

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2008-34

BEING A BY-LAW TO REGULATE PARKS AND FACILITIES IN THE TOWNSHIP OF WEST LINCOLN.

*Sched B Not
Approved by Just
Revised by
2009-05*

WHEREAS the *Municipal Act*, 2001, as amended, Section 11, provides that a municipality may pass by-laws respecting matters pertaining to parks and recreation;

AND WHEREAS all park properties and facilities under the jurisdiction and/or control of the Corporation of the Township of West Lincoln are for the use, benefit and pleasure of the public;

AND WHEREAS it is necessary to prevent any person from interfering improperly with such use, benefit and pleasure;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN HEREBY ENACTS AS FOLLOWS:

1. **DEFINITIONS:**

For the purpose of this by-law, the following definitions shall apply:

- (a) "Alcoholic Beverage" means spirits, liquor, beer, wine 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.
- (b) "Camp" means to erect a structure, hut or tent for shelter.
- (c) "Corporation" shall mean the Corporation of the Township of West Lincoln.
- (d) "Facility" shall mean any area, or structure under the jurisdiction of the Corporation of the Township of West Lincoln.
- (e) "Law Enforcement Officer" means the by-law enforcement officer of the Corporation or any other officer authorized to enforce this by-law and shall include a constable or police officer appointed under the authority of the Provincial Offences Act.
- (f) "Park" shall mean a park, playground, playing field, beach, recreation centre, community building, square, garden, water, pedestrian walkway/trail or any other area of the Township, owned, leased or used by the Corporation and devoted to active or passive recreation and shall include any lane or walkway or public parking area leading thereto.
- (g) "Township" shall mean the jurisdictional boundary of the Corporation of the Township of West Lincoln.

2. **SHORT TITLE AND APPLICATION:**

This by-law shall be known as the "Parks By-law" and the provisions of this by-law shall apply to the park and recreational areas outlined in Schedule "A" annexed hereto which is hereby declared to be and form part of this by-law and to any other areas from time to time which may be acquired by the Township of West Lincoln for park purposes.

3. **ANIMALS:**

- (A) No person shall engage in any animal racing or ride a horse in a park except at a place expressly designated by the Corporation for such purposes.

4. **GAMES:**

- (A) No person shall have in their possession any bows and arrows or discharge arrows in or onto a park except at an archery range designated by the Corporation.
- (B) No person shall operate a motorized vehicle, in or on designated park land unless otherwise posted.

- (C) No person shall operate a motor driven model airplane, airplane, helicopter, rocket or boat except at a place designated by the Corporation for such purposes.
- (D) No person shall in any park carry or discharge firearms, fireworks, axes or air guns (including bb guns and paint ball guns) without the authority of the Township.
- (E) No person shall in any park play golf, drive a golf ball or use golf clubs or other equipment or drive a golf cart in a park except at a place designated by the Corporation for that specific purpose.

5. **HOURS OF OPERATION:**

- (A) No person shall:
 - i) remain or enter into any park between dusk, and dawn, except as a participant or spectator of any function approved by the Corporation; or
 - ii) remain in a park upon completion of any activity as a participant or spectator or any function between dusk and dawn.
 - iii) enter any place where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted.

6. **PERMITS/WRITTEN APPROVAL FOR EVENTS:**

- (A) No person shall do, perform, or participate in any of the following activities without a permit/written approval from the Corporation, subject to the conditions attached to the granting of such permit/written approval and in accordance with Paragraph (B):
 - i) Sell, or offer for sale, or expose for sale, or advertise for sale in a park, any:
 - (a) food or drink,
 - (b) goods, wares or merchandise,
 - (c) art, skill or services
 - ii) Practice or carry on or conduct or solicit for any trade, calling, business or occupation.
 - iii) Convene or conduct any parade or procession, or take part in any parade or procession
 - iv) Convene or conduct or hold a public meeting or deliver a speech as a member of, or to members of any group or to members of the general public.
 - v) Have in his/her possession any alcoholic beverage.
 - vi) Organize or arrange an event, gathering or picnic at which more than one hundred (100) persons are invited or expected to attend.
 - vii) Light any open fire in any park, except in places, specifically provided by the Corporation.
 - viii) Camp in any park, or construct any tent or other structure.
 - ix) Play any organized team sport.
- (B) i) Should a person receive from the town a permit/written approval to do any one or more of the matters set out in Section 6 (A) above, then such person shall do such matter or matters only:
 - (a) in those areas designated by the Corporation for the carrying on of such matter or matters; and
 - (b) in accordance with all Federal, Provincial, and Municipal laws and by-laws thereto.

The Corporation may require, as a condition of granting permission for any activity, in any park or facility, the prior production of a certificate of insurance coverage for both property and bodily injury in an amount up to \$5,000,000.00 or such lesser amount as the Corporation may deem adequate, having the Corporation named as a co-insured.

7. **PROPERTY: ENCROACHMENT:**

- (A) i) No person shall, being the owner or tenant of land abutting a park, cause or permit the planting of any hedge, tree, shrub, garden, or construction of any fence, storage shed, retaining wall or structure of any kind, the keeping of any compost heap or the placing of any string, wire, chain, rope or similar material on Township property.
 - (a) Where a person is in contravention of this section the law enforcement officer shall send a notice by registered mail to the owner and the occupant at his last known address requiring him/her to conform to the requirements of this section.
 - (b) Where a notice has been sent pursuant to this section of the by-law, and the requirements of this notice have not been complied with, the Corporation shall cause the work to be done and the Corporation may recover such expense by action or in like manner as municipal taxes.

8. **PROPERTY: PROTECTION:**

- (A) No person shall, in a park, cut, break, injure, deface, disturb or remove any property including:
 - i) a tree, shrub, bush, flower, plant, grass, wood, soil, sand, rock or gravel,
 - ii) a building, cage, pen or monument.
- (B) No person shall climb on any tree, bush, rock, structure, building, cage, pen, monument or equipment unless it is specifically for the purpose of climbing.
- (C) No person shall, while in a park, build a structure, whether permanent or temporary without written permission from the Township.
- (D) No person shall, in a park, mark, write upon, damage or otherwise injure any real or personal property of the Township including:
 - i) any part of the interior or exterior of a building.
 - ii) any monument, fence, bench or other structure.
- (E) No person shall:
 - i) disturb, molest, injure, wound, attempt to kill, hunt or trap, or kill any animal or bird in a park,
 - ii) touch, interfere with, remove, or injure any bird's nest or the eggs, or the young birds therein.
- (F) No person shall:
 - i) leave or deposit any paper, bottles, broken glass, cans, rags, garbage, rubbish, debris or refuse of any kind, in a park, except in a receptacle provided by the Corporation for that purpose,
 - ii) deposit or leave any paint, grease, oil, offal, or any dangerous matter that has an odour or appearance found to be offensive by users of the park,
 - iii) scatter any paper, cardboard, or any other material in a park.
- (G) No person shall discharge, dump or leave any construction material, earth, dirt, rock, snow or stone or any other materials in a park, or on, or any ravine, slope, or other land access way to a park or a park site, except with the prior written permission of the Corporation.

9. **SWIMMING/DIVING:**

- (A) No person shall:
 - (i) swim, bathe, wade in or enter the waters of a fountain, pond, lake or stream in a park, except when and where designated for such purposes by the Corporation.
 - (ii) use any bridge or walk bridge as a diving platform in a park area.

10. **USER CONDUCT:**

While in a park no person shall swear or use obscene, offensive or insulting language, fight, be found under the influence of or in possession of an alcoholic beverage or conduct himself in a disorderly manner.

11. **GENERAL PROVISIONS:**

- (A) The Corporation may, at any time, close to the public any area or any portion of an area or any building in the area, and may require the payment of a fee by any person desiring to enter any area or building and no unauthorized person shall enter any area or such portion of any area or any building in any area so closed without first paying the fee for admission to the person duly authorized by the Corporation to collect such fee.
- (B) The Niagara Regional Police and Law Enforcement Officers of the Corporation of the Township of West Lincoln shall enforce the provisions of this by-law.

12. **PENALTIES:**

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.

13. **SEVERABILITY:**

It is the declared intention of the Council of the Corporation of the Township of West Lincoln that any section or part of section of this by-law which may subsequently be held to be illegal shall be severable from the remainder of the by-law and shall not be deemed to have persuaded or influenced the Council to pass the remainder of the by-law.

14. **FORCE AND EFFECT OF BY-LAW:**

This by-law shall come into force and take effect on the date of the passing thereof.

15. **BY-LAW REPEALED:**

By-law No. 97-65 be and is hereby repealed.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS
25th DAY OF MARCH, 2008.**


MAYOR KATIE TROMBETTA


CAROLYN LANGLEY, CLERK

SCHEDULE "A"
to
By-law No. 2008-34

THAT the following municipally owned and/or controlled properties as shown in Schedule "A" to this by-law, be designated as park and recreational areas within the Township of West Lincoln.

- (1) Leisureplex Township Park
- (2) West Lincoln Community Park
- (3) Wellandport Community Park
- (4) Caistor Community Park
- (5) Rock Street Park
- (6) Silverdale Park
- (7) South Lincoln High School Fields & Parkette
- (8) College Street Park & Fields
- (9) Caistor School Park & Fields
- (10) St. Martin's School Park & Fields
- (11) Gainsborough School Park & Fields
- (12) Christian High School Fields
- (13) Covenant Christian School Fields
- (14) Griffin Street Memorial Parkette
- (15) Centennial Parkette
- (16) Train Station Parkette
- (17) Wade Road Walk Bridge Area
- (18) Ellis Street to Canborough Street Pathway
- (19) Alma Park
- (20) Anastasio Park
- (21) Station Meadows Park
- (22) Old Bridge Park
- (23) Murgatroyd Parkette
- (24) Caistorville Library
- (25) Townline Road Park (Alma Property)
- (26) Caistorville Library Park

PART 1 PROVINCIAL OFFENCES ACT
SHORT FORM WORDING & SET FINES

BY-LAW NO. 2008-34
(Schedule B)

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
PARKS BY-LAW

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1.	Race animal in a park	Section 3(A)	\$300.00
2.	Ride a horse in a park	Section 3(A)	\$300.00
3.	Have bows and arrows in a park	Section 4(A)	\$300.00
4.	Discharge arrows in a park	Section 4(A)	\$300.00
5.	Operate motorized vehicle in a park	Section 4(B)	\$300.00
6.	Operate model (airplane/helicopter/rocket/boat) in undesignated place	Section 4(C)	\$300.00
7.	Have a firearm, fireworks, axes or air guns (including BB guns and paint ball guns) in a park	Section 4(D)	\$300.00
8.	Discharge firearms, fireworks or air guns in a park	Section 4(D)	\$300.00
9.	Play golf, drive a golf ball, use golf clubs or other equipment or drive a golf cart in a park	Section 4(E)	\$300.00
10.	(Remain/Enter) park between dusk and dawn	Section 5(A)(i)	\$300.00
11.	Enter (prohibited/restricted) place	Section 5(A)(iii)	\$300.00
12.	(Sell/Offer for sale/Expose for sale/Advertise for sale) in a park (food/drink) without permit/written approval	Section 6(A)(i)(a)	\$300.00

**PART 1 PROVINCIAL OFFENCES ACT
SHORT FORM WORDING & SET FINES
BY-LAW NO. 2008-34**

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
PARKS BY-LAW**

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
13.	(Sell/Offer for sale/Expose for sale/Advertise for sale) in a park (good/wares/merchandise) without permit/written approval	Section 6(A)(i)(b)	\$300.00
14.	(Sell/Offer for sale/Expose for sale/Advertise for sale) in a park (art/skill/services) without permit/written approval	Section 6(A)(i)(c)	\$300.00
15.	(Practice/Carry on/Conduct/Solicit) for any (trade/calling/business/occupation) without permit/written approval	Section 6(A)(ii)	\$300.00
16.	(Convene/Conduct) a (parade/procession) without permit/written approval	Section 6(A)(iii)	\$300.00
17.	(Convene/Conduct/Hold) a public meeting without permit/written approval	Section 6(A)(iv)	\$300.00
18.	(Organize/Arrange) (event/gathering) of more than 100 persons without permit/written approval	Section 6(A)(vi)	\$300.00
19.	Light an open fire in a park without permit/written approval	Section 6(A)(vii)	\$300.00
20.	Camp in a park without permit/written approval	Section 6(A)(viii)	\$300.00
21.	Construct (tent/structure) in park without permit/written approval	Section 6(A)(viii)	\$300.00
22.	Play team sport without permit/written approval	Section 6(A)(ix)	\$300.00
23.	(Cause/Permit) planting a (tree/hedge/shrub/garden) on Township property	Section 7(A)(i)	\$300.00
24.	(Cause/Permit) construction of a (fence/storage shed/retaining wall/structure) on Township property	Section 7(A)(i)	\$300.00
25.	(Cause/Permit) keeping of compost heap on Township property	Section 7(A)(i)	\$300.00

**PART 1 PROVINCIAL OFFENCES ACT
SHORT FORM WORDING & SET FINES
BY-LAW NO. 2008-34**

NA

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN
PARKS BY-LAW**

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
26.	(Cause/Permit) placing of (string/wire/chain/rope) on Township property	Section 7(A)(i)	\$300.00
27.	Cut, break, injure, deface, disturb a (tree/shrub/bush/flower/plant/grass/wood/soil/sand rock/gravel)	Section 8(A)(i)	\$300.00
28.	Climb on any (tree/bush/rock/structure/building cage/pen/monument/equipment)	Section 8(B)	\$300.00 \$100 <i>NA</i>
29.	Build a structure	Section 8(c)	\$300.00
30.	(Disturb/Molest/Injure/Wound/Attempt to kill/Hunt/Trap/Kill) an (animal/bird) in a park	Section 8(E)(i)	\$300.00
31.	(Touch/Interfere with/Remove/Injure) a (bird's nest/egg/young birds)	Section 8(E)(ii)	\$300.00
32.	(Leave/Deposit) (paper/bottles/broken glass/cans/rags/garbage/refuse/debris) in a park	Section 8(F)(i)	\$300.00
33.	(Deposit/Leave) (paint/grease/oil/offal/dangerous matter) in a park	Section 8(F)(ii)	\$300.00
34.	(Swim/Bathe/Wade/Enter) waters of a (fountain/pond/lake/stream) in a park	Section 9(A)(i)	\$300.00
35.	Use (bridge/walkbridge) as a diving platform in a park	Section 9(A)(ii)	\$300.00

Note: The general penalty provision for the offences listed above is Section 12 of Bylaw 2008-34, a certified copy of which has been filed.