

THE CORPORATION OF THE TOWNSHIP OF NORWICH

BY-LAW NUMBER 55-2008

TO REGULATE, PROTECT AND GOVERN THE USE OF PUBLIC PARKS AND FACILITIES

WHEREAS the Municipal Act, S.O. 2001, as amended, Chapter 25, Section 11(3) 5 states that "A lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting matters within the following spheres of jurisdiction: 5. Culture, parks, recreation and heritage";

AND WHEREAS The Corporation of the Township of Norwich deems it necessary to enact such a by-law to regulate, protect and govern the use of public parks and facilities;

NOW THEREFORE the Council of The Corporation of the Township of Norwich hereby enacts as follows:

1. SHORT TITLE
 - 1.1 This by-law shall be known as the "Public Parks By-law".
2. DEFINITIONS
 - 2.1 Alcoholic Beverage – shall mean 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.
 - 2.2 Animal – shall mean any member of the animal kingdom, other than a human, and shall include birds.
 - 2.3 Authorized – shall mean authorized by the Director or an authorized sign.
 - 2.4 Authorized Function – shall mean a function or activity approved by the Director.
 - 2.5 Authorized Sign – shall mean a sign, notice or other device placed or erected in or upon a park or facility with the permission of the Director.
 - 2.6 Barbeque – shall mean a portable or fixed device designed or intended solely for the cooking of food in the open air but does not include outdoor fireplaces and campfires.

- 2.7 Bicycle – shall include a tricycle and unicycle and for the purposes of this by-law includes a motor assisted bicycle.
- 2.8 Boat – shall include a canoe, rowboat, kayak, dinghy, punt, sailboat, outboard and inboard motor boat and personal water craft.
- 2.9 Camp – shall mean to erect a structure, hut or tent for the purpose of providing shelter.
- 2.10 Corporation – shall mean the Corporation of the Township of Norwich.
- 2.11 Designate – shall mean an employee of the Township of Norwich or another person designated by the Director.
- 2.12 Designated Area – shall mean an area defined or constructed for a specific use.
- 2.13 Director – shall mean the Director of Parks, Recreation and Facilities or his/her designate.
- 2.14 Facility – shall include any area, pool, building, arena or structure under the jurisdiction of the Corporation.
- 2.15 In-Line Skates – shall mean a pair of boots with attached rollers or wheels on the bottom that are worn by a person to facilitate gliding and are propelled by muscular power and, for the purposes of this by-law, shall include roller blades and roller skates.
- 2.16 Loiter – shall mean:
- 2.16.1 climbing or being upon trees, roofs of buildings or any part of a building or steps, structure or fixture except where public access is provided; or
 - 2.16.2 standing or sitting upon receptacles or containers for plants, shrubs or trees; or
 - 2.16.3 indulging in any riotous, boisterous, violent, threatening or illegal conduct; or
 - 2.16.4 use of profane or abusive language; or
 - 2.16.5 standing or sitting so as to prohibit or hinder the passage of pedestrians or vehicles.
- 2.17 Motor Vehicle – shall mean a motor vehicle within the meaning of the *Highway Traffic Act, R.S.O. 1990*, as amended but for the purposes of this by-law shall not include a wheelchair.
- 2.18 Motorized Snow Vehicle – shall mean a self-propelled vehicle designed to be driven primarily on snow.

- 2.19 Municipal Law Enforcement Officer – shall mean a person appointed by the Council of the Corporation of the Township of Norwich for the purposes of enforcing by-laws and, for the purposes of this by-law, shall include a police officer.
- 2.20 Organized Team Sport – shall mean a team sport which operates under the auspices of a league, club or association and has a registration process with designated player rosters.
- 2.21 Park – shall mean land or land covered by water and all portions thereof owned or leased or under agreement or otherwise to the Corporation that are established, dedicated, designated, set apart or made available for use as a park, playground, playing field, ball diamond, sports field, beach, recreation centre, community building, arena, facility, square, garden, water or pedestrian walkway that is devoted to active or passive recreation and includes any lane or walkway or public parking area leading thereto.
- 2.22 Park or Parking – shall mean 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.
- 2.23 Person – shall include any individual, company, corporation, partnership, firm, trust, sole proprietorship, government or government agency, authority or entity, however constituted, joint venture, syndicate or any other legal entity, and includes all successors, assigns or other legal representatives of any such entities.
- 2.24 Police Officer – shall mean a sworn member of a police service.
- 2.25 Service Animal - shall mean any animal or dog trained by a recognized school for service as a service dog to work or perform tasks for the benefit of an individual with a disability and includes an animal used in therapy that is registered with a recognized organization for that purpose.
- 2.26 Skateboard – shall mean a form of conveyance consisting of any number of wheels attached to a surface which is designed to ride upon whether operated by muscular power or otherwise.
- 2.27 Stand or Standing – shall mean the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
- 2.28 Stop or Stopping – shall mean the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or a traffic control sign or signal.
- 2.29 Unauthorized Sign – shall mean a sign, notice or other device placed or erected in or upon a park or facility without the permission of the Director.

3. GENERAL PROVISIONS FOR PARKS

- 3.1 No person shall enter into or remain in any park between the hours of 11:00 p.m. and 5:00 a.m. except as a participant or spectator of an authorized function.
- 3.2 Notwithstanding Section 3.1 of this by-law, where the hours of operation in a park or facility are posted and differ from the provisions of Section 3.1, no person shall remain in a park or facility outside the posted hours.
- 3.3 No person shall enter a park or facility where an authorized sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted.
- 3.4 No person shall enter a park or facility with an animal except a service animal.
- 3.5 No person shall use a ball diamond on any day between the 16th day of October and the 30th day of April of any year.
- 3.6 Notwithstanding the provisions of Section 3.5, a person may use a ball diamond upon approval in writing from the Director.
- 3.7 No person shall use a sports field on any day between the 1st day of November and the 14th day of May of any year.
- 3.8 Notwithstanding the provisions of Section 3.7, a person may use a sports field under the following conditions:
 - 3.8.1 the ground of the sports field is snow covered; and
 - 3.8.2 the site is not altered or damaged in any way.
- 3.9 No person shall engage in any horse race or ride a horse in a park except where authorized.
- 3.10 No person shall use a tennis court located in a park unless said person is wearing appropriate footwear.
 - 3.10.1 Where the appropriateness of footwear is questioned, the Director or his/her designate shall determine what is appropriate.
- 3.11 No person shall possess any bows or arrows or discharge any arrows in a park except where authorized.
- 3.12 No person shall possess any firearm or discharge any firearm in a park.
- 3.13 No person shall loiter in a park.
- 3.14 No person shall operate a motor driven model airplane or model helicopter or model rocket or model boat in a park except where authorized.
- 3.15 No person shall use a barbeque in a park except where authorized.

- 3.16 No person shall park, stop or stand any motor vehicle within a park except where permitted or designated by an authorized sign.
- 3.17 No person shall ride a bicycle, skateboard, rollerblades or inline skates in a park except where authorized.
- 3.18 No person shall operate, drive, park or stop a motorized snow vehicle in a park except where authorized.
- 3.19 No person in a park shall, without a permit and except where authorized and pursuant to the requirements of any applicable municipal by-law:
 - 3.19.1 sell, offer, expose or advertise for sale any:
 - 3.19.1.1 food or drink;
 - 3.19.1.2 newspaper, magazine or publication;
 - 3.19.1.3 goods, wares or merchandise;
 - 3.19.1.4 art, skill or service;
 - 3.19.2 practice, carry on, conduct or solicit for any trade, calling, business or occupation;
 - 3.19.3 distribute any flyers or circulars;
 - 3.19.4 post any bills, notices or advertising devices, including signs of any kind;
 - 3.19.5 convene, conduct or participate in any parade or procession;
 - 3.19.6 convene, conduct or hold a meeting or deliver a speech as a member of or to members of any group or to members of the public;
 - 3.19.7 have in his or her possession any alcoholic beverage;
 - 3.19.8 ignite, discharge or set off any fireworks;
 - 3.19.9 light any open air fire except where authorized;
 - 3.19.10 camp or construct any tent or other structure;
 - 3.19.11 play any organized team sport except where authorized;
 - 3.19.12 use a public address system or other device or equipment for amplifying sounds;
 - 3.19.13 cause or allow or permit a hot air balloon to take off or land except in an emergency situation.

3.20 No person without a valid permit shall refuse to vacate a park or portion thereof where a person holding a valid permit for that park or portion thereof wishes to access the area in accordance with the terms and conditions of that valid permit.

4. PERMITS

4.1 No permit holder shall undertake to use a park or facilities unless:

4.1.1 the permit holder maintains, at his or her own expense, liability insurance coverage in an amount as required by the Corporation, for bodily injury, death and damage to property, and such insurance shall be in the name of the permit holder or the sponsoring event organizer and shall name the Corporation as an additional insured;

4.1.2 is eighteen (18) years of age;

4.1.3 does not charge admission or sell refreshment except as authorized;

4.1.4 follows the incident reporting procedures outlined in the permit in the event of an incident, including the contacting of staff of the Township of Norwich, police, paramedic services and fire services as appropriate;

4.1.5 complies with all conditions outlined on the permit.

4.2 A permit shall be valid on the dates as shown on the permit unless revoked by the Director or his/her designate.

4.3 No permit holder shall access or use an area of a park except that designated by the Director pursuant to the permit.

4.4 A permit holder shall produce his or her permit upon being so directed by the Director or a Municipal Law Enforcement Officer or the Police.

4.5 A permit holder shall vacate a park or an area of a park upon being so ordered by the Director or a Municipal Law Enforcement Officer or the Police.

4.6 The Director or his/her designate may attach such conditions to a permit as deemed necessary to ensure public safety, protect Corporation property or maintain the enjoyment of the park for the public.

5. ENFORCEMENT

5.1 This by-law shall be enforced by a Municipal Law Enforcement Officer or the Director or his/her designate.

6. PENALTY

6.1 Any person who contravenes this by-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act, R.S.O. 1990*, as amended.

7. SEVERABILITY

7.1 In the event that any of the provisions of this by-law are deemed ultra vires by any Court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

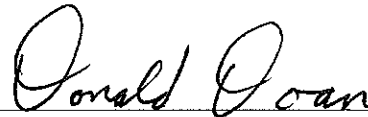
8. REPEAL

8.1 That Township of Norwich By-law No. 62-75 and 44-88 and any amendments thereto are hereby repealed in their entirety.

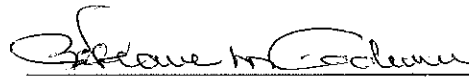
9. EFFECTIVE DATE

9.1 This by-law shall become effective upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 8TH DAY OF JULY, 2008.



MAYOR
DONALD DOAN



CLERK-ADMINISTRATOR
BETTEANNE M. CADMAN