

BY-LAW NO. 06 - 2005

A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO REGULATE PUBLIC PARKS AND FACILITIES

WHEREAS the Municipal Act S.O. 2001 c.25, Section 130 provides that every Council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act;

AND WHEREAS all park properties and facilities under the jurisdiction of the Corporation of the Town of Carleton Place are for the use, benefit and pleasure of the public;

NOW THEREFORE the Council of the Corporation of the Town of Carleton Place enacts as follows:

1. DEFINITIONS

- 1.1 **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 matter.
- 1.2 **By-law Enforcement Officer** means the By-law Enforcement Officer appointed by The Corporation of the Town of Carleton Place.
- 1.3 **Camp** means to erect a structure, hut or tent for shelter.
- 1.4 **Committee** shall mean the Facilities Operations Committee of the Town of Carleton Place, members of which are appointed annually by the Striking Committee of Council.
- 1.5 **Corporation** means The Corporation of the Town of Carleton Place.
- 1.6 **Council** shall mean the Council of the Corporation of the Town of Carleton Place.
- 1.7 **Facility** shall mean any arena, pool, outdoor rink, splash pad, building or structure under the jurisdiction of the Corporation which is used for leisure, play or organized events.
- 1.8 **Facilities Operations Manager** shall mean the Facilities Operations Manager designated by the Corporation of the Town of Carleton Place.
- 1.9 **Motorized Vehicle** includes an automobile, truck, motorcycle, boat and any other vehicle propelled or driven otherwise by muscular power, including all motorized snow or all terrain vehicles but shall not include a wheelchair, and motorized vehicles operating pursuant to instructions from the Public Works Department, Facilities Manager or any other persons designated by the Corporation.
- 1.10 **Outdoor Rink** shall mean an ice surface provided by the Corporation, whether enclosed by boards or not, for recreational use by the public.
- 1.11 **Park** shall mean a park, playground, playing field, beach, recreation complex, square, garden, water, pedestrian walkway, trails or any other area within Town limits, owned, leased or used by the Corporation and devoted to active or passive recreation and shall include any lane or walkway or public parking area leading thereto.

- 1.12 **Property** includes buildings, structures, equipment, turf, trees, plants, or any other thing, item or object installed, contained, erected, planted or placed by the Corporation in any Municipal Park or Facility.
- 1.13 **Public Works Coordinator** means the Public Works Coordinator designated by the Corporation of the Corporation of the Town of Carleton Place.
- 1.14 **Special Permit** shall mean a permit issued by the Corporation for use of a facility, park, field, etc. in conjunction with regular uses not requiring permits. Special Permits take precedent over regular public use when fees and scheduling are not required for said facility.
- 1.15 **Swimming Area** shall mean any area designated as an official swimming area, patrolled by Town employed lifeguards and marked accordingly by buoys and signs.
- 1.16 **Swimming Pool** shall mean any swimming pool under the jurisdiction of the Municipality.
- 1.17 **Wheelchair** means a chair mounted on wheels driven by muscular power or any other kind of power and used for the carriage of a person who has a physical defect or disability.

2. GENERAL PROVISIONS

- 2.1 Except as otherwise provided herein, this by-law applies to all parks, facilities and trails under the control and management of the Corporation of the Town of Carleton Place.

3. VEHICLES

- 3.1 No person shall operate a motor vehicle within the limits of any park or facility situate in the Town of Carleton Place unless on roadways designated for such purposes or authorized from the Public Works Coordinator or Facilities Manager.
- 3.2 No person shall operate a motor vehicle at a speed in excess of 25 kilometers on designated roadways within park limits.
- 3.3 No person shall operate a motor vehicle in a manner which may disturb, by excessive noise or otherwise, the occupants of the park or persons living in the vicinity of the park.
- 3.4 No person shall permit a vehicle to be parked or left standing in any place in a park other than designated parking areas save and except vehicles operated pursuant to instructions from the Public Works Coordinator or Facilities Manager.
- 3.5 No person shall allow a motorized boat to dock at or within 50m of a designated swimming area, except a motorized vehicle which is authorized by the Municipality, Facilities Manager or those used or authorized by the Carleton Place Canoe Club.
- 3.6 Notwithstanding the provisions of this section, bicycles and skateboards are permitted in parks and trails, except on the sanded beach areas, on the splash pads or those areas where signs prohibiting their use are posted.

4. FIRE

- 4.1 No person shall light a fire in any park, trail or facility except in places specifically provided for such use or written permission by the Facilities Manager and Fire Chief for the Town of Carleton Place.
- 4.2 Barbeques may be brought to and used in the parks provided they are propane or gas operated only.

5. SPECIAL PERMIT

- 5.1 No person, group or organization shall camp or lodge in any park or facility unless first acquiring a Special Permit issued by the Facilities Manager or a designate thereof.
- 5.2 Applications for Special Permits shall be made at least 30 days before the said event.
- 5.3 Special Permits shall be valid for the period of time specified thereon.
- 5.4 The fee for a Special Permit shall be prescribed by the Committee and Facilities Manager and attached hereto as Schedule "A".

6. ALCOHOL

- 6.1 Alcoholic beverages are not permitted in any park or facility except for events licenced in accordance with regulations under a Liquor Licence Board of Ontario Special Occasions Permit approved by the Facilities Manager and/or Council.
- 6.2 No person in an intoxicated condition shall enter any park or facility and shall be removed therefrom if found to be causing a disturbance within the park or facility.

7. FIREARMS, FIREWORKS, OFFENSIVE WEAPONS

- 7.1 No person shall have in their possession, in any park or facility, any firearm, air gun, bow and arrow, axe, knife, sling shot or fireworks of any kind, except with written authorization from the Facilities Manager.
- 7.2 No person shall discharge or use any firearm, fire works or use any offensive weapon within any park of facility as prescribed by the Firearms By-law and Fireworks By-law and any other law prohibiting the use of such items.

8. ANIMALS

- 8.1 No person shall permit a dog or other animal under their control to enter the water within 50m of any designated swimming area.
- 8.2 All dogs present within the parks, trails and outside facilities must be under the direct control of the person responsible and leashed.

- 8.3 Animals are not permitted within facility buildings except seeing eye dogs for the blind or animals authorized by the Facilities Manager.
- 8.4 No person shall in any park or facility, disturb, molest, move, attempt to maim or kill any bird or animal or remove any nest, eggs or offspring.
- 8.5 No person shall fish or permit fishing within 50m of any designated swimming area.

9. PROTECTION OF PERSONS AND PROPERTY

- 9.1 No person shall in any park or facility, climb, break, injure, deface, move or remove any property except with express written permission from the Public Works Coordinator or Facilities Manager.
- 9.2 No person shall in any park or facility distribute any hand bills or circular or post any bills, notices, or advertising devices of any nature or kind, without the permission of the Facilities Manager.
- 9.3 No person shall in any park or facility, enter any place where a sign prohibiting admittance, or trespassing is displayed or where admission is otherwise prohibited or restricted.
- 9.4 No person in any park or facility shall indulge in riotous, boisterous, threatening, or indecent conduct, or use abusive, threatening, or profane language, or accost, annoy, or in any way interfere with any other person.
- 9.5 No person shall smoke or carry a lighted cigarette, cigar, or pipe in the area of any facility where no smoking has been designated as prescribed by the Smoking By-law.
- 9.6 No person shall in any park or facility, leave, drop any refuse, paper, bottles, cans, or rubbish or any nature or kind, except in receptacles provided for that purpose.
- 9.7 No person shall in any park or facility, dump, deposit, pile, or scatter any snow, stone, earth, bush, grass cuttings, liquid, garbage or waste material without prior approval from the Public Works Coordinator or Facilities Manager.
- 9.8 Subsection 9.6 and 9.7 are subject to the requirements prescribed by the Corporation's Garbage By-law.
- 9.9 No person shall play or permit the playing of golf in any park or facility, or use any park or facility as a driving range to hit golf balls, except in areas that are designated or approved by the Facilities Manager to do so.

10 ENCROACHMENT ON PROPERTY

- 10.1 No person shall, being the owner or tenant of land abutting a park, cause or permit the planting of any hedge, tree, shrub, garden, or construction of any fence, storage shed, retaining wall or structure or any kind, the keeping of compost heap or the placing of any string, wire, chain, rope or similar material on park property.

- 10.2 Where a person is in contravention of Sub-section 10.1, a notice shall be sent registered mail to the owner and the occupant to the last known address, requiring conformity to the requirements of this provision.
- 10.3 The person or persons who have been served with a notice shall have 7 days from the date of the notice to remedy the violation.
- 10.4 Where a notice has been sent pursuant to Subsection 10.1 and the requirements of the notice have not been complied with, the Town shall cause the work to be done and the Corporation may recover such expense incurred by invoicing the property owner.
- 10.5 Failure to pay the invoice issued by the Town for services rendered will result in the outstanding amount being added to the Municipal taxes.
- 10.6 All invoices sent shall have a \$50.00 administrative fee added to the actual cost of services rendered.

11. ADMINISTRATION AND PENALTIES

- 11.1 This by-law shall be enforced by By-law Enforcement Officers and/or members of the Carleton Place Detachment of the Ontario Provincial Police.
- 11.2 The Facilities Manager or authorized agent by the Town, may at anytime, close to the public any area or any portion of an area or any building in the area and may require the payment of a fee by any person desiring to enter any area or building and no unauthorized person shall enter any area or such portion of any area or any building in any area so closed without first paying the fee for admission to the person duly authorized by the Facilities Manager or other Town agent to collect such fees.
- 11.3 The Facilities Manager or any person duly authorized by the Town is hereby authorized to call for a police investigation and action if there is reasonable and probable cause to believe that an offence under this by-law has been, or is about to be committed in a park or facility.
- 11.4 The Facilities Manager may require, upon their discretion, insurance coverage before the use of a park or facility may begin.
- 11.5 Any person who contravenes any of the provisions of this by-law and the procedures with respect thereto is guilty of an offence and the enforcement and penalty imposed thereunder shall be subject to the provisions of *The Provincial Offences Act*, R.S.O. 1990, Chapter P.53 and amendments thereto, and the penalty for the commission of such offences shall be provided for *The Provincial Offences Act*

12. VALIDITY

- 12.1 If any section or part thereof of this by-law is for any reason deemed invalid, the remaining sections shall remain in effect until repealed.
- 12.2 Where provisions of this by-law conflicts with the provisions of another by-law in force in the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

12.3 This By-law shall come into force and take effect upon its passing.

13. SHORT FORM

13.1 This By-law may be referred to as the Conduct in Public Parks By-law.

14. REPEAL OF BY-LAW

14.1 That By-law No. 39-2001 and its amendments thereto, being a by-law prescribing conduct in parks for the Corporation of the Town of Carleton Place be and is hereby repealed.

READ A FIRST TIME THIS 8th DAY OF FEBRUARY, 2005

Paul Dulmage, Mayor

D.H. Rogers, Clerk

READ A SECOND TIME THIS 8th DAY OF FEBRUARY, 2005

Paul Dulmage, Mayor

D.H. Rogers, Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 8th DAY OF FEBRUARY, 2005

Paul Dulmage, Mayor

D.H. Rogers, Clerk

