

**THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER**

**BY-LAW NO. 2003-101**

**Being a By-law to regulate the use, protection and regulation of public parks and other public facilities in the Township of Springwater and to repeal By-law No. 2002-100.**

**(Hours & Code of Conduct - Township Parks & Public Facilities)**

**WHEREAS** Section 8 of the Municipal Act, S.O. 2001 as amended provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; (hereinafter the "Act")

**AND WHEREAS** Section 11(2) of the Act provides that lower tier municipalities may pass by-laws respecting matters within the spheres of jurisdiction;

**AND WHEREAS** the spheres of jurisdiction under Section 11(1) of the Municipal Act include item 5. Culture, parks, recreation and heritage.

**AND WHEREAS** Section 119 of the Municipal Act provides that a local municipality may, for the purpose of public safety, prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapon;

**AND WHEREAS** Section 128 of the Municipal Act provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

**AND WHEREAS** Section 130 of the Municipal Act provides that a municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

**AND WHEREAS** The Corporation of the Township of Springwater is the owner of public parks and other public facilities in the Township of Springwater (hereinafter called the "Township");

**AND WHEREAS** Council enacted By-law No. 2002-100 - Being a By-law to establish hours for public parks in the Township of Springwater (Hours for Township Parks);

**AND WHEREAS** the Council of The Corporation of the Township of Springwater deems it necessary and desirable to repeal and replace By-law No. 2002-100 with a By-law to regulate the use, protection and regulation of public parks and other public facilities in the Township of Springwater;

**NOW THEREFORE** the Council of the Corporation of the Township of Springwater enacts as follows:

**1. DEFINITIONS**

For the purpose of this By-law:

- 1.1 "authorized sign" means any sign, notice, or other device placed or erected in or upon a park, under the authority of this By-law;
- 1.2 "bicycle" includes a tricycle and unicycle but does not include a motor assisted bicycle;
- 1.3 "Council" means the Council of The Corporation of the Township of Springwater;
- 1.4 "designated area" means an area defined or constructed for a specific use which may include posted conditions;
- 1.5 "Motor Vehicle" means a motor vehicle within the meaning of the Highway Traffic Act, R.S.O. 1990, c.H.8 as may be amended from time to time.
- 1.6 "Motorized Recreational Vehicle" means a snowmobile, go-cart, trail bike, mini bike, all-terrain vehicles, or similar type of vehicle
- 1.7 "parking area" means a part of a park that is designated and intended to park motor vehicles;

- 1.8 "permit" means any written authorization of Council, a Committee established by Council where such power has been delegated;
- 1.9 "Police Officer" means an officer with the Ontario Provincial Police, or such other police force as may provide police services within the Township of Springwater from time to time.
- 1.10 "post" or "posted" refers to the erection or presence of permissive, regulatory, restrictive, warning or prohibitive signs and "posted area" means an area where such signs are erected;
- 1.11 "Township" shall mean the Township of Springwater or The Corporation of the Township of Springwater as the context provides.
- 1.12 "Township Employee" means any person employed by the Township of Springwater for the purposes of park maintenance or municipal law enforcement, including persons hired under contract. For the purposes of this By-law, the definition of a Township employee may include a person appointed by Council as members of Recreation Municipal Service Board or a person appointed by the Board of the North Simcoe RailTrail Inc. for the operation and/or maintenance of a Township Park;
- 1.13 "Township Facility" shall mean any land owned or leased by the Township of Springwater, other than a Township Park and Township Road, which is accessed by or provided for public use including but not limited to an arena, community centre, parking lot, public library, office, and unopened road allowances utilized under agreement with Snowmobile Clubs;
- 1.14 "Township Park" shall mean any parkland owned or leased by the Township of Springwater that is or hereafter established, dedicated, set apart or made available for the purposes of recreational facilities, including but not limited to amphitheatres, ball fields, bicycle path, ice rinks, pavilions, picnic areas, playgrounds, multi-purpose trail, open space, soccer fields, tennis courts, toboggan hills, walking trails and such other recreational uses as may be established from time to time and shall include any parking lot provided in conjunction with a public park. For the purposes of this By-law, the definition of a Township Park includes the North Simcoe RailTrail unless otherwise stated to the contrary.
- 1.15 "Township Road" means a highway under the jurisdiction of the Township of Springwater which has been assumed for public use and including a road allowance in a plan of subdivision which has been accepted for maintenance purposes.
- 1.16 "vehicle" includes a motor vehicle as defined under the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as may be amended from time to time, and any bicycle, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power, and includes in-line roller skates and skateboards, but excludes a wheelchair or similar device (powered or otherwise) used by an individual due to a disability, baby carriage or cart, child's wagon, child's stroller, child's sleigh or other conveyance of like nature;

## **2. HOURS FOR TOWNSHIP PARKS**

- 2.1 All Township Parks shall close at eleven (11) o'clock (p.m.) in the afternoon and shall remain closed until six (6) o'clock (a.m.) in the forenoon local time the following morning unless otherwise posted.
- 2.2 No person shall be, or remain in, a Township Park after the closing hour (11 p.m.) or before the opening hour (6 a.m.).
- 2.3 Any person remaining in a Township Park during the time period when the park is closed, including any person on or in a vehicle, shall be subject to the Trespass to Property Act.
- 2.4 This section shall not apply to a Police Officer or Township Employee while on duty and for the purpose of carrying out their duties.

- 2.5 This section shall not apply to a community event under an approved permit or use of snowmobiles on the North Simcoe Rail Trail.

**3. RESTRICTIONS FOR MOTOR VEHICLES**

- 3.1 No motor vehicles are permitted in a Township Park or at a Township Facility other than within the parking area provided therefor and subject to Section 2.3 above.
- 3.2 Subsection 3.1 above does not apply to motor vehicles or maintenance equipment operated by Township Employees or Police Officers, or trail grooming equipment under authority of North Simcoe Rail Trail Inc. or Snowmobile Clubs, for the purpose of carrying out their duties.

**4. RESTRICTIONS FOR MOTORIZED RECREATIONAL VEHICLES**

- 4.1 Except where expressly permitted by this By-law, no motorized recreational vehicle is permitted within a Township Park at any time.
- 4.2 Notwithstanding Subsection 4.1 above, a motorized snow vehicle is permitted on the North Simcoe Rail Trail, subject to the agreement between the Township and North Simcoe Rail Trail Inc.

**5. CODE OF CONDUCT**

**5.1 General Code of Conduct**

While in a Township Park or Township Facility, no person shall:

- 5.1.1 indulge in any riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language;
- 5.1.2 cast, throw, or in any way propel any object in such a manner as may or does endanger or cause injury or damage to any person or property;
- 5.1.3 loiter, spy, accost, frighten, annoy or otherwise disturb other persons; or
- 5.1.4 in any way interfere with the use and enjoyment of the Township Park or Township Facility by other persons.
- 5.1.5 participate in any activity which may endanger the life or safety of the person or any other person.

**5.2 Firearms or Offensive Weapons**

While in a Township Park or Township Facility, no person, shall be in possession of or use any firearm, torpedo, rocket of any type, air gun, paint ball guns, bow and arrow, axe or offensive weapon of any kind unless authorized by permit.

**5.3 Fireworks**

While in a Township Park or Township Facility, no person shall ignite, discharge or set off any fireworks except as a fireworks display authorized by the Township and in compliance with the Fireworks By-law.

**5.4 Injury and Damage**

No person shall in any Township Park or Township Facility:

- 5.4.1 climb any building, structure or equipment, unless it is equipment designed for climbing;
- 5.4.2 destroy, or cut, mark, break, dig, pull up or burn or in any way damage, injure, remove or deface;
- (a) any tree, flower, flower bed, bush, shrub, plant, sod, grass or other vegetation, soil, sand, gravel or wood;

- (b) any monument, fountain, bridge, wall, seat, bench, structure or equipment or any appurtenance thereof;
- (c) in any manner disturb ground which is under repair, prepared for planting, has been newly seeded or sodded or is in an area posted to that effect; or

5.4.5 drive a vehicle or walk in an area posted to prohibit same.

## **5.5 Garbage**

No person shall in any Township Park or Township Facility:

- 5.5.1 dispose or dump garbage, litter, tree trimmings, or like refuse, except that which is generated through the normal use of the Township Park or Township Facility and shall only deposit same in receptacles provided for such purpose;
- 5.5.2 dispose of or dump garden refuse;
- 5.5.3 dump or deposit snow, fill, soil, building or construction materials; or
- 5.5.4 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.

## **5.6 Protection of Wildlife**

While in a Township Park or at a Township Facility, no person shall:

- 5.6.1 kill, attempt to kill, trap, hunt, pursue or in any manner disturb any animal, bird, waterfowl, fish, worms or other wildlife other than fishing under a Provincial license.

## **5.7 Alcohol**

While in a Township Park or Township Facility, no person shall consume, serve or sell alcoholic beverages unless authorized by the municipality in accordance with the Alcohol Risk Management Policy and/or under a permit approved by the Liquor Licence Board of Ontario.

## **5.8 Campfires and Barbecues**

While in a Township Park or at a Township Facility, no person shall:

- 5.8.1 light, build or stoke a fire or bonfire unless authorized by permit;
- 5.8.2 use a solid fueled portable barbecue unless authorized by permit or where posted to allow same. Propane barbecues are permitted in a pavilion or picnic area. Permits and/or fire inspections are required for sale of food to the public;
- 5.8.3 use fuel other than charcoal or briquettes in a barbecue provided by the municipality; or
- 5.8.4 leave a fire unattended or leave the site of the fire before the fire is completely extinguished.
- 5.8.5 dispose of coals in a garbage container or any other manner which may result in a fire.

## **5.9 Camping and Lodging**

- 5.9.1 No person shall dwell, camp, or lodge in a Township Park or at a Township Facility.

5.9.2 Notwithstanding Section 5.9.1 above, persons may camp at the Edenvale Conservation Area when and where such camping is permitted under an Agreement with the Township or is done in conjunction with the Nottawasaga River Canoe Route.

**5.10 Tents and Structures**

Unless authorized by permit, no person shall place, install or erect any temporary or permanent tent or structure in any Township Park or at a Township Facility.

**5.11 Bathing and Swimming**

No person shall in any Township Park swim, bathe or wade in any pond, lake or stream, except at the public beach in Orr Lake Park unless posted otherwise.

**5.12 Golfing and Archery**

While in a Township Park or at a Township Facility, no person shall play or practice golf or archery unless authorized by permit or facilities are provided for such purpose.

**5.13 Model Aircraft and Rockets**

While in a Township Park or at a Township Facility, no person shall operate any powered models of aircraft, rockets, watercraft or vehicles unless authorized by permit.

**5.14 Skiing, Tobogganing and Sledding**

No person shall ski, toboggan, snowboard, skibob or sled in any Township Park or at a Township Facility in an area posted to prohibit same.

**5.15 Roller Skates and Skateboards at Township Parks**

While in a Township Park no person shall:

5.15.1 operate or utilize roller skates or in-line roller skates or like conveyances where posted to prohibit or otherwise restrict the use of the same;

5.15.2 obstruct, inconvenience or endanger other users of the Township Park or Township Facility while operating or utilizing roller skates, in-line roller skates, or like conveyances; or

5.15.3 use a skateboard, except where in a designated skatepark provided by the Township on a permanent or temporary basis. Except where and when a skatepark is provided, no person shall use a skateboard except in accordance with the safety use guidelines and/or rules and regulations as may be posted by the Township.

**5.16 Prohibition of Skateboards at other Township Facilities**

5.16.1 No person shall use a skateboard at a Township Facility.

5.16.2 In addition, the use of skateboards is prohibited on the sidewalks in the Elmvale Commercial District defined as the north and south sides of Queen Street West from Yonge Street westerly to Lent Street and on any other sidewalk where posted.

**5.17 Tennis**

5.17.1 No person shall play tennis except in designated area provided by the Township or under an agreement with the Township.

5.17.2 No person shall enter, walk, or play upon a designated area for tennis except in accordance with the posted rules and regulations of the Township or Tennis Club.

**5.18 Bicycles**

While in any Township Park or Township Facility, no person shall:

5.18.1 ride, operate or be in possession of any bicycle where posted to prohibit same; or

5.18.2 obstruct, inconvenience or endanger other users of the Township Park or Township Facility while riding or operating a bicycle.

**5.19 Motorized Recreational Vehicles**

No person shall ride, drive, or be in the possession or control of a motorized recreational vehicle in any Township Park or Township Facility except in a designated area.

**5.20 Animals**

5.20.1 No person shall bring or permit any animal in a Township Park, including a horse or pony, except a domesticated animal which includes but is not limited to a cat or dog subject to the Dog Control By-law

5.20.2 Notwithstanding Section 5.20.1, horses are permitted on the North Simcoe RailTrail subject to the lease agreement with the Township.

5.20.3 No person shall bring any animal to a Township Facility except under a permit or persons reliant upon a service animal.

5.20.4 No person shall bring or permit any animal on any Township ball diamond, soccer field or other playing field.

**5.21 Boating**

No person shall place, operate, drive or ride any watercraft in any area posted so as to prohibit or restrict the type and allowable uses of watercraft.

**5.22 Sale of Merchandise, Trade or Business**

Unless authorized by permit or as part of a Council approved community event or Hall Board fundraiser, no person shall, while in a Township Park or at a Township Facility, sell or offer or display for sale:

5.22.1 any food, drink or refreshment;

5.22.2 any goods, wares, merchandise or articles including promotional material, souvenirs and novelties;

5.22.3 any flowers, fruits or vegetables; or

5.22.4 any art, skill, service or work

**6. PENALTIES**

Any person contravening any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine in such amount provided by the *Provincial Offences Act* R.S.O. 1990, c. P.33, as may be amended from time to time and/or the Trespass to Property Act.

**7. SEVERABILITY**

If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law, it shall be severed and it is hereby declared that the remainder of the By-law shall be valid and shall remain in full force and effect.

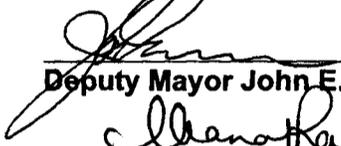
**8. SHORT TITLE**

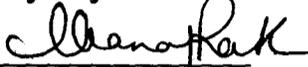
THAT this By-law shall be referred to as the "Parks & Facilities Regulation By-law".

- 9. REPEAL**  
THAT BY-law No. 2002-100 be and is hereby repealed.
- 10. FORCE AND EFFECT**  
THAT this By-law shall take force and effect upon passage hereof.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
6<sup>TH</sup> DAY OF SEPTEMBER, 2003**

**THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER**

  
**Deputy Mayor John E. Brown**

  
**Clerk Eleanor J. Rath**