

**THE COPORATION OF THE TOWN OF TILLSONBURG
PARKS & FACILITIES BY-LAW 2024-073**

A BY-LAW for the use, protection and regulation of public parks and recreation areas in the Town of Tillsonburg.

WHEREAS Section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (“Municipal Act”) provides that a municipality may pass by-laws respecting matters within the sphere of jurisdiction of culture, parks, recreation and heritage;

AND WHEREAS Sections 23.1, 23.2, 23.3 and 23.5 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorize a municipality to delegate certain powers and duties;

AND WHEREAS Section 128 of the *Municipal Act, 2001* provides that a 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 it is the opinion of Council that smoking, loitering, causing graffiti, being under the influence of alcohol/ Illicit drugs, and depositing Refuse are a nuisance;

AND WHEREAS Section 391 of the *Municipal Act, 2001* provides that a Municipality may impose fees or charges on any class of Persons for services or activities provided or done by or on behalf of it, and which by-law may provide for interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid;

AND WHEREAS Section 425 of the *Municipal Act*, 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 offence;

AND WHEREAS Section 426 of the *Municipal Act*, provides that no Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under the *Municipal Act* or under a by-law passed under the *Municipal Act*;

AND WHEREAS the Municipality may enact by-law provisions that (without limitation) impose fines, allow powers of entry, authorize orders to achieve compliance or discontinue contraventions, authorize inspections, authorize remedial work and provide for the collection of remediation costs, pursuant to Part XIV of the *Municipal Act*, including Sections 429,435 - 438, 441.1 and 444 - 446;

AND WHEREAS Section 35 of the *Liquor Licence Act*, R.S.O. 1990 c. L-19, as amended, provides that the Council of a municipality may by by-law designate a recreational area within the municipality that is owned or Controlled by the municipality as a place where the possession of Liquor is prohibited;

AND WHEREAS Section 55 of the *Community Safety and Policing Act*, S.O. 2019, c 1, Sch 1, as amended, municipalities may appoint persons to enforce the by-laws of the municipality, and municipal by-law enforcement officer appointed under this section are peace officers for the purpose of enforcing municipal by-laws;

AND WHEREAS Section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, provides that except where otherwise provided by law, every Person who is convicted of an offence under a municipal by-law is liable to a fine of not more than \$5,000;

AND WHEREAS Section 2 of the *Trespass to Property Act*, R.S.O. 1990, c. T.21, provides that every Person who engages in an activity on a premise when the activity is prohibited or does not leave the premise immediately after he or she is directed to do so by the occupier of the premise or a Person authorized by the occupier may be found guilty of an offence and liable to a fine of not more than \$10,000;

AND WHEREAS the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, Section 7(1)1(a)(b), as amended, provides that a Council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires, and regulating the setting of open air fires, including the establishment of times during which open air fires may or may not be set;

AND WHEREAS all Parks and Recreation Areas under the authority of the Town of Tillsonburg are for the use, benefit, and enjoyment of the public;

AND WHEREAS the Council of the Town of Tillsonburg deems it desirable to pass a by-law to provide for the use, protection and regulation of public *Parks and Recreation Areas* in the Town of Tillsonburg;

BE IT THEREFORE ENACTED by the Council of the Corporation Town of Tillsonburg as follows:

**SHORT TITLE
PARKS AND RECREATION AREA BY-LAW**

**PART 1
INTERPRETATION**

1 Definitions

In this by-law:

“Aircraft” shall mean any fixed-wing Aircraft, helicopter, hot air balloon, hang glider, ultralight Aircraft or similar conveyance.

“Authorized Sign” means any signage, notice, or other device which has been placed or erected in or upon a Park under the authority of this or other by-laws for the purpose of the general management, identification, control and regulation of activities within a Park.

“Authorized Parking Area” means an area of a Park or *Recreation Area* that has been *Designated*, set aside, or established by the Town for the parking of *Motor Vehicles*, and may have Posted regulations with respect to the use of the Designated Authorized Parking Area.

“Barbeque” means a portable or fixed device, whether powered by coal, wood, propane or other fuel, or electricity, including a hibachi, a permanent structure designed and intended solely for the cooking of food in the open air.

“Bicycle” includes a unicycle and a tricycle but does not include a *Power-Assisted Bicycle* or motor assisted cycle of any type.

“Bulk Feed” means the depositing of a quantity of food greater than 250 ml for the purpose or intention of feeding wildlife, including, but not limited to, deer, geese, ducks, squirrels and/or groundhogs.

“Change Room” means any permanent or temporary structure or portion of a structure designed by the Town to accommodate Persons for the purpose of changing their clothing. A *Change Room* may or may not include *Washroom* facilities.

“Control” includes and refers to care and custody.

“Commercial Motor Vehicle” means a Motor Vehicle having attached thereto a truck or delivery body and includes ambulances, hearses, tow-trucks, motor buses, fire trucks and apparatus, motorized construction equipment, motorized farm Vehicles or equipment (including farm tractors), tractor trailers or any part thereof that are used for hauling purposes. For the purposes of this by-law shall also include transport trailers.

“Council” means the elected Council of the Corporation of the Town of Tillsonburg.

“Dangerous Dog” mean a dog that in the absence of any mitigating factor has bitten or attacked a Person or domestic animal, or has behaved in a manner that poses a menace to the safety of a Person or other domestic animals. Dangerous Dog also means a dog, previously Designated as a potentially Dangerous Dog, that is kept or permitted to be kept by its owner in violation of the requirements for such dog. For the purposes of this by-law include a Pit Bull.

“Designated” means an area defined or constructed for a specific use by the Town and may include Posted conditions.

“Director” means the Director of Recreation, Culture and Parks or any employee acting under their direction, which may include contracted staff.

“Dock” means structures located on lands owned or under the Control of the Town used as a Dock, wharf, pier or boat launching or recovery area together with all adjacent and underlying lands related thereto.

“Dog Toys” include but are not limited to balls, squeeze toys, plastic Dog Toys, Frisbees, ropes, rawhide chews, bones etc.

“Domesticated Animal” includes but is not limited to dog, cat, pony, horse, goat, or any other animal which is owned as a pet.

“Electronic Cigarette” means a vaporizer or inhalant-type device, whether called an Electronic Cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine;

“Environmental Protected Area” means those areas delineated as an *Environment Protection Area* on a Map Schedule of the Official Plan for the *Town* as may be amended from time-to-time, and which are under the Control or management or joint management of the Town.

“Firearm” means any barreled Weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a Person or animal, and includes any frame or receiver of such a barreled Weapon and anything that can be adapted for use as a Firearm. It includes a device that propels a projectile by means of any explosion, compressed gas or spring and includes, without limitation, a rifle, handgun or spring gun, crossbow, longbow, air or pellet rifle.

“Fireworks” means devices containing combustible chemicals that cause explosions or spectacular effects.

“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 and is not pavement or concrete and on which the use of Inline skates, skateboards, *Bicycles*, *Power-Assisted Bicycles*, *Motor Vehicles*, *Motorized Snow Vehicles* or *Off-Road Vehicles* are prohibited. Note that *Hiking Trails* may or may not be accessible to motorized wheelchairs depending on topographic restrictions.

“Illicit Drugs” shall mean Controlled substances as specified in the Controlled Drug and Substances Act. S.C. 1996, c. 19.

“Inline Skating” shall mean a shoe with a line of rollers fixed to the sole.

“Liquor” shall have the same meaning as defined in the *Liquor Licence Act*, R.S.O. 1990, c. L-19, as amended.

“Lived Gender Identity” means the gender a person feels internally (“gender identity” along the gender spectrum) and expresses publicly (“gender expression”) in their daily

life including at work, while shopping or accessing other services, in their housing environment or in the broader community.

“Motorized Snow Vehicle” means a self-propelled Vehicle designed to be driven primarily on snow, including but not limited to snowmobiles.

"Motor Vehicle" has the meaning attributed to it in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended.

“Municipality” shall have the same meaning as Town.

"Multi-use Pathway" means that part of a *Park* on Town property that has been improved with a hard surface and includes any bridge or structure with which it is contiguous and is intended for a variety of uses, including: pedestrians, Inline Skating, Bicycling, Power-Assisted Bicycle and Vehicles, and may exclude some Vehicles, including but not limited to *Motor Vehicles*, *Off-Road Vehicles*, horses and horse-drawn carriages or other conveyances of any sort and *Motorized Snow Vehicles*.

"Open Space" means an area which may be an entire *Park* or part of a *Park*, 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. Open Space is delineated on a Map and/or Schedule of the Official Plan for the Town as may be amended from time-to-time, and which is under the Control or management or joint management of the Town.

“Officer” means a Police Officer, Conservation Officer, Peace Officer, Animal Control Officer or By-law Enforcement Officer appointed by the Council of the *Town*.

“Off-Road Vehicle” has the meaning attributed to it in the *Off-Road Vehicle Act*, R.S.O. 1990, c. O.4, as amended. In addition, for the purposes of this by-law, shall include motorbikes, four-wheelers, ATVs, trikes, and Argos.

"Park" means land and land covered by water and all portions thereof under the *Control* or management or joint management of the *Town*, that is or may be established, dedicated, set apart, or made available for public use, including but not limited to *Open Space* and an *Environmental Protected Area* as defined in this by-law, including but not limited to any buildings, structures, facilities, storm water management ponds, erections and improvements located in or on such land.

"Parks Permit" shall mean a document issued by the Town to a sports group, organization, or individual and spectators associated with an event to use a Recreation Area on a specific day commencing and ending at a certain time and shall include a license or rental agreement.

“Person” includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate and a natural Person.

“Pit Bull” means the breed of dog, which includes:

- (a) a Pit Bull Terrier,
- (b) a Staffordshire Bull Terrier,
- (c) an American Staffordshire Terrier,
- (d) an American Pit Bull Terrier, or
- (e) a member of a class of dogs that have the appearance and physical characteristics that are substantially similar to dogs referred to in (a) through (d) above. In determining whether a dog is a Pit Bull regard may be had to the breed standards established, for dogs referred to in (a) through (d) above, by the Canadian Kennel Club, the United Kennel Club, the American Kennel Club or the American Dog Breeders Association.

“Pleasure Craft” shall mean kayaks, canoes, inflatable boats, rowboats, cibles, and paddle boats.

“Post, Posting or Posted” refers to the erection or presence of Authorized Signs and “Posted Area” means an area where Authorized Signs are erected or displayed.

“Power-Assisted Bicycle” has the meaning attributed to it in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, 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;

“Public Meeting or Gathering” means a picnic, organized gathering or organized event of more than twenty-five (25) Persons.

“Refuse” means any article, or thing that appears to be waste material and is discarded as waste including but not limited to the following classes of waste material:

- (a) grass clippings, tree cuttings, brush, leaves and garden *Refuse*;
- (b) paper, cardboard, clothing;
- (c) all kitchen and table waste, of animal or vegetable origin resulting from the preparation or consumption of food, except any acceptable material placed in a container;
- (d) cans, glass, plastic containers, dishes;
- (e) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
- (f) refrigerators, freezers, stoves or other appliances and furniture;
- (g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (h) unlicensed Motor Vehicle, inoperative Motor Vehicle, Vehicle parts and accessories, Vehicle tires mounted on rims or unmounted, mechanical equipment;
- (i) rubble, inert fill, fencing materials; and
- (j) other miscellaneous scrap metal, and shopping carts;
- (k) anything that appears to be worthless, abandoned, worn-out, of no practical value or unsightly.

“Recreation Area” means an area, building or combination of both, under the Control of the Town for the purpose of offering recreation to the public, and that is maintained and/or supervised by employees of the Town, including but not limited to: tennis courts, arena, outdoor ice rink, skating rink, ice surface, swimming pool, wading pool/spray pad, play area, community centre, skateboard facility, Sports Fields, dog park, squash court, pickle ball court, Lake Lisgar Waterpark, Senior Centre, health club, J.L Scott McLean Recreation Pad, Lake Lisgar, Community Gardens, park, a building or portion of a building that is owned, leased or used by the Town, for the purpose of offering recreation to the public.

“Roadway” means that part of a *Park* or *Recreation Area* that is improved, designed or ordinarily used by Vehicles and Motor Vehicles.

“Run at Large” means a Domesticated Animal found in any place other than the premises of the owner of the Domesticated Animal and that is not under the physical Control of any Person by means of a leash held by a Person in Control of the Domesticated Animal.

“RZone” means the RZone Policy.

“Sexual Activity” means any physical contact or exposure of a sexual nature involving genitalia, buttocks, or female breasts by one or more individuals.

“Slurry” is a mixture of denser solids suspended in liquid and not limited to the following:

- (a) slurry or other material from vacuum excavation (i.e., “vac trucks”);
- (b) slurry from directional boring, drilling or other activities;
- (c) concrete slurry or related products and by-products;

- (d) excavated material from the cleanout of storm water management ponds;
- (e) fill that affects the Control of flooding, erosion, dynamic beaches, pollution or the conservation of land;

“Smoke or Smoking” includes the carrying of a lit cigar, cigarette, Electronic Cigarette, pipe, waterpipe or any other lighted smoking equipment or smoking product, but does not include smoke or smoking where smoke or smoking is used in a stage production of a theatrical performance;

“Smoking Product” means a tobacco or tobacco-like product whose primary purpose is to be burned or heated to produce vapours, gases or Smoke, which are inhaled, and shall include but is not limited to non-tobacco herbal shisha, and other plant material or oils intended for inhalation;

“Sports Field” means a special area, made of natural or artificial turf, within a Park within which a game is Designated to be played, including, but not limited to, soccer, or baseball;

“Town” means the Town of Tillsonburg.

“Trail” shall have the same meaning as Hiking Trail but not include a trail pass from the OFSC (Ontario Federation of Snowmobile Clubs);

“Trained Service Animal” includes a guide dog or other certified service animal often identifiable by a harness or vest and includes but is not limited to those trained service animals used to assist Persons with vision impairments or provide physical assistance, warning of seizures or other disabilities. A service dog is not a therapy dog or an emotional support dog. The person must provide documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to the disability:

- (i) A member of the College of Audiologists and Speech-Language Pathologists of Ontario.
- (ii) A member of the College of Chiropractors of Ontario.
- (iii) A member of the College of Nurses of Ontario.
- (iv) A member of the College of Occupational Therapists of Ontario.
- (v) A member of the College of Optometrists of Ontario.
- (vi) A member of the College of Physicians and Surgeons of Ontario.
- (vii) A member of the College of Physiotherapists of Ontario.
- (viii) A member of the College of Psychologists of Ontario.
- (ix) A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario. O. Reg. 165/16, s. 16.

“Therapy Dog or Emotional Support Animal” means a dog that has not had specialized training.

“Vehicle” includes a *Motor Vehicle, Motorized Snow Vehicle, Bicycle, Power-Assisted Bicycle, e-bike, e-scooter, Off-Road 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.

“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 Municipality.

“Watercraft” means any device for the conveyance in or on water and includes, but is not limited to: boats, pontoon, fishing boats, speed boats, row boats, sail boats, jet ski, sea-doo, or any *Vehicle* propelled or driven by any kind of power including muscular power.

“Weapon” means any device or contrivance designed for use in causing injury or death to any Person or animal, or any device designed for threatening or intimidating any Person or animal. For the purposes of this by-law, Weapon includes any Firearm.

“Wheeled Conveyance” means every manner of conveyance which has one or more wheels, including, but not limited to: roller skates, Inline Skates, roller skis, skateboards, scooters, peddle assisted Bicycles, carriages, wagons or sleighs; but excludes a wheelchair or similar device (powered or otherwise) used by an individual due to a disability, a Motor Vehicle, baby carriage or cart, child's wagon, child's stroller, child's sleigh, or other conveyance of like nature.

PART 2 BY-LAW APPLICATION AND ADMINISTRATION

2.1 By-law applicability - defined

This by-law applies to all *Recreation Areas*, *Parks* and any premises that are under the *Control* or management or joint management of the *Town* and includes the avenues, boulevards, drives, streets and approaches to these areas and any connections or systems of *Recreation Areas* and/or *Parks*.

2.2 Emergency - maintenance Vehicles - exception

Notwithstanding any provision of this by-law, *Vehicles* operated on behalf of an ambulance service, fire department, police department, Hydro and the *Town* shall have full, unrestricted access to all parts of a *Park* and/or a *Recreation Area* at all times.

2.3 By-law administration & enforcement

The Director shall administer this by-law and an Officer shall carry out the enforcement of the by-law.

2.4 Inline Skating and Skateboarding

The *Director* may prohibit Inline Skating or skateboarding in any *Park* or *Recreation Area*, and shall direct that signs be Posted prohibiting such activity.

PART 3 GENERAL PROHIBITED ACTIVITIES

3.1. Activities - prohibited

In any *Park* or *Recreation Area* within the *Town*, no Person shall:

- (1) drive, ride or operate any *Vehicle* or carry on Inline Skating upon a *Roadway* in any direction other than the direction indicated on signs Posted by the *Director*;
- (2) drive, ride or operate a *Vehicle* including Wheeled Conveyance in violation of Posted signs or in any building;
- (3) operate any *Vehicle* including Wheeled Conveyance at a rate of speed in excess of 20 kilometres per hour in Posted areas;
- (4) drive, ride or operate a Motorized Snow Vehicle;
- (5) drive, ride or operate an Off-Road Vehicle;
- (6) operate a *Motor Vehicle* except on a *Roadway* or in an *Authorized Parking Area*;
- (7) leave a *Motor Vehicle*:
 - i) in a place other than an *Authorized Parking Area*;
 - ii) *outside* the pavement markings or outside the Designated space;
 - iii) in a manner or place blocking a driveway or gate; and
 - iv) for purposes other than accessing the *Park* or *Recreation Area*

- (8) drive, operate, or leave unattended a *Motor Vehicle* in any part of a *Park* or *Recreation Area* between 11:00 p.m. and 6 a.m. of the following day except at times where the *Director* has authorized use of the *Park* or *Recreation Area* beyond 11:00 p.m.;
- (9) engage in unbecoming behaviour, including but not limited to: riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language, including making any verbal comments or physical gestures, about or toward anyone that could reasonably be considered to be unwarranted, offensive, derogatory or abusive;
- (10) engage in conduct that endangers the health and safety of themselves or others;
- (11) cause graffiti;
- (12) engage in any *Sexual Activity*;
- (13) remain in a *Recreation Area* or *Park* for the purpose of loitering;
- (14) consume, serve, sell or possess *Liquor* without proper approval and Parks Permit of the Town and/or the Alcohol and Gaming Commission of Ontario;
- (15) hold or take part in an unauthorized Public Meeting or Gathering;
- (16) play or practice golf or strike any golf ball by any means whatsoever in an area not *Designated* for such activities;
- (17) remain in a *Recreation Area* or *Park* between 11:00 p.m. and 6:00 a.m. of the following day, except that a Person may enter or remain in a *Park* during the times the *Director* has authorized use of the *Recreation Area* or *Park* beyond 11:00 p.m.;
- (18) operate, drive or ride a Vehicle on any Roadway within the Park if the entrances to the Park are closed by means of a barrier and or signs;
- (19) 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;
- (20) cause or permit any animal under their *Control* or ownership to damage any tree, shrub, bush, flower, plant or roots;
- (21) erect any sign or poster on any tree, bush, shrub, pole, structure or building;
- (22) remove, break, deface, or otherwise damage any Municipal equipment or property.
- (23) fail to remove *Refuse*;
- (24) fail to remove any utensils, equipment or articles taken into an area *Designated* for picnics;
- (25) permit any Domesticated Animal under their *Control* or ownership to enter in any swimming, wading pool, spray pad or storm water pond.
- (26) remove or injure the nest or egg of any bird;
- (27) fish in an area Posted;
- (28) drive, ride or operate Watercraft in a storm water pond;
- (29) drive, ride or operate Pleasure Craft in a storm water pond.

- (30) let off or discharge any water so that it runs out of any building, reservoir, pond, river, or lake located in a *Park* or *Recreation Area*;
- (31) lay or cause to be laid any pipe, or conduit to communicate with any pipe or main belonging to the waterworks connected with any *Park* or *Recreation Area* or in any way obtain water without the consent of the *Director*;
- (32) discharge or permit the discharge of any water from private properties, including pool water and water from a roof drainage system, onto, into or over any *Park* or *Recreation Area*;
- (33) enter or use gender-segregated facilities that do not correspond to their lived gender identity, in any *Park* or facility, set apart for the opposite gender. This shall not apply to children who are 12 years of age or younger and who are, at the time, accompanied by a parent, guardian, caregiver or caretaker;
- (34) loiter in any *Washroom* or *Change Room*, or engage in conduct that could reasonably be considered to be offensive;
- (35) encroach on Town-owned lands or erect fences, buildings or structures on Town-owned lands without the written consent of the *Town* and any such object encroaching shall be removed by the abutting land owner forthwith at their expense;
- (36) permit a Domesticated Animal under their Control to Run at Large;
- (37) fail to remove and dispose of excrement forthwith of a Domesticated Animal under their Control;
- (38) allow a Domesticated Animal on a leash longer than 2 meters in length;
- (39) enter a Sports Field with a domesticated animal, including, but not limited to: baseball infields/outfields, soccer fields, football fields, basketball courts, horseshoe pits, tennis courts, pickle ball courts, or skate park;
- (40) smoke inside or within 9 metres of any building, structure or fenced-in Designated dog park;
- (41) smoke within 20 metres of any Sports Field, tennis court, outdoor ice rink, pool, splash pad, playground, Lake Lisgar Water Park or basketball court.
- (42) ride or use a sled, where Authorized Signs are in place prohibiting this activity;
- (43) ignite, start, or possess a charcoal, wood or brisket Barbeque;
- (44) *Bulk Feeding* of wildlife;
- (45) be in possession of glass containers in areas where glass containers are prohibited, including in and around splash pads, swimming pools, skateboard facilities, tennis courts, pickle ball courts or as Posted;
- (46) be in possession of or use any Firearm, rocket, any type of air gun, bow and arrow, axe or offensive Weapon of any kind;
- (47) use any building, structure or equipment for a purpose other than that for which it is originally intended;
- (48) climb any building, structure or equipment, unless the equipment is designed for climbing;

- (49) swim, bathe, wade, snorkel or use any other underwater breathing device in the water in a *Recreation Area or storm water pond*;
- (50) light, ignite, or release a Chinese lantern or similar device;
- (51) remove safety equipment, fire extinguishers, or defibrillator without an emergency;
- (52) pull fire alarm or open emergency doors without an emergency;
- (53) use any device for the purposes of recording images in Change Rooms or washrooms;
- (54) conduct unsafe behaviour;
- (55) throw or propel stones, javelins, lawn darts, or lawn bowling;
- (56) tamper with any lighting or electrical component(s);
- (57) release balloons;
- (58) move furniture;
- (59) interfere with an organized sports event, picnic, organized gathering or special event authorized by a Town-issued permit;
- (60) enter into an area where it is Posted to prohibit or restrict admission to the public;
- (61) urinate or defecate except in a permanent or portable Washroom facility;
- (62) engage in selling, using, soliciting, or being under the influence of Illicit Drugs;
- (63) dispose of or bury a dead animal;
- (64) cause a noise likely to disturb any inhabitant or interfere with the enjoyment of others;
- (65) remain on playing surface while repairs or maintenance are being performed;
- (66) walk on grass in an area where an Authorized Sign is Posted prohibiting such activity;
- (67) enter onto the ice on a storm water pond;
- (68) fish in any storm water pond;

3.2 Wheel Chair Exemption

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 but not limited to all *Multi-use Pathways* and the accessible portions of *Hiking Trails*.

3.3 Exemption Officer (Discharge Firearm or Kill Animal)

An Officer is exempt from Section 3.1 (46) and 4.1 (17) of this by-law if they discharge a firearm or kill an animal during the course of executing their duties.

3.4 Exemption - Lake Lisgar Waterpark & Indoor Swimming Pool

A Person using the Lake Lisgar Water Park and Indoor Swimming Pool at the Complex are exempt from section 3.1 (49) of this by-law.

3.5 Exemption – Community Gardens

A Person or group with permission from the Director may plant vegetation for the purposes of using the Community Garden, and may remove any plant, rock, tree or tree limb impeding gardening.

3.6 Exemption – Parents & Care Workers

Despite regulation 3.1 (33) in this by-law, a parent, guardian, caregiver or caretaker is permitted to use gender-segregated facilities while caring for a child under 12 or person with mental or physical disabilities.

PART 4

ACTIVITIES - SUBJECT TO APPROVAL

4.1 Activities prohibited - subject to approval

Unless authorized by the *Director* or permitted by a Parks Permit, no Person shall engage in any of the following activities in a *Park* or *Recreation Area*:

- (1) ignite, start or maintain a fire;
- (2) use a Sports Field for any game or practice by an organized group;
- (3) erect a tent or shelter, or leave a camping trailer;
- (4) conduct commercial worm picking;
- (5) hold or take part in a Public Meeting or Gathering without a Parks Permit;
- (6) hold or take part in a meeting or gathering that obstructs the free passage of vehicular traffic;
- (7) have exclusive use of any portion or all of a *Park* or *Recreation Area*;
- (8) ride or lead a horse, pony, donkey, mule or other animal in an area not *Designated* for such activity;
- (9) drive, lead or use a horse-drawn wagon or sleigh;
- (10) erect any sign or poster on any pole, planter, building, fence, bench, picnic table, electrical transmission unit, lamp standard, or Town property or Hydro equipment of any kind;
- (11) sell refreshments or other merchandise to the public;
- (12) operate any business, game, show or amusement for admission by the public;
- (13) operate or use a metal detector;
- (14) solicit funds for any charities, organizations or individuals of any kind;
- (15) use a trained dog as a means of controlling waterfowl;
- (16) allow any Domesticated Animal to enter a Recreation Area building, facility or *Change Room*, unless the Domesticated Animal is a *Trained Service Animal*;
- (17) disturb, wound, kill, or injure any animal, whether domesticated or wild, including but not limited to, birds, fish, snakes;
- (18) ignite, discharge or set off any Fireworks or firecrackers;
- (19) cause to take place or participate in a marriage ceremony except in a *Designated* area;

- (20) operate powered models of Aircraft, rockets or drones;
- (21) enter, move, or remove an item from a waste receptacle;
- (22) skate, walk or be present on any frozen body of water in a *park*;
- (23) use a tennis court for any purpose other than tennis;
- (24) Use pickle ball court for any purpose other than pickle ball;
- (25) excavate or bury any object;
- (26) create, cause or maintain an open fire, except propane barbecues or propane stoves, in picnic areas set aside by the Town;
- (27) conduct repairs on or maintain any Sports Field, ice surface, playing surfaces, scoreboards, dugout, fences, electrical, plumbing, warming huts, water station, surrounding gardens, trash receptacles, or lighting;
- (28) operate a kite on or within 20 meters of any Town-owned or leased building, Roadway, parking lot, playground, structure, bridge, tennis court, skate park, dog park, light or hydro or any other utility pole;
- (29) wash, clean, service, or maintain any Vehicle;
- (30) leave any Commercial Vehicle except, a Commercial Vehicle that is being used for the purpose of making a delivery;
- (31) operate a remote control machine;

PART 5 SPECIAL PROHIBITIONS

5.1 Special prohibitions - applicability

The special prohibitions in this Part are in addition to any applicable general prohibitions in Part 3 & 4 of this by-law.

5.2 Environmental Protected Area (EPA) - prohibitions

The following special prohibitions shall apply to all Persons entering into and using a *Park Designated as an Environmental Protected Area and Open Space*:

- (1) No Person shall deposit, dump or leave waste and/or *Refuse* of any kind;
- (2) No Person shall operate a Vehicle, Bicycle, *Power-Assisted Bicycle*, or *Motorized Snow Vehicle* within the boundaries of an *EPA* or *Open Space* unless Authorized Signs are Posted specifically allowing such activity;
- (3) No Person shall ride, or lead any animal within the boundaries of an *EPA* or an *Open Space*, except for a dog that is leashed;
- (4) No Person shall walk, run, jog, or ski other than on a *Hiking Trail*.
- (5) No Person shall drive, ride or operate a Bicycle, Power-Assisted Bicycle, e-bike, e-scooter, Motor Vehicle, Motorized Snow Vehicle, Off-Road Vehicle or skateboard or carry on Inline Skating on a Hiking Trail;
- (6) Park Designated as an Environmental Protected Area and Open Space is shown in schedule A”.

5.3 Multi- Use Pathway

No Person shall on a Multi-use Pathway conduct the following;

- (1) drive, ride or operate a Motor Vehicle unless authorized by the Director;
- (2) drive, ride or operate a Motorized Snow Vehicle unless from Tillson Ave to Hawtrey between November 1st to March 1 with a trail pass from the OFSC (Ontario Federation of Snowmobile Clubs);
- (3) drive, ride or operate an Off-Road Vehicle,
- (4) fail to yield the right of way;
- (5) operate Vehicle exceeding 20 km/hour; where Posted;
- (6) fail to use the crosswalk at an uncontrolled intersection;
- (7) use the crosswalk on an uncontrolled intersection in an unsafe manner;
- (8) fail to exercise reasonable consideration for any other user;
- (9) fail to give an audible signal by voice, bell or other signalling device before overtaking another user;
- (10) ride a horse when posted;

5.4 Outdoor Ice Rink – prohibitions

No Person shall on an outdoor ice rink conduct the following:

- (1) speed skate unless authorized by Parks Permit;
- (2) consume, distribute, or sell Liquor or Illicit Drugs;
- (3) act in such manner as to interfere with, endanger or disrupt any other Person;
- (4) enter the ice surface without skates;
- (5) interfere with the Town staff conducting maintenance;
- (6) play hockey/ringette when not permitted;
- (7) skate or figure skate when not permitted;
- (8) enter the ice surface when the “Red Flag” warning is erected;
- (9) pile snow in front of gate entrances;
- (10) operate, ride, or push a snow blower, lawn tractor, or leaf blower over the ice surface or surrounding areas;
- (11) remove Town-provided shovels or brooms from the property;
- (12) allow a Domesticated Animal on the ice surface or in a warming hut;
- (13) interfere with an approved organized activity at the outdoor rink or surrounding area;
- (14) use the outdoor rink when temporarily or permanently closed.

5.5 Lake Lisgar (Docks Ramps) – prohibitions

No Person shall on Lake Lisgar conduct the following:

- (1) place, operate, drive, or ride any fuel operated Watercraft, except by Parks Permit or written Permission from the Director;
- (2) fish unless following the Ontario Fishing Regulations;
- (3) import any crayfish, salamanders, live fish or leeches for use as bait, or transport any live or dead baitfish or leeches into or out of Lake Lisgar;
- (4) sell or buy any fish, crayfish, leech, frog or fish eggs from Lake Lisgar;
- (5) fish by any means other than angling;
- (6) abandon fish if the fish is suitable for human consumption;
- (7) fish from Hawkins Bridge;
- (8) dive, jump, or rappel from Hawkins Bridge or the Lake Lisgar gazebo.
- (9) mow, trim, prune, remove vegetation, bushes, trees, aquatic vegetation, or wildflowers from the shoreline or in the water, without written approval by the Director.
- (10) remove water for irrigation, commercial or industrial use, dust control, drinking or other use without a written approval from the Director;
- (11) dig, level, site grade, alter shorelines and inlets of the lake for the purpose of controlling flooding, erosion, implementation of beach(s), Docks, lookouts, or yard expansion .
- (12) change, alter or interfere with the wetland;
- (13) erect or alter a building or structure of any kind on the shoreline without written permission from the Town of Tillsonburg Building Department, Long Point Region Conservation Authority and the Director;
- (14) alter the shoreline without permission from Long Point Region Conservation Authority and the Director;
- (15) temporarily or permanently place on shoreline Slurry;
- (16) store Watercraft or Pleasure Craft for more than 2 hours at a Town Dock;
- (17) store a boat at any Town Dock between the hours of 11:00 p.m. and 6:00 a.m.;
- (18) impede or interfere with the use of a launching ramp or Dock;
- (19) wash animals or equipment on Town Docks and boat ramps.
- (20) dive, or jump off Town Docks or boat ramps;
- (21) tamper or remove fountain;
- (22) come within 10 metres of the fountain;
- (23) come within 10 metres of the overflow under the gazebo;
- (24) discard refuse or fishing line;

5.6 Lake Lisgar – Exemptions

- (1) Tillsonburg Rowing Club is allowed to use approved Watercraft for the purposes of maintenance and practices with the approval of the Director;
- (2) Town employees, Long Point Region Conservation Authority and Town-approved contractors and volunteers are exempt from all provisions of section 5.5 while performing their duties.

5.7 Dog Park– Prohibitions

No Person shall at the Dog Park conduct the following:

- (1) fail to carry a leash for their dog;
- (2) allow a “Small Dog” in the “Large Dog” area;
- (3) allow a “Large Dog” in the “Small Dog” area, unless a dog is injured;
- (4) fail to have a collar and proof of the Town license;
- (5) fail to take immediate physical Control of their dog at the request of an Officer or Town employee;
- (6) leave the Designated Area while their dog is off leash;
- (7) allow their dog out of visual sight;
- (8) fail to remove excrement forthwith left by a dog;
- (9) endanger or frighten any person or dog;
- (10) allow a puppy under 6 months old to enter;
- (11) allow a female dog in heat to enter;
- (12) possess Dog Toys;
- (13) remain or attend at the Dog Park if they have previously been requested to leave by an Officer or Town employee;
- (14) allow more than two (2) dogs under their control at once;
- (15) allow children under the age of 15 years old to be unsupervised;
- (16) allow a Domesticated Animal into the Dog Park, excluding a dog;
- (17) use a pinch, prong, or spiked collar;
- (18) allow a Pit Bull to enter;

PART 6

PARKS PERMITS, LICENCES & FEES

6.1 Use without payment - prohibited

No Person shall use a *Park* or *Recreation Area* for the activities listed in Part 4 of this by-law without first having received a *Parks Permit* from the Town and paid the applicable fee, if any, established in the Rates and Fees by-law, or having made the appropriate

arrangements for the scheduled payment of fees according to the practices established by the *Director*.

6.2 Parks Permits

- (1) *Parks Permits* issued for activities contemplated by this by-law may include conditions as to time, location, area, equipment, number of participants, type of activities, release, indemnity, and insurance coverage;
- (2) The issuance of a Parks Permit pursuant to the by-law shall not relieve any Person from the necessity of acquiring any other license required for such activity by any governmental or public authority;
- (3) The authority to issue Parks Permits referred to in this by-law is delegated to the *Director* or his/her delegate.

6.3 Permit Holders

Holders of Park Permits for the use of Parks and/or Recreation Areas shall be responsible to ensure that all applicable provisions of this by-law are upheld and failure to comply will result in the Park Permit being voided with no refund.

PART 7

ENFORCEMENT (TRESPASS, ORDER TO DISCONTINUE ACTIVITY, FAIL TO COMPLY)

7.1 Enforcement – trespass

- (1) 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, c. T.21;
- (2) Any *Officer* or Person under contract with the *Town* to enforce this by-law may enforce the provisions of this by-law;
- (3) An *Officer* or Person under contract with the *Town* to enforce this by-law, or the *Director* may order a Person believed to be 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 facility;
- (4) The *Director* or *Manager* of Human Resources may create a letter under RZone that trespasses a person from *Town*-owned property if a contravention of the by-law has occurred.;
- (5) Park and Recreation Area users are subject to all applicable *Town* by-laws and all provincial and federal laws and regulations. All Persons violating any by-law or law may be required to leave any Park or Recreation Area;

7.2 Enforcement – Order to Discontinue Activity

- (1) If an *Officer* or Person under contract with the *Town* to enforce this by-law is satisfied that this by-law has been contravened, the *Officer* may make an order, known as an Order to Discontinue Activity, requiring the Person who contravened the by-law, or who caused or permitted the contravention to discontinue the contravention or resolve the matter as specified;
- (2) An Order to Discontinue Activity shall set out:
 - (a) the address of the property or name on which the contravention occurred;
 - (b) the date of the contravention;
 - (c) the reasonable particulars of the contravention of the by-law;
 - (d) the required remedial action and
 - (e) the date by which there must be compliance with the order.

(3) The Order to Discontinue Activity may be served personally on the Person to whom it is directed; by e-mail or registered mail to the last known address of that Person, in which case it shall be deemed to have been given on the 5th day after it is mailed. Service on a corporation can be effected by registered mail to the corporate mailing address;

(1) No Person shall contravene an Order to Discontinue Activity.

7.3 Enforcement - Fail To Comply

(1) Where a Person defaults in complying with a direction, requirement or Order under this By-law to do a matter or thing, the Officer may, with such assistance from others as may be required, enter the land on which the contravention occurred at any reasonable time, and carry out such direction, requirement or Order and all expenses will be the responsibility of the Person;

(2) In accordance with section 446 of the Municipal Act, the Town may recover the costs from the Person directed, required or ordered to do a matter or thing under this By-law, by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes, and such expenses shall include interest at a monthly rate of 1.25 percent and or annual rate of 15 percent;

(3) For the purposes of subsection 7.3, interest shall be calculated for the period commencing the day the Town incurs the expenses and ending on the day the expenses including the interest are paid in full.

7.4 Obstruction

(1) No Person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer;

(2) No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising or performing a duty under this by-law.

PART 8

LAND REGISTRY- REGISTER & DISCHARGE LIEN

(1) The amount of the expenses, including interest, constitutes a lien on the land upon the registration in the proper Land Registry Office of a notice of lien;

(2) Upon receiving payment of all expenses payable plus interest accrued to the date of payment, the Town shall register a discharge of the lien in the proper Land Registry;

(3) The Person will be responsible to pay the fee under the Rates & Fees By-law for the registration and discharge from the Land Registry Office;

(4) Where any of the matters or things are removed in accordance with this by-law, the matters or things may be immediately disposed of by an Officer, Director or Person assisting with the clean-up.

PART 9

FEES AND CHARGES

9.1 Authority

All expenses will be recovered with interest in relation to the administration and Enforcement of this By-law under The Municipal Act 2001, S.O. 2001, c. 25, as amended Section 446 (3) & (5).

9.2 Recovery – Contractor & Staff Time

Where action is required on the behalf of the Town, the Person responsible will pay for all contractor costs and the rates calculated under the Rates & Fees By-law for each staff member's time accumulated.

9.3 Cost of Orders & Administrative Fees

The Person will be responsible to pay rates calculated under the Rates & Fees By-law for the cost of Orders and administrative fees.

PART 10 PENALTY

10.1 Contravention of By-Law

Every Person who contravenes any provision of this By-law is guilty of an offence under the provisions of the *Provincial Offences Act, R.S.O 1990, c P.33*, as amended, and is liable on conviction to a penalty not exceeding \$5,000, exclusive of costs, subject to the provisions of the Act.

10.2 Set Fines

Every Person who contravenes any of the provisions of this By-law is guilty of an offence and liable upon conviction to a penalty as prescribed under the Provincial Offences Act.

10.3 Continuing Offences

Every Person who contravenes any of the provisions of this By-law is guilty of an offence and, pursuant to Section 429 of the *Municipal Act, 2001, c. 25*, as amended, all contraventions of this by-law are continuing offences.

10.4 Fines Transferred to Taxes

Pursuant to section 441.1 of the Municipal Act, upon the request of a Municipality that has entered into a transfer agreement under Part X of the Provincial Offences Act, the treasurer of a local Municipality may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the Provincial Offences Act to the tax roll for any property in the local Municipality for which all of the Owners are responsible for paying the fine and collect it in the same manner as municipal taxes.

10.5 Continuation – repetition of offence – prohibited

The court in which a conviction has been entered and any court of competent jurisdiction thereafter may make an Order prohibiting the continuation or repetition of the offence by the Person convicted.

PART 11 MISCELLANEOUS

11.1 By-law reference on signs - deemed to conform

On a sign Posted by the *Town* in a *Park* or Recreation Area, references to By-law _____ shall be deemed to be references to this by-law.

11.2 Short Title

This by-law may be referred to as The *Parks and Recreation* By-Law.

11.3 SEVERABILITY

In the event that any provision or part of this By-Law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-Law and all other provisions or parts thereof shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

11.4 REPEAL AND EFFECTIVE DATE

That By-law 2024-073 take effect immediately and the By-law No. 1044, By-law No. 1060, By-law No. 1350, By-law No 1755, By-law No. 2619, and By-law 2636 and all associated amendments passed by the Council of the Town of Tillsonburg be hereby repealed.

READ A FIRST AND SECOND TIME THIS 24th day of June, 2024.

READ A THIRD AND FINAL TIME AND PASSED THIS 24th day of June, 2024

MAYOR - Deb Gilvesy

CLERK - Tanya Daniels

**SCHEDULE "A"
TO BY-LAW 2024-073**

MAP OF OPEN SPACE & ENVIRONMENTAL ZONES

