the Confederation Park, discharge any water, or waste from a recreational vehicle or recreational trailer.

HEAVY VEHICLES

12. No person shall, in any parks or any municipal properties, park a heavy vehicle, unless a special authorization has been granted by the Director.

GENERAL

13. (1) No person shall engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behaviour in a park.
- (2) No person shall engage in any activity so as to interfere with or become a nuisance to the general public using the park.
14. (1) The Director may, at any time and at his or her discretion, temporarily or permanently close to the public a park, a portion of a park or a building in a park due to inclement weather or other circumstances deemed appropriate by the Director.

- (2) Where the Director has temporarily or permanently closed to the public a park, a portion of a park or a building in a park pursuant to subsection (1), no person shall remain in or enter the closed area.

LOITERING

15. (1) Upon installation of proper signage, no person shall loiter, loaf, lounge, and linger around to pass the time or hang about on any municipal property.
 - (2) Upon installation of proper signage, no person shall stay put in a motorized vehicle parked on a municipal property with the only reason of hanging out.
16. (1) Upon reception of a written request by the owner or occupant of a public place, and the installation of proper signage, no person shall loiter, loaf, lounge, and linger around to pass the time or hang about on any public place.
 - (2) Upon reception of a written request by the owner or occupant of a public place, and the installation of proper signage, no person stay put in a motorized vehicle parked on a public place with the only reason of hanging out.

EXEMPTIONS

17. (1) The provisions of this by-law shall not apply to the Town or its agents, employees or contractors during the course of performing their duties in relation to park construction, maintenance or other necessary activities.
 - (2) The provisions of this by-law shall not apply to the Ontario Provincial Police or other bona fide emergency service providers.

ENFORCEMENT

18. (1) This by-law shall be enforced by the Chief of Police or by the By-law Officers of the Town.
 - (2) No person shall hinder or obstruct, or attempt to hinder or obstruct the Chief of Police or the By-law Officers while exercising a power or performing a duty under this by-law.

OFFENCES AND PENALTIES

19. (1) Every person who contravenes any of the provisions of this by-law is guilty of an offence.
 - (2) Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act, as amended.
 - (3) Where a person has been convicted of an offence under this by-law the Ontario Court of Justice, or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offence.
20. Every person who acts in contravention of this by-law so as to cause the Town to incur costs due to his or her actions shall, in addition to any penalty provided for herein, be liable to the Town for all expenses incurred for the purpose of repairing or replacing damaged property or removing unauthorized materials, and such expenses may be recovered by court action or in a like manner as municipal taxes.

SHORT TITLE

21. This by-law may be referred to as the "Parks and Facilities By-law".

REPEALS

22. This by-law repeals By-law N° 37-86.

EFFECTIVE DATE

23. This by-law shall come into force upon its adoption.

**READ A FIRST, SECOND AND ADOPTED UPON THIRD READING
THIS 20th DAY OF APRIL 2009.**

Mayor

Clerk

Schedule "A"

Parks

Cadieux
Cyr de Lasalle
De la Confédération / Confederation
Larocque
Mémorial / Memorial
Old Mill
Place des Pionniers / Pioneers' Place
Sydney