

**THE CORPORATION OF THE VILLAGE  
OF SOUTH RIVER**

**BY-LAW 23-2006**

**A By-law to designate and regulate public parks and parkland**

**WHEREAS** pursuant to Section 94 of the Municipal Act, R.S.O 2001, c 17, Schedule A, s 17, a municipality may acquire land, establish and lay out public parks, and exercise the powers conferred by the Public Parks Act;

**AND WHEREAS** pursuant to Section 95 (2) of the Municipal Act, R.S.O 2001, a municipality may prohibit motor vehicles and conveyances of every description on any sidewalk, pathway or foot path within a park, which is used by or set apart for pedestrians;

**AND WHEREAS** pursuant to Section 13 of the Public Parks Act, a municipality may pass by-laws for the use, regulation, protection, and government of parks, and attach penalties for the infraction thereof;

**AND WHEREAS** pursuant to Section 13 of the Public Parks Act, a municipality may acquire by purchase lease or otherwise, land, rights and privileges required for park purposes;

**AND WHEREAS** pursuant to Section 128(4) of the Highway Traffic Act, a municipality may impose speed limits within a park;

**AND WHEREAS** pursuant to Section 101 and 102 of the Municipal Act and Section 170 (15) of the Highway Traffic Act, a municipality may dispose of a motor vehicle parked or standing in a public park in contravention of a by-law, and has a lien on such vehicle pursuant to the Repair and Storage Liens Act;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE VILLAGE OF SOUTH RIVER ENACTS AS FOLLOWS:**

1. Definitions

- (a) "animal" means any live non-human vertebrate or invertebrate, and without limiting the generality of the foregoing, includes any domestic animal raised for commercial purposes, animal kept as a working animal, animal kept for breeding, showing, sporting, or a household pet; but does not include any animal naturally inhabiting the park in which it is found.
- (b) "bicycle" means a bicycle as defined by the Highway Traffic Act, which is propelled only by the efforts of the rider, and does not include a motorcycle or mini-bike, dirt bike or scooter.
- (c) "boat" means a craft, whether powered or not powered, which is designed for carrying persons or chattels over water, and includes a ship under the jurisdiction of the Parliament of Canada pursuant to the Constitution Act, including personal watercraft.
- (d) "commercial vehicle" means any motor vehicle carrying a commercial motor vehicle licence under the Highway Traffic Act, which exceeds one-half ton capacity, and includes emergency vehicles, buses, tractors used for hauling trailers on the highway, and any vehicle from which anything is sold.
- (e) "Council" means the Council of the Corporation of the Village of South River.
- (f) "emergency vehicle" means a vehicle providing ambulance, fire, police or similar services for the benefit and safety of the general public.
- (g) "motor vehicle" means a motor vehicle as defined by the Highway Traffic Act.

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- (h) "motorized snow vehicle" means a motorized snow vehicle as defined by the Motorized Snow Vehicles Act.
- (i) "park" means property owned by the Village, or made available to the Village by lease, agreement or otherwise for park purposes, including any water lot and area adjacent to parkland, that is at the date of this by-law or hereafter established, including any easements appurtenant thereto and including all buildings, structures, facilities, erections and improvements located in or on such property.
- (j) "parkland" means land, whether or not covered by water, which lies within a park.
- (k) "Village" means the Corporation of the Village of South River; and
- (l) "vehicle" means any bicycle, farm tractor, mobile home, motorcycles, road building machine, self-propelled implement of husbandry, trailer, truck, motor vehicle, all-terrain vehicles, mini-bike, carriage, wagon, sleigh, motorized snow vehicle, commercial vehicle, emergency vehicle, or any other conveyance of persons or things on land.

2. Statutory References

Any reference in this by-law to a statutory provision is a reference to the statute of that name in effect in the Province of Ontario, as amended from time to time.

3. Designation as Public Parks

The lands shown on Schedules "B", are hereby designated as public parks.

4. General Provisions

- (a) This by-law applies to every park within the Village, except to any portion of a park which is a building maintained and operated as a community recreation center pursuant to the Community Recreation Centers Act.
- (b) Nothing in this by-law prevents the use or operation in a park of a wheelchair or similar assistive device, a baby carriage, a child's wagon or other conveyance of like nature.
- (c) Nothing in this by-law prevents the passage along the trail, or any other recreation trail so designated by the Village, of any bicycle or horse, within that area of the park which forms part of such trail, but not in the remainder of the park which is outside the boundaries of such a trail.
- (d) Nothing in this by-law prohibits the access of emergency vehicles or boats used for emergency purposes to any part of the park, for the purpose of carrying out their emergency functions.
- (e) Nothing in this by-law prohibits the use in any park of any vehicle or boat owned by the Village, or owned by a person under contract with the Village to provide services in respect of the park, when the vehicle or boat is engaged in repair, maintenance, garbage collection, and similar activities for the benefit of the administration of the park.
- (f) Council may delegate to a Village staff member by resolution, any power to authorize an activity, and any decision to exercise a power under sections 8(f) and 9(f), in this by-law.

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5. Firearms, Fireworks and Projectiles

- (a) No person shall fire or discharge any firearm, airgun, bow and arrow, crossbow, catapult or similar mechanism in the park, unless authorized in writing by Council.
- (b) No person shall carry any firearm, airgun, bow and arrow, crossbow, catapult or similar mechanism in a park within the boundary of the Corporation of the Village of South River unless authorized in writing by Council.
- (c) No person shall set off firecrackers, rockets, torpedoes or any type of fireworks in a park, unless authorized in writing by Council.

6. Personal Activities

- (a) No person shall drop litter in a park.
- (b) No person shall leave animal bodily waste from animals in the park.
- (c) No person shall deposit household or commercial garbage, garden refuse, or other waste in the park.
- (d) No person shall erect a temporary or permanent building or structure or tent within a park, unless authorized in writing by Council.
- (e) No person shall contravene any rules or regulations posted at a park, relating to the use of any of the lands, beaches or facilities at the park.
- (f) No person shall disturb, cut or dig up any tree, shrub, plant, soil or rock within a park, unless authorized in writing by Council.
- (g) No person shall wilfully damage any property within a park.
- (h) Nothing in this by-law relieves any person from the consequences of a contravention of any of the provisions of Schedule 19 of the Public Parks Act.

7. Signage and Emergency Equipment

- (a) No person shall remove or deface any signs or notices erected in the park by the Village.
- (b) No person shall interfere with or misuse any lifesaving, fire prevention or other emergency equipment situated in a park.
- (c) No person shall interfere with any person engaged in providing emergency services or with any emergency vehicle in a park.

8. Vehicles

- (a) No person shall locate or operate a commercial vehicle within a park, unless authorized by Council.
- (b) No person shall stop or park any vehicle in any park except in a parking lot designated for that purpose and where designated within a parking space for more than three consecutive hours, except for those parks where parking of a vehicle or boat trailer shall be permitted for an eight hour period, but only in those areas

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designated for same, unless authorized in writing by Council.

- (c) No person shall operate a vehicle in a park except on those driveways and parking areas designated for use by vehicles, unless authorized in writing by Council.
- (d) No person shall bring a motorized snow vehicle or an all-terrain vehicle into a park, unless authorized in writing by Council.
- (e) No person shall operate a bicycle within a park, except on those hard surfaced areas designated for bicycle use, unless authorized in writing by Council.
- (f) Any vehicle parked within a park contrary to this by-law, may be removed by the Village or a person contracted on its behalf for the purpose, and shall be subject to the lien provisions, storage and disposal requirements set out in the Repair and Storage Liens Act.
- (g) No person shall service or wash a vehicle in a park.

9. Boats

- (a) No person shall use a dock, wharf, boat launching facility or other structure in a park for commercial use or as a loading or unloading zone of a commercial nature, unless authorized by Council.
- (b) No person shall service or wash a boat in a park.
- (c) No person shall use any part of a park for boat launching, except at designated boat launching facilities designated for that purpose.
- (d) No person shall operate a motorized or powered boat from or on or leave a motorized or powered boat on any beach area in any park, unless authorized in writing by Council.
- (e) No person shall leave a boat attached to a docking or mooring facilities for more than two (2) consecutive hours, unless authorized in writing by Council.
- (f) If a boat is left attached to docking or mooring facilities at a park for more than three consecutive overnight periods Council may elect to consider the boat as abandoned, and may dispose of it in such a fashion as the Village may dispose by law of anything abandoned on the property of the Village.

10. Commercial Activities

- (a) No person shall engage in the sale of food, beverages or refreshments at a park, unless authorized by Council.
- (b) No person shall engage in the sale of goods, wares or merchandise at a park, unless authorized by Council.
- (c) No person shall rent, offer to rent or keep for renting, any chattels of whatsoever nature and kind in any Village park. Without in any way limiting the generality of the word "chattels", the word shall include pedal boats, canoes, rowboats, personal watercraft, beach chairs, beach lounges and towels, unless authorized in writing by Council.
- (d) No person shall engage in advertising or the distribution of any commercial

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material in a park, unless authorized in writing by Council.

- (e) No person shall affix any commercial advertisement or post or stencil any advertising or notice within a park, unless authorized in writing by Council.

11. Parks with Docking and Parking Facilities

- (a) No person shall park vehicles overnight without written permission by the Village.
- (b) No person shall dock boats overnight without written permission by the Village.

12. Enforcement

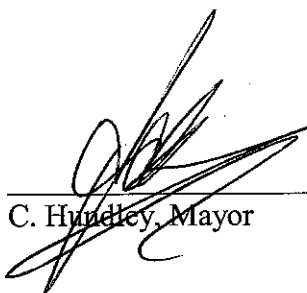
- (a) Every person who contravenes any provision of this by-law is guilty of an offense and is subject to the penalties set out in the Provincial Offences Act.
- (b) Every person who is guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine as approved by the appropriate Justice of the Ontario Court of Justice, in accordance with the Schedule attached to this by-law.

13. Schedules

The following schedules are included as part of this by-law:

- (a) Schedule A - Set Fines
- (b) Schedule B - List of Parks

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this *31* day  
of *July*, 2006.

  
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C. Hundley, Mayor

  
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Susan L. Arnold, Town Manager