

## BY-LAW NO. 23-2019

### A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO REGULATE PUBLIC PARKS AND FACILITIES.

**WHEREAS** the Municipal Act S.O. 2001, c.25, Section 11(3) 5 provides that a lower-tier municipality may pass by-laws respecting matters within sphere of culture, parks, recreation and heritage;

**AND WHEREAS** the Municipal Act S.O. 2001 c.25, section 130 provides that every Council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act;

**AND WHEREAS** all park properties and facilities under the jurisdiction of the Corporation of the Town of Carleton Place are for the use, benefit and pleasure of the public;

**NOW THEREFORE** the Council of the Corporation of the Town of Carleton Place enacts as follows:

#### 1. DEFINITIONS

- 1.1 **Alcoholic Beverage** means spirits, liquor, beer, wine or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage alone or in combination with any other matter.
  - 1.2 **Animal** means any member of the animal kingdom, other than a human, and includes birds.
  - 1.3 **By-law Enforcement Officer** means the By-law Enforcement Officer appointed by The Corporation.
  - 1.4 **Camp** means to erect a structure, hut or tent for shelter. Or use of a trailer or recreational vehicle of any kind.
  - 1.5 **Commercial** use means to generate profit from an activity such as selling goods or services or charging a registration fee.
  - 1.6 **Committee** means the Parks, Recreation & Culture Committee of the Town of Carleton Place, members of which are appointed by the Striking Committee of Council.
  - 1.7 **Community Special Event** means an event recognized by the Recreation and Culture Department as a one-time, annual or infrequently occurring event outside normal programs or activities of the Town i.e. Canada Day activities, regattas, car shows, music festivals, etc.
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- 1.8 **Corporation** means The Corporation of the Town of Carleton Place.
- 1.9 **Council** means the Council of the Corporation of the Town of Carleton Place.
- 1.10 **Facility** shall mean any arena, pool, outdoor rink, splash pad, building or structure under the jurisdiction of the Corporation which is used for leisure, play or organized events and activities.
- 1.11 **Manager** means the Manager of Parks, Recreation & Culture designated by the Corporation.
- 1.12 **Motorized Vehicle** includes an automobile, truck, motorcycle, boat and any other vehicle propelled or driven otherwise by muscular power, including all motorized snow or all-terrain vehicles but shall not include a wheelchair, and motorized vehicles operating pursuant to instructions from the Manager or any other person designated by the Corporation.
- 1.13 **Outdoor Rink** shall mean an ice surface provided by the Corporation, whether enclosed by boards or not, for recreational use by the public.
- 1.14 **Park** shall mean a park, playground, playing field, beach, outdoor recreation complex, square, garden, water, pedestrian walkway, trails or any other area within Town limits, owned, leased or used by the Corporation and devoted to active or passive recreation and shall include any lane or walkway or public parking area leading thereto.
- 1.15 **Permit** means a permit issued by the Corporation's Parks, Recreation & Culture Department for the use of a facility, park, field, etc. Permits will specify all of the dates, times and conditions of rental. Permits take precedent over regular public use when fees and scheduling are not required for their use.
- 1.16 **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.
- 1.17 **Property** includes buildings, structures, equipment, turf, trees, plants, or any other thing, item or object installed, contained, erected, planted or placed by the Corporation in any Municipal Park or Facility.
- 1.18 **Service Animal** means an animal trained by a recognized school for service as a guide dog for the blind or visually impaired, a guide dog for the deaf or hearing impaired, or a special skills animal for other disabled persons and includes an animal used in therapy, registered with a recognized organization for that purpose.
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- 1.19 **Swimming Area** shall mean any area designated as an official swimming area, patrolled by the Town employed lifeguards and marked accordingly by buoys and signs.
- 1.20 **Swimming Pool** means any swimming pool under the jurisdiction of the Municipality
- 1.21 **Town** means the Municipal Corporation of the Town of Carleton Place or the geographic area of the Town of Carleton Place as the context requires.
- 1.22 **Wheelchair** means a chair mounted on wheels driven by muscular power or any other kind of power and used for the carriage of a person who has a physical disability.
- 1.23 **Wild Animal** means an animal of a wild nature or disposition.

## 2. **GENERAL PROVISIONS**

- 2.1 Except as otherwise provided herein, this by-law applies to all parks, facilities and trails under the control and management of the Corporation.

## 3. **VEHICLES**

- 3.1 No person shall operate a motor vehicle within the limits of any park or facility situated in the Town unless on roadways designated for such purposes or authorized by the Manager.
  - 3.2 No person shall operate a motor vehicle at a speed in excess of 15km/hr on designated roadways within park limits.
  - 3.3 No person shall operate a motor vehicle in a manner which may disturb, by excessive noise or otherwise, the occupants of the park or persons living in the vicinity of the park.
  - 3.4 No person shall permit a vehicle to be parked or left standing in any place in a park or in a facility parking lot other than designated parking areas save and except vehicles operated pursuant to the instructions from the Manager.
  - 3.5 No person shall allow a motorized boat to dock at or within 50m of a designated swimming area, except a motorized vehicle which is authorized by the Town, the Manager or those used or authorized by the Carleton Place Canoe Club.
  - 3.6 Notwithstanding the provisions of this section, bicycles and skateboards are permitted in parks and trails, except on the sanded beach areas, on
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the splash pad or those areas where signs prohibiting their use are posted.

- 3.7 No person shall park overnight in any park or at any facility unless otherwise permitted by the Manager.

#### 4. **FIRE**

- 4.1 No person shall light a fire in any park, trail, or facility unless they have received permission from the Manager in consultation with the Fire Chief.
- 4.2 Barbeques may be brought to and used in public parks provided they are propane or gas operated only, are supervised at all times and are used in a safe area.

#### 5. **PERMITS**

- 5.1 No person, group or organization shall camp or lodge in any park or facility unless first acquiring a permit issued by the Manager or a designate thereof.
- 5.2 A permit is required to hold an event, a special event or regular planned activity in a park or facility. Events and/or activities include but are not limited to community picnics, fundraisers, sporting events, sporting activities, weddings, birthdays and special events.
- 5.3 Only a special event permit can authorize the individual, group or event exclusive use of a park or portion of thereof. Special event permits must be obtained from the Parks, Recreation & Culture Department 30 days prior to the date the event. Special events will be classified as such by the Manager or a designate thereof.
- 5.4 Permits shall be valid for the period of time specified thereon.
- 5.5 Permit fees shall be established by Council By-law updated annually.
- 5.6 Cancellations shall be reported to the Manager or a designate thereof as soon as possible in advance of the event.

#### 6. **ALCOHOL**

- 6.1 Alcoholic beverages shall not be permitted in any park or facility except in areas designated and in accordance with the Municipal Alcohol Policy, the Liquor Licence Act and regulations set out by the Alcohol and Gaming Commission. Events must be approved by the Manager.
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6.2 No person in an intoxicated condition shall enter any park or facility and shall be removed therefrom if found to be causing a disturbance within the park or facility.

**7. FIREARMS, FIREWORKS, OFFENSIVE WEAPONS**

7.1 No person shall have in their possession, in any park or facility, any firearm, air gun, bow and arrow, axe, knife, sling shot or fireworks of any kind.

7.2 No person shall discharge or use any firearm, fireworks or use any offensive weapon within any park or facility as prescribed by the Town's Firearms By-law and Fireworks By-law and any other law prohibiting the use of such items.

**8. ADVERTISING**

8.1 No individual or business shall advertise their business in any park or facility unless they are a sponsor for an event and they must only advertise during the hours that the event is taking place.

**9. SALES/COMMERCIAL USE**

9.1 No individual or business where goods or services are exchanged for a monetary value shall operate in any park unless the business has obtained a permit through the Recreation and Culture Department, is of a recreational or cultural nature and does not require storage or is considered a Community Special Event.

9.2 A business may be permitted to operate under the Town's Refreshment Vehicle By-law. Such business shall also be required to obtain a permit through the Recreation and Culture Department.

**10. ANIMALS**

10.1 No person shall permit a dog or other animal under their control to enter the water within 50m of any designated swimming area.

10.2 All animals present within the parks, trails and outside facilities must be under the direct control of the person responsible and leashed.

10.3 No Animals are permitted within facility buildings except service animals or animals authorized by the Manager.

10.4 No person in any park or facility, shall disturb, molest, move, attempt to maim or kill any bird or animal or wild animal, or remove any nest, eggs or offspring.

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10.5 No person shall fish or permit fishing within 50m of any designated swimming area.

## 11. HOURS OF OPERATION

11.1 No person shall remain or enter parks, trails or outdoor rinks between the hours of 11:00 p.m. and 6:00 a.m. except as a participant or spectator of an event, a special event or program approved by the Manager.

11.2 No person shall use sports field, ball diamonds, tennis courts, volleyball court, or splash pad on any day between October 15<sup>th</sup> of one year and May 15<sup>th</sup> of the following year.

11.3 The Manager may, at his/her discretion, amend the dates on which a sports field, ball diamond, tennis court, volleyball court, or splash pad may on the basis of the ground conditions and/or the maintenance schedule.

11.4 The Manager may, at his/her discretion, restrict or permit access, at any time and to anyone for the use of a sports field, ball diamond, tennis court, volleyball court, splash pad, park, trail or facility on the basis of the ground conditions and/or the maintenance schedule.

11.5 Subject to section 11.2, 11.3 and 11.4, no person shall use or access any area or facility to which access has been restricted by the Manager.

11.6 Unless written permission has been received from the Manager, no person shall access or use the fields for winter sports during the winter months, unless the following applies:

- a) the ground is snow covered
- b) the site is not altered
- c) there is no potential damage to the field

## 12. PROTECTION OF PERSONS AND PROPERTY

12.1 No person in any park or facility, shall climb, break, injure, deface, move or remove any property except with the express written permission from the Manager.

12.2 No person in any park or facility shall distribute any flyers, notices or advertising devices of any nature or kind, without permission from the Manager.

12.3 No person shall in any park or facility, enter any place where a sign prohibiting admittance, or trespassing is displayed or where admittance is otherwise prohibited or restricted.

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- 12.4 No person in any park or facility shall indulge in riotous, boisterous, threatening, or indecent conduct, or abusive, threatening, or profane language, or accost, annoy, or in any way interfere with any other person.
- 12.5 No person shall smoke, vape or carry a lit cigarette, cigar, or pipe in the area of any facility or park where no smoking has been designated as prescribed by the Smoke Free Ontario Act.
- 12.6 No person shall in any park or facility, leave, or drop any refuse, paper, bottles, cans, rubbish or any items of this nature, except in receptacles provided for that purpose.
- 12.7 No person shall in any park or facility, leave, or drop any large items, hazardous waste, construction material, brush, grass cuttings, liquid, garbage or any items of this nature.
- 12.8 Subsection 12.6 and 12.7 are subject to the requirements prescribed by the Corporation's Garbage By-laws.
- 12.9 No person shall in any park or facility, dump, deposit, pile, or scatter any snow, stone, earth, sand or gravel without prior approval from the Manager.
- 12.10 No person shall play or permit the playing of golf in any park or facility, or use any park or facility as a driving range to hit golf balls.

### **13. ENCROACHMENT ON PROPERTY**

- 13.1 No person shall, being the owner or tenant of land abutting a park, cause or permit the planting of any hedge, tree, shrub, garden, or construction of any fence, storage shed, retaining wall or structure of any kind, the keeping of a compost heap or the placing of any string, wire, chain, rope or similar material on park property without prior written approval from the Manager.
  - 13.2 No person, shall, being the owner or tenant of land abutting a park, use the Town's park to access their property without first obtaining the permission of the Manager. The property owner may be required, at the discretion of the Manager, to provide a deposit in the form of a certified cheque to cover any potential damages to park property. Said deposit shall be returned to the property owner upon satisfactory completion of the project and repair of any damage to the Town's park. Should the property owner not repair damages to the Town's park, the deposit shall be used by the Manager to repair the damage.
  - 13.2 Where a person is in contravention of Section 13.1, a notice shall be sent by registered mail to the owner and the occupant at the last known
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address, requiring conformity to the requirements of this provision.

13.3 The person or persons who have been served with a notice shall have 7 days from the date of the notice to remedy the violation.

13.4 Where a notice has been sent pursuant to Subsection 13.1 and the requirements of the notice have not been complied with, the Town shall cause the work to be done and the Corporation may recover such expense incurred by invoicing the property owner.

13.5 Failure to pay the invoice issued by the Town for services rendered will result in the outstanding amount being added to the Municipal taxes.

13.6 All invoices sent shall have a \$50.00 administrative fee added to the actual cost of services rendered.

#### 14. **ADMINISTRATION**

14.1 This by-law shall be enforced by the By-law Enforcement Officers and/or members of the Carleton Place Detachment of the Ontario Provincial Police.

14.2 The Manager or authorized agent of the Town may at any time, close to the public any area or any portion of an area or any building in the area and may require the payment of a fee by any person desiring to enter. No unauthorized person shall enter any closed area without first paying the fee for admission to the person duly authorized by the Manager or other Town agent to collect such fees.

14.3 The Manager or any person duly authorized by the Town is hereby authorized to call for a police investigation and action if there is reasonable and probable cause to believe that an offence under this by-law has been, or is about to be committed in a park or facility.

14.4 The Manager requires insurance coverage before the use of a park or facility may begin. The permit holder shall carry a minimum of \$2 million general liability and property damage insurance in which policy the Town shall be a named insured.

#### 15. **VALIDITY, SEVERABILITY AND INTERPRETATION**

15.1 Where provisions of this by-law conflict with the provisions of another by-law in force in the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

15.2 This By-law shall come into force and take effect upon its passing.

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- 15.3 Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.
- 15.4 Whenever any reference is made in this By-law to a statute or regulation of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute or regulation and all successor legislation to such legislation.
- 15.5 Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law otherwise requires.

16. **OBSTRUCTION**

- 16.1 No person shall hinder or obstruct, or attempt to hinder or obstruct an Officer or facility staff exercising a power or performing a duty under this By-law.
- 16.2 If a police officer finds a person apparently in contravention of this by-law and the person refuses to give his or her name and address or there are reasonable grounds to believe that the name or address given is false, the police officer may arrest the person without warrant.

17. **FINES FOR CONTRAVENTION**

- 17.1 Any person who contravenes any of the provisions of this By-law and the procedures with respect thereto is guilty of an offence and the enforcement and the penalty imposed thereunder shall be subject to the provisions of the Provincial Offences Act, R.S.O 1990, Chapter P.53 and any amendments thereto and the penalty for the commission of any such offence shall be as provided for in the said Provincial Offences Act.

18. **SHORT FORM**

- 18.1 This By-law may be referred to as the Conduct in Public Parks and Facilities By-law.

19. **REPEAL OF THE BY-LAW**

- 19.1 That By-law No. 79-2018 and any amendments thereto, and any other by-
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laws inconsistent with this by-law are hereby repealed.

20. **ENACTMENT**

20.1 This By-law shall come into force and effect upon receipt of a set fine approval by the Regional Senior Justice of the Ontario Superior Court of Justice or his or her designate for the purpose of proceedings under Part I and Part II of the Provincial Offences Act.

READ A FIRST TIME, SECOND TIME AND A THIRD TIME AND FINALLY PASSED  
THIS 12<sup>th</sup> DAY OF MARCH 2019.

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Doug Black, Mayor

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Stacey Blair, Clerk