

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2020 – 52

A By-Law to regulate the use and operation of municipally owned Parks and Trails in the Township of Essa.

WHEREAS subsection 5(3) of the *Municipal Act 2001*, S.O. 2001, c.25, provides that municipal power shall be exercised by By-law; and

WHEREAS subsection 8(1) of said Act provides that the powers of a municipality shall be interpreted broadly to enable the municipality to govern its affairs as it deems appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS Section 9 of said Act provides municipalities with the capacity, rights, powers and privileges of a natural person for the purpose of exercising authority under this or any other Act; and

WHEREAS subsection 11(1) of said Act authorizes a municipality to provide for any service or thing that the municipality considers necessary or desirable; and

WHEREAS subsection 11(2) of the Act permits a municipality to enact By-laws relating to health, safety and well-being of persons; and

WHEREAS subsection 11(3) of the Act authorizes a municipality to pass By-laws respecting culture, parks, recreation and heritage; and

WHEREAS Section 128 of said Act 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 Council of the Corporation of the Township of Essa deems it appropriate to protect, maintain and enhance its parks, open spaces, trails and other publicly owned lands for the safety and shared enjoyment by members of the public, and to protect and enhance the natural environment of such lands; and

WHEREAS Council of the Corporation of the Township of Essa is the owner of public parks and open spaces in the Township of Essa, and deems it necessary to enact a By-law for the health, safety and well-being of the public, to regulate the use and operation of municipally owned parks and trails;

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

1. SHORT TITLE

This By-law shall be known as the "Parks Use By-law".

2. DEFINITIONS

2.1 "Camping" – means the erection of a structure including, but not limited to, a hut, tent, pop-up trailer, trailer or RV, for the purpose of providing overnight shelter.

2.2 "Council" – means the elected Council of the Township of Essa.

- 2.3 "Designated Area" – means an area defined or constructed for a specific use, which may include posted conditions.
- 2.4 "Designated Boat Launch" – means an area used for the launch or retrieval of a non-motorized watercraft.
- 2.5 "Emergency Vehicle" – means a police, fire, search and rescue, or ambulance vehicle.
- 2.6 "Fishing" – means fishing for, catching, or attempting to catch fish by any method.
- 2.7 "Fishing Parks" – means properties set out in Schedule "A", of which are established, dedicated and set aside or made available to the public for the purposes of fishing, and shall include any such trail adjacent to the waterway and parking lot provided in conjunction with the Fishing Park.
- 2.8 "Hiking Trail" – means any area that has been marked or posted for the purpose of hiking, snow shoeing, cross country skiing, cycling, walking or running, but is not pavement or concrete.
- 2.9 "Leash-Free Zone" – means a designated area where a person owning, or in the care and control of, a dog is permitted to allow such dog to remain unleashed.
- 2.10 "Litter" – includes, but is not limited to, garbage, domestic waste (including items such as, but not limited to, furniture, carpets, appliances, household garbage), ashes, rubbish, builder's and building contractors refuse, other industrial waste, inoperable vehicles and motor vehicle parts and accessories.
- 2.11 "Municipal Employee" – means any person employed by the Corporation of the Township of Essa.
- 2.12 "Municipal Park" or "Park" – means properties set out in Schedule "A" and any lands that is, or are hereafter established, dedicated, set apart or made available for the purposes of recreational use, including but not limited to sports fields, pavilions, picnic areas, playgrounds, open spaces, and other such recreational uses as may be established from time to time, and shall include parking lots provided in conjunction with public parks and trails.
- 2.13 "Motorized Vehicle" – means an automobile, motorcycle, power assisted bicycle, snowmobile, or any other vehicle propelled or driven otherwise than by muscular power as defined by the Ministry of Transportation.
- 2.14 "Nuisance" – means that which causes offence, annoyance, trouble or injury.
- 2.15 "Officer" – means a Municipal Law Enforcement Officer as appointed by Council of the Corporation of the Township of Essa, the Manager of Parks and Recreation, or an OPP Officer, or a Provincial Offences Officer or other duly appointed individual.
- 2.16 "Parking Area" – means an area that is physically laid out and/or improved for the purpose of parking vehicles or that is designated by an official sign for such purpose in, on, or by Municipal parkland or property owned by the Municipality.
- 2.17 "Permission" or "Permit" – means the express prior written consent of the Township of Essa, and in accordance with the rules and conditions set out in a permit issued by the municipality.

- 2.18 "Service Animal" – means any animal used by a person with a disability for reasons related to the disability and the owner has a valid identification card signed by the Attorney General of Canada or a certificate of training from a recognized service animal training school.
- 2.19 "Snowmobile" – means a motorized, self-propelled vehicle designed to be driven primarily on snow.
- 2.20 "Township" – means the Corporation of the Township of Essa, or the geographic Township of Essa, as the case may be.
- 2.21 "Trail" – means properties set out in "Schedule A" being a marked, established or designated path or route through wilderness.
- 2.22 "Watercraft" – means any device for the conveyance in or on water and includes, but is not limited to, boats, row boats, paddleboards, canoes, kayaks, or dinghies.

3. HOURS OF OPERATION

- 3.1 All Municipal Parks shall be deemed to be closed at 11:00 p.m. and shall remain closed until 6:00 a.m. seven days a week, or as defined in a Township issued Special Occasion Permit, or as set forth in a Parks Use Agreement.
- 3.2 All Fishing Parks shall be deemed to be closed at 11:00 p.m. and shall remain closed until 5:00 a.m. seven days a week.
- 3.3 All Trails shall be deemed to be closed from dusk until dawn seven days a week.

4. GENERAL PROHIBITIONS

In a Park, Fishing Park or Trail, it is an offence for any person to:

- 4.1 Enter or remain in a park before or after the hours of operation, unless otherwise permitted to do so.
- 4.2 Enter or access a designated trail between dusk and dawn.
- 4.3 Engage in riotous, boisterous, violent, threatening, or illegal activity, or use profane or abusive language.
- 4.4 Engage in any activity that creates a nuisance, such as loitering, spying on, accosting, frightening, annoying or harassing a person, which interferes with the use and enjoyment of the Park by other users.
- 4.5 Engage in any activity that may cause injury or damage to any person, animal, tree or property.
- 4.6 Disobey any authorized sign.
- 4.7 Erect, place, install, or cause the erection, placing or installation of any permanent or temporary structure, tent or booth without a Permit.
- 4.8 Camp, erect or place a tent or trailer for shelter or temporary abode of any kind, except screened tents or sun shelters in which visibility of the interior is not obstructed when viewed from the exterior.

- 4.9 Drive or operate any motorized vehicle in Township Parks, Fishing Parks and Trails, including cars, trucks, ATVs, 4-wheelers, side-by-sides, snowmobiles, or any other motorized vehicle with the exception of areas that are posted and designated for such purposes;

Exceptions apply to the following:

- i. Municipal vehicles
 - ii. Emergency Service Vehicles
 - iii. Special Occasion Events whereby permission has been granted by the municipality
- 4.10 Cut or remove, damage, destroy, injure, deface, tear up, burn, dig or mark any portion of municipal parks or any plants, equipment properties or structures erected, installed or contained on parklands.
- 4.11 Dump, deposit or leave any refuse, garbage, waste, paper, soil, sod, plants or any other type of domestic or industrial waste on or in municipal parks or trails, or properties contained therein except in receptacles that may be provided for such purpose.
- 4.12 Pollute or contribute to the pollution of water in any rivers, lakes, streams, water courses, reservoirs, storm water management ponds (SWMP), splash pads, or other receptacles for water by allowing pets to enter, or by throwing or depositing any solid or liquid matter into said waters.
- 4.13 Enter into an area that is designated by appropriate signage "No Admittance" or "No Trespassing".
- 4.14 Use any part of Township Parks, Fishing Parks, or Trails, for the purpose of washing, cleaning, polishing, servicing, maintaining or repairing any motorized vehicle.
- 4.15 Conduct or participate in organized sports or activities in areas other than those designated as a "posted area" or physically laid out and/or improved for such use.
- 4.16 Breach, while on or in Township Parks, Fishing Parks and Trails, any existing Municipal By-law(s) or Federal or Provincial Statutes.
- 4.17 Use barbecues, camp stoves, cookers, and smokers in Municipal Parks, Fishing Parks and Trails, with the exception of areas designated for that purpose, or where permission or a Special Occasion Permit has been obtained.
- 4.18 Tamper with any lighting control boxes for facilities, including but not limited to outdoor pads.
- 4.19 Distribute circulars, or to post, place or erect circulars, notices, advertising devices or any matter of any kind on properties of Municipal Parks, Fishing Parks and Trails.
- 4.20 Operate, maintain, carry on, conduct, or solicit for any trade, occupation, business, profession and/or services within a Park, Fishing Park and/or Trail.
- 4.21 Build or use a campfire, barbecue, camp stove, cooker, smoker or ignite fireworks in recreation area unless permitted by the Township of Essa.

- 4.22 Camp or lodge in any such Park, Fishing Park or Trail.
- 4.23 Carry or discharge any: firearms, firecrackers, rockets, arrows, airguns, catapults or fireworks.
- 4.24 Possess, consume or sell liquor as defined in the Liquor License Act, unless a permit has been issued.
- 4.25 Operate or use any apparatus, mechanism or device for the amplification of human voice, music or sound, which causes a nuisance, within a Park, Fishing Park or Trail, unless authorized to do so by the municipality.
- 4.26 Fail to comply with an Order given by an Officer.
- 4.27 Smoke or vape in any municipal Park, Fishing Park or Trail, or in the designated parking lots of such.
- 4.28 Smoke cannabis in any Park, Fishing Park or Trail, or the designated parking lots of such.
- 4.29 Bury, scatter, or otherwise dispose of any cremated remains in a park.

5. DAMAGE TO PROPERTY

- 5.1 While in a Park, Fishing Park or Trail, no person shall:
 - (a) Plant, prune, remove or damage any plant, shrub, flower, flowerbed, bush, sod, grass, or any other vegetation unless otherwise authorized to do so by the municipality;
 - (b) Plant, prune, climb, remove, damage or deface any tree, tree roots, or parts of a tree;
 - (c) Climb, remove, damage, or deface any fence, bench, monument, or sign;
 - (d) Climb any building, fence, structure or equipment, unless the structure or equipment is designed for climbing;
 - (e) Damage or deface any building, structure, fence or equipment;
 - (f) Remove any soil, sand, gravel, stone, rocks, wood or any other material located in a Park, Fishing Park or Trail.

6. SPECIFIC PARK USES

6.1 Campfire and Barbecue

- (a) While in a Park, Fishing Park or Trail, it is an offence to:
 - i. Light, build or stoke a fire, campfire or bonfire; or
 - ii. Use a solid fuelled portable barbecue.

6.2 Boat Launching

- (a) While in a Fishing Park, it is an offence for any person to:
 - i. Launch any motorized watercraft from the shoreline.

6.3 Fishing

- (a) It is an offence for any person between the ages of 18 to 65 years to engage in fishing activities in the Township of Essa without first obtaining:
 - i. A Township of Essa Fishing Access Pass, in accordance with the Township's Fishing Access Pass By-law No. 2007-48 as amended; and
 - ii. A government issued Fishing License as issued by the Ministry of Natural Resources, unless otherwise specified by the Provincial or Federal Government.

6.4 Dogs

- (a) No person shall:
 - i. Allow a dog to run at large (off leash) in any Park, Fishing Park or Trail at any time, other than in a designated Off Leash Dog Park.
 - ii. Allow a dog to be off leash in a leash-free zone at a time other than the permitted hours;
 - iii. Allow a dog to be in a leash-free zone without the owner's supervision;
 - iv. Service dogs and Police dogs are exempt from restrictions provided in i, ii, and iii above.
 - v. Allow a dog under his/her control to defecate in a Park, Fishing Park or Trail without removing and disposing of any such excrement in a designated waste receptacle; and
 - vi. Violate any provisions contained in the Township of Essa's Canine Control By-law 2006-18.

7. ADMINISTRATION

7.1 As part of his/her responsibility to administer this By-law, the Manager of Parks and Recreation may:

- (a) Designate areas within a Park, Fishing Park or Trail from which the public is excluded;
- (b) Impose conditions upon which a designated area shall be used;
- (c) Impose conditions for the orderly use of a Park, Fishing Park and Trail;
- (d) Issue permits for specific uses of a Park, or parts of a Park;
- (e) Impose conditions as a requirement of obtaining, continuing to hold, or renewing a permit, in addition to the requirements under this By-law, and such

conditions may vary depending on the type of permit; and

- (f) Revoke a permit as a result of a breach of a condition of the permit or a provision of this By-law.

8. EXEMPTIONS

8.1 This By-law shall not apply to:

- (a) 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, Fishing Park or Trail;
- (b) The vehicle and other properties of ambulance, police and emergency services used for the purpose of providing emergency services or engaging in enforcement activities within a Park, Fishing Park or Trail; and
- (c) The Township of Essa, its vehicles, and its employees or agents acting within the scope of their duties as employees or agents of the Township.

8.2 The Manager of Parks and Recreation may exempt persons from all or part of the requirements and prohibitions of this By-law from time to time if such exemption is required for the beneficial administration of a Park, Fishing Park or Trail.

9. ENFORCEMENT AND PENALTIES

9.1 This By-law shall be enforced by a Municipal Law Enforcement Officer as duly appointed by the Township of Essa, the Manager of Parks and Recreation or his/her delegate and Police Officers.

9.2 An Officer may order any person believed to be contravening or have contravened any provision of this By-law:

- (a) to immediately desist from the activity constituting or contributing to such contravention; or
- (b) to immediately remove from the property any animal or thing owned by or in the control of such person which is involved in such contravention; or
- (c) to leave the property immediately.

9.3 An Officer or Parks Staff may order any person engaging in an activity that requires a permit under this By-law to provide the original copy of the permit for inspection.

9.4 Every person shall comply with an order given by an Officer under the authority of Section 9.2.

9.5 No person shall willfully obstruct, hinder or otherwise interfere, nor attempt to obstruct, hinder or interfere with a Municipal Law Enforcement Officer or the Manager of Parks and Recreation or his/her delegate in the performance of their duties or the exercise of their rights, functions, powers or authority under this By-law.

9.6 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine and such other penalties as provided for in the Provincial Offences Act.

10. LIABILITY

10.1 Provisions contained in this By-law shall not be construed as relieving or limiting the responsibility of any person using the municipality's Parks, Fishing Parks or Trails for personal injury or property damage resulting from negligence or willful acts of such person.

10.2 Provisions of this Section shall not be construed as imposing on the Corporation of the Township of Essa, its officers, employees, servants, agents and contractors any responsibility or liability for the enforcement of the provisions of this By-law.

11. SEVERABILITY


In the event that any provision, or part thereof, of this By-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this By-law shall remain in full force and effect.

12. Effective Date

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

13. Schedules "A" and "B" as attached form part of this By-law

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 8th day of July, 2020.



Sandie Macdonald, Mayor



Lisa Lehr, Clerk

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SCHEDULE A
Park Name and Location

PARKS

Angus Community Park – 6 Huron St, Angus
Baxter Ball Park – 119 Murphy Rd, Baxter
Brownley Meadows Park – 60 Mike Hart Dr, Angus
Bob Geddes Park – 147 Centre St, Angus
Earl Cunningham Park – 3 Henry St, Thornton
Cunningham Park – 35 Kevin Cres, Thornton
Dellbrook Park – Access and Park at 240 Margaret St and Walkway into 26 Nottawasaga Dr, Angus
Egbert Park – 5200 10th Sideroad, Egbert
Elmgrove Ball Park – 6580 5th Sideroad, Elmgrove
Glen Eton/Wildflower Park – 42 McCarthy Cres, Angus
Ivy Ball Park – 5079 20th Sideroad, Thornton
LeClair Soccer Park – 54 Roth St, Angus
Lion's Ball Park – 4 Park Rd, Angus
Maple Lane Park – 8 Michael St, Angus
Marshall Park – 6 Marshall Cres, Baxter
McGeorge Park – 107 Graham St, Angus
Peacekeepers Park – 12 Commerce Dr, Angus
Robson Park – 23 Berwick Crescent and Walkway east from Sandsprings Cres and Walkway east from Ashburton Cres, Angus
Stonemount Park – 152 Greenwood Dr, Angus
Thornton Arena Ball Park – 246 Barrie St, Thornton
Thornton Creek Park – 93 Davis Trail, Thornton
Thornton Hills Soccer Park – 4256 7th Line off of Simcoe County Rd 27 (Boulevard and Walkway to Brykman Rd), Thornton
Utopia Soccer Park – 8378 6th Line, Utopia

OFF LEASH DOG PARK

Glen Eton/Wildflower Park – 42 McCarthy Cres, Angus
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TRAILS

Pine River Trail – Entrances at 54 Roth St and 380 Mill St, Angus
Rippon Trail – Entrances at 330 Mill St and 380 Mill St, Angus
Trans Canada Trail – Entrances at Corner of Robert St and William St, Thornton

FISHING PARKS

Centennial Park – 5892 20th Sideroad, Utopia
Don Ross Fishing Park – 8888 Don Ross Dr, Angus
Nottawasaga Fishing Park – 378 Mill St, Angus

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**SCHEDULE B
DESIGNATED BOAT LAUNCHES**

There are no Designated Boat Launch sites at this time.

**Township of Essa By-law 2020 – 52
Parks Use By-law**

**Part I Provincial Offences Act
Set Fine Schedule**

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Enter or remain in a park before or after the hours of operation, unless otherwise permitted to do so.	Section 4.1	\$150.00
2.	Indulge in riotous, violent, threatening, indecent acts or use profane (abusive) language	Section 4.3	\$150.00
3.	Create a nuisance by loitering or spy, accost frighten, annoy or harass other persons	Section 4.4	\$150.00
4.	Engage in activity causing injury or damage to person, animal, tree or property.	Section 4.5	\$150.00
5.	Disobey any authorized sign.	Section 4.6	\$150.00
6.	Erect any tent, shelter or structure of any kind in park or recreation area without a permit	Section 4.7	\$150.00
7.	Use a Park or Recreation Area for camping or overnight sleeping or accommodation.	Section 4.8	\$150.00
8.	Drive, ride or operate any Motor Vehicle in any park, trail, fishing park or recreation area	Section 4.9	\$250.00
9.	Damage, destroy, injure, deface, tear up, burn, dig or mark any building, structure, equipment or plant	Section 4.10	\$150.00
10.	Dump, deposit or leave any refuse, garbage, or any other type of waste	Section 4.11	\$400.00
11.	Pollute or contribute to the pollution of water or soil	Section 4.12	\$150.00
12.	Use park or recreation area to wash, clean, maintain or repair any vehicle	Section 4.14	\$150.00
13.	Participate or organize any sport or activity in areas other than those designated	Section 4.15	\$150.00
14.	Distribute circulars, or to post, place or erect circulars, notices, advertising devices in recreation areas	Section 4.19	\$150.00
15.	Ignite, build or use a campfire, barbecue, camp stove, cooker, smoker or fireworks in any recreation area	Section 4.21	\$150.00

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
16.	Use a Park or Recreation Area for camping, overnight sleeping or accommodations	Section 4.22	\$150.00
17.	Create a nuisance with unpermitted use of amplifiers and loud speakers	Section 4.26	\$150.00
18.	Smoke or vape in any recreation area or on municipally owned or operated property	Section 4.27	\$150.00
19.	Smoke cannabis in any recreation area or on municipally owned property	Section 4.28	\$150.00
20.	Launch a motorized watercraft from the shoreline	Section 6.2	\$400.00
21.	Hinder, obstruct or attempt to hinder or obstruct an officer	Section 9.5	\$250.00

The penalty provision for the offences indicated above is Section 9.6 of By-law 2020-52, a certified copy of which has been filed and Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.