

Parks and Recreation Area

PR-1 - Consolidated October 18, 1999

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By-law PR-1

A by-law relating to the use, protection and regulation of public parks and recreation areas in the City of Humber Bay.

The Municipal Council of The Corporation of the City of Humber Bay enacts as follows:

SHORT TITLE

PARKS AND RECREATION AREA BY-LAW

**Part 1
INTERPRETATION**

1.1

In this by-law:

Authorized parking area - defined

"authorized parking area" means an area of a park or recreation area 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.

Bicycle - defined

"Bicycle" includes a unicycle and a tricycle but does not include a motor assisted cycle of any type.

City - defined

"City" means The Corporation of the City of Humber Bay.

Commissioner - defined

"Commissioner" means the Commissioner of Environmental Services, his or her designate and any City employee acting under his or her direction.

Control - defined

"Control" includes care and custody.

Council - defined

"Council" means the Council of The Corporation of the City of Humber Bay.

Designated - defined

"Designated" means an area defined or constructed for a specific use which may include posted conditions.

Environmentally Significant Area - defined

"Environmentally Significant Area, (ESA)" means an area as designated in the Official Plan for the City of Humber Bay and which is under public ownership and/or management, containing features and/or attributes of environmental and natural significance that warrant their retention in a natural state.

Hiking trail - defined

"Hiking trail" means that part of a park that has been marked, posted or blazed for the purpose of hiking by the public, is not hard surfaced and on which the use of in-line skates, bicycles, motor vehicles and motorized snow vehicles is prohibited.

Motor vehicle - defined

"Motor vehicle" has the meaning attributed to it in the *Highway Traffic Act*.

Multi-use pathway - defined

"Multi-use pathway" means that part of a park that has been improved with a hard surface and intended for a variety of uses including pedestrians, skating and vehicles, excluding motor vehicles, horses and horse drawn conveyances of any sort and motorized snow vehicles.

Natural park area - defined

"Natural park area" means an area which may be an entire park or part of a park, preserved in its natural or near natural state or an area created to remain thereafter in a natural state as open space and available for use by the public. For the purposes of this definition, natural shall mean established by nature or a selection process favouring survival of organisms best adapted to their environment.

Park - defined

"Park" means land and land covered by water and all portions thereof owned or made available by lease, agreement, or otherwise, to the City, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a natural park area and an environmentally significant area as defined in this by-law, that has been or hereafter may be placed under the jurisdiction of the City, including any buildings, structures, facilities, erections and improvements located in or on such land, save and except where such land is governed by other by-laws of the City.

Refuse - defined

"refuse" includes but is not limited to paper wrappers, food containers, discarded food, disposable eating utensils, newspapers, drink containers of all kinds, disposable diapers, broken glass, grass clippings and inert fill of any kind.

Recreation area - defined

"Recreation area" means an area or building or combination of both, under the control of the City which is maintained and supervised by employees of the City and includes golf course, tennis court, arena, skating rink, swimming pool, wading pool, play area, sports field, designated area of a park, a building or portion of a building which is owned, leased or used by the City, including a school and school grounds, for the purpose of offering recreation to the public.

Roadway - defined

"Roadway" means that part of a park or recreation area that is improved, designed or ordinarily used by vehicles.

Unlighted park, recreation area - defined

"unlighted park or recreation area" includes any park or recreation area lighted for security reasons, but not in actual use.

Vehicle - defined

"vehicle" includes a motor vehicle and any vehicle drawn, propelled or driven by any kind of power including muscular power but excludes a child's wagon, a baby carriage and motorized snow vehicle.

Part 2

BY-LAW APPLICATION AND ADMINISTRATION

2.1 By-law applicability - defined

This by-law applies to all recreation areas, parks and any premises located therein which are under the control and management of the City, together with the avenues, boulevards, drives, streets and approaches thereto and connecting the same.

2.2 Emergency - maintenance vehicles - excepted

Notwithstanding any provision of this by-law, vehicles operated on behalf of an ambulance service, fire department, police department, Humber Bay Hydro and the City, shall have full access to all parts of a park and/or a recreation area at all times.

2.3 By-law administration

This by-law is administered by the Department of Environmental Services.

Part 3

GENERAL PROHIBITED ACTIVITIES

3.1. Activities - prohibited

In any park or recreation area within the City, no person shall:

- (1) drive, ride or operate any vehicle or carry on in-line skating upon a roadway in any direction other than the direction indicated on signs posted by the Commissioner;

- (2) drive, ride or operate a vehicle or carry on in-line skating in violation of posted signs;
- (3) operate any vehicle or carry on in-line skating at a rate of speed in excess of the posted speed limit or in excess of 30 kilometres per hour in unposted areas;
- (4) drive, ride or operate any motor vehicle or horse drawn conveyance on a multi-use pathway;
- (5) drive, ride or operate a bicycle, motor vehicle or carry on in-line skating on a hiking trail;
- (6) operate a motor vehicle except on a roadway or in an authorized parking area;
- (7) park a motor vehicle in a place other than an authorized parking area;
- (8) drive, operate, park, leave unattended a motor vehicle in any part of a park or recreation area between 10:00 P.M. and 6 A.M. in the morning of the following day;
- (9) conduct themselves in a boisterous or unseemly manner so as to disturb any inhabitant or interfere with the enjoyment of the park or recreation area by any member of the public;
- (10) hold or take part in an unauthorized public meeting or gathering;
- (11) play or practice golf or strike any golf ball by any means whatsoever in an area not designated for such activities;
- (12) remain in an unlighted park or recreation area between the hours of 10:00 P.M. and 6:00 A.M. of the following day;
- (13) fail to display the supplied parking permit in the front window of their parked motor vehicle parked in Springbank Park, in a manner that makes the permit visible to persons outside the motor vehicle, when participating in an authorized after dark boat cruise on the Thames River;
- (14) fail to leave Springbank Park forthwith upon completion of an authorized after dark cruise on the Thames River;
- (15) operate a motorized snow vehicle;
- (16) climb, break, peel bark from, cut, remove, deface or otherwise damage any tree, shrub or bush, or pick, destroy or remove any flower, plant, roots, grass or rock;
- (17) cause or permit any animal under their control or ownership to damage any trees, shrubs, bushes, flowers, plants or roots;
- (18) post signs or posters on trees, bushes, or shrubs;
- (19) remove, break, deface, or otherwise damage any monument, cage, pen, gate, seat, bench, picnic table, fence, lock, barrier or any other equipment of the City located therein;
- (20) fail to deposit refuse in containers provided or if containers are not provided fail to remove refuse from park or recreation area;
- (21) fail to remove any utensils, equipment or articles taken into a area designated for picnics;
- (22) cause or permit any animal under their control or ownership to swim or enter into or foul any swimming or wading pool intended for human use only;
- (23) walk on grass in area where signs are posted prohibiting such activity;
- (24) disturb, wound, kill, injure, any bird, fowl, or animal, whether domesticated or wild;

- (25) remove or injure the nests or eggs of any bird or fowl;
- (26) wilfully or maliciously hinder, or interrupt, or cause to be hindered or interrupted, the Commissioner, all employees acting under his or her direction, any agent of the City, their workers or employees in the exercise of the powers and duties;
- (27) Wilfully or maliciously let off or discharge any water so that it runs waste or useless from or out of any reservoir, pond, river, or lake located in a park or recreation area;
- (28) lay or cause to be laid any pipe, or conduit to communicate with any pipe or main belonging to the waterworks connected with any park or recreation area or in any way obtain water without the consent of the Commissioner;
- (29) discharge or permit the discharge of any water from private properties, including pool water and water from a roof drainage system, onto, into or over any park.

3.2 Motorized wheel chairs excepted

Despite any regulation in this by-law restricting the use of motor vehicles in parks, motorized wheel chairs may use on all multi-use pathways and hiking trails.

Part 4 ACTIVITIES - SUBJECT TO APPROVAL

4.1 Activities prohibited - subject to approval

Unless authorized by the Commissioner, no person shall engage in any of the following activities in a park or recreation area:

- (1) cook food, unless any fire required to do so, is in a fireplace or barbecue;
- (2) use a sports field for any game or practice;
- (3) erect a tent or shelter, or park a trailer of any kind for overnight accommodation;
- (4) take part in or conduct commercial worm picking;
- (5) hold or take part in a public meeting or gathering or deliver any public speech;
- (6) hold or take part in a meeting or gathering that obstructs the free passage of vehicular traffic;
- (7) have exclusive use of any portion or all of a park or recreation area;
- (8) ride or lead a horse, pony or like animal in area not designated for such activity;
- (9) drive, lead or use a horse drawn wagon or sleigh;
- (10) post signs or posters on poles, planters, buildings, fences, benches, picnic tables, electrical transmission units, lamp standards, or City or Humber Bay Hydro equipment of any kind;
- (11) sell refreshments or other merchandise to the public;
- (12) operate any business, game, show or amusement for admission by the public;
- (13) operate or use a metal detector.

4.2 Public gatherings - location

The locations made available for approved public meetings, gatherings or public speeches shall be determined by the Commissioner upon the receipt of a written application for the use of a park or recreation area for such meeting, gathering or public speech.

Part 5 SPECIAL PROHIBITIONS

5.1 Special prohibitions - applicability

The special prohibitions in this Part are in addition to any applicable general prohibitions in Part 3

of this by-law.

5.2 Springbank Park

The following special prohibitions shall apply to the use of Springbank Park:

- (1) No person shall operate, drive or ride a vehicle on any roadway within the Park if the entrances to the Park are closed by means of a barrier and or signs.
- (2) Notwithstanding any other provision of this by-law, motor vehicles may be parked in the authorized parking areas located at the east and west entrances to Springbank Park, except between the hours of 10:00 P.M. and 6 A.M. of the following morning.
- (3) Notwithstanding any other provision of this by-law, persons participating in authorized after dark boat cruises on the Thames River, shall have vehicular access and egress to and from Springbank Park by means of the North Street park entrance, and all vehicles once in the park shall be parked in the authorized parking area located near the boat dock area adjacent to Storybook Gardens.
- (4) Persons parking a motor vehicle in Springbank Park to participate in after dark cruises on the Thames River shall display the parking permit supplied to them on the inside of the front window area of their motor vehicle so that it is visible to the outside. Such persons must exit the Park forthwith upon the completion of the Thames River cruise and in all cases must be out of the Park before 12:00 midnight of the day on which the cruise occurred.

5.3 Storybook Gardens

The following special prohibitions shall apply to the use of Storybook Gardens:

- (1) Between November 1 of one year and March 31 of the following year, patrons of Storybook Gardens shall use such roadways in Springbank Park as deem appropriate by the Commissioner. Such roadways will be opened for use during such hours as set by the Commissioner from time to time.
- (2) No person shall enter into Storybook Gardens between the hours of 8:00 P.M. and 10:00 A.M. of the following day, nor during any time Storybook Gardens is closed to the public by authority of the Commissioner.
- (3) No person shall enter into any enclosure housing animals, birds, fowl, or fish nor remove any animal, bird, fowl or fish from Storybook Gardens without the express authority of the Commissioner.
- (4) No person shall cause or permit a dog to enter in Storybook Gardens or keep a dog in Storybook Gardens.
- (5) Part (4) above does not apply to an employee or agent of The Corporation of the City of Humber Bay while using the services of a trained dog within Storybook Gardens.

5.4 Environmentally Significant Areas (ESA) - Prohibitions

The following special prohibitions shall apply to all persons entering into and using a park designated as an Environmentally Significant Area or as a natural park area:

- (1) No person shall cut or remove any plant, aquatic vegetation, wood, turf, grass, soil, rock, sand or gravel without the express authority of the Commissioner.
- (2) No person shall carry out any scientific investigation or study without the express authority of the Commissioner who may impose specific conditions which shall be adhered to.
- (3) No person shall cause or permit any animal under their ownership or control to enter into or foul any of the waters of any pond, stream or river.
- (4) No person shall swim in, bathe in, or pollute in any way the waters of any pond or stream.
- (5) No person shall camp, set up a tent, park a trailer or hold a picnic, unless the area

is specifically designated for such purpose.

- (6) No person shall deposit, dump or leave waste and/or refuse of any kind.
- (7) No person shall operate a vehicle, bicycle or motorized snow vehicle within the boundaries of an ESA or a natural park area unless signs are posted specifically allowing such activity.
- (8) No person shall ride, lead or drive any animal within the boundaries of an ESA, except for a dog which must be on a leash in accordance with the requirements of the Dog Licensing and Control by-law.

5.5 Municipal golf courses

The following special prohibitions apply to the use of golf courses controlled by the City:

- (1) All persons playing golf shall conform with the rules of conduct and dress as established by the Commissioner from time to time.
- (2) No person shall be permitted to enter onto a golf course without a green fee card for the day in question or a membership card in their possession and a set of clubs for his or her own use.
- (3) Except for a regulation golf cart, no person shall drive, operate or ride a vehicle or motorized snow vehicle on a golf course.

Part 6 FEES

6.1 Use without payment - prohibited

No person shall use a park or recreation area without first having paid the applicable fee, if any.

Part 7 ENFORCEMENT

7.1 Applicable law

Park and recreation area users are subject to all applicable Municipal by-laws and all Provincial and Federal laws and regulations and all persons violating any by-law or law may be evicted from any park or recreation area.

7.2 Fine - upon conviction

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

7.3 Continuation - repetition of offence - prohibited

The court in which the conviction has been entered and any other court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed by the court on the person convicted.

Part 8 MISCELLANEOUS

8.1 By-law reference on signs - deemed to conform

On a sign posted by the City in a park or recreation area, references to By-laws P 67-15 and P 67-15-90(m) shall be deemed to be references to this by-law.

8.2 Validity

It is declared that notwithstanding that any Part or Parts of this by-law, or sections thereof, may be found by any court of law to be bad or illegal or beyond the power of the Council to enact, such Part or Parts or sections thereof shall be deemed to be severable and that all other Parts or sections of this by-law are separate and independent there from and enacted as such.

8.3 Effective date

This by-law shall come into force and effect on the day of its final reading.

PASSED IN OPEN Council on August 6, 1996.

Dianne Haskett
Mayor

K. W. Sadler
Clerk

First Reading - August 6, 1996
Second Reading - August 6, 1996
Third Reading - August 6, 1996