

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW NUMBER 2019-49

Being a By-Law to regulate and to promote responsible, shared use, and enjoyment of parks and related facilities.

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass By-laws respecting public assets and the health, safety, and well-being of persons with respect to culture, parks, recreation, and heritage;

WHEREAS Subsection 425 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, establishes that any person who contravenes a By-law of the municipality passed under this Act is guilty of an offence;

WHEREAS Council considers it appropriate to protect, maintain, and enhance its parks, open spaces, and other publicly-owned land and related facilities for the safety and shared enjoyment of members of the public and to protect and enhance the natural environment;

NOW THEREFORE the Council of the Corporation of the Township of Asphodel-Norwood enacts as follows:

SHORT TITLE

This By-law may be referred to as the 'Parks and Facilities By-Law'

**Part 1
INTERPRETATION**

1. If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.
2. This By-law does not restrict any activity by or on behalf of the Township.
3. In this By-law:
 - a. **Alcoholic beverage** means spirits, liquor, beer, wine or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage alone or in combination with any other substance
 - b. **Animal** means any member of the animal kingdom other than a human and includes birds
 - c. **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
 - d. **CAO** means the Township's Chief Administrative Officer
 - e. **Control** includes care and custody
 - f. **Council** means the Council of the Corporation of the Township of Asphodel-Norwood
 - g. **Facilities** means improvements, buildings, and structures constructed within Parks by, on behalf of, or for the benefit of the Township including recreational facilities
 - h. **Hiking trail** means that part of a park that has been marked, posted, or blazed for the purpose of hiking, cross country skiing or running by the public, is not pavement or concrete and on which the use of in-line skates, skateboards, bicycles, power-assisted bicycles, motor vehicles, and motorized snow vehicles is prohibited. Hiking trails may or may not be accessible to motorized wheel chairs depending on topographic restrictions

- i. **Liquor** shall have the same meaning as defined in the Liquor Licence Act, R.S.O. 1990, C. L-19 as amended
- j. **Motor Vehicle** has the meaning attributed to it in the Highway Traffic Act
- k. **Officer** means the Manager; Township By-law officer; Fire Chief or their designate; and/or the Ontario Provincial Police
- l. **Natural** shall mean established by nature or a selection process favouring survival of organisms best adapted to their environment
- m. **Park** means land and land covered by water and all portions thereof under the control or management or joint management of the Township, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space; including an environmentally significant area with any buildings, structures, facilities, erections and improvements located in or on such land and a natural park that is 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
- n. **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 are operable, and for greater certainty an e-bike and an e-scooter are defined as follows:
 - e-bike** shall mean a power assisted bicycle that has the appearance of a bicycle
 - e-scooter** shall mean a power assisted bicycle that has the appearance of a scooter
- o. **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
- p. **Recreation area** means an area or building or combination of both, under the control of the Township which is maintained and/or supervised by employees of the Township and includes any basketball court, arena, skating rink, splash pad, play area, community centre, skateboard facility, sports field, a park, a building or portion of a building which is owned, leased or used by the Township
- q. **Roadway** means that part of a park or recreation area that is improved, designed or ordinarily used by vehicles and motor vehicles
- r. **Run at large** means to be found in any place other than the premises of the owner of the animal and not under the physical control of any person by means of a leash held by the said person
- s. **Sexual Activity** means any physical contact of a sexual nature involving genitalia, buttocks, or female breasts by one or more individuals
- t. **Trained Service Animal** includes a guide dog or other certified service animal often identifiable by a harness or vest used principally to assist persons with sight or physical assistance, warning of seizures or other disabilities
- u. **Unauthorized public meeting or gathering** means a picnic, organized gathering or event of more than twenty-five persons, where the authorization of the Manager has not been obtained
- v. **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, a child's stroller, a wheelchair or similar device (motorized or otherwise) used by an individual due to a disability, or a motorized snow vehicle
- w. **Washroom** means any permanent or temporary structure or portion of a structure that contains toilets, or urinals and wash basins and which is owned, leased or operated by the Township

Part 2 **GENERAL PROHIBITED ACTIVITIES**

4. Access to Parks:

No person may:

- a. Subject to Section 11, be in any of the Parks described in 'Schedule A' one (1) half-hour before sunrise to one (1) half-hour after sunset, except as a participant or spectator of an event approved by the Manager and only during such an event; or
- b. Be in any park or part of a park where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted

Paragraph 4 a) does not prevent a person from being on a pathway or a trail within a Park for the sole purpose of traversing that part of the Park

5. Prohibited Activities:

- a. Sell, or offer, expose or advertise for sale any
 - i. Food or drink
 - ii. Goods, wares or merchandise
 - iii. Art, skill or service;
- b. Practice, carry on, conduct or solicit for any trade, calling, business or occupation;
- c. Have in the person's possession any alcoholic beverage;
- d. Ignite, discharge or set off any fireworks;
- e. Light any open air fire;
- f. Erect or be within a structure, hut or tent
- g. Discharge, dump or leave any construction material, earth, dirt, rock, snow, stone or any other materials;
- h. Use a public address system or other device or equipment for amplifying sounds;
- i. Engage in riotous, boisterous, violent, threatening, or engage in riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language, including:
 - i. making any verbal comments or physical gestures, about or toward anyone that could reasonably be considered to be offensive, derogatory or abusive;
 - ii. making noise likely to disturb any inhabitant or interfere with the enjoyment of the park through the use of electronic equipment or any other means;
 - iii. urinating or defecating except in a designated washroom facility;
- j. Engage in conduct that endangers the health and safety of himself, herself or others;
- k. Paint likeness, take pictures, record video or record audio of any persons without the consent of the person, or, where the person is a minor, without consent of a parent or legal guardian, in instances where a public complaint has been received regarding such activity;
- l. Engage in any sexual activity;
- m. Remain in a recreation area or park for the purpose of or appearance of loitering;
- n. Play or practice golf or strike any golf ball by any means whatsoever in an area not designated for such activities;
- o. Climb, break, peel bark from, cut, remove, burn, deface or otherwise damage any tree, shrub or bush, or pick, destroy or remove any flower, plant, roots, grass or rock;
- p. Cause or permit any animal under their control or ownership to damage any tree, shrub, bush, flower, plant or roots;
- q. Loiter in any washroom or change room, or engage in conduct that could reasonably be considered to be offensive;

- r. Permit a dog under their ownership or control to run at large except in a designated leash free area;
- s. Fail to remove and dispose of excrement of a dog under their ownership or control;
- t. Bulk feeding of wildlife;
- u. Possess or use a bow, arrow, pellet gun or airsoft gun and
- v. Use a cellular phone, camera or any device capable of recording images in change rooms or washrooms.

6. Wheelchairs excepted:

Despite any regulation in this By-law restricting the use of motor vehicles in parks, and for greater certainty only, a wheelchair or similar device (motorized or otherwise) used by an individual due to a disability may be used in all areas of parks including all multi-use pathways and the accessible portions of hiking trails.

Part 3 **ACTIVITIES – SUBJECT TO APPROVAL**

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

- a. Use a sports field for any organized game or practice;
- b. Hold or take part in a picnic, organized gathering or event of more than twenty-five persons;
- c. Hold or take part in a meeting or gathering that obstructs the free passage of vehicular traffic;
- d. Have exclusive use of any portion or all of a park or recreation area;
- e. Post any sign or poster on any pole, planter, building, fence, bench, picnic table;
- f. Sell refreshments or other merchandise to the public;
- g. Operate any business, game, show or amusement for admission by the public;
- h. Solicit funds for any charities, organizations or individuals of any kind;
- i. Undertake any maintenance activities or alter existing grounds or facilities

8. Protection of Parks for Public Use

No person may, in a Park:

- a. Contravene any law of Canada, Ontario, County or the Township;
- b. Engage in loud, threatening, abusive, insulting or indecent language;
- c. Engage in any activity so as to interfere with or become a nuisance to the general public;
- d. Cut, climb, break, injure, deface, disturb or remove any property including:
 - i. a tree, shrub, bush, flower, plant, grass, wood, soil, sand, rock or gravel;
 - ii. a building, cage, pen or monument;
- e. Mark or write upon, damage or otherwise injure any property of the Township including:
 - i. any part of the interior or exterior of a building;
 - ii. any monument, fence, bench or other structure;
- f. Throw a stone or other object that may cause injury or damage to any person or to property;
- g. Climb, walk or sit upon any wall, fence, monument or fountain;
- h. Disturb, injure, wound, hunt, trap, attempt to kill or kill any animal;
- i. Touch, interfere with, remove or injure any bird's nest, the eggs or the young birds contained therein;
- j. Provide, cause to be provided, deposit or leave any food that may be used by an animal;
- k. Deposit or leave any paint, grease, oil, offal or any matter that is or could be dangerous to members of the public or to animals;
- l. Scatter any paper, cardboard or any other material;

- m. Wash, clean, polish, service, maintain or repair any motorized vehicle; or
- n. Instruct, teach or coach any person in the driving or operation of a motorized vehicle.

9. Protecting Parks Against Encroachments

No owner or occupier of land adjacent to a Park may cause, permit or continue any activity or thing on such land that encroaches onto or into the Park including:

- a. Planting any vegetation including any hedge, tree, shrub or garden;
- b. Construction, installation or maintenance of any structure or thing including any fence, storage shed or retaining wall;
- c. Keeping any composting receptacle or pile; or
- d. Placement of any string, wire, chain, rope or similar material.

10. Delegation

The Manager may do such things as the Manager considers appropriate in the administration of this By-law including:

- a. Determining the Parks or parts of Parks to which access is prohibited pursuant to paragraph 4.b);
- b. The CAO or Manager of Community Centre/Parks/Facilities may, from time to time, approve amendments to Schedule A to this By-law to add, amend or delete the names of Parks listed therein. The CAO or Township Clerk may pass a By-law to effect approved amendments to Schedule A to this By-law.

Part 4 ENFORCEMENT

11. If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may:

- a. Make an order requiring the person who contravened this By-law to discontinue the contravening activity;
- b. Make an order requiring the person who contravened this By-law to do work to correct the contravention; and
- c. Issue a trespass notice to the person prohibiting access to a Park for a period not exceeding six (6) months.

12. Without limiting section 14, each person to whom an order is given pursuant to section 11 and who fails to comply with the order is guilty of an offence.

13. Without limiting sections 12 and 14, if an Officer is satisfied that a person to whom an order has been given pursuant to section 11 has failed to comply with the order, the Officer may cause to be done the work set out in the order at the person's expense.

14. Each person who contravenes this By-law is guilty of an offence and, upon conviction, is liable to a fine of no less than \$200.00 and no more than \$10,000.00 for each day or part of a day on which the offence commences or continues.

Part 5 GENERAL

15. Any order or notice to be given to a person pursuant to Part 4 is sufficiently given:

- a. When given verbally to the person;
- b. When delivered in writing to the person;
- c. On the third (3rd) day after it is sent by regular letter mail to the person's last known address; or
- d. When sent to the person by e-mail or other means of electronic transmission

16. No proceeding for damages or otherwise may be commenced against the Township, a member of Council or an officer, employee or agent of the Township or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this By-law or for any alleged neglect or default in the performance in good faith of the duty or authority.

ENACTED and PASSED on the 10th day of September, 2019.

<Original signed by>

Rodger Bonneau, Mayor

<Original signed by>

Candice White, Clerk

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Schedule A – Parks

Park Name	Address
Asphodel Heights Park	139 Indian Road, Hastings
Asphodel Park	1446 Asphodel 3 rd Line, Hastings
Community Centre Park	88 Alma Street, Norwood
Lions Park	23 Alma Street, Norwood
McCarthy's Point - Snowmobile Turn Around	1203 Asphodel 7 th Line, Hastings
Mill Pond Butterfly Garden	4340 Highway 7, Norwood
Mill Pond Forest Trails	187 County Road 40, Norwood
Norwood Park	40 Millpond Lane, Norwood
Westwood Park	313 Centre Line, Westwood