

DRAFT



THE CORPORATION OF THE TOWN OF GODERICH

BY-LAW NO. XX OF 2019

A BY-LAW TO REGULATE AND TO PROMOTE RESPONSIBLE ENJOYMENT AND USE OF MUNICIPAL PARKS AND FACILITIES IN THE TOWN OF GODERICH

WHEREAS pursuant to the provisions contained in Section 11 of the Municipal Act 2001, c. 25 provides that a municipality may pass by-laws respecting matters within the sphere of jurisdiction of culture, parks, recreation and heritage;

AND WHEREAS the Council of the Town of Goderich considers it appropriate to pass such a by-law to regulate and control the use of public parks and facilities;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:

1. DEFINITIONS

"Barbeque" means a portable or fixed device designed and intended solely for the cooking of food in the open air.

"Boat" means any craft or ship (wind or sail) which is propelled on the water by any mechanical or manual means.

"Council" shall mean the Town Council for the Town of Goderich.

"Designated Swimming Area" shall mean any area of water marked off by the Town of Goderich for public swimming.

"Disabled Person" means anyone who is unable to walk unassisted more than 200 meters (218 yards) without serious difficulty or danger to safety or health, and is certified as such by a licensed physician, physiotherapist or occupational therapist as meeting the above eligibility requirements.

"Disabled Person's Vehicle" means any vehicle operated by a disabled person; a vehicle in which a disabled person is a passenger; or a vehicle which is used to transport a disabled person and in which a valid disabled person's parking permit is displayed.

"Municipal Law Enforcement Officer" means a person that has been duly authorized by Council to enforce all municipal by-laws.

"Motorized Vehicle" and shall also include any off road vehicle, e-bike or any other vehicle propelled or driven by means other than muscular power but does not include a wheelchair or device used to assist persons with disabilities.

"Overnight Parking" shall mean between the hours of 11 PM and 6 AM local time.

"Parking Area" shall mean land that is physically laid out and/or improved for the parking of vehicles, and that may or may not be designated by an official sign for such purposes.

“Parking permit” means a disabled person parking permit issued under the Highway Traffic Act a permit, number plate or other marker or device issued by another jurisdiction and recognized under the Act.

“Parks” shall now mean a playground, recreational area (including Courthouse Square and Maitland Woods), playing field, ball diamonds and sports field (i.e. Bannister Park), waterfront within the Town of Goderich’s jurisdiction, and all built structures and features contained within the park, including but not limited to: washrooms, storage buildings, playgrounds, splash pads, gardens, pedestrian walkway or any other area owned, leased or used by the Corporation of the Town of Goderich and devoted to active or passive recreation and includes any lane or walkway, stairs or public parking area leading thereto.

“Pavilion Reservation Form” shall mean an agreement between a person or group(s) and the Corporation of the Town of Goderich authorizing the use of and activity in a park or facility as required under this By-Law.

“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" shall mean an area where any sign or other device is placed or erected in or upon any area in a park under the authority of this by-law, relating to the portion of the park set forth upon the sign or other device.

“Recreational Area” shall mean land that is designed, constructed and designated for recreational activities such as bird watching, bike riding or hiking.

"Roadway" or "Path" shall be construed to mean any travelled portion maintained for vehicle use by the general public, and without limiting the generality of the foregoing including those areas maintained for parking of vehicles of the general public, except where posted as a service road for Parks vehicles only.

“Service Animal” means an animal trained by a recognized school for service for a person with a disability. An animal is considered a service animal if it is readily apparent that the animal is used by a person for reasons relating to his or her disability, such as wearing a harness or vest.

“Smoke or Smoking” and/or “Vaping” means smoking or holding of lighted tobacco; lighted cannabis; lighted, heated or otherwise activated smoking/vaping equipment in any form (including, but not limited to hookahs, waterpipes, pipes, e-cigarettes, or any other devices).

“Splash Pad” means any splash pad under the jurisdiction of the Corporation of the Town of Goderich.

“Sports Field” means an area in a park set aside for sport use (e.g. Bannister Park), such as baseball, soccer, football and cricket, requiring an open field space.

“Tent” means any portable temporary shelter or dwelling that is designed using canvas, plastic, nylon or the like, supported by one or more poles of a frame and often secured in or to the ground.

“Waste” shall be used interchangeably with the words rubbish, litter, trash, debris and garbage.

“Waterfront” shall mean that area of the Town of Goderich between the top of the slope and the water’s edge which is located to the South of the North edge of the South Pier and to the south limit of the Corporation of the Town of Goderich. It will also include all beach pavilions (Main Beach building, Pavilion 2, Pavilion 3 and Rotary Cove), walkways, playgrounds, and any other built environment or feature associated with the beach.

2. INTERPRETATION

2.1 In this By-Law, a word interpreted in the singular number has a corresponding meaning when used in the plural.

2.2 The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

3. ANIMALS

- 3.1 The regulations for the care and control of animals in municipal parks shall be as per the Town of Goderich Animal Control By-Law.
- 3.2 No person being the owner or having care and custody of a domestic animal shall permit such animal to run at large in any park or facility, except in a designated area.
- 3.3 No person being the owner or having care and custody of a domestic animal shall permit such animal to enter a designated swimming area, splash pad, garden, playground, sports field, baseball diamond, facility or any other area posted to prohibit same.
- 3.4 No person shall allow a domestic animal to be on any beach, boardwalk and park, except in a designated area.
- 3.5 No person being the owner or having care and custody of a domestic animal shall allow it to disturb the enjoyment of any person, or to cause injury or damage to any person, other animals or property.
- 3.6 No person shall ride a horse in a park, on the beach or prohibited area.
- 3.7 Subsections 3.3 and 3.4 shall not apply to a person with a service animal.

4. CLOSURE

- 4.1 The Director of Operations or designate may, at any time and at his or her discretion, temporarily or permanently close to the public a facility, park, a portion of a park or building due to inclement weather or other circumstances deemed appropriate by the Director of Operations. Where the Director of Operations has temporarily or permanently closed to the public a facility, park, trails, stairs, a portion of a park or a building in a park, no person shall remain in or enter the closed area.

5. CONSERVATION

- 5.1 No person shall cut or remove any wood, turf, grass, soil, rock, sand, or gravel in any such park except by the authority of the Council.
- 5.2 No person shall wilfully remove, deface, or otherwise damage any of the gates, lock, bolts or fences of the parks or any of the seats or benches, buildings or other property or equipment placed by the Council in any park for the accommodation of the public or any other town property contained in any park.
- 5.3 No person shall walk on any part of any park property where warned by signs not to do so.

6. ENFORCEMENT

- 6.1 Goderich's Municipal Law Enforcement Officer or designate shall enforce all sections of this by-law.
- 6.2 This by-law shall be enforced by Provincial Offences Officer(s) designated under the Smoke-Free Ontario Act, By-Law Enforcement Officer, Police Officer, or any other person appointed by Council to enforce the by-laws of the County of Huron.

7. EXEMPTIONS

- 7.1 The provisions of this by-law shall not apply to the Town of Goderich or its agents, employees or contractors during the course of performing their duties in relation to Park construction, maintenance or other necessary activities.
- 7.2 The provisions of this by-law shall not apply to bona fide emergency service providers.

8. FEES

8.1 The Town may require the payment of a fee by a person desiring to enter into any park or facility. If a park or facility has been closed for a municipally significant event, authorized by Council, then admission to a park or facility must be provided by the person in the form of a ticket or a wrist ban. If a ticket or wrist ban has not been purchased in advance, a person wishing to gain access to the closed park or facility, may purchase said ticket or wrist ban from a person duly authorized by Council.

9. GENERAL

9.1 No person shall engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behaviour in a park, facility or adjacent parking lot.

9.2 No person shall engage in any activity so as to interfere with or become a nuisance to the general public using the park or facility.

9.3 In addition to the prohibitions in Smoke-Free Ontario Act, 2017 (SFOA, 2017), no person shall smoke, vape or hold lighted tobacco or cannabis or related inhalation products in any form in a park, sports field, facility or the Town's waterfront.

9.4 In accordance with the Smoke-Free Ontario Act, 2017, exceptions can be made for the traditional, ceremonial use of tobacco by Aboriginal persons in appropriately designated spaces.

9.5 Special events requiring the use of shade tents larger than 10 sq. metres requires a permit from the Chief Building Official and be authorized by the Director of Operations. Permits are under the discretion of the Chief Building Official dependent on the duration and location of the tent.

9.6 No person shall use a generator or other such devices that are powered by gas, diesel, propane or any other fuel in any park.

10. HOURS OF OPERATION

10.1 No person shall:

- a) Remain in or enter into any park between the hours of 11 PM and 6 AM except as a participant or spectator of a function approved by Council;
- b) Remain in the park upon completion of an activity as a participant or spectator of any function between the hours of 11 PM and 6 AM; or
- c) Enter any place where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted.

11. OFFENCES AND PENALTIES

11.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for the Provincial Offences Act, R.S.O. 1990, Chapter P. 33, as amended.

11.2 Where a person has been convicted of an offence under this by-law,

- The Ontario Court of Justice; or
- Any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation of repetition of the offence.

Every person who acts in contravention of this by-law so as to cause the Municipality to incur costs due to his or her actions shall, in addition to any penalty provided for herein, be liable to the Municipality for all expenses incurred for the purpose of repairing or replacing damaged property or removing unauthorized materials, and such expenses may be recovered by court action or in a like manner as municipal taxes.

12. PAVILLION RESERVATION FORM (RENTAL AGREEMENT)

- 12.1 A person desiring to reserve a park or facility for an activity or other use for which a Pavilion Reservation Form (Rental Agreement) is required under this By-Law shall follow the established booking procedure by contacting Town Hall Administration staff in advance of the proposed activity or use, and by completing a Pavilion Reservation Form, a copy of which is attached to this By-Law, and by paying the prescribed rental fee set out in the Town's Fee By-Law, that is subject to change from time to time.
- 12.2 Every person shall comply with the conditions of the Pavilion Reservation Form issued for use of a park or facility. The Director of Operations or designate may revoke the permit of any person or group who fails to comply with the terms and conditions of the Pavilion Reservation Form or violates any provision of this By-Law or other municipal by-law or policy or provincial or federal laws and regulations.
- 12.3 The issuance of a Pavilion Reservation Form shall not relieve any person from complying with all applicable municipal, provincial and federal laws and regulations in force from time to time, including any requirement to possess an additional license or Pavilion Reservation Form in respect of the activity upon or use of a park or facility permitted by the Pavilion Reservation Form.

13. POLLUTION

- 13.1 No person shall, in a park or facility:
- a) Leave or deposit any waste, except in a receptacle provided for that purpose;
 - b) Deposit or strew any refuse, waste paper, wrapper, container, garbage (household or otherwise);
 - c) Deposit or leave any paint, grease, oil or any hazardous material that has an odour or appearance found to be offensive by users;
 - d) Undertake any maintenance activities or alter existing grounds or facilities unless authorized to do so by the Director of Operations, or designate; or
 - e) Discharge, dump or leave any construction material, earth, dirt, rock, snow, stone or any other materials in a park, facility, or in any ravine, slope, or other land access way to a park except with the written consent of the Director of Operations.

14. PROHIBITIONS

- 14.1 No person shall in any park make or kindle any open fire for any purpose in any such park except in such places provided therefor.
- 14.2 No person shall in any park carry or discharge any firearm (including airguns, pellet guns of any description) or bows and arrows.
- 14.3 No person shall in any park set off any fireworks in any park unless during an organized firework display, which conforms to the Safety Standards, laid down for such events; and then only after permission has been given in writing by the Council.
- 14.4 No person shall in any park sell or offer for sale or expose any merchandise, or other articles or anything for immediate or future delivery, or any art, skill, or service to be exercised or performed immediately or in the future, without the written consent of the Council.
- 14.5 No person shall in any park practice, carry on, conduct or solicit for any trade.
- 14.6 No person shall in any park play or engage in any team game except in those parks or parts of parks set apart for that purpose.

- 14.7 No person shall in any park distribute or post any handbills or circulars without the written consent of the Council.
- 14.8 No person shall in any park play golf or drive any golf ball.
- 14.9 No person shall sleep on a picnic table or on the ground, erect any tent or park a trailer of any type or recreational vehicle (RV) of any kind, in any park or recreation area for overnight accommodation unless duly authorized by Council. RV's or Trailers of any type are prohibited at the Waterfront and in C7-1 zones (former Canadian Pacific Lands, now owned by the Town of Goderich).
- 14.10 No person shall use the Performance Stage at Courthouse Park or the Band Shell in Lions Harbour Park without first checking with the Town's Special Events Coordinator to ascertain if any other group or person has previously arranged for use of these facilities.
- 14.11 No person shall in any park post signs of any kind, printed or otherwise, on fences, trees, lamp standards, poles, buildings, structures, electrical transmission units, benches, picnic tables, flower planters, or equipment of any kind in any park.
- 14.12 No person shall in any park use any underwater spear or shooting device in any bathing beach or waters adjacent thereto.
- 14.13 No person shall in any park operate any type of boat (power or sail) or a surfboard or windsurfing board within 30 metres of any area designated as a swimming area unless duly authorized by Council.
- 14.14 No person shall in any Park moor, park, anchor or leave any type of boat (power or sail) inside any area designated as a swimming area unless duly authorized by Council.
- 14.15 No person shall, in the Courthouse Square, Lions Harbour Park or Victoria Park, hold any event or make any loud noise between the hours of 11 PM and 8 AM the next day.
- 14.16 No person shall use a public address system or other device or equipment for amplifying sounds in a park or recreation area unless authorized by the Town; and
- 14.17 No person shall allow a hot air balloon to land or take off from a park, except in emergency situations only or without prior approval from Council;

15. SIGNS

- 15.1 The Council is authorized to place or erect and to maintain such official signs as are required to give effect to the provision of this by-law or as required to warn or guide the public for reasons of safety.

16. VEHICLES (MOTORIZED)

- 16.1 No person shall drive or ride or be in the care or control of any vehicle on any area, roadway or path in any park, which is not intended to be used for such purpose, or which has any sign showing that such roadway or path intended to be used for vehicular traffic in any other direction than that indicated by the signs placed thereon by the Council.
- 16.2 No person shall drive or operate any snowmobile or other motorized snow vehicle in any park without prior permission, in writing, from the Council with the exception of Optimist Park where snowmobiles shall be authorized to use the travelled portion of the roadway.
- 16.3 No person shall stand any vehicle upon any part of any road, driveway or parking lot in any park in such a manner as to cause congestion to traffic or in any other way cause any obstruction of such road or driveway.
- 16.4 No person shall park any vehicle in any park except in areas designated for parking purposes.

EXCEPTION: Vendors of the Farmers' Market shall be permitted to park on the grass in Courthouse Park in the area approved by the Director of Operations.

- 16.5 No person shall park overnight in any park unless permission has been granted by Council or, in any emergency approval has been given by the Detachment Commander of the OPP or designate. Except that cars and trucks rated smaller than 1 ton may park in the Lighthouse Street parking lot, the Livery parking lot and the Town Hall parking lot overnight, however, no person shall park a vehicle in the Lighthouse Street parking lot, the Livery parking lot and the Town Hall parking lot for a period longer than 24 hours.
- 16.6 No person shall use any part of a park for the purpose of washing, cleaning, polishing, servicing, maintaining any vehicle or, except in the event of an emergency, repair any vehicle.
- 16.7 Speed limit in parks shall be 30 km per hour except the continuation of north Harbour Road that is located on the North Wharf shall be 50 km per hour and signs shall be posted at the entrances indicating this limit.
- 16.8 Clauses 16.1, 16.2, 16.3, 16.4 and 16.9 do not apply to vehicles transporting materials for use by the Parks or Public Works employees; police, fire, or ambulance vehicles when being operated in accordance with those duties, or in an emergency, to any other vehicles.
- 16.9 All motorized vehicles, excluding emergency vehicles, are prohibited from that area of park known as Main Beach, St. Christopher's Beach & the Cove which is located from the toe of the slope in the east, the water's edge in the west, the limit of the Town of Goderich.
- 16.10 No person shall, in any parking space that is designated by signs as being reserved for a disabled person's vehicle park any vehicle except a disabled person's vehicle.
- 16.11 The operator of a vehicle in any park shall ensure that no excessive or unusual noise is caused at any time by the vehicle.
- 16.12 No person shall park in any space that is designated by sign(s) as being reserved for vehicles using the Town boat launching ramps without purchasing and displaying a valid ramp use permit.
- 16.13 No person, other than a person authorized to do so, shall park in any space in the Town Hall parking lot that is designated by signs as being reserved.
- 16.14 No person shall drive, ride or operate a vehicle in violation of posted signs in any municipal park.
- 16.15 No person shall park at any parking space in such a manner as to obstruct the use of any adjoining parking space, or, where there are markings for any such parking space, in any manner not in conformity with the same in a park or at the Town's Waterfront.
- 16.16 There is no alcohol allowed in any parks, recreational areas, sports fields, waterfront pursuant to the Municipal Alcohol Policy, unless duly authorized by Council.

17. If a provision of this by-law conflicts with an Act or a Regulation, the provision that is most Restrictive shall prevail.

18. That By-Law No. 76 of 1989 and all other by-laws and resolutions inconsistent with this by-law are hereby repealed.

19. SHORT TITLE

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

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS ____DAY OF _____, 2020.

MAYOR, John C. Grace

CLERK, Andrea Fisher

THE CORPORATION OF THE TOWN OF GODERICH
PART 1 PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OF DEFINING OFFENCE	COLUMN 3 SET FINE
1.	Permit an animal to run at large in park or facility, except in designated area	Section 3.2	\$100.00
2.	Permit an animal in any other area posted to prohibit the same	Section 3.3	\$100.00
3.	Allow a domestic animal on the beach, boardwalk or park	Section 3.4	\$100.00
4.	Allow a domestic animal to disturb, injure or damage	Section 3.5	\$100.00
5.	Ride a horse in a park, beach or prohibited area	Section 3.6	\$100.00
6.	Enter or remain in temporary or closed facility, park or building	Section 4.1	\$100.00
7.	Cut or remove wood or other material in parks	Section 5.1	\$50.00
8.	Remove, damage or deface any building, equipment or property of the Municipality	Section 5.2	\$150.00
9.	Walk in sections of park where prohibited	Section 5.3	\$25.00
10.	Unlawfully engage in abusive or threatening language or disorderly conduct	Section 9.1	\$150.00
11.	Unlawfully engage in an activity interfering with general use of park	Section 9.2	\$150.00
12.	Smoke, vape or hold any lit tobacco or cannabis in a park or facility	Section 9.3	\$150.00
13.	Use a generator or other such fuel powered device in a park	Section 9.6	\$100.00
14.	Remain in or enter a park between 11 PM and 6 AM	Section 10.1 a)	\$100.00
15.	Enter a park or facility where admission is prohibited or restricted	Section 10.1 c)	\$100.00
16.	Fail to deposit waste and food in a receptacle	Section 13.1 a)	\$150.00
17.	Deposit household waste in park	Section 13.1 b)	\$150.00

18.	Deposit, dump or discharge hazardous materials in a park or on an access way to park	Section 13.1 c)	\$150.00
19.	Start fire in park except where permitted	Section 14.1	\$100.00
20.	Carry any firearm or bow and arrows in a park	Section 14.2	\$125.00
21.	Set off fireworks in a park without written permission	Section 14.3	\$100.00
22.	Sell or market any merchandise in a park without written permission	Section 14.4	\$50.00
23.	Practice any trade in a park	Section 14.5	\$50.00
24.	Play team game in area not set apart for that purpose	Section 14.6	\$25.00
25.	Distribute hand bills without written permission	Section 14.7	\$25.00
26.	Hit golf balls in park	Section 14.8	\$25.00
27.	Sleep on picnic table/ground, erect tent, park trailer or RV in any park overnight	Section 14.9	\$50.00
28.	Use Performance Stage and Band shell without permission	Section 14.10	\$25.00
29.	Post signs in a park	Section 14.11	\$25.00
30.	Use underwater spear in beach or waters adjacent	Section 14.12	\$50.00
31.	Operate boat or surf board within 30 m of designated swim area unless duly authorized	Section 14.13	\$50.00
32.	Park boat in designated swim area	Section 14.14	\$50.00
33.	Hold event or make noise between 11 PM and 8 AM in Courthouse Square, Lions Harbour or Victoria Park	Section 14.15	\$50.00
34.	Use public address system or amplified sounds in park	Section 14.16	\$50.00
35.	Land or take off with hot air balloon from a park unless duly authorized	Section 14.17	\$50.00
36.	Drive vehicle in a prohibited area in a park	Section 16.1	\$50.00
37.	Operate motorized snow vehicle in park	Section 16.2	\$50.00

	without permission		
38.	Clean, maintain or repair vehicle in park	Section 16.3	\$25.00
39.	Operate vehicle in park as to cause excessive noise	Section 16.11	\$50.00
40.	No person shall drive, ride or operate a vehicle in violation of posted signs in any municipal park	Section 16.12	\$100.00

The penalty for the offence indicated above is in Section 11 of By-Law No. 86 of 2019, as amended, copy of which has been filed.

NOTE: The general penalty provision for the offences listed above is 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33