

THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

BY-LAW No. 1031-08

BEING A BY-LAW TO REGULATE THE USE OF PUBLIC PARKS AND MUNICIPAL PROPERTIES WITHIN THE MUNICIPALITY OF RED LAKE

WHEREAS Section 8 of *the Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

WHEREAS Section 9 of the *Municipal Act, 2001*, S. O. 2001, c.25 as amended, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to a) enable municipalities to govern their affairs as they consider appropriate and b) enhance their ability to respond to municipal issues; and

WHEREAS Section 10 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a single-tier municipality may pass by-laws respecting the health, safety and well-being of persons within the municipality; and

WHEREAS Section 128 (1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and

WHEREAS Section 425 (1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a Municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offense; and

WHEREAS it is deemed necessary to enact this By-Law with respect to the use, regulation, protection and government of Public Parks under the jurisdiction of the Municipality of Red Lake;

NOW THEREFORE the Council of The Corporation of the Municipality of Red Lake **HEREBY ENACTS AS FOLLOWS:**

PART I - INTERPRETATION AND DEFINITION

1.1 In this By-Law unless the context shall otherwise require:

- a) "Barbeque" means a portable or fixed device designed and intended solely for the cooking of food in the open air, but does not include outdoor fireplaces and campfires.
- b) "By-Law Enforcement Officer" means a person appointed by the Council of The Corporation of the Municipality of Red Lake as a Municipal Law Enforcement Officer, or his or her designate.
- c) "Bicycle" includes a unicycle and a tricycle, but does not include a motor assisted cycle of any type.
- d) "Camp" means to erect a structure, hut or tent for the purpose of providing shelter.
- e) "CAO" means the Chief Administrative Officer for the Corporation of The Municipality of Red Lake, or his or her designate.
- f) "Control" means care and custody.
- g) "Council" means the Council of The Corporation of the Municipality of Red Lake.
- h) "Designate" means the person designated, in writing, to have the authority to act under this By-Law in the absence of the Recreation Supervisor, CAO and By-Law Enforcement Officer.
- i) "Designated Area" means an area defined or constructed for a specific use which may include posted conditions.
- j) "Dock" means a long narrow structure stretching out into a body of water, or a raised area of land alongside water where boats can load and unload.
- k) "Loiter" means to hang about, linger idly.
- l) "Municipal Property" means and includes all buildings, structures and lands that are located in or any other area owned, leased or used by the Municipality.

PART I - INTERPRETATION AND DEFINITION - Continued

- m) "Municipality" means the Corporation of the Municipality of Red Lake.
- n) "Objectionable Manner" shall mean openly exposes or exhibits an indecent exhibition in a public place.
- o) "Organized Team Sport" means a team sport which operates under the auspices of a league, club or association and has a regulation process with designated player rosters.
- p) "Park" or "Parking" when prohibited means 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.
- q) "Parking Area" means land that is physically laid out or improved for the parking of vehicles or that is designated by an official sign for such purpose.
- r) "Police Officer" means an officer with the Ontario Provincial Police, or such other police force as may provide police services within the Municipality of Red Lake.
- s) "Public Park" means a playground, playing field, ball diamond, sports field, beach, tennis court, square, garden, water, boat launch, walking trails, outdoor ice rink, tennis court, wading pool/spray pad, play area, and any other area owned or leased by the Municipality that may be established from time to time and shall include any parking lot provided in conjunction with a public park.
- t) "Recreation Supervisor" means the person within the Municipality's administration who fulfills the function of the Recreation Supervisor, or his or her designate.
- u) "Roadway" means a highway as defined in the Highway Traffic Act, and includes any traveled portion of a public park maintained, designed, intended for, or used by the general public for the passage of vehicles and, without limiting the generality of the foregoing, includes those areas maintained for parking of the vehicles of the general public.
- v) "Structure" means any construction or any production or piece of work artificially built up or composed of parts joined together in some definite manner and without limiting the generality of the foregoing includes a wading pool, monument, fountain, bridge, fence, wall, gate, pavement, sidewalk, walk, swing, slide, playground apparatus, table, seat, bench, shelter, barbeque, sign, municipal building, facility, square, garden, water, dock, boat launch, or any other area or areas owned, leased or used by the municipality and under the control and management of the municipality; and devoted to active or passive recreational purposes or for any purpose ancillary thereto; and includes any lane or walkway or public parking area leading thereto.
- w) "Unauthorized Public Meeting or Gathering" means an outdoor public meeting or gathering such as a picnic, organized gathering or event of more than twenty five persons, where the authorization of the Recreation Supervisor has not been obtained through a rental agreement.
- x) "Vehicle" means a motor vehicle under the Highway Traffic Act, R.S.O. 1990, ch.8, as may be amended from time to time, which includes trucks, automobiles, motorcycles, motor scooters, mopeds, snowmobiles, ATV (All Terrain Vehicles) minibikes, trailers, wagons, sleighs, go-carts, LSM (Limited Speed Motorcycle) or any other mode of transportation of a like nature; or any vehicle or conveyance of every description and whatever the mode of power, but excludes a wheelchair or similar device (powered or otherwise) used by an individual due to a disability, baby carriage or cart, child's wagon, child's stroller or child's sleigh or other conveyance of like nature.
- y) "Waste" includes but is not limited to paper, food containers, discarded food, disposable eating utensils, newspapers, drink containers of all kinds, disposable diapers, bottles, broken glass, cans, rags, grass clippings and inert fill of any kind, garbage, rubbish, and debris.

PART II – HOURS OF OPERATION

- 2.1 No person shall:
- a) Remain or enter into any Public Park or Municipal Property between the hours of 11:00 p.m. in the afternoon and 5:00 a.m. in the forenoon, except as a participant or spectator of a function that has received prior approval.
 - b) Enter into a place where a sign prohibiting admittance, trespassing or loitering is displayed or where admission is otherwise prohibited or restricted.

PART III - VEHICLES

- 3.1 No person shall:
- a) Drive any vehicle in a Public Park or Municipal Property other than on the designated roadways.
 - b) Drive or ride or be in the care or control of any vehicle or animal on any area or roadway in any Public Park or Municipal Property which is not intended to be used for such purpose.
 - c) Drive any vehicle on any roadway in any Public Park or Municipal Property which has any sign showing that such roadway is closed to traffic.
 - d) Drive any vehicle on any roadway intended to be used for vehicular traffic in any other direction than that indicated by the signs placed thereon by the Municipality.
- 3.2 No person shall use any part of a Public Park or Municipal Property for the purpose of washing, cleaning, polishing, servicing, maintaining or, with the exception of any emergency, repairing any motorized vehicle.

PART IV – ANIMALS

- 4.1 No person shall allow/permit an animal in any Public Park or Municipal Property unless authorized by the Recreation Supervisor.
- 4.2 Dogs are exempted from Section 4.1 when in accordance with the Municipal Dog By-Law.

PART V – ACTIVITIES AND SPORTS

- 5.1 Bathing
- No person shall conduct himself or herself in such manner as to be objectionable to other persons in or immediately adjacent to any beach in any Public Park or Municipal Property.

- 5.2 Bicycles
- No person shall:
- a) Ride, operate or be in possession of any bicycle where posted to prohibit same.
 - b) Obstruct, inconvenience or endanger other users of the Public Park or Municipal Facility while riding or operating a bicycle.

- 5.3 Boats & Airplanes
- No person shall in any Public Park or Municipal Property moor, beach or dock a boat or floatplane overnight (11:00 p.m. to 5:00 a.m.) in areas other than posted for that purpose or unless written permission has been granted by the Recreation Supervisor.

- 5.4 Camping
- No person shall dwell, camp, or lodge in a Public Park or Municipal Property unless written permission has been obtained by the Recreation Supervisor.

- 5.5 Firearms
- Please refer to Firearms By-law.

PART V – ACTIVITIES AND SPORTS – Continued

5.6 Fires

No person shall light or make use of any fire in or on any Public Park or Municipal Property unless it is in a properly constructed barbeque, or in a fire-pit designated for the purpose and a fire permit for the use of such fire-pit has been obtained from the Municipality.

5.7 Fireworks

No person shall ignite, discharge or set off any fireworks in a Public Park or Municipal Property, unless written permission has been granted by the Recreation Supervisor, and the required permit has been obtained.

5.8 Games

No person shall play any games including without prejudice to the foregoing generality, ball games, skateboarding and Frisbee-throwing, in any parking area of a Public Park or Municipal property or in the access lanes or thoroughfares within such parking area.

5.9 Golfing

No person shall play or practice golf in a Public Park or Municipal Property.

5.10 Meetings & Gatherings

No person shall in any Public Park or Municipal Property organize or arrange any public meeting, carnival, festival, concert, large picnic, organized event or gathering, of more than twenty five persons or an organized team sport without approval by having completed a rental agreement and submitting to the Recreation Supervisor for approval, as may be determined.

5.11 Skiing, Tobogganing and Sledding

No person shall alter the site to enhance ski, toboggan, snowboard, skibob, or sled activities in any Public Park or Municipal Property.-

5.12 Smoking

No person shall smoke within the entranceways of Municipal Property where signs are posted.

5.13 Tents and Structures

No person shall place, install or erect any temporary or permanent tent or structure in any Public Park or Municipal Property, unless authorized by a Special Occasions Permit, Rental Agreement or the Recreation Supervisor.

PART VI – GENERAL CODE OF CONDUCT

6.1 No person shall in any Public Park or Municipal Property:

- a) Deposit any waste within any Public Park or Municipal Property or into the waters abutting on any Public Park or Municipal Property, except in receptacles provided for that purpose.
- b) Post, nail, attach or otherwise fasten any poster, sign, notice placard, circular, bill, advertisement or paper in, upon, or to any part of a Public Park or Municipal Property, except with the permission of the Recreation Supervisor.
- c) Loiter, spy, accost, frighten, annoy or otherwise disturb other persons.
 - i) Any person shall be deemed to be loitering within the meaning of this by-law when he or she is standing or sitting in any Public Park or Municipal Property, and fails to move on when requested to do so by a Police Officer or Municipal Employee.
 - ii) Any person shall be deemed to be causing a disturbance within the meaning of this by-law when he or she is drunk, screaming or swearing in a Pubic Park or Municipal Property.
- d) In any way interfere with the use and enjoyment of the Public Park or Municipal Property by other persons.

PART VI – GENERAL CODE OF CONDUCT - Continued

- e) Participate in any activity which may endanger the life or safety of the person or any other person.

PART VII - MISCELLANEOUS

7.1 Law Officer

A Police Officer or employee of the said Municipality, may exclude from any Public Park or Municipal Property any disorderly person(s), and may remove there from any person violating any provision of this By-Law with respect to the care, maintenance, and use of any Public Park or Municipal Property.

7.2 Rental Agreements

No person shall make exclusive use of any portion of any Public Park or Municipal Property without first having obtained a rental agreement from the Recreation Supervisor to do so.

7.3 Official Signs

The CAO is authorized to place or erect in any Public Park or Municipal Property and to maintain such official signs as are required to give effect to the provisions of this By-Law, or as required to warn or guide the public for reasons of safety or maintenance.

7.4 Closures

- a) At any time when it is deemed advisable to do so Council may order to be closed to the public any Public Park or Municipal Property, or any portion of any Public Park or Municipal Property, during such hours or for such period or periods of time as may be specified.
- b) This section shall not apply to a Police Officer, Ministry Official or Municipal Employee while on duty and for the purpose of carrying out their duties.
- c) This section shall not apply to a community event under an approved Special Occasions Permit or Rental Agreement.

PART VIII – ENFORCEMENT

8.1 A Police Officer or By-Law Enforcement Officer may enforce the provisions of this By-Law.

A Police Officer or Municipal Employee may order a person believed in contravention of this By-Law to:

- a) Cease the activity that is in contravention of the by-law; and/or
- b) Leave the park or municipal property.

In the case of loitering, when a Police Officer or Municipal Employee finds any person loitering at any Public Park or Municipal Property in the Municipality he or she may direct such person to cease such loitering and move on, and any person so directed shall forthwith cease such loitering and move on.

PART IX – OFFENSES AND PENALITES

9.1 Any person who contravenes any of the provisions of this By-Law is guilty of an offense and, upon conviction, shall be subject to a fine or penalty of not more than \$5,000.00, exclusive of costs, and all such penalties shall be recoverable under the Provincial Offences Act.

Where any person contravenes any provisions of this By-Law, such person is subject to the provisions of the Trespass to Property Act, R.S.O. 1990, ch. 21. Where any person contravenes any of the provisions of this By-Law, the permission of such person to remain in that park or facility is revoked.

A court in which the conviction has been entered, or any 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 on the person convicted.

If there is conflict between a provision of any Municipal By-Law or any other legislation the provisions that are most restrictive shall prevail.

PART X - VALIDITY

10.1 If a court of competent jurisdiction declares any provision, any part of a provision, in the By-Law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every provision in this By-Law authorized by By-Law be applied and enforced in accordance with the terms to the extent possible according to law.

PART XI – SHORT TITLE

11.1 This By-Law may be cited as the Municipality of Red Lake "Parks and Property By-Law".

PART XII - IMPLEMENTATION

12.1 By-Law Nos. 59-00 and 63-00 shall be repealed on the date the Ministry of the Attorney General approves the Set Fines under By-Law No. 1031-08.

This By-Law shall come into force and effect on the date the Ministry of the Attorney General approves the Set Fines under By-Law No. 1031-08.

READ a FIRST AND SECOND TIME this 20th day of May, 2008.

Phil T. Vinet, Mayor

Shelly L. Kocis, Clerk

READ a THIRD TIME and FINALLY PASSED this 20th day of May, 2008.

Phil T. Vinet, Mayor

Shelly L. Kocis, Clerk

Set Fines

“Part I Provincial Offences Act”

THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

Municipality of Red Lake By-Law No. 1031 -08 Title: Regulate Use of Public Parks and Municipal Properties

| Item # | Column 1 (Short Form Wording) | Column 2 (Provision Creating or Defining Offence) | Column 3 (Set Fines) |
|--------|--|---|-------------------------|
| 1. | Remain (Enter) in any Public Park (Municipal Property) when prohibited. | Sec. 2.1(a) | \$100.00 |
| 2. | Enter place when signs prohibit. | Sec. 2.1(b) | \$100.00 |
| 3. | Drive vehicle where prohibited. | Sec. 3.1(a) | \$100.00 |
| 4. | Drive (Ride) (Care or Control) of any vehicle (animal) where prohibited. | Sec. 3.1(b) | \$100.00 |
| 5. | Drive any vehicle on closed roadway. | Sec. 3.1(c) | \$100.00 |
| 6. | Drive vehicle in wrong direction. | Sec. 3.1(d) | \$100.00 |
| 7. | Use Public Park (Municipal Property) for washing (cleaning) (polishing) (servicing) (maintaining) (repairing) a motorized vehicle. | Sec. 3.2 | \$100.00 |
| 8. | Permit animal in Public Park (Municipal Property) without authorization. | Sec. 4.1 | \$100.00 |
| 9. | Conduct himself (herself) in an objectionable manner. | Sec. 5.1 | \$100.00 |
| 10. | Ride (Operate) bicycle where prohibited. | Sec. 5.2(a) | \$100.00 |
| 11. | Ride (Operate) bicycle so to obstruct (inconvenience)(endanger) other uses of the Public Park (Municipal Property). | Sec. 5.2(b) | \$100.00 |
| 12. | Moor (Beach) (Dock) a boat (Floatplane) when prohibited. | Sec. 5.3 | \$100.00 |
| 13. | Dwell (Camp) (Lodge) without permission. | Sec. 5.4 | \$100.00 |
| 14. | Light Fire where prohibited. | Sec. 5.6 | \$100.00 |
| 15. | Ignite (Discharge) fireworks Without permission. | Sec. 5.7 | \$100.00 |
| 16. | Play game in parking area (access lane) (thoroughfares). | Sec. 5.8 | \$100.00 |
| 17. | Play golf in a park or municipal property. | Sec. 5.9 | \$100.00 |
| 18. | Organize an event of more then twenty-five persons without approval. | Sec. 5.10 | \$100.00 |
| 19. | Alter the site to enhance activities. | Sec. 5.11 | \$100.00 |
| 20. | Smoke where prohibited. | Sec. 5.12 | \$100.00 |
| 21. | Place (install) (erect) tent without | Sec. 5.13 | \$100.00 |

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| | permission. | | |
| 22. | Deposit waste in water (on property). | Sec. 6.1(a) | \$100.00 |
| 23. | Post information without Permission. | Sec. 6.1(b) | \$100.00 |
| 24. | Loiter (spy) (accost) (disturb Persons). | Sec. 6.1(c) | \$100.00 |
| 25. | Interfere with use (enjoyment) of property. | Sec. 6.1(d) | \$100.00 |
| 26. | Endanger life (safety) of person(s). | Sec. 6.1(e) | \$100.00 |
| 27. | Fail to obtain Rental Agreement. | Sec. 7.2 | \$100.00 |

"Note: The general penalty provision for the offences listed above is Section 9 of By-Law No. 1031-08, a certified copy of which has been filed and section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33.