

TOWNSHIP OF WILMOT

BY-LAW NUMBER 2007- 10

BY-LAW TO PROVIDE FOR THE MANAGEMENT AND REGULATION OF MUNICIPAL PARKS AND FACILITIES WITHIN THE TOWNSHIP OF WILMOT

WHEREAS Sections 9 to 11 of the Municipal Act, S. O. 2001, as amended, (“Municipal Act”) confer the power to a municipality to pass by-laws regulating and prohibiting with respect to culture, parks, recreation and heritage;

AND WHEREAS Sections 9 to 11 of the Municipal Act confer the power to a municipality to pass by-laws regulating and prohibiting with respect to parking on municipal parking lots and structures;

AND WHEREAS Section 128 (4) of the Highway Traffic Act, R.S.O. 1990, c. H-8, as amended, confers the power upon a municipality to pass by-laws prescribing the rate of speed for motor vehicles driven in a public park or exhibition ground:

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

PART 1: DEFINITIONS

1. In this by-law:

“*Corporation*” means The Corporation of The Township of Wilmot;

“*Council*” means the Council of the Corporation

“*Township*” means the Corporation of the Township of Wilmot;

“*facility*” means any land or all or part of a building or buildings or structure that is maintained and operated by the municipality for community/recreation activity, pursuant to the provisions of the *Municipal Act, S.C. 2001, as amended*.

“*Director*” means the Director of Facilities and Recreation Services and includes his designate and/or successor;

“*Enforcement Officer*” means a police officer or an employee of the Corporation who has been designated as a municipal enforcement officer by by-law;

“*Firearm*” means a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.”

“*Fireworks*” means a pyrotechnic device or a substance that is made, manufactured or used to produce an explosion or detonation, including fireworks composition and manufactured fireworks as defined in the Explosives Act, R.S.C. 1985, c. E-17, as amended;

“*Intoxicated*” means to be under the influence of any alcoholic substance;

“*Motorized Snow Vehicle*” means a motorized snow vehicle as defined in the *Motorized Snow Vehicle Act*;

“*park*” means the land, including any body of water, buildings or structures located therein, that is owned by or made available to the Corporation by lease, agreement, or otherwise, and that is established, dedicated, set apart or made available for use as public open space;

“*permit*” means a written authorization issued by the Director under this By-law, including the document known as a “Facilities Rental Contract” issued for the use of facilities/parks

“*personal watercraft*” means a vehicle for one or more people, that is used to travel on water and is powered by jet propulsion

“*tree*” means a tree, shrub or any form of vegetation;

“*vehicle*” means an automobile, motorcycle, motor assisted bicycle, trailer, traction engine, farm tractor, road-building machine, bicycle or any other vehicle propelled or driven by an kind of power, but does not include a wheelchair motorized vehicle;

PART 2: ADMINISTRATION AND APPLICATION

- 1) The Director of Facilities and Recreation Services shall be responsible for the administration of this By-law.
- 2) The provisions of this by-law shall apply to the Community Recreation Centres as established pursuant to the provisions of the Municipal Act, S.O. 2001, as amended, and set forth in Schedule "A" attached and to the Parks as established pursuant to the provisions of the Municipal Act, S.O. 2001, as amended, and set forth in Schedule "B" attached, which are hereby declared to be and form part of this by-law, and to any other facilities which may from time to time be acquired by the Township for community recreation.

PART 3: EXEMPTIONS

This By-law shall not apply to:

- a) the Corporation, its vehicles, and its employees or agents acting within the scope of their duties as employees or agents of the Corporation;
- b) employees or agents of ambulance and police services acting in the scope of their duties to provide emergency services or enforcement activities within a park;
- c) the vehicles and other properties of ambulance and police services used for the purpose of providing emergency services or engaging in enforcement activities with a park;
- d) those engaged in Township authorized activities

PART 4 : ENFORCEMENT

1.
 - a) An enforcement officer may order any person believed to be contravening or have contravened any provision of this By-law:
 - b) to immediately desist from the activity constituting or contributing to such contravention; or
 - c) to immediately remove from the park any animal or thing owned by or in the control of such person which is involved in such contravention; or
 - d) to leave the park immediately.
2. Every person who contravenes the provisions of this By-law is guilty of an offence and upon conviction therefore is liable to a fine and any other penalties imposed pursuant to the Provincial Offences Act, R.S.O. 1990, c. P-33, as amended.

PART 5: VALIDITY

1. If a court of competent jurisdiction declares any section or part of a section of this By-law, invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

PART 6: INTERPRETATION

1. Words importing the singular number or the masculine gender only include more persons, parties or things of the same kind than one, and females as well as males and the converse.
2. A word interpreted in the singular number has a corresponding meaning when used in the plural.

PART 7: REPEAL

1. By-laws 93-79 and 2003-32 are hereby repealed.

PART 8 : SHORT TITLE

1. This by-law may be cited as the Parks and Facilities By-law.

PART 9: ENACTMENT

1. This by-law will come into force and effect and By-law No. 93-79 and 2003-32 are repealed upon final approval of the Set Fine Schedule by the Ministry of the Attorney General.

PART 10: FACILITY PROHIBITIONS

- 1.) No person or vehicle shall obstruct in any way any roadway, pathway, entrance to buildings or areas, and any vehicle creating such obstruction may be removed by the enforcement officers of the Township or the Waterloo Regional Police Force and the cost of removal assessed against the owner of the vehicle and any person creating such obstruction shall be considered to be in violation of the provisions of this by-law.
- 2.) No person shall:
 - a) park a vehicle on facility grounds except patrons;
 - b) Hinder or interrupt or cause to be hindered or interrupted, the agents of the Township, or any persons authorized by the Township in the exercise of their lawful duties;
 - c) Let off or discharge any water so that it runs waste or useless from any receptacle for water connected with any such facility;
 - d) Leave or deposit any ashes, bottles, garbage, or waste of any kind whatsoever, except in the receptacles provided for such purpose;
 - e) Engage in any activity that creates a nuisance or that interferes with the use and enjoyment of the facility by other persons; or
 - f) Engage in any activity that may cause injury or damage to any person, animal, tree or property; or permit any animal belonging to him or in his custody or control to unlawfully destroy or injure any tree or property;
 - g) Distribute or expose any kind of commercial circular or advertisements or post, stencil, or otherwise affix any notice or bill or other paper to any facility, including trees, fences and buildings (unless authorized by the Township);
 - h) Unless authorized by the Township, and after having obtained all necessary licences, sell or display for sale any goods, wares, merchandise, confectionary, tobacco, or refreshments of any kind;
 - i) be intoxicated;
 - j) have intoxicating beverages in their possession outside of an area licensed under a special occasion permit;
 - k) Engage in riotous, boisterous, violent, threatening, or illegal activity;
 - l) Dress or undress in or adjacent to any recreational facility except in the places provided for such purposes;
 - m) Loiter in any change room or conduct himself in such manner as to be objectionable or offensive to any other patrons or the public in or immediately adjacent to any such change house;
 - n) Enter into any washroom, or change-room that is set apart for the opposite sex;
 - o) allow any animal to enter any facility except:
 - a. a guide dog used by visually or hearing impaired persons;
 - b. as part of a special program and with written permission of The Township of Wilmot.

PART 11: PARKS PROHIBITIONS

1. No person shall in any park:
 - a) park a vehicle overnight;
 - b) Drive, ride or park any horse, vehicle or trailer of any description and of whatever motive power except upon the roadways and parking lots therein which are posted areas designated for such vehicular use and, in such instances, at no speeds in excess of speed limits as may be posted in any area;
 - c) Hinder or interrupt or cause to be hindered or interrupted, the agents of the Township, or any persons authorized by the Township in the exercise of their lawful duties;
 - d) Engage in any activity that creates a nuisance or that interferes with the use and enjoyment of the park by other persons; or
 - e) Engage in riotous, boisterous, violent, threatening, or illegal activity;
 - f) Engage in any activity that may cause injury or damage to any person, animal, tree or property; or permit any animal belonging to him or in his custody or control to unlawfully destroy or injure any tree or property;
 - g) Discharge a gun or other firearm, air-gun, spring-gun, cross-bow, long-bow or any other weapon;
 - h) Play or practise golf or strike golf balls;
 - i) Leave or deposit any ashes, bottles, garbage or waste of any kind-whatsoever except in the receptacles provided for such purposes;
 - j) Permit any animal to run unattended and unleashed. The Township shall require the attendant of any animal to clean up any fecal matter discharged by any animal and deposit it in the garbage receptacle or remove it from the park;
 - k) Distribute or expose any kind of commercial circular or advertisement or post or otherwise affix any notice to any tree, fence, building or structure;
 - l) Destroy, damage, remove or alter any roadway, walkway, grassed area, tree, flower, plant, shrub or flower bed without consent of the Township;
 - m) Unless authorized by the Township and after having obtained all necessary licences, sell or display for sale any goods, wares, merchandise, confectionary, tobacco or refreshments of any kind;
 - n) Light or build a fire except in manufactured barbecues owned by the user;
 - o) Violate any provisions of the Open Air Burning By-law 2004-42;
 - p) Operate any amplifying system or loudspeaker without the written consent of the Council of the Corporation;
 - q) Place, maintain or allow to remain therein any coin operated machine or game of any nature or kind.
 - r) Ride, park or drive a motorized snow vehicle in any park of the Township, as per By-law No. 93-92;
 - s) ignite, discharge, or set off firecrackers, rockets or other fireworks in a park without first obtaining the District Fire Chief's permission;
 - t) use any park for any activities related to take-off procedures for hot air balloons, without obtaining written consent from the township;
 - u) use any park facility without having a permit and the fees prescribed, if any
 - v) skateboard or rollerblade on the driveway, parking lot and grounds of the Castle Kilbride /Township Administration Complex at 60 Snyder's Road West, Baden and the Centennial Building at 35 Beck Street, Baden;
 - w) launch a personal watercraft from a public boat launch (i.e. Scott Park);
 - y) enter into, or be in any park between the hours of eleven 11:00 p.m. to 6:00 a.m. the following day, except where after hours use of a park has been approved by the Township.

READ a first and second time on the 5th day of February, 2007.

READ a third time and finally passed in open Council on the 5th day of February, 2007.

Mayor

Clerk

**THE CORPORATION OF THE TOWNSHIP OF WILMOT
PARKS AND FACILITIES BY-LAW 2007- 10**

'SCHEDULE A'

MUNICIPAL FACILITIES

Baden Community Centre
Haysville Community Centre
Mannheim Community Centre
Multi-Use Recreation Facility
New Hamburg Arena
New Hamburg Community Centre
New Dundee Community Centre
New Hamburg Municipal Building (121 Huron St.)
St. Agatha Community Centre
Township Administrative Complex
Wilmot Community Pool
Wilmot Seniors Woodworking and Craft Centre

Baden Park Field House
Petersburg Park Field House
William Scott Conservation Area Field House
Mannheim Park Field House

**THE CORPORATION OF THE TOWNSHIP OF WILMOT
PARKS AND FACILITIES BY-LAW 2007- 10**

‘SCHEDULE B’

MUNICIPAL PARKS

Anna Tuerr Park, Mannheim	-	Statue and Grounds
Arboretum, New Hamburg	-	Picnic Area
Baden Park	-	Tennis Courts
	-	Baseball Diamonds
	-	Playground Area
	-	Picnic Shelter
	-	Concession Booth
Baden Greenway	-	Greenspace and Pathway
Baden Linear Park	-	Pathways
Castle Kilbride and Administration Complex, Baden	-	Driveway, Parking Lot and Grounds
Constitution Park (Hincks & Catherine Streets) New Hamburg	-	Playground Area/Greenspace
	-	Picnic Shelter
Greenwood Park, New Hamburg	-	Playground Area
Haysville Park	-	Baseball Diamonds
	-	Playground Area
	-	Volleyball Court
Kirkpatrick Park, New Hamburg	-	Gazebo
	-	Swan Pavilion
Livingston Square, Baden	-	Driveway, Gazebo, Common Grounds & Fountain
Mannheim Park	-	Baseball Diamonds
	-	Playground Area
	-	Soccer Pitch
	-	Outdoor Rink
Multi-Use Recreational Facility	-	Driveway/Parking Lot, Grounds/Soccer Pitches
New Dundee Park	-	Band Shell
	-	Baseball Diamonds
	-	Tennis Courts
	-	Playground Area
	-	Concession Booths
New Hamburg Downtown Parkette	-	Fountain
Norm S. Hill Park, New Hamburg	-	Baseball Diamonds,
	-	Playground Area
	-	Grandstand
	-	Track
	-	Concession Booths
Oasis in the Centre	-	Statue and Grounds
Optimist Youth Park (Bier Crescent) New Hamburg	-	Playground Area/Greenspace
Petersburg Park	-	Picnic Shelter
	-	Baseball Diamonds
	-	Playground Area
Riverside Park, New Hamburg	-	Playground Area
	-	Pathways
St. Agatha Park	-	Baseball Diamond
	-	Playground Area
	-	Picnic Shelter

'SCHEDULE B'

MUNICIPAL PARKS – continued

Sararas Park, St. Agatha	-	Playground Area
	-	Basketball Court
Schneller Park Baden	-	Playground Area
Un-named Park Adjacent to Baden Public School	-	Soccer Pitch
	-	Playground Area
William Scott Conservation Area New Hamburg	-	Playground Area
	-	Tennis Courts
	-	Picnic Shelters
	-	Boat Launch
	-	Volleyball Courts
	-	Soccer Pitches
	-	Waterwheel
	-	Pathways

TOWNSHIP OF WILMOT

**Pursuant to Part I of the PROVINCIAL OFFENCES ACT , R.S.O. 1990, c. P.33, as amended
Set Fine Schedule Respecting By-law No. 2007-10 , being a By-law to Establish, Maintain and Manage Community Centres and Parks within
The Township of Wilmot**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine (excludes costs)
1.	Be in park when prohibited within the Township of Wilmot	11. 1(s)	\$ 105.00

NOTE: The penalty for the offences indicated above is Section 4.2 of By-law No. 2007-10 , a certified copy of which has been filed.