

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

OFFICE CONSOLIDATION OF BY-LAW 2006-147

Consolidated on August 3, 2010

Passed by Council on June 27, 2006

Amendments:

- 1) By-law 2010-062 April 27, 2010 Sections 1.01 and 7.02

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2006 - 147

A BY-LAW TO REGULATE PUBLIC PARKS AND FACILITIES

Recitals

1. The *Municipal Act*, 2001, S.O. 2001, c.25, s.11 provides that a municipality may pass by-laws respecting matters within the sphere of jurisdiction of culture, parks, recreation and heritage.
2. The Council of the Corporation of the City of Kawartha Lakes considers it appropriate to pass such a by-law to regulate and control the use of public parks and facilities.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2006-147.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

“**ATV**” or **All Terrain Vehicle** means those vehicles designated as All Terrain Vehicles under the Highways Traffic Act, Regulation 316/03;
By-law 2010-062, effective April 27, 2010

“**authorized sign**” means any sign, notice, or other device approved by the Director to communicate information that has been placed or erected upon a park or facility to advertise to or otherwise notify the public regarding the identification or management of a park or facility or the regulation or prohibition of any activity upon or use of a park or facility;

“**Building Official**” includes Manager of Building and Municipal Law Enforcement, Chief Building Official, Building Inspectors, Plan Examiners and means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“**City**” “**City of Kawartha Lakes**” or “**Kawartha Lakes**” mean The Corporation of the City of Kawartha Lakes.

“**Council**” and “**City Council**” mean the municipal council for the City;

“**designated area**” means an area or portion of a park or facility designated by the Director for a specific use or activity;

“**Director**” means the Director of Community Services and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“**domestic animal**” shall mean any animal that is owned, harboured or kept by a person;

“**firearm**” includes, but is not limited to a rifle, handgun or spring gun, crossbow, longbow, air pellet rifle and any other weapon which releases a projectile;

“fireworks” means a pyrotechnic device or a substance that is made, manufactured or used to produce an explosion or detonation and includes Fireworks composition and manufactured Fireworks as defined in the *Explosives Regulations* made pursuant to the *Explosives Act*;

“hunt” includes to chase, pursue, follow after or on the trail of, search for, shoot at, stalk or lie in wait for, worry, molest, take or destroy any animal, whether or not the animal is captured, injured or killed;

“Lifeguard” means an individual who is trained and certified as a Lifeguard by the National Lifeguard Service;

“litter” includes dumping, throwing, placing, depositing or leaving, or causing to be dumped, thrown, deposited or left any refuse, garbage or debris of any kind or any object or substance which tends to pollute, mar or deface;

“liquor” means spirits, wine, beer, or any combination thereof, and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter;

“motor vehicle” includes an automobile, motorcycle, motor assisted bicycle, all terrain vehicle and any other vehicle propelled or driven otherwise than by muscular power.

“municipal law enforcement officer” means a person appointed by Council under the *Police Services Act* to enforce the by-laws of the City;

“Off-Road Motorcycle” means a motorcycle designed for riding cross country or over unpaved ground;

By-law 2010-062, effective April 27, 2010

“organized gathering” means a picnic, event or gathering for any purpose that involves more than ten (10) individuals;

“organized sport or activity” means a sport, game or activity by a group or organization, whether or not formally constituted and whether or not the players or members wear uniforms;

“park or facility” means land dedicated, owned or controlled (including jointly controlled) or used by the City as a public park, sports field, campground, playground, cemetery, trail, garden, forest or recreational area and all other improvements upon such land;

“police officer” means a chief of police or any other police officer in a police service which is responsible for enforcing the by-laws of the City;

“public fireworks display” means an exhibition of low or high recreational Fireworks in an open air assembly to which the public is invited or admitted, with or without a fee being charged;

“public parking or parking space” means an area in a park or facility designated for the parking of vehicles temporarily or on an hourly basis.

“rental agreement” means an agreement between a person and the City authorizing a use of or activity upon a park or facility as required under this by-law;

“run at large” means in reference to an animal, to not be under the immediate care and supervision of a person, and, in the case of a dog, means to not be kept on a leash by its owner or by another person acting on the owner’s behalf.;

“Snowmobile” means a self propelled motorized snow vehicle designed to drive primarily on snow;

By-law 2010-062, effective April 27, 2010

“special services dog” means a dog with proper identification that has been trained to provide services to a person with a disability or to a police service;

“VRTC” means the Victoria Rail Trail Corridor;

“watercraft” means any boat, jet ski or any other mechanically powered vehicle that is driven in or on a river, lake, waterfront area or body of water;

“**weapon**” includes a firearm and any other device designed or used for causing injury or death to any person or animal designed or used for threatening or intimidating any person or animal.

“**KATVA**” means the Kawartha All Terrain Vehicle Association;
By-law 2010-062, effective April 27, 2010

“**OFTA**” means the Ontario Federation of Trails Riders;
By-law 2010-062, effective April 27, 2010

“**KLSC**” means Kawartha Lakes Snowmobile Club.
By-law 2010-062, effective April 27, 2010

1.02 **Interpretation Rules:**

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) Where there is a conflict between this bylaw and any specific bylaw governing the use of the VRTC, the VRTC By-law shall prevail.
- (d) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- (e) The regulations established by this by-law respecting parks and facilities apply throughout the City.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

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| Section 2.00: Powers of Director |
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2.01 **Powers:** The Director is responsible for the operation and management of municipal parks and facilities. This authority includes but is not limited to:

- (a) temporarily close or restrict access to all or any portion of a park or facility to public use for the purposes of construction, maintenance, repairs, removal of hazards, prevention of overcrowding, special events, organized gatherings, organized sports or activities or any other reasonable cause;
- (b) designate areas where specified recreational activities are permitted and prohibited;
- (c) establish and enforce rules for specific recreational activities;
- (d) designate areas for vehicle travel;
- (e) designate or prohibit public parking areas and parking spaces including hourly length of parking allowed for vehicles;
- (f) designate areas that are closed for the protection of grass, other vegetation and wildlife;
- (g) establish hours for the daily opening and closing of parks or facilities and temporarily extend the set hours of a park or facility to accommodate:
 - (i) a special event such as a statutory holiday celebration or a Council-approved event;
 - (ii) an organized gathering; or
 - (iii) an organized sport or activity;
- (h) review applications for rental agreements and issue rental agreements;
- (i) collect fees in respect of any activity upon or use of a park or facility as prescribed by policy;
- (j) require a person to submit proof of insurance in respect of any activity upon or use of a park or facility as a condition for the issuance of a rental agreement;

- (k) permit such uses or activities as necessary or desirable for the development or maintenance of any park or facility;
- (l) authorize and post signs; and
- (m) make incidental rules and regulations that are not inconsistent with this by-law.

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| Section 3.00: Rental Agreement Application, Fees, Issuance, Revocation |
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- 3.01 **Rental Agreement Application:** A person desiring to use a park or facility for an activity or other use for which a rental agreement is required under this by-law shall apply for a rental agreement by following the established booking procedure and submitting to the Director in advance of the proposed activity or use.
- 3.02 **Revocation of Rental Agreement:** The Director may revoke the rental agreement of any person who fails to comply with the terms and conditions of that rental agreement or violates any provision of this by-law or other City by-law or policy or provincial or federal laws and regulations.
- 3.03 **Refusal of Rental Agreement:** In the event that the Director refuses to grant for any reason, suspends or revokes a Rental Agreement, and the Applicant requests that the matter be considered by Council, the Director shall prepare a report for the consideration of Council and the Applicant shall be provided with at least two (2) weeks notice of the meeting of Council to consider the refusal to grant, revocation or suspension and shall have the opportunity to address Council prior to Council making a decision.
- 3.04 **Compliance with Other Governmental/Public Authority Bodies:** The issuance of a rental agreement shall not relieve any person from complying with all applicable municipal, provincial and federal laws and regulations in force from time to time, including any requirement to possess an additional license or permit in respect of the activity upon or use of a park or facility permitted by the rental agreement.
- 3.05 **City Exempt From Fees:** The Director may exempt the City from the payment of any fees prescribed in respect of a rental agreement issued to the City, in keeping with the Council approved Fees and Charges Policy in effect at the time.

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| Section 4.00: Park or Facility Hours |
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- 4.01 **Park or Facility Hours:** Unless otherwise specified by the Director, parks or facilities shall be closed to the public from 11:00 o'clock p.m. to 6:00 o'clock a.m. on all days.
- 4.02 **No Entry After Hours:** No person, other than Police Officers, Municipal law Enforcement Officers and City employees or agents carrying out their employment duties, shall enter upon or remain in a park or facility when a park or facility is closed, unless authorized by a rental agreement.

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| Section 5.00: General Park or Facility Regulations |
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- 5.01 **Restricted Areas:** No person shall enter into an area of a park or facility to which the admission of the public is prohibited, unless authorized by a rental agreement.
- 5.02 **Liquor:** No person shall bring, keep or consume upon any park or facility any liquor, unless that use is in accordance with the *Liquor Licence Act*, and all other Municipal, Provincial and Federal laws and regulations, and is part of an event authorized by a rental agreement.
- 5.03 **Firearms and Weapons:** No person shall possess or use any firearm or weapon in a park or facility, unless authorized by a written agreement with the City and in accordance with provincial or federal laws and regulations.
- 5.04 **Fireworks:** No person shall ignite, discharge or set off any fireworks in a park or facility, except as a controlled and supervised public fireworks display or a fireworks display authorized by a rental agreement and in accordance with all municipal by-laws, provincial or federal laws, regulations, and permits.

- 5.05 **Hunting:** No person shall hunt in any park or facility. Hunting may be permitted within the Somerville forest provided same is in compliance with all other applicable Municipal By-Laws and Policies, and Provincial and Federal laws and regulations.
- 5.06 **Injury, Damage, Vandalism and Decoration:** No person shall, in any park or facility:
- a) climb any tree, building or other structure or equipment unless it is designed and intended or provided for climbing;
 - b) break, injure, deface, vandalize, move, remove or tamper with anything which is the property of the City, including any flower, vegetation, building, structure, swimming or wading pool, fountain, bridge, fence, wall, playground apparatus, bench, authorized sign, utility fixture or equipment;
 - c) move, remove or throw stones, rocks, boulders, soil, sand or wood;
 - d) in any manner disturb ground which is under repair, prepared for planting, newly seeded or in an area posted to that effect; or
 - e) in any manner decorate, mark or adorn any sign, tree, natural feature, building or structure within a park or facility without the written approval of the Director;
 - f) undertake any construction works upon the lands without written permission from the City to do so.
 - g) any activity which would be a violation of any Municipal By-law, Provincial or Federal law or regulation.
- 5.07 **Dumping:** No person shall dump or deposit snow, fill, soil, garbage, garden waste, building or construction materials or any discarded item in any park or facility, without written approval of the Director.
- 5.08 **Littering:** No person shall deposit any waste or offensive matter or other substance of any kind in a park or facility, except in a receptacle provided for such purposes.
- 5.09 **Access:** No person shall cross over or otherwise use a park or facility by a vehicle to access private property for any reason without obtaining the prior written approval of the Director and paying of a damage deposit if required by the Director.
- 5.10 **Encroachment:** No person shall encroach upon or take possession of any part of a park or facility by any means whatsoever, including, without limitation, by constructing, installing, storing or maintaining of a fence, gate, building, dock, or other fixture or chattel in or upon the park or facility, unless authorized by written approval from the City.
- 5.11 **Protection of Wildlife:** No person shall: hunt, kill, attempt to kill, maim, injure, trap, catch, collect, remove or disturb any wildlife including and without limitation animals, fish, nests or eggs in a park or facility unless authorized by a Provincial or Federal governmental licensing body.
- 5.12 **Animals:** No person as owner, or having control of any domestic animal, shall:
- a) allow it to run at large in any park or facility, except in a designated area;
 - b) allow it to disturb the enjoyment of any person, or to cause injury or damage to any person, other animals or property;
 - c) permit any animal to enter a designated swimming area, beach, garden, playground, sportsfield, or any other area posted to prohibit same. This provision shall not apply to persons reliant upon a special services dog.
- 5.13 **Fires and Barbeques:** No person shall, in any park or facility:
- a) build or attempt to build an open fire or fire pit unless authorized by a rental agreement; and in accordance with all other municipal regulations.
 - b) use a charcoal or other solid-fueled portable barbeque outside of an area posted to allow such use unless authorized by a rental agreement;
 - c) leave a barbeque or fire without extinguishing the barbeque or fire and ensuring that remaining embers are cold;
 - d) fail to safely store or remove from the lands any material of a flammable nature;
 - f) throw a lighted match, cigarette, cigar, pipe, similar object or burning substance
- 5.14 **Camping and Lodging:** No person shall dwell, camp or lodge in a park or facility, except for designated campgrounds as set out in Schedule "A", and those

who occupy such lands designated as campgrounds shall be subject to the regulations set out and agreed to as a condition of the rental agreement for any such campground.

- 5.15 **Tents and Structures:** Unless authorized by rental agreement, no person shall place, install or erect any temporary or permanent tent or structure in any park.
- 5.16 **Disorderly Conduct:** No person shall use obscene or vulgar language, conduct him or herself in a disorderly or offensive manner in a park or facility, or engage in any behaviour that obstructs the free use and enjoyment of the park or facility by any other person.
- 5.17 **Loudspeakers:** No person shall use or operate loud speakers or amplifying equipment in a park or facility unless authorized by a rental agreement and in accordance with the City of Kawartha Lakes Noise By-law.
- 5.18 **Advertising and Business Operation:** Unless authorized by Rental Agreement or by written authorization of the Director; and only as permitted by regulating bylaws and licensing requirements, no person shall, in a park or facility:
- a) distribute, place or erect any signs, notices, or other materials for the purpose of advertising any commercial activity;
 - b) sell or offer for sale any goods, food or services;
 - c) take or permit to be taken for remuneration any film, photograph, videotape, or television broadcast
- 5.19 **Horseback Riding:** No person shall ride or lead a horse in a park or facility, except in designated parking areas or those areas of a park or facility designated for equestrian use or unless authorized by rental agreement or written approval of the Director.
- 5.20 **Cycling and Skating:** No person shall cycle, inline skate, roller skate, skateboard or use any other wheeled device propelled by human power or gravity in any park or facility, except in those areas of a park or facility designated for such activities, nor shall they:
- a) engage in reckless skating/cycling;
 - b) cycle/skate or act in such a manner as to interfere with, endanger or disrupt any other person.
- 5.21 **Animal Waste:** Every person bringing an animal upon a park or facility shall clean up any defecation from that animal and dispose of the defecation in a sanitary manner.
- 5.22 **Water Pollution:** No person shall:
- a) foul or pollute any area of water in a park or facility, including a ditch, stream, storm drain, pool, or pond, and no person shall access or trample the riparian edge of any stream, pond or lake in a park or facility unless that area is designated as an access point;
 - b) deposit any food, grain or other matter in any pond, river, stream, lake, spray pad or other body of water in any park to feed geese, ducks, gulls or any other animal;
 - c) pollute any pond, swimming pool, spray pad or waterfront area in or connected with a park or park building with soaps, detergents, shampoos or other toxic substances.

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| Section 6.00: Park or Facility Use, Gatherings and Games |
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- 6.01 **Use at Own Risk:** The use by or presence of any person in any park or facility for any activity or purpose including without limitation, skating on natural or artificial ice surfaces, swimming or using playground equipment, shall be entirely at that person's own risk, and the parent or guardian of any person under the age of 12 years must ensure that the minor is adequately supervised at all times while on or in any park or facility.
- 6.02 **Public Meeting:** No person shall hold a march, drill, parade, political, religious gathering, demonstration, procession, play, ceremony, concert, entertainment or other public meeting except when controlled and organized by the City or as authorized by Rental Agreement in any park or facility.

- 6.03 **Tournaments:** No person shall use any park, sports field, court, or other park or facility grounds for tournaments, series of games or competitions until such person has paid to the City all fees and charges and/or has a rental agreement for the use of such facility.
- 6.04 **Organized Gatherings:** No person shall interfere with an organized gathering in a park or facility that is authorized by a rental agreement.
- 6.05 **Organized Sports or Activities:** No person shall interfere with an organized sport or activity in a park or facility that is authorized by a rental agreement.
- 6.06 **Bathing and Swimming:** No person shall:
- a) fail to obey the instructions of any lifeguard or other authorized City personnel while in or adjacent to any public swimming pool or natural body of water in a park or facility; or
 - b) swim, bathe or wade in waters of any fountain or ornamental pond in a park or facility.
- 6.07 **Use of Washrooms and Changing Rooms:** No person shall enter into any portion of any washroom, bathhouse or changing room in a park or facility that is set apart for members of the opposite sex from that person, unless that person is under the age of seven (7) and in the presence and care of a parent or guardian.
- 6.08 **Designated Areas for Participation:** No person shall take part or assist in any activity in a park or facility involving thrown or otherwise propelled objects such as pucks, balls or rings except upon designated sport surfaces and other areas set apart for these forms of recreation.
- 6.09 **Gambling and Wagering:** No person shall, gamble or wager in a park or facility, unless authorized by a rental agreement and the event is licensed in accordance with the *Gaming Control Act*.
- 6.10 **Fishing:** No person shall fish in any area of a park or facility posted to prohibit fishing; and in no case shall any person fish contrary to any applicable Provincial or Federal law or regulation.
- 6.11 **Golfing:** No person shall practice golf or strike a golf ball in a park or facility.
- 6.12 **Remote-Controlled or Other Powered Devices:** No person shall operate any remote controlled or other powered device, including model versions of aircraft, boats, rockets, vehicles, or amusement rides in a park or facility, unless authorized by a rental agreement.
- 6.13 **Aircraft:** No person shall tether, launch or land any fixed-wing aircraft, helicopter, hot air balloon, hang glider, ultra light aircraft or similar conveyance in any park or facility, unless authorized by a rental agreement.
- 6.14 **Ice Skating:** No person shall, while on any artificial or natural ice surface located in any park or facility:
- a) skate or act in such manner as to interfere with, endanger or disrupt any other person; or
 - b) fail to obey the instructions of any skating supervisor, rink patrol or authorized City personnel.
- 6.15 **Skiing, Tobogganing and Sledding:** No person shall cross-country or downhill ski, toboggan, snowboard, skibob, or sled in any area of a park or facility posted to prohibit such activities.

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| Section 7.00: Motorized Vehicles in Parks or Facilities |
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- 7.01 **Prohibited Activity:** No person shall:
- a) instruct, teach, or coach any person in the driving or operation of a motor vehicle in any public parking area or parking space;
 - b) park, drive or operate any motor vehicle or any other vehicle in any park or facility, except in those areas designated for that use;
 - c) park or leave a vehicle in designated parking areas when the park or facility is closed;
 - d) operate a motor vehicle, bicycle or any other vehicle upon any part of the lands at a speed in excess of the posted speed limit;

- e) draw upon the shoreline for docking purposes any watercraft, except where docks are provided for that purpose;
- f) drive or propel a vehicle or cause to be driven or propelled in any park in such a manner as to disturb the enjoyment thereof by any person, cause injury to any person or animal or cause damage to any lawn, flower bed, tree, ground or facility in any park;
- g) maintain, repair, clean, polish or winterize any vehicle including any watercraft in any park or facility or portion thereof.

7.02 **Permitted Motorized Use within Somerville Forest** –

- a) Motorized use of the trails within the Somerville Forest shall only be permitted on Trails numbers B-104, 339 and 340 or commonly referred to as the Marsh Trail, Millennium Trail, Heritage Trail and N/S Main Trail.
- b) Permitted motorized use will be restricted to snowmobile use, ATV use and two-wheel Off Road Motorcycles.
- c) All ATV's and Off-Road Motorcycles will meet those designations as prescribed under the Highway Traffic Act, Regulation 316/03.
- d) All snowmobiles will be defined as a self propelled motorized snow vehicle designed to be driven on snow.
- e) No person shall operate a motorized vehicle without proper licensing and insurance.
- f) No person will operate a motorized vehicle without being a member of the KATVA, OFTR or KLSC or reciprocating organization.
- g) No person shall operate a Snowmobile, ATV or Off-Road Motorcycle in the Somerville Forest between April 1st and April 30th, inclusive.
- h) No person shall operate a snowmobile in the Somerville Forest from April 1st to November 30th, inclusive.
- i) No person shall operate an ATV or Off-Road Motorcycle in the Somerville Forest from December 1st of one year to April 30th of the following year.

Section 7.02, By-law 2010-062, effective April 27, 2010

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| Section 8.00: Enforcement and Penalties |
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8.01 **Offences:** Any person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a fine as provided in the *Provincial Offences Act* and to any other applicable penalties.

8.02 **Obstruction:** No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.

8.03 **Exclusions and Exemptions:** This by-law shall not apply to:

- a) drivers, operators or other personnel of ambulances, police or fire department vehicles engaged in the performance of emergency duties;
- b) employees or agents of the City while engaged in works or services undertaken for or on behalf of the City in any park or facility.

8.04 **Enforcement:** Any City Municipal Law Enforcement Officer, Police Officer or authorized agent appointed by the City shall enforce this by-law.

8.05 **Removal:** No person shall remain in a park or facility after being requested to vacate the premises and a Police Officer may remove from a park or facility any person who violates any provision of this By-Law and who has refused to leave immediately after being requested to do so by a Police Officer, the Director or a Municipal Law Enforcement Officer;

8.06 **Permission:** Notwithstanding any other provision of this by-law, no action or activity shall be deemed to be in contravention of this by-law if special written permission for such action or activity shall have first been sought and obtained from Council or its duly authorized representative in that regard.

8.07 **Inspection:** A Building Official, Municipal Law Enforcement Officer, Police Officer and any employee or agent of the City authorized to administer or enforce this by-law may enter at all times on a park or facility to ascertain whether the requirements of this by-law are being met and regulations observed.

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| Section 9.00: Administration; Effective Date |
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9.01 **Administration of the By-law:** The Director of Community Services is responsible for the administration of this by-law.

9.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 27th day of June, 2006.

Mayor

Clerk

SCHEDULE "A" TO BY-LAW 2006-147
DESIGNATED CAMPGROUNDS

| <u>PARK NAME</u> | <u>LOCATION</u> |
|-------------------------|-----------------|
| Beach Park Trailer Park | Bobcaygeon |
| Centennial Park | Kirkfield |