

THE CORPORATION OF HALDIMAND COUNTY

By-law No.1534/15

Being a By-law relating to managing, regulating and promoting the responsible enjoyment and use of County public parks and facilities

WHEREAS Section 10 of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended (the Act) confers the powers to a single-tier municipality to pass by-laws respecting various matters, including public asset of the municipality acquired for the purpose of exercising its authority under this or any other act; the health, safety and well-being of persons; protection of persons and property, including customer protection, and animals;

WHEREAS Section 128 of the Act permits a municipality to provide and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

WHEREAS Section 425 of the Act authorizes Haldimand County to pass by-laws providing that a person who contravenes a by-law of Haldimand County passed under that Act is guilty of an offence;

WHEREAS the Sections 23.1 of the Act further authorizes Haldimand County, amongst other things, to delegate its authority to a person or body;

WHEREAS the Sections 436, 444, 445 and 446 of the Act further authorizes Haldimand County to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work;

WHEREAS Section 8(3)(c) of the Act authorizes Haldimand County, in exercising its powers to regulate and prohibit respecting a matter, to provide a system of licenses, permits, approvals or registrations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a license, permit, approvals or registration;

AND WHEREAS the Council for Haldimand County deems it expedient to establish Public Parks for a wide variety of games, sports and recreational opportunities for the entire community and these opportunities are encouraged in accordance with this by-law, when a Public Park is available.

NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:

PART I – SHORT TITLE

- 1) This by-law may be cited as the “Public Parks and Facilities By-law”.

PART II – DEFINITIONS

2) In this by-law:

- a. **“Accessible Permit”** means:
 - i. a current and valid accessible parking permit issued by the Ministry of Transportation under the provisions of the *Highway Traffic Act*, R.S.O., 1990 c. H8 as amended; or
 - ii. a current and valid permit, number plate or other marker or device bearing the international symbol of access for disabled which has been issued by a legally recognized jurisdiction outside of Ontario;
- b. **“Barbecue”** means an appliance using a portable gas cylinder or charcoal, wood or other solid-fuel, including a hibachi, a permanent structure designed and intended solely for the cooking of food in the open air and other similar designs intended for the cooking of food in the open air;
- c. **“Bicycle”** includes a tricycle, a unicycle and includes a *Power-assisted Bicycle* but does not include a motor-assisted bicycle;
- d. **“Council”** means the *Council* for the Corporation of Haldimand County;
- e. **“County”** means the Corporation of Haldimand County;
- f. **“Designated Area”** means any area defined, set aside, constructed or intended for a specific use which may include *signed* conditions;
- g. **“Firearm”** means a barreled weapon from which any shot, bullet or other projectile can be discharged and is capable of causing serious bodily injury or death and includes, air guns, spring guns, pellet guns or paintball guns and includes possessing any bows or arrows or discharging of arrows;
- h. **“Fireworks”** means display fireworks, pyrotechnic special effects fireworks and consumer fireworks;
- i. **“Injure”** means to climb, break, peel bark from, cut, remove, burn, disturb, deface, dig up, scrape, scratch or otherwise cause damage or harm of *Parkland* without the authority of the *County*;
- j. **“Lottery Scheme”** includes a bingo, lottery, bazaar, monte carlo event, 50/50 draw and break open tickets;
- k. **“Motorized Recreational Vehicle”** means a snowmobile, go-cart, trail bike, mini bike, all-terrain vehicle, or similar vehicle, propelled or driven by an internal combustion engine;
- l. **“Municipal Law Enforcement Officer”** means a *person* or *persons* duly appointed by the *Council* of the Corporation to enforce the provisions of this by-law and includes any Police Officer appointed pursuant to the *Police Services Act*;

- m. **“Natural Attribute”** means ground, land or portion of lands consisting of *Turf Grass*, tended flower beds, plants or any other vegetative growth which may or may not be actively maintained, any *Recreation Trail*, including rocks, boulders, rock faces, soil, sand, wood or like substance, including any vegetation along the banks of the Grand River, within a *Public Park*;
- n. **“Open Air Fire”** shall mean the burning of any material, including without limiting the generality of the forgoing, wood, cardboard, brush or garden waste where the flame is not contained and is, thereby, open to the air;
- o. **“Organized Sport or Activity”** means a sport, game or activity pre-planned by an organization whether or not formally constituted and whether or not the players or members wear uniforms and includes any activity that is a *Special Event*;
- p. **“Owner”** when referring to an animal or dog, shall include a *person* who has care or control of the animal or dog, or a *person* who owns, keeps, possesses or harbours the animal or dog;
- q. **“Park” or “Parking”** means the standing of a *vehicle*, whether occupied or not except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- r. **“Parkland”** means any *Natural Attribute*, building, fencing or land, including anything on or attached to the land, owned or leased by the *County* and set aside for *Public Park* purposes;
- s. **“Permit”** means any written authorization or rental contract of or endorsed by the General Manager, Planning & Economic Development or his/her designate or Field Management Group and such authorization or rental contract is subject to all of the specified terms and conditions therein;
- t. **“Person”** means any individual, association, group, organization, 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 or an event organizer or permit holder and shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires;
- u. **“Power-assisted Bicycle”** has the meaning attributed to it in the *Highway Traffic Act* and is commonly referred to as an electric bicycle or *e-bike* and for greater certainty, has affixed to it pedals that operate and for greater certainty an e-bicycle and *e-scooter* are defined as follows:
 - i. **“e-bike”** shall mean a *“Power-assisted Bicycle”* that has the appearance of a *bicycle*; and
 - ii. **“e-scooter”** shall mean a *“Power-assisted Bicycle”* that has the appearance of a scooter;

Does not include a power or electric wheelchair, or a mobility scooter or any other such similar device if required to be used by a person with a disability.

- v. **“Public Park ”** for the purposes of this by-law, “Public Park ” shall include any land, any land covered by water, or any premise under the ownership, control or management of the *County* for a public park and/or recreational purposes and for more certainty includes a playground, playing field, ball diamond, sports field, courts, skate parks, recreation centre, community building or facility, pavilion, gazebo, band shell, washroom facilities, square, garden, pool, water, pedestrian walkway, pathway, *Recreation Trail, Parkland, Natural Attribute*, unopened road allowance or storm management pond, therein or set apart or made available for use as a public open space, save and except where such land is an unopened road allowance, library, cemetery or is governed by other By-laws of the *County*;
- w. **"Roadway"** means that part of a Public Park that is set aside and improved for the use of vehicular traffic;
- x. **“Recreational Sport”** includes baseball, softball, basketball, lacrosse, bocce ball, volleyball, football, soccer, rugby, tennis, croquet, cricket, badminton, ultimate frisbee, disk golf, skateboarding, rollerblading or any other sport that is not an *Organized Sport or Activity*;
- y. **“Recreation Trail”** shall include any pedestrian trail or walkway, land or premise under the control or management of the *County*, but does not include any sidewalk within a road allowance;
- z. **“Running-at-large”** shall mean any animal found at any place other than the premises of the *owner* and not under control of any *person* and in the case of a dog or cat, not on a leash;
- aa. **“Sign or Signed”** means any sign, notice or other device which has been placed or erected in or upon a *Public Park* under the authority of this or other By-laws for the purpose of the general management, identification, control and regulation of activities within a *Public Park*;
- bb. **“Special Event”** for the purposes of this by-law, a special event shall include a celebration, festival open to the public or an activity intending to utilize a *Public Park*, in whole or part, for a purpose not normally permitted, occurring, designed, intended or expected with the use of the *Public Park*, which may or may not also have been issued a *Permit*;
- cc. **“Stop or Stopping”** means the halting of a *vehicle*, even momentarily, whether occupied or not, except when necessary to avoid a conflict with other traffic or in compliance with the direction of a Police Officer or a traffic control sign or signal;
- dd. **“Swimming Pool”** means any swimming/wading pool or spray/splash pad in a *Public Park*;
- ee. **“Turf Grass”** shall mean ground cover comprised of one or more species of growing grass with or without trees, shrubbery or maintained planting beds for other vegetation;
- ff. **“Vandalize”** means to deliberately or willfully remove, destroy, damage, upset, dislodge, break or defacement, including any defacement by graffiti, of any *Parkland*;

gg. "**Vehicle**" includes a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a power or electric wheelchair, or a mobility scooter.

PART III – INTERPRETATION

- 3) In this By-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
- 4) Parts, Sections and Paragraph headings are inserted solely for ease of reference.

PART IV – PERMIT APPLICATION, FEES AND ISSUANCE

- 5) Permit and Permit Applications:
 - a. While in a *Public Park*, no *person* shall arrange or engage in an *Organized Sport or Activity* as indicated on "Schedule 1" *without a Permit*.
 - b. A person may obtain a *Permit* from the *County* or from a Field Management Group authorizing that person to arrange or engage in an *Organized Sport or Activity*. *Permits* as are available for the amenities in Public Parks as outlined in "Schedule 1".
 - c. Applications for a permit required or available under the provisions of this by-law should be completed and submitted to:
 - i. the *County*, for a *Public Park* as indicated on "Schedule 1", in the form and content stipulated by the General Manager, Planning & Economic Development or his/her designate, at least 5 days in advance of the proposed use/activity; or
 - ii. the Field Management Group, for a *Public Park* as indicated on "Schedule 1", at least 5 days in advance of the proposed use/activity.
- 6) Name of Applicant: An application for Permit must be made in the name of and endorsed by the *person(s)* on whose behalf the use/activity is being undertaken and not in the name of any agent for that *person*.
- 7) Permit Fees: Fees to be charged for applications and/or the issuance of a Permit pursuant to this by-law are prescribed within the *County's* User Fees By-law and shall be paid in accordance with the Facility Booking and Allocation Policy.
- 8) Retention of Permit: Permit recipients must keep their Permits with them while in the *Public Park* and be able to produce the Permit upon the request of an Municipal Law Enforcement Officer or Police Officer. Where the Permit recipient is a corporation, partnership or association, the Permit shall remain at all times in the possession of a partner or principal officer or his/her delegate while in the *Public Park*, whichever the case may be.
- 9) Compliance with Other Government/Public Authority Bodies: The issuance of a *Permit* shall not relieve any *person* from the necessity of acquiring any other license or *Permit* required for

such activity by any government or public authority or found within the *Special Event Guidelines*.

- 10) Permit Denial: Any applicant for a *Permit* which, in the opinion of the General Manager, Planning & Economic Development or his/her designate, failed to meet the criteria stipulated in Section 17, and therefore were denied a *Permit*, may apply to *Council* for approval.

PART V – DELEGATION OF AUTHORIZING AUTHORITY

11) The *Council* delegates authority to:

- a. The General Manager, Planning & Economic Development or his/her designate are authorized to:
 - i. to review submissions for permits as indicated in Schedule 1;
 - ii. to review submissions for permits for a *Special Event*;
 - iii. to issue permits thereby, providing a person with the exclusive right of use to a *Public Park* or part(s) thereof, for a *Special Event* and as indicated in Schedule 1; and
 - iv. attach any conditions deemed necessary for the issuance of a *Permit*.
- b. The General Manager, Community Services or his/her delegate are authorized to:
 - i. erect, place, post and position signs in a *Public Park*, whether on a permanent or temporary basis, which may be required for the general management, identification, control and regulation of activities within a *Public Park*, so as to give effect to the provisions of this by-law;
 - ii. extend the open hours of a *Public Park*, as required to give effect to the provisions of this by-law;
 - iii. close off for such temporary period as the General Manager, Community Services or designate deems appropriate, any *Public Park* or part(s) thereof to support a *Special Event*, relieve or prevent overcrowding or traffic congestion or in the interest of public safety or as may otherwise be authorized by *Council*;
 - iv. establish appropriate regulations by posting *signs* to manage and control the use of the *Public Park roadways*; and
 - v. establish appropriate regulations by posting *signs* to manage and control vehicle parking in a *Public Park*.
- c. Field Management Groups are authorized to:
 - i. to review submissions for permits as indicated in Schedule 1 on County lands subject to a field management agreement; and

- ii. to issue permits thereby, providing a person with the exclusive right of use to a *Public Park* as indicated in Schedule 1, but does not include the authority to issue a *Permit* for a *Special Event*.

PART VI – PUBLIC PARK HOURS

- 12) Notwithstanding any other section of this by-law which may exempt a *Public Park* from the provisions of this section, where signs have been erected, no *person* shall:
- a. remain or enter into any *Public Park* between the hours of 11:00 p.m. and 6:00 a.m. except as a participant or spectator of a function authorized by *Council* or by *Permit*;
 - b. remain in the *Public Park* upon completion of an *Organized Sport or Activity* as a participant or spectator of any function between the hours of 11:00 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.

PART VII – ANIMALS

- 13) No *person* being the *owner* or having care and custody of an animal shall permit such animal to be in a *Public Park* without the approval through the *Special Event* process or by *Council*. This Section does not apply to the *owner* of a dog or a cat.
- 14) No *owner* of a dog shall have a dog on a *Public Park*, or any part thereof, that is designated by sign, as an area where dogs are prohibited.
- 15) While in any *Public Park*, no *owner* of a dog shall allow, permit or cause, a dog to be running-at-large, except any designated leash free zone; and
- 16) While in any *Public Park*, every *person* as the *owner* of a dog shall immediately remove and dispose of any feces left by the dog.

PART VIII – OPEN AIR FIRES AND BARBECUES

- 17) While in a *Public Park*, no *person* shall:
- a. build or attempt to build an *Open Air Fire*;
 - b. leave a *Barbecue* unsupervised;
 - c. leave a *Barbecue* without extinguishing the *Barbecue* and ensuring that any remaining embers or ashes are cold;

- d. depose or dump the remaining embers or ashes from a Barbecue anywhere in a Public Park, except in a garbage receptacle provided for by the County, and only then when the remaining embers or ashes are cold; and
- e. depose or dump the remaining hot embers or ashes from a *Barbecue* in a garbage receptacle provided for by the *County*.

PART IX – GENERAL PROHIBITIONS

18) Unless authorized by Permit and/or Part XXVIII no *person* shall, while in a *Public Park*:

- a. emit, cause or permit the emission of amplified sound which is or is likely to be clearly audible at a residential occupied property;
- b. enter into any Public Park or any area within a Public Park that has been closed;
- c. enter into any areas *signed* which prohibits or restricts admission, use, sport or activity;
- d. play golf, strike a golf ball or use golf clubs or other like equipment or drive a golf cart in a *Public Park*;
- e. fish in an area where *signs* are posted indicating no fishing;
- f. be in possession of or use any *firearm*; this prohibition shall not apply to a Police Officer, an employee of the *County* or such other *persons* that are providing authorized contractual services to the *County*, while engaged in the performance of their duties;
- g. operate a motor driven model airplane, helicopter, drones or unmanned air vehicles, rocket or boat except in an area designated;
- h. dwell, camp or lodge;
- i. install or erect any temporary or permanent tent or structure, except for a tent commonly referred to as a pop up beach tent, or canopy tent which has an area of no more than 10 square meters, intended to provide shelter during a sporting event and such tent is open on one or more sides or;
- j. ignite, discharge or set off any firecrackers, rockets or other *fireworks*;
- k. while on any natural or artificial ice surface;
 - i. engage in speed skating,
 - ii. skate or act in such a manner as to interfere with, endanger or disrupt any other *Person*, wildlife or vegetation, or
 - iii. skate in an area signed indicating no skating
- l. be in possession of, consume, serve or sell alcoholic beverages;
- m. leave or deposit any ashes, bottle, containers, garbage or waste of any kind whatsoever except in receptacles provided for such purpose;

- n. conduct archaeological research or remove any relic, artifact or natural object;
 - o. erect or operate an amusement device or inflatable device regulated pursuant to Technical Standards and *Safety Act, 2000, Ontario Regulation 221/01*;
 - p. hold, host, organize, operate or coordinate a *Special Event*;
 - q. interfere with an authorized *Special Event* or *person* issued a Permit by the *County* for a specific use of the *Public Park*.
- 19) While in a *Public Park*, no *person* shall engage in any conduct that is contrary to the Public Conduct on Haldimand County Property Policy.
- 20) Every person shall comply to the conditions attached to a *permit*.
- 21) No *person* shall, while in a *Public Park* fail to follow the instructions of a Municipal Law Enforcement Officer, Police Officer or Facilities Personal when directed to do so, when such directions are in the interests persons health or safety or for the protection or preservation of the Public Park.

PART X – GAMES, SPORTS AND ACTIVITIES

- 22) While in any *Public Park*, no *person* shall interfere with an *Organized Sport or Activity* authorized by *Permit*.
- 23) No *person* shall participate in or play an *Organized Sport or Activity*, a *Recreational Sport* or other activity in an area of a *Public Park* where *signs* are posted prohibiting the *Organized Sport or Activity*, *Recreational Sport* or other activity.

PART XI – SWIMMING POOL AND PUBLIC CHANGE ROOMS

- 24) No *person* shall in any *Public Park*:
- a. enter any *swimming pool*, except at times designated for swimming;
 - b. in or adjacent to, any *swimming pool*, fail to abide by posted *signs*;
 - c. in or adjacent to, any *swimming pool*, fail to obey the instructions of any lifeguard or other authorized *person*;
 - d. swim, bathe or wade in any fountain, pond, water course, lake or stream, except in a designated swimming, splash pad, wading or bathing area;

- e. being the owner of a dog, permit the dog to enter a swimming pool, splash pad or wading pool. This section does not apply to a service animal if it is readily apparent that the *animal* is used by the *owner* for reasons relating to his or her disability;
- f. enter any public washroom, change room, bathhouse or bathing station or portion thereof, set apart for the opposite sex. This shall not apply to persons who are 5 years of age or younger or persons who are at that time, under the care of a parent or guardian;
- g. loiter in any public washroom, change room, bathhouse or bathing station, or conduct themselves in such a manner as to be objectionable to another person using, or in the vicinity of, said washroom, change-room, bathhouse or bathing station.

PART XII – INJURY AND DAMAGE PROPERTY OF PUBLIC PARK

25) No *person* shall in any *Public Park*:

- a. *injure* any *Natural Attribute* or tree;
- b. *injure* any *Parkland*;
- c. climb any building, structure or equipment unless it was intended or designed for recreational climbing;
- d. cut any vegetation along the banks of the Grand River or other riverbank unless authorized by the County and the Grand River Conservation Authority.

26) Section 25 above, does not apply to any person, group or organization that has entered into an agreement with the County or who has written permission from the General Manager, Community Services or his/her delegate.

PART XIII – ENCROACHMENT

27) Unless authorized by *Council*, no *person* shall encroach upon or take possession of any *Public Park* by any means whatsoever, including the construction, installation or maintenance of any fence or structure, the dumping or storage of any materials or planting, cultivating, grooming or landscaping, thereon.

PART XIV – WASTE AND POLLUTION

28) No *person* shall in any *Public Park*:

- a. subject to (b) and (c) herein, dispose of or dump garbage, litter, tree trimmings, refuse or any other matter or thing, except that which is generated through the normal use; of the park and shall only deposit same in receptacles provided for such purpose;
- b. dispose of or dump garden refuse except in a *Designated Area* therefore;

- c. unless authorized by *Permit*, dump or deposit snow, fill, soil, building or construction materials;
- d. dump or drain onto any soils or into the waters of any pool, pond, lake, stream, fountain or watercourse any kind any material, toxic or otherwise; or
- e. discharge or permit the discharge of any water from private properties, including pool water or water from roof drainage systems, onto, into or over any park with the exception of natural land overflow from adjacent residential yards.

PART XV – PROTECTION OF WILDLIFE

29) While in any *Public Park*, no *person* shall:

- a. subject to the provisions of Section 18 (e) kill, attempt to kill, maim, *injure*, trap, remove or disturb any animal, fish, bird, waterfowl, worms or other wildlife; and
- b. touch, *injure* or remove any nest or egg there from.

Section 30 above does not apply to:

- a. a person that is authorized in writing by the General Manager, Community Services or his/her delegate;
- b. an employee of the Welland and District SPCA while in the course of their duties; and
- c. a Municipal Law Enforcement Officer or Police Officer.

PART XVI – ROADWAY

30) Unless authorized by *Council* or by *Permit* and except as provided in Section 35 with respect to *bicycles*, no *person* shall in any *Public Park*:

- a. drive, operate, pull or ride any *Vehicle* except on a *roadway* or *parking* area; or
- b. fail to obey a sign posted on a *Roadway*.

PART XVII – PARKING

31) No *person* shall in any *Public Park*:

- a. *park* or leave any *vehicle* except in a *Designated Area* for *parking*;
- b. where the appropriate *signs* are erected, *park* or leave a *vehicle* between the hours of 11:00 p.m. and 6:00 a.m., except in a *Designated Area* allowing for such overnight *parking*;

- c. park a *vehicle* in an Accessible Parking space when appropriate *signs* have been erected and on display, without displaying an *Accessible Permit*;
- d. *park* a *vehicle* in any area when appropriate *signs* have been erected and on display prohibit *parking*;
- e. *stop* a *vehicle* in any area when appropriate *signs* have been erected and on display prohibit *parking*;
- f. *park* or *stop* a *vehicle* in any area or parking space when appropriate *signs* have been erected to reserve the area or space for use by specific *persons* or *vehicles*;
- g. *park* or *stop* a *vehicle* in any area or parking space except while actively using the *Public Park*;
- h. *park* or *stop* a *vehicle* in such a manner as to interfere with the use of any other area or parking space;
- i. *park* or allow any *vehicle* to stand unattended, unless it is secured in such a manner as to prevent its operation by any *person* not so authorized by the owner of the *vehicle*;
- j. *park* a *vehicle* for a period of time longer than the *signed* time limit, when appropriate *signs* have been erected and on display, if any; and
- k. *park* or *stop* a *vehicle*, or allow a *vehicle* to stand, contrary to the instructions of a Police Officer, a *Municipal Law Enforcement Officer* or an employee of the *County*.

32) No *person* shall make use of any *roadway* or parking lot in any *Public Park* for:

- a. washing, cleaning, servicing, maintaining or except in the event of an emergency, the repair of any *vehicle*, unless authorized; or
- b. instructing, teaching or coaching any *person* in the driving of a motor *vehicle*.

PART XVIII – REMOVAL OF VEHICLES

33) A Police Officer or *Municipal Law Enforcement Officer* upon discovery of any *vehicle* parked, stopped or standing in contravention of Part XVII of this By-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof if any, are a lien upon the *vehicle* which may be enforced in the manner provided by the *Repair and Storage Liens Act, R.S.O. 1990, Chapter R.25*, as amended.

PART XIX – BICYCLES AND POWER-ASSISTED BICYCLES

34) Power or electric wheelchair, or a mobility scooter are permitted throughout Public Parks.

35) Bicycles and *Power-assisted bicycles* are permitted throughout Public Parks, however, while in a *Public Park*, no *person* shall:

- a. ride or operate a *Power-assisted bicycles* while the power assistance is engaged;
- b. ride, operate or be in possession of any *bicycle* where *signs* are posted to prohibit same;
- c. obstruct, inconvenience or endanger other users of the *Public Park* while riding or operating a *bicycle*;
- d. subject to Section 30, fail to comply with all rules of the road normally in force and effect on a highway;
- e. ride abreast of more than one other cyclist;
- f. operate a *bicycle* which is not equipped with a bell or horn;
- g. operate a *bicycle* after dark which is not equipped with a front white light and a rear red light;
- h. fail to activate the required *bicycle* lighting when operating a bicycle after dark; or
- i. fail to maintain proper control of the *bicycle* at all times.

PART XX – MOTORIZED RECREATIONAL VEHICLES

36) No *person* shall ride, drive, park or be in possession or control of a *motorized recreational vehicle* in any *Public Park* except in a *Designated Area* or when authorized in writing by the General Manager, Community Services or his/her delegate.

PART XXI – TRUCKS AND COMMERCIAL VEHICLES

37) Unless authorized in writing by PART XXVIII no *person* shall drive, operate, pull or ride in any *Public Park*:

- a. any heavy machinery or equipment of any description and whatever the mode of power;
- b. any *vehicle* with a carrying capacity in excess of one ton;
- c. any *vehicle* having a registered gross weight in excess of 4,536 kilograms (10,000 pounds);
- d. any *vehicle* in excess of 6.7 metres (21.9 feet) in length;
- e. any *vehicle* which is a bus converted into a mobile home; or
- f. any *vehicle* that is a tow truck, except when services of a tow truck are required.

38) Section 37 does not apply to any *vehicle* that is:

- a. being used for the purpose of making a delivery to a point within the limits of the *Public Park*, while it is proceeding to or from such point of delivery; or
- b. operated for personal, recreational or non-commercial use and where permitted by the General Manager, Community Services or his/her delegate.

PART XXII – VEHICLES AND SPEED

39) While in any *Public Park*, no *person* shall operate:

- a. any *vehicle* on a *roadway* at a speed in excess of the *signed* limit; or
- b. a *bicycle* at a speed which endangers or is liable to endanger any other *person* using the *Public Park* or which causes another *person* using the *Public Park* to experience a reasonable apprehension that they are at risk of injury or harm.

PART XXIII – COMMERCIAL ENTERPRISES, SOLICITATION OR ADVERTISEMENTS

40) Unless authorized by *Permit*, no *person* shall while in a *Public Park*, sell, offer or display for sale:

- a. any food, drink or refreshment;
- b. any goods, wares, merchandise or articles including promotional material, souvenirs and novelties; or
- c. any art, skill, service or work.

41) While in any *Public Park*, no *person* shall practice, carry on, conduct or solicit for any trade, occupation, business or profession.

42) No *person* shall in any *Public Park*, place, maintain or allow to remain any coin operated vending machine or game of any nature except when authorized in writing by the General Manager, Community Services.

43) While in a *Public Park*, no *person* shall beg, solicit or invite subscriptions or contributions.

44) Unless authorized by *Permit*, no *person* shall:

- a. while in any *Public Park* distribute, discard or display any handbill, notice or other circular, bill or advertisement; or
- b. post, nail, attach, stencil or otherwise fasten or erect any poster, *sign*, notice, placard or other circular, bill, advertisement or paper to any *Public Park* property.

PART XXIV – FILMING AND TAPING

45) Unless authorized by *Permit* and/or PART XXVIII no *person* shall while in a *Public Park*, take or allow to be taken, any filming, where such a *Permit* is required pursuant to the Haldimand County Filming Guidelines and Filming Policy.

PART XXV – ENFORCEMENT

46) Any Police Officer, *Municipal Law Enforcement Officer* or employee of the *County* designated by the General Manager, Planning & Economic Development or General Manager, Community Services for the purpose of this section is authorized to inform any *person* of the provisions of this by-law and to request compliance therewith.

47) Police Officers or *Municipal Law Enforcement Officers* are authorized to enforce the provisions of this by-law.

48) For the purpose of ensuring compliance with this by-law, a *Municipal Law Enforcement Officer* or Police Officer may at all reasonable times, enter upon and inspect any land or *Public Park* to determine whether or not the following are being complied with:

- a. this by-law;
- b. a direction or order made under this by-law; or
- c. a prohibition order made under s. 431 of the *Municipal Act, 2001*.

49) A *Municipal Law Enforcement Officer* or Police Officer may for the purposes of the inspection under Section 48:

- a. require a *person* to produce for inspection any *Permit*, written contract or other authorization permitting the *person* to use the *Public Park*;
- b. inspect and remove any *Permit*, written contract or other authorization relevant to the inspection for the purpose of making copies or extracts;
- c. require information in writing or otherwise as required by the officer from any *person* concerning a matter related to the inspection; or
- d. alone or in conjunction with a *person* possessing special or expert knowledge, undertake an inspection to determine compliance with this by-law.

50) Any *Municipal Law Enforcement Officer* or Police Officer or County employee so authorized, is authorized to order any *person* believed by such Officer or employee to be in contravention of this by-law or who has contravened any provision of this by-law:

- a. to desist from the activity constituting or contributing to such contravention;
- b. to remove from the park any animal or thing owned by or under the care of such *person* which the officer or employee believes is or was involved in such contravention; or

c. to leave the park.

51) A *Municipal Law Enforcement Officer*, or *Police Officer* may make an Order, sent by prepaid regular mail to the last known address, posted on-site or personally delivered to a *person* requiring the *person* within the time specified in the Order to:

- a. discontinue the contravening activity; and/or
- b. do work to correct the contravention.

52) An Order may be served on a *person* personally by handing it to the *person*, but where the Order cannot be given or served by reason of the *person's* absence from the *person's* property or by reason of evasion of service, the order may be given or served:

- a. by handing it to an apparently adult person on the *person's* property;
- b. by posting it in a conspicuous place upon some part of the owner's property and by sending a copy by ordinary mail; or
- c. by sending it by prepaid registered mail to the owner at the address where he/she resides.

53) If an Order is served by registered mail, the service shall be deemed to have been made on the fifth (5th) day after the day of mailing.

54) An Order under Section 50 shall set out:

- a. reasonable particulars of the contravention adequate to identify the contravention and the location of property on which the contravention occurred;
- b. the work to be completed; and
- c. the date(s) by which the work must be complete.

55) Where any *person* contravenes any of the provisions of this by-law or fails to comply with any order referred to in Section 50 hereof, any *Permit*, approval or any exclusion or any exception provided for in this by-law, provided to such *person*, to remain in or use that park, is revoked.

56) Where any *person* contravenes any of the provision of this by-law and fails to comply with an order to leave the park, such *person* is subject to the provisions of the *Trespass to Property Act, R.S.O. 1990, c.T.21*.

PART XXVI – PENALTY

57) Each *person* who contravenes any provision of this by-law is guilty of an offence.

58) An individual convicted of an offence under section 57 is liable to:

- a. On a first conviction to a fine of not more than \$50,000; and
- b. On a subsequent conviction to a fine of not more than \$50,000 for each day or part of a day upon which the contravention has continued after the day on which the individual was first convicted.

59) A corporation convicted of an offence under subsection 57 is liable to:

- a. On a first conviction to a fine of not more than \$50,000; and
- b. On a subsequent conviction to a fine of not more than \$50,000 for each day or part of a day upon which the contravention has continued after the day on which the corporation was first convicted.

60) A director or officer of a corporation who knows that the corporation is violating or has violated a provision of the by-law is guilty of an offence and on conviction is liable to:

- a. On a first conviction to a fine of not more than \$25,000; and
- b. On a subsequent conviction to a fine of not more than \$10,000 for each day or part of a day upon which the contravention has continued after the day on which the corporation was first convicted.

PART XXVII – OBSTRUCTION

61) No *person* shall or attempt to hinder or obstruct a *Municipal Law Enforcement Officer* or *Police Officer* in carrying out his or her duties as described under this by-law.

PART XXVIII – EXCLUSIONS AND EXCEPTIONS

62) The provisions of this by-law shall not apply to a *person* who has received *Council* approval for a *Special Event* or has otherwise received *Council* approval or who has authorization from the General Manager, Community Services or his/her delegate, subject to all of the specified exemptions, terms and conditions of that approval or authorization.

63) The provisions of this by-law shall not apply to:

- a. the drivers, operators or other personnel of emergency medical and fire service *vehicles*, *Police* or *Municipal Law Enforcement Officers* appointed by the *Council* of Haldimand County, while engaged in the performance of duties; or
- b. employees or agents of the *County* while engaged in works or services undertaken for or authorized by the *County* in any *Public Park*.

64) This by-law shall be subject to provisions of contracts and agreements now or hereafter entered into by the *County* respecting works or services to be performed in any park.

PART XXIX – CONFLICT WITH OTHER BY-LAWS

65) In the event of any conflict between the provision of this by-law and any other by-law regarding the regulation of parks and facilities, including the by-laws referred to in Part XXXI, the provisions of this by-law shall prevail, however, the by-law will not invalidate the enforceability of other provisions of those by-laws.

PART XXX – SEVERABILITY

66) Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an order to the contrary.

PART XXXI – REPEAL OF EXISTING BY-LAWS

67) By-laws 31-74, 35-85, 19-79, 21-83 of the former Town of Dunnville, By-law 418-84 of the former Town of Haldimand and By-law 49-94 of the former City of Nanticoke are hereby repealed.

READ a first and second time this 11th of May, 2015.

READ a third time and finally passed this 11th of May, 2015.

MAYOR

CLERK

SCHEDULE 1

PERMIT APPLICATIONS

PARKS & PAVILIONS

COUNTY	
FACILITY	AMENITIES
<u>CALEDONIA:</u>	
Caledonia Kinsmen Park	Gazebo with hydro; Pavilion with hydro; washrooms; playground; pool; splash pad
<u>CAYUGA:</u>	
Bob Baigent Memorial Park, Cayuga	Pavilion with hydro & water; washrooms; boat launch
<u>DUNNVILLE:</u>	
Dunnville Central Park	Band shell with hydro; washrooms; playground; wading pool
Dunnville Kinsmen Park	Playground; washrooms
Dunnville Lions Park	Pavilion; washrooms; pool; playground; basketball court; skateboard park
Dunnville Wingfield Park	Washrooms; boat launch
<u>HAGERSVILLE:</u>	
Hagersville Park	Pavilion with hydro & water; two picnic areas; washrooms; playground; pool; wading pool

PARKS & PAVILIONS

FIELD MANAGEMENT GROUP	
FACILITY	AMENITIES
<u>FISHERVILLE:</u>	
Fisherville Lions Community Park	Pavilion with hydro; washrooms; playground
<u>JARVIS:</u>	
Jarvis Lions Park	Pavilion with hydro & water; washrooms; playground
<u>SELKIRK:</u>	
Selkirk Community Park	Pavilion with hydro & water; washrooms; playground
<u>TOWNSEND:</u>	
Townsend Lions Park	Pavilion with hydro & water; washrooms

SCHEDULE 1

PERMIT APPLICATIONS (cont'd)

BASEBALL DIAMONDS

COUNTY	
FACILITY	AMENITIES
<u>CAYUGA:</u>	
Cayuga Kinsmen Park	One diamond; washrooms; bleachers; playground
<u>DUNNVILLE:</u>	
Dunnville Alice & Albert Schram Park	One diamond; lights; bleachers; washrooms
Dunnville Fairview School	One small diamonds - no lights
Dunnville Kinsmen Park	Diamond #1: lights; Diamond #2: no lights Washrooms; bleachers; concession; playground
Dunnville Lions Park	One diamond with lights; bleachers; concession; playground
<u>FISHERVILLE:</u>	
Fisherville Lions Community Park	Diamonds #1 & #2: Lights Diamond #3: T-Ball - No lights Washrooms; bleachers; concession; batting cage; playground; pavilion
<u>HAGERSVILLE:</u>	
Hagersville Grant Kett Park	Diamonds #1 & #3: Lights Diamond #2: No lights Washrooms; bleachers; concession; playground; pavilion

BASEBALL DIAMONDS

FIELD MANAGEMENT GROUP	
FACILITY	AMENITIES
<u>JARVIS:</u>	
Jarvis Lions Park	Diamonds #1 & #2: Lights Diamond #3: No lights Washrooms; bleachers; concession; playground; pavilion
<u>SELKIRK:</u>	
Selkirk Community Park	One diamond with lights; washrooms; bleachers; playground; pavilion
<u>TOWNSEND:</u>	
Townsend Lions Park	Diamond #1: Lights, bleachers Diamond #2: No lights Washrooms; concession; playground; pavilion

SCHEDULE 1

PERMIT APPLICATIONS (cont'd)

POOLS & WADING POOLS

COUNTY	
FACILITY	AMENITIES
Caledonia Pool	Pool
Dunnville Pool	Pool
Hagersville Pool	Pool; Wading Pool

ARENAS

COUNTY	
FACILITY	AMENITIES
Cayuga Memorial Arena	NHL size ice pad Arena floor during off-season (April-July)
Dunnville Memorial Arena	NHL size ice pad Arena floor during off-season (April-July)
Hagersville Arena	Ice Pad: 82'x180' Arena floor during off season (April-July)
Haldimand County Caledonia Centre (TWIN PAD)	Twin NHL size ice pads Summer ice available on one pad Arena floor available (April-July) on second pad