

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2015 - 10

PARKS AND FACILITIES REGULATIONS BY-LAW

Being a By-law to provide for the management, control, regulation maintenance and usage of all parks, including the harbour, trails, open space properties and other public facilities owned and or leased by the Town of The Blue Mountains

WHEREAS Section 8 of *The Municipal Act, 2001*, S.O. 2001, C.25 (the Act), as amended, states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on a municipality to enable the municipality to govern their affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

WHEREAS Section 9 of the Act states 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;

AND WHEREAS Subsection 11. (1). (3) of the Act enables a municipality to pass By-laws regarding culture, parks, recreation and heritage;

AND WHEREAS Section 119 of the Act states that a 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 Act states that a 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 The Corporation of the Town of The Blue Mountains is the owner and/or responsible party for public parks, including the harbour, and other public recreation and heritage facilities in the Town of The Blue Mountains;

AND WHEREAS the Council of the Corporation of the Town of The Blue Mountains deems it expedient to manage, control, regulate and maintain the use of all public parks, including the harbour, and other public recreation and heritage facilities in the Town of The Blue Mountains;

NOW THEREFORE, the Council of the Corporation of the Town of The Blue Mountains enacts as follows:

1.0 DEFINITIONS

In this By-law, including the recitals:

“abandoned” means a vehicle or watercraft that is located or moored in contravention of this By-law for period in excess of 72 hours;

“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 substance;

“animal” means any member of the animal kingdom, other than a human, and includes birds;

“applicable law” means all statutes, laws, By-laws, regulations, ordinances, orders and requirements of all government authorities dealing with the use of and activities taking place in a park, including the ownership, use and operation of a watercraft in a park;

“authorized parking area” means an area of a park, lane, laneway, right of way, street or recreation designated, set aside for or established, for the parking of motor vehicles, which may have posted regulations with respect to the use of the area;

“authorized sign” means any sign, notice, or other device placed or erected in or upon a park, under the authority of this By-law;

“berth” means a location in the harbour where watercraft may be moored;

“bicycle” includes a tricycle, unicycle and a MAC (Motor Assisted Cycle). A MAC is a two-wheeled or three-wheeled cycle with a seat, pedals and an electric motor that is 500 watts or less AND has in place bicycle-style pedals for manual primary propulsion. MAC’s are cycles that combine the pedal power of bicycles with power assistance of an electric motor; bicycle” does not include an internal combustion motor assisted bicycle or LSM (Limited Speed Motorcycle). An LSM is a low-powered motorcycle, moped or scooter that relies on motor power and is generally not equipped with bicycle style pedals.

“black water” means waste water likely to contain significant quantities of fecal matter;

“camp” means to erect a structure, hut, or tent for the purpose of providing shelter, or to use a structure, hut, tent for human habitation or the use of a watercraft while in land storage for human habitation for any period of time;

“change rooms” means any permanent or temporary structure or portion of a structure designed to accommodate persons for the purpose of changing their clothing. A change room may or may not include washroom facilities;

“Council” means the Council of The Corporation of the Town of The Blue Mountains;

“dangerous goods” means dangerous goods as defined in the Transportation of Dangerous Goods Act, R.S.C. 1985, c.T.19;

“designated area” means an area in a park defined or constructed for a specific use or activity which may include posted conditions;

“Director” means the Director of Community Services for the Town or authorized designates;

“emergency” means a situation or an impending situation that could result in serious harm to persons or substantial damage to property and which may be caused by the forces of nature, an accident, an intentional act or otherwise;

“emergency vehicle” means a police, fire, search and rescue, or ambulance vehicle or watercraft:

“explosive” has the same meaning as set out in the Explosives Act, R.S.C. 1985, c. E.17;

“facility” means any area, building, structure in a park under the jurisdiction of the Town of The Blue Mountains’ Community Services Department;

“fee” means a fee for the use of a park or part thereof, or any services provided by the Town as set out in the Town’s Fees and Charges By-law;

“government authority” means any government authority or agency that has jurisdiction over the use of and any activities taking place in a park, including the ownership, use and operation of a watercraft in a park;

“harbour” means the land and land covered by water shown in heavy out line on the plan attached as Schedule “A” to this By-law which is also known as the Thornbury Harbour;

“harbour property” means any real property, buildings, structures and equipment of the Town located in the harbour including docks and piers;

“hiking trail” means that part of or a park that has been marked, posted or blazed for the purpose of hiking, snow shoeing, cross country skiing or running by the public, is not pavement or concrete and on which the use of in-line skates, skateboards, bicycles, motor vehicles and motorized snow vehicles is prohibited. Hiking trails may or may not be accessible to motorized wheel chairs depending on topographic restrictions;

“launch ramp” means an area adjacent to or used in connection with a municipal dock, which is not a structure, and which serves as an area to launch or recover watercraft into and from the water,

“licence” means a licence of occupation issued by the Town pursuant to this By-law to an owner that permits usage of a mooring slip from May 1 until October 31 in any year or permits an owner to store a watercraft on any land in the harbour;

“Manager” means the Harbour Manager or the Manager of Parks and Trails for the Town any authorized designates as the context requires;

“moor” means to secure a watercraft by means of lines, cables, anchors, or other similar means to a municipal dock;

“mooring slip” means a specific and numbered berth location as set out in a licence issued under this By-law to a person who moors watercraft in the harbour for the season of operation to which the licence applies;

“municipal dock” means any structure owned or under the control of the Town and used as a dock, wharf, pier, or watercraft launching or recovery area together with all adjacent and underlying lands related thereto;

“Municipal Law Enforcement Officer” means any Municipal Law Enforcement Officer or By-law Enforcement Officer, or other person appointed by the Council to administer and enforce the provisions of this By-law;

“Officer” means an Officer of the Ontario Provincial Police or the Royal Canadian Mounted Police or a person appointed by the Governments of Ontario or Canada to enforce their respective laws;

“organized sport or activity” means a sport, game or activity pre-planned by a group or organization whether or not formally constituted and whether or not the players or members wear uniforms;

“owner” means the person who owns a watercraft;

“park” means land and land covered by water and all portions thereof, including the harbour, owned, managed by or made available by lease, agreement, or otherwise to the Town, that is or hereafter may be established, dedicated, set apart or made available for use as public open space or public recreation purposes and that has been or hereafter may be placed under the jurisdiction of the Community Services Department including any and all building, structures, facilities, erections and improvements located in or on such land, save and except areas of user common as shown on plans of subdivision where such land is governed by entities other than the Town. A park shall include but not be limited to amphitheatres, ball fields, outdoor ice rinks, pavilions, picnic areas, playgrounds, open spaces, soccer fields, tennis courts, toboggan hills, water

access lands, sports fields and such other recreational uses as may be established from time to time and shall include parking lots provided in conjunction with a park;

“parking area” means a part of a park that is a designated area for the parking of vehicles;

“permit” means any written permission or authorization issued by the Town for a person to use a park or any part of a park for an activity, a launch ramp or a municipal dock to moor a watercraft for the period of time specified in the permit;

“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;

“posted area” means any area in a park that is posted by sign, notice, or other device for use for a specific activity or to prohibit or restrict specific activities in or on a park under the authority of this By-law;

“roadway” means that part of a park that is improved, designed or ordinarily used by vehicles;

“run at large” means to be found in any place other than the premises of the owner of the animal and not under the physical control of any person by means of a leash held by the said person;

“service animal” as defined in Accessibility for Ontarians With Disabilities Act, S.O. 2005, c.11 and includes a guide dog and other trained service animal identifiable by a harness and used principally to assist persons with a visual, hearing or other impediment;

“service vehicle” means any municipal vehicle, fire emergency vehicle, law enforcement vehicle or contractor’s vehicle used in the maintenance of a park;

“skateboard” means a form of conveyance without self-propulsion consisting of any number of wheels attached to a flat surface which is designed to support the weight of a rider;

“special occasions permit” means a permit required by the Alcohol and Gaming Commission of Ontario to offer for sale any alcoholic beverage served anywhere other than in a licensed establishment or a private place.

“sports field” means an area in a park set aside for use for sports, such as but not limited to football, soccer, rugby, field lacrosse, baseball, requiring open space;

“structure” means any and all structures other than those as defined by the Ontario Building Code and includes: equipment, trees, shrubs, horticultural displays, benches, walkways, tennis courts, waste disposal containers, playground apparatus, skateboard park apparatus, shelters, fencing, lighting, boat ramps, docks, parking areas or other such structures that may be placed or erected in or on a Town park;

“Town” means The Corporation of the Town of The Blue Mountains or the geographic area of the Town of The Blue Mountains as the context requires;

“Town employee” means any person employed by the Town;

“Town land” means any and all real property owned or managed by the Town and not designated as a park;

“Town road” means a highway under the jurisdiction of the Town of The Blue

Mountains which has been, by By-law, established or assumed for public use;

“transient” means a watercraft which enters the Harbour, the owner of which does not have a licence or a permit to moor the watercraft in the harbour;

“vehicle” includes a motor vehicle as defined under the Highway Traffic Act, R.S.O. 1990, c.H.8, including trucks, automobiles, trailers, buses, motorcycles, mopeds, snowmobiles, ATV (all terrain vehicles), LSM (Limited Speed Motorcycle) or any other mode of transportation of a like nature and 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;

“waiting list” means the list of persons maintained by the Manager who are awaiting the availability of a mooring slip in the harbour;

“wake” the disturbance of water left behind a moving watercraft;

“watercraft” means any device for conveyance in or on water and includes but is not limited to boats, personal watercraft, row boats, sailboards, canoes, kayaks, or dinghies

“water access lands” means any Town land that provides access to a body of water;

“waste” means paper, bottles, broken glass, cans, rags, garbage, rubbish, debris or refuse or any kind;

“washroom” means any authorized permanent or temporary structure or portion of a structure that contains toilets or urinals and wash basins and which is owned, leased or operated by the Town;

“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;

PART I - CONDUCT

2.0 Restricted Areas

1. While in a park, no person shall enter into a posted area in a park where it is posted to prohibit or restrict admission to the public.

3.0 General Code of Conduct

1. While in a park, no person shall:
 - a. Indulge in any disorderly, dangerous, offensive, riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language;
 - b. Cast, throw, or in any way propel any object in such a manner that may or does endanger or cause injury or damage to any person or property;
 - c. Create a nuisance by loitering, spying, accosting, frightening, annoying or otherwise disturbing other persons;
 - d. Remain in a park during inclement weather, once thunder is heard or lightning is seen, no occupation of any park is permitted for a minimum of 30 minutes since the last thunder is heard;

- e. Create a nuisance or in any way interfere with the use and enjoyment of the park by other persons; or,
- f. Engage in any activity that may be offensive to the public in accordance with applicable law;
- g. Hinder or obstruct, or attempt to hinder or obstruct, the Director, Manager, Officer or any other authorized employee or agent of the Town in the exercise of a power or the performance of a duty under this By-law

4.0 Firearms, Weapons, Dangerous Goods and Explosives

- 1. While in a park, no person shall be in possession of or use any firearm, torpedo, rocket of any type, air gun, bow and arrow, axe or offensive weapon of any kind unless authorized by the Director and Council.
- 2. No person shall bring dangerous goods, explosive or combustible Goods into a park.

5.0 Fireworks

- 1. While in a park, no person shall:
 - a. Ignite, discharge or set off any fireworks, except as a fireworks display authorized by Director and The Blue Mountains Fire services Department or Council; or,
 - b. Purposely release any floating lanterns.

6.0 Injury and Damage

- 1. No person shall in any park:
 - a. Climb any building, structure or equipment, unless it is equipment designed and posted for climbing;
 - b. Destroy, or cut, mark, break, dig, pull up or burn or in any way damage, injure, remove or deface any tree, flower, flower bed, bush, shrub, plant, sod, grass or other vegetation, soil, sand, gravel or wood or any monument, fountain, bridge, wall, seat, bench, structure or article of park 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,
 - d. Drive, park or stand a vehicle or walk in an area posted to prohibit same.

7.0 Waste and Pollution

- 1. No person shall in any park:
 - a. Dispose or dump waste, litter, tree trimmings, or like refuse, except that which is generated through the normal use of the park and shall only deposit same in Town supplied receptacles provided for such purpose;
 - b. Dispose of or dump fish remains except in Town supplied receptacles provided for such purpose in areas where fishing is permitted;
 - c. Dispose of or dump garden refuse;
 - d. Unless authorized by permit, dump or deposit snow, fill, soil, building

or construction materials;

- e. 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, including sewage and black water, which may have the effect of polluting same;
- f. Purposely release any balloons.

8.0 Protection of Wildlife

- 1. In recognition of the mandate of the Ministry of Natural Resources, no person shall while in a park, unless approved by permit or Treaty:
 - a. Kill, attempt to kill, trap, hunt, fish, attempt to fish, pursue or in any manner disturb any animal, bird, waterfowl, fish, works or other wildlife, provided that this provision shall not apply to any person fishing the Beaver River, Mill Creek, Little Beaver River, Indian Brook, Silver Creek, Ash Creek and Georgian Bay;
 - b. Feed any waterfowl, except in a designated area; or
 - c. Fish in violation of provincial or federal statutes or regulations.

9.0 Encroachment

- 1. Unless authorized by permit or otherwise, no person shall encroach upon or take possession of any park by any means whatsoever including:
 - a. The construction, installation or maintenance of any fence, storage shed, retaining wall or other structure of any kind;
 - b. Keeping of any composting receptacle or pile;
 - c. Placing of any string, wire, chain, rope or similar material; or,
 - d. Plantings, of any hedge, tree, shrub or garden on park property thereon.

10.0 Alcohol

- 1. While in a park, no person shall consume, serve or sell alcoholic beverages unless permitted by applicable law or unless authorized by the Town in accordance with the Towns Alcohol Risk Management Policy and/or under a permit issued by the Town and with the approval of the Alcohol and Gaming Commission of Ontario.

PART II - PARK USE

11.0 Fires and Barbecues

- 1. While in a park, no person shall:
 - a. Light, build or stoke a fire or bonfire unless authorized by the Director;
 - b. Use a propane fueled portable barbecue unless authorized by the Director and The Blue Mountains Fire Services Department;
 - c. Use fuel other than charcoal or briquettes in a barbecue provided by the Town;
 - d. Leave a fire unattended or leave the site of the fire before the fire is completely extinguished; or,
 - e. Dispose of coals in a garbage container or any other manner which may result in a fire.

12.0 Organized Gatherings and Picnics

1. While in a park, no person shall:
 - a. Hold a picnic, organized gathering or event for more than twenty-five persons without first obtaining a permit and paying the applicable fees:
 - b. Interfere with a picnic, organized gathering or event; or
 - c. Have a picnic where the park is a Town cemetery.

13.0 Amplifiers and Loud Speakers

1. No person shall operate loud speakers or sound amplifying equipment while in a park without first obtaining a permit and paying the applicable fees.
2. While in a park no person shall operate, or use, any radio, tape player, compact disc player, personal audio device, car radio, or any other sound reproducing system in a manner which disturbs or interferes with other persons in or near the park.

14.0 Camping and Lodging

1. Unless authorized by the Director and Council, no person shall dwell, camp, or lodge in any park. .

15.0 Tents and Structures

1. Unless authorized by permit, no person shall place, install or erect any temporary or permanent tent or structure in any park.

16.0 Bathing, Swimming and Sun Bathing

1. No person shall in any park:
 - a. Swim, bathe or wade in any fountain, pond, lake or stream in a posted area prohibiting these activities.
 - b. Utilize facilities in ways that may be offensive to the public in accordance with applicable law.

17.0 Use of Wash and Change Rooms

1. No person shall enter any portion of any washroom, bathhouse, or change room in any park set apart for the opposite sex.

PART III - GAMES, SPORTS AND ORGANIZED ACTIVITIES

18.0 Organized Sports or Activities

1. While in a park, no person shall:
 - a. Arrange or engage in an organized sport or activity, except in a designated area which has been posted without first obtaining a permit and paying the required fees; or
 - b. Interfere with an organized sport or activity occurring within a designated area.

- c. In addition to the prohibitions set out in subsection (1) and (2), while in any park, no person shall utilize a designated area without authorization by the Director where same is posted to prohibit or restrict such use.

19.0 Golfing and Archery

- 1. While in a park, no person shall play or practice golf or archery, except in a designated area.

20.0 Model Aircraft, Drones and Rockets

- 1. While in a park, no person shall operate any powered models of aircraft, rockets, drones, watercraft or vehicles, unless authorized by the Director.

21.0 Skiing, Tobogganing and Sledding

- 1. No person shall downhill ski, toboggan, snowboard, skibob or sled in any area in any park, except in a designated area.

22.0 Roller Skates, In-Line Skates, Long Boards and Skate Boards

- 1. While in a park, no person shall:
 - a. 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;
 - b. Obstruct, inconvenience or endanger other users of the park while operating or utilizing roller skates, in-line roller skates, or life conveyances; or
 - c. Use a long board or skateboard, or Roller Skates or in-line Skates, except in a designated area.

23.0 Tennis/Pickleball/Volleyball

- 1. No person shall enter, walk or play upon a designated area for tennis, pickleball or volleyball in any park, except in accordance with the posted rules and regulations.

24.0 Sports Fields

- 1. No person shall participate in or play baseball, softball, basketball, volleyball, football, soccer, rugby, tennis, croquet, badminton, ultimate frisbee, disk golf, skateboarding, golf, or any other sport or activity in a park except in a designated area for such respective purpose and in accordance with subsection (2).
- 2. No person shall use a sports field on any day between the 16th day of September and the 30th of May of the following year;
- 3. Despite subsection (2), the Director may amend the dates on which a sports field may be used, on the basis of the ground conditions of the sports field.
- 4. Despite subsection (2), the Director may restrict or permit access, at any time and to any one ball diamond or sports field, on the basis of the ground conditions of the ball diamond or sports field.
- 5. Subject to subsections (3) and (4), no person shall use or access a ball

diamond or sports field to which has been restricted by the Director.

6. No person shall engage in any horse race or ride a horse in a park or an area not designated for that purpose unless authorized in writing by the Director.
7. Despite subsection (2), no person shall access or use a sports field for winter sports during the winter months unless;
 - a. the ground is snow covered,
 - b. the site is not altered, and
 - c. there is no potential damage to the field based on the determination of the Director.

PART IV - VEHICLES

25.0 Roadways

1. Council, or where such authority has been delegated, a Director or a Committee established by Council, is authorized to establish appropriate rules to regulate the use of roadways.
2. Unless authorized by permit, and except as provided in respect to Section 28 with respect to bicycles, no person shall while in a park, drive, operate, pull or ride any vehicle, except on a roadway or parking area.

26.0 Parking

1. No person shall in any park:
 - a. Park, stand or leave a vehicle, except in a parking area;
 - b. Park, stand or leave a vehicle between the hours of 22:01 and 05:59 hours., except in a designated area allowing for such overnight parking, or where authorized by permit;
 - c. Stop, park or stand a vehicle in a designated area for parking, except in a parking space and in accordance with posted conditions;
 - d. Stop, park or stand a vehicle in a designated disabled parking space, unless a disabled person parking permit issued in accordance with the provisions of the Highway Traffic Act, R.S.O. 1990, c.H.8, as may be amended from time to time, is properly displayed on or in the vehicle;
 - e. Use any parking space, except while using the park;
 - f. Use more than four (4) parking spaces for any film, photograph, weddings, family gatherings, team photographs, videoing, television broadcast or group photography that is to be taken for remuneration unless authorized by the Director;
 - g. Stop, park, stand or leave a vehicle in a designated fire route; or
 - h. Stop, park, stand or leave a vehicle, except in a designated area for parking at any water access lands.

27.0 Other Activities

1. No person shall make use of any roadway or designated area for parking in any park for:
 - a. Washing, cleaning, servicing, maintaining or except in the event of an emergency, the repair of any vehicle;

- b. Instructing, teaching or coaching any person in the driving or operation of a vehicle; or
- c. Playing of any games and/or sports, unless with authorization from the Director.

28.0 Bicycles

- 1. While in any park, no person shall:
 - a. Ride, operate or be in possession of any bicycle where posted to prohibit same; and,
 - b. Obstruct, inconvenience or endanger other users of the park while riding or operating a bicycle.

29.0 Motorized recreational vehicles

- 1. No person shall ride, drive, park or be in the possession or control of a motorized recreational vehicle in any park, except in a designated area.

30.0 Trucks and Commercial Motor vehicles

- 1. No person, unless authorized by the Director or a Manager, shall drive, operate, pull or ride in any park:
 - a. Any heavy machinery or equipment of any description and whatever the mode of power; or
 - b. Any truck, trailer or bus whatsoever, except a vehicle that is being used for the purpose of making a delivery to a point within the limits of the park while it is proceeding to or from such point of delivery.
 - c. All vending/catering trucks must be parked in the designated location as authorized by the Director and Council.

31.0 Speed

- 1. Unless authorized by a permit, while in a park, no person shall operate:
 - a. Any vehicle on a roadway at a speed in excess of the posted limit; or
 - b. A bicycle other than on a roadway at a speed in excess of 20 kilometers per hour.

PART V - ANIMALS

32.0 Unless authorized by the Director, no person shall bring any animal into a park, including a horse or pony, except a domesticated animal which includes but is not limited to a dog or a cat.

33.0 While in a park, no person as owner or person having control of any dog, or cat or other domesticated animal shall:

- 1. Allow an animal to run at large and will ensure that he/she is on a leash or chain not exceeding 2.0 meters (6.0 feet) in length when not running at large in a designated area
- 2. Pick up and remove forthwith excrement left by a dog, or cat or other domesticated animal and dispose of it in a sanitary manner in a receptacle for litter or in some other suitable container;
- 3. The provisions of sub-paragraph (2) do not apply to a person who has control of a service animal where it is being used to aid a person with a visual, hearing other impediment.

4. Excluding persons reliant upon a service animal, permit any dog, or cat or other domesticated animal to enter any beach, pond, swimming area, garden, landscaped area, playground or sports field, water access lands or any other area posted to prohibit same, or disturb any wildlife or damage any park resources.
 5. While a dog, or cat or other domesticated animal is in an area designated as a leash-free zone, every person as owner or person having control of a dog, cat or other domesticated animal shall:
 - a. Carry with him/her a leash;
 - b. Immediately remove a dog, or cat or other domesticated animal that shows aggressiveness toward people or other dogs, or cats or other domesticated animals or at the direction of an Officer, Provincial Offences Officer, Municipal Law Enforcement Officer or employee of the Town designated by the Council to administer this By-law;
 - c. Ensure that the dog, or cat or other domesticated animal does not leave the designated area while off his/her leash;
 - d. Ensure that the dog, or cat or other domesticated animal while in the designated area is under voice control and within visual sight at all times; and
 - e. Pick up and remove forthwith excrement left by a dog, or cat or other domesticated animal and dispose of it in a sanitary manner in a receptacle for litter or in some other suitable container;
- 34.0** No person as owner or person having control of a dog or cat or other domesticated animal shall bring in or permit such dog, or cat or other domesticated animal enter any park if he/she may or does constitute a danger to other park users or is reasonably likely to frighten other park users and the owner and/or the person having control of the dog, or cat or other domesticated animal has previously been advised by an Officer, or employee of the Town designated by the Council to administer this By-law not to bring the dog, or cat or other domesticated animal into a park or has been convicted of an offence related to the conduct of the dog, or cat or other domesticated animal under the Dog Owners' Liability Act, R.S.O. 1990, c.D.16 or this By-law or any other Town By-law.

PART VI - WATERCRAFT

35.0 Watercraft in Parks

1. No person shall place, operate, drive or ride any watercraft in designated area posted so as to prohibit or restrict the type and allowable uses of watercraft.
2. No person shall launch into or recover from the water a motorized watercraft in any park except in the harbour and in a designated area.
3. Unless authorized by permit, no person shall, subject to any right at law to do so, moor or keep a watercraft in any park:
 - a. Except in the harbour; or
 - b. For a period longer than 48 hours, except in the harbour or as otherwise authorized by the Director or as otherwise posted.
4. In addition to any other remedy, the Town may have watercraft removed

that is moored or kept in contravention of section 35 with no notice to the owner and/or occupant.

PART VII –THORNBURY HARBOUR

36.0 Application

1. For certainty, the harbour is a park within the meaning of this By-law and all of the provisions of this By-law apply to the harbour. In the event of a conflict between any provisions in this Part VII with any other provision in this By-law the provisions in this Part VII shall govern.

37.0 Licences and Permits

1. No person shall occupy or make use of a municipal dock at the harbour any or part thereof unless such person has obtained a license or permit from the Town and has paid the required fee.
2. No license or permit shall be given for any term exceeding the season of operation, except with the approval of the Manager.
3. The Manager shall have the right to revoke or terminate any license or permit issued or entered pursuant to this By-law if a person is in contravention of any provision of this By-law or has breached any term or is in contravention of such license or permit as determined by the Manager in his sole and absolute discretion
4. In addition to any other remedy, the Town may have watercraft removed that is moored in contravention of section 37 with no notice to the owner and/or occupant.
5. No license or permit can be transferred or assigned by the owner to another person without written approval from the Director.

38.0 General Regulations

1. The season of operation of the harbour is from May 1 until October 31 of any calendar year provided that persons may use the launch ramp and adjacent I dock until December 1st in any year.
2. The open hours of operation of the harbour shall be between the hours of 06:00 and 22:00 hours each day during the season of operation of the harbour provided that a watercraft may be operated in the harbour at any time during the season of operation. Despite anything contained in Part IX of this By-law, the owner and the invitees of that owner may enter upon the municipal dock to which the owner's watercraft is moored in accordance with a licence or permit at any time during the season of operation.
3. No person shall obstruct or interfere with any owner or watercraft lawfully using the harbour.
4. No person shall operate a watercraft or permit a watercraft to travel in excess of 7 kilometers per hour (4 knots) or create a wake within the harbour.
5. All watercraft operated in the harbour shall be moored at the owner's risk and the Town shall not be responsible under any circumstances for any loss or damage caused by or sustained to any watercraft.
6. No person shall moor a watercraft or leave goods or materials in the harbour so that it constitutes a nuisance or hazard or blocks access to any

municipal dock area or launch ramp in the opinion of the Manager or an Officer.

7. Any watercraft moored in the harbour or stored on land in the harbour may be boarded by Town employees in the event of any emergency.
8. Minor repair work on watercraft while moored to a municipal dock may be undertaken to the extent authorized by the Manager. All sanding must be contained by using appropriate vacuum systems and coverings to prevent non organic particles from contaminating the environment.
9. Despite anything contained in section 3 of this By-law, an owner, license holder or permit holder and the invitees of such persons may use the harbour or may remain on a watercraft moored in the harbour during inclement weather.
10. No person shall fish, swim, snorkel or scuba dive in the waters included within in the harbour limits.
11. While in the harbor or on a watercraft, no person shall consume, serve or sell alcoholic beverages unless permitted by applicable law or unless authorized by the Town in accordance with the Towns Alcohol Risk Management Policy and/or under a permit issued by the Town and with the approval of the Alcohol and Gaming Commission of Ontario.

39.0 Care of the Harbour

1. No person shall install electric power lines, except approved shore power cables, or water supply lines or drainage pipes on harbour property.
2. No person shall possess dangerous goods, explosives or combustible goods on any harbour property unless such goods are required for the ordinary purposes of the watercraft
3. In the event that a watercraft sinks in the harbour, the owner shall remove such watercraft immediately or with the authorization of the Manager the watercraft may be refloated. If the owner fails to do so, the Manager may remove or cause to be removed the watercraft at the owner's expense, and the cost thereof shall be a debt due from the owner to the Town. The Town and the Manager shall not be liable to the owner for any damages to its watercraft or contents. The owner is solely responsible for any environmental remediation and/or fines arising from such an event.
4. No person shall place, erect, construct or use a device used for food preparation on a municipal dock or use a marine barbeque installed on a watercraft at any time while the watercraft is in the harbour.
5. Where harbour property is damaged in any manner by a watercraft or vehicle or by the use of machinery or equipment, the damage shall be reported forthwith to a Town employee by the person who was in charge of the watercraft, vehicle, machinery or equipment at the time the damage occurred and an appropriate investigation shall be conducted.
6. No person shall store a watercraft, vehicle or boat cradle on harbour property unless approved by the Manager.
7. No person shall store goods or materials on any municipal dock or construct lockers, chests, extensions on any mooring slip or municipal dock, or any other structure without prior approval from the Manager.
8. No person shall on any harbour property, do any of the following without the written approval of the Manager:

- a. Engage in equipment or machinery tests that are likely to endanger harbour property or watercraft or persons in the harbour; or,
 - b. Engage in repairs to the hull, machinery, tackle or gear of a watercraft beyond normal routine maintenance; or,
 - c. Use the surface of a municipal dock for any maintenance repair work.
9. No person shall drain, discharge or deposit in the harbour any black water, sewage or a substance that might damage watercraft, property or the environment. Black water and sewage shall only be disposed of at a sanitary pumping station.
 10. No person except the Town employees and the Thornbury Yacht Club while using its own bulletin boards, shall place, post or erect signs on harbour property without written permission from the Manager.
 11. No person shall remove, damage, and destroy any notices, rules or regulations posted on harbour property by or under the authority of the Town.

40.0 Closure of the Harbour

1. The Manager may close all or a portion of the harbour for any public event that is approved by Council and the Canadian Coast Guard/Transport Canada through the Town's special eEvent permit process.
2. The Manager may temporarily suspend regulations or requirements in this By-law for the purposes of a special event in the harbour that is approved by Council and the Canadian Coast Guard/Transport Canada through the Town's Special Event permit process.

41.0 Launch Ramp/Municipal Dock

1. No person shall use a launch ramp unless the required launch fee has been paid or the person has been issued a permit.
2. Unless otherwise specifically permitted by Licence or permit, a launch ramp or municipal dock shall be used solely for loading and unloading of people, watercraft and goods or materials and not for the long-term mooring of watercraft.
3. No person shall store goods and materials on a municipal dock or launch ramp area except on a temporary basis just immediately prior to loading of after unloading a watercraft
4. No person shall cause a watercraft to be left unattended or adjacent to a launch ramp or to a municipal dock without written permission from the Manager.
5. Transient boaters or permit holders may park their watercraft and vehicles during their use of the harbour provided the required fee is paid and they have a permit from the Manager.
6. Every person using a launch ramp or a municipal dock shall immediately vacate for an emergency vehicle operating in the case of an emergency.
7. No person shall fail to display a launch ramp permit prior to using a launch ramp.

42.0 Mooring Rules and Regulations

1. Any watercraft entering into the harbour shall not be moored to any dock without paying the required fee or obtaining a licence.
2. Owners are responsible for the safe mooring of their watercraft and shall furnish and maintain their own mooring lines and shall take care not to foul any other berth or access.
3. Owners shall relocate or move any watercraft in accordance with instructions provided by the Manager. When a watercraft is unattended, the manager has the authority to relocate or move any watercraft at the owner's expense and risk.
4. All watercraft shall be moored and operated and all berth areas shall be maintained in a seamanlike manner and nothing shall be done or permitted by any person, which in the opinion of the Manager, may be or may become a nuisance or disturbance to others.
5. Owners who have a mooring slip and who intend to be absent from the harbour with their watercraft for a period in excess of 24 hours are required to provide a sail plan to the Manager prior to departure showing the departure date and intended return date. Such owners and their invitees, if they intend to park a vehicle or vehicles on harbor property in their absence from the harbour, shall obtain a permit or permits from the Manager to allow such parking. The Manager is entitled to permit the use of vacant mooring slips for the temporary mooring of other watercraft.

43.0 Vehicle Parking Regulations

1. No person shall park, stand or leave a vehicle in a manner that blocks or impedes access to a launch ramp. Any vehicle parked or left may be towed away at the owner's expense and the Town shall not be liable for loss or damage to vehicles so removed.
2. No person shall park or leave a vehicle on harbour property between the hours of 22:01 and 05:59 hours the following day, except where authorized by permit. Any vehicle parked or left may be towed away at the owner's expense and the Town shall not be liable for loss or damage to vehicles so removed.

44.0 Land Storage

1. No owner shall store a watercraft on any land in the harbour without the owner of the watercraft first obtaining a licence from the Town and paying the required fee to the Town prior to placing the watercraft on land in the harbour for storage.
2. The Town shall not be responsible for any damages or loss no matter how it occurs to the watercraft, its motor, equipment and any goods and materials on the watercraft while it is stored on land in the harbour
3. The Town shall have a lien under The Repair and Storage Liens Act, 1990 (Ontario) c.R25 as amended, or such other replacement or successor statute against the watercraft, its motor and equipment for unpaid fees due for the storage of the watercraft.
4. In the event that the owner breaches any term of the licence the Town may, in its absolute discretion, by notice, terminate the licence and the Town may remove the watercraft from the harbour at the owner's expense and risk. .
5. No person shall use a watercraft stored on land in the harbour for human habitation or human occupation.

45.0 Utilities and Services

1. In addition to payment of any required fees, a person shall also pay the Town for all utilities and services which may be furnished to a watercraft at the rates established in the Town's Fees and Charges By-law. The owner acknowledges that while the Town will use its best efforts to maintain utility services, the Town is not liable for the quality, quantity, or continuity of any utility service and its compatibility with a watercraft.

46.0 Removal and Impoundment Watercraft.

1. The Manager, an Officer or a bailiff engaged by the Town may remove and impound, or cause to be removed and impounded, any vehicle, watercraft, cradles, goods or materials that occupies the harbour in contravention of this By-law (the "impounded property"). Where any impounded property has been removed in accordance with this By-law, the impounded property or any part thereof may be stored or disposed as the Manager or the Officer deem appropriate, in their sole and absolute discretion. The Town may enforce the associated care and storage costs by claiming a lien under the Repair and Storage Liens Act, R.S.O. 1990, c. R25.
2. Any impounded property removed and impounded under this By-law may be recovered by the rightful owner upon presenting proof of ownership and upon payment in full of all costs incurred by the Town in removing and impounding (including storing) and any fines owing by any person under this By-law.
3. The Manager, or Officer shall make reasonable efforts to obtain the name and address of the owner of the impounded property; and,
 - a. If the name and address of the owner is determined, the Manager or Officer shall give written notice delivered in person to the owner or sent by registered mail to the owner advising the owner of the removal and impoundment, the amount payable to release the impounded property and the date for sale by public auction or disposition under section 46.5 of this By-law, as applicable, if unclaimed; or,
 - b. If the identity of the owner is not determined, the Manager or Officer shall cause a notice to be posted at the harbour advising of the removal and impoundment, the amount payable to release the impounded property and the planned date for sale by public auction or disposition under section 46.5 of this By-law, as applicable, if unclaimed.
4. The fees, costs and expenses payable by a person for the relocation or removal of the impounded property shall be the actual costs of labour or machinery used to accomplish the work, whether carried out by the Town or as contracted out.
5. If any impounded property is not reclaimed by the rightful owner within 30 days, the impounded property may be sold at public auction or otherwise disposed of if unclaimed.
6. The Town may engage the services of a bailiff to remove, impound and auction any impounded property under section 46 (5) of this By-law.

PART VIII - COMMERCIAL ENTERPRISES

47.0 Sale of Merchandise, Trade or Business

1. Unless authorized by permit, no person shall, while in a park, sell or offer or display for sale:
 - a. Any food, drink or refreshment;
 - b. Any goods, wares, merchandise or articles, including promotional material, souvenir and novelties;
 - c. Any flowers, fruits or vegetables; or
 - d. Any art, skill, service or work.
 - e. Any alcoholic beverage, including any Vinter's Quality Alliance (VQA) wine regulated under Regulation 720 of the Liquor Licence Act.
2. Unless authorized by permit, no person shall, while in a park, practice, carry on, conduct or solicit for any trade, occupation, business, profession or charity.
3. Unless authorized by a permit, no person shall while in a park, including the harbour, advertise or solicit, or conduct any activity or business of any nature that is connected with watercraft including a watercraft chartering or brokerage business and any activities associated with such business, intended to be carried on in, on, or from the park, including the harbour,
4. No person shall use the location or address of a park, including the harbour, for business purposes unless authorized by a permit.

48.0 Filming and Videotaping

1. While in a park, no person shall take or permit to be taken for remuneration, any film, photograph, video tape or television broadcast unless;
 - a. Authorized by the Director, or a Manager; or,
 - b. For media reporting purposes: or,
 - c. Otherwise posted.

49.0 Advertisements

1. Unless authorized by the Director, or a Manager, no person shall:
 - a. While in any park distribute, discard or display any notice or advisement; of any kind
 - b. Post, nail, attach, stencil or otherwise fasten or erect any sign, notice or advertisement of any kind to any park property.

PART IX - HOURS

50.0 All parks shall close at 22:00 local time and shall remain closed until 06:00 local time unless otherwise posted. This section does not apply to a Municipal By-Law Officer, Officer or a Town employee while on duty and for the purpose of carrying out their duties.

51.0 No person shall be or remain in a park after the closing hour or before the

opening hour unless authorized by the Director or designate. Any person remaining in a 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, R.S.O. 1090, c.T21.

52.0 No organized sport or activity shall commence before 08:00 local time, and shall cease all activities by 22:00 local time on all days including Saturdays, Sundays and statutory holidays unless authorized and posted.

53.0 The use of watercourses and tributaries thereto for the purpose of angling in areas that are designated or approved for those activities is permitted.

PART X – PERMITS AND ENFORCEMENT

54.0 Permits

1. Permits issued for activities authorized in this By-law may be subject to such fees as Council shall from time to time establish by By-law.
2. Permits issued for activities authorized in this By-law may include conditions as, but not limited to time, location, area, equipment, number of participants, type of activities, release, indemnity and insurance coverage.
3. Authorized persons or permit holders requiring additional services that are above the regular services provided in parks may be subject to additional fees for such services as Council shall from time to time establish by By-law.
4. All persons making an application for a permit shall provide in writing, and to the satisfaction of the Director or the Manager, all the necessary approvals from government authorities required by applicable law for the activity or the business for which the person is applying for a permit. The issuance of a permit shall not relieve the person to whom a permit is issued from continuing to comply with the applicable law for the activity or business for which the permit was issued.
5. Authorized persons or permit holders requiring assistance in obtaining regulatory approvals may be subject to such fees as Council shall from time to time establish by By-law.

55.0 Authority of the Director

1. The Director shall have the authority to prescribe:
 - a. The classes permits to be issued and the form and terms and conditions for each class of permit; and
 - b. The form and terms and conditions of all licences, including the expiry dates and insurance requirements.
2. The Director shall have authority to execute on behalf of the Town all permits and licences.

56. Posting of Signage

1. The Director or designate is authorized to post signage of permission, regulation, restriction, warning or prohibition with respect to uses of or activities in any park in accordance with the provisions of this By-law.

57.0 Temporary Closure

1. The Director or designate is authorized to close off for such temporary period as the Director or designate deems appropriate any park or part or parts thereof to relieve or prevent overcrowding or traffic congestion, or in the interests of public safety, or as may be authorized by Council. Any closure of roads requires approval from the Manager of Roads & Drainage as well as Council enacting a By-law for the Closure of the required road(s). Notification must be made to all emergency Management services as well.

58.0 Exclusions and Exemptions

1. This by- law shall not apply to the drivers, operators or other personnel of ambulances, police or fire department vehicles; or employees or agents of the Town while engaged in works or services undertaken for or on behalf of the Town.

59.0 Applicable Law

1. All persons using a park, including the harbour, for any purpose or activities shall comply with all applicable law.

60.0 Enforcement

1. This By-law shall be administered and enforced by the Director, a Manager, a Municipal Law Enforcement Officer or an Officer

61.0 Penalties

1. Every person who contravenes any provision of this By-law is guilty of an offence and shall, upon conviction be liable to a fine as provided for under the Provincial Offences Act, other than subsection 31(1) resulting from the operation of a motor vehicle, and sections 26 and 43 parking.

62.0 Severability

1. 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.

63.0 Short Title

1. That this By-law shall be cited as the "Parks and Facilities Regulations" By-law.

64.0 Effective Date

1. This By-law shall come into force and take effect upon the enactment thereof.

ENACTED AND PASSED this 9th day of March 2015.

“ORIGINAL SIGNED”

John McKean, Mayor

“ORIGINAL SIGNED”

Corrina Giles, Clerk