

THE HONOURABLE JUDITH C. BEAMAN
REGIONAL SENIOR JUSTICE
EAST REGION
ONTARIO COURT OF JUSTICE

COURT HOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE JUDITH C. BEAMAN
JUGE PRINCIPAL RÉGIONAL
RÉGION DE L'EST
COUR DE JUSTICE DE L'ONTARIO

PALAIS DE JUSTICE
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LOYALIST TOWNSHIP
RECEIVED

SEP 04 2007

August 23, 2007

Ms. Brenda J. Hamilton CMO
Township Clerk
The Corporation of Loyalist Township
P.O. Box 70, 263 Main Street
Odessa, Ontario
K0H 2H0

Dear Ms. Hamilton,,

**Re: *Set Fines - Provincial Offences Act – Part I
By-Law 2006-91 - Parks By-law***

Enclosed herewith is a copy of an Order and a copy of the schedule of set fines for By-law No. 2006-91, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the validity of the By-law or of the short form of wording used to describe the offences.

I have forwarded the original Order and the schedule of the set fines to the Honourable Mr. Justice G.J. Griffin in Napanee, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to be 'Judith C. Beaman', written over a horizontal line.

Judith C. Beaman
Regional Senior Justice

Enclosures

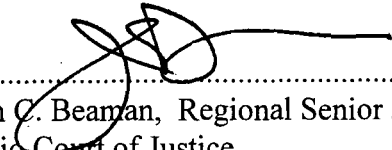
PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedules of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2006-91 of the **Loyalist Township** attached hereto are the set fines, including costs, for those offences.

This Order is to take effect August 23, 2007.

Dated at Ottawa this 23rd day of August 2007.


.....
Judith C. Beaman, Regional Senior Justice
Ontario Court of Justice
East Region

THE CORPORATION OF LOYALIST TOWNSHIP

PART 1 *Provincial Offences Act*

By-Law #2006-91 "The Parks By-law"

Page # 1

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
1	Unlawfully drive, ride or operate any vehicle except on a roadway or in an authorized parking area	Section # 3.1.1	\$125.00
2	Unlawfully inline skate or skateboard	Section # 3.1.2	\$ 75.00
3	Unlawfully ride or operate any horse or horse drawn conveyance on a trails system pathway	Section # 3.1.4	\$125.00
4	Unlawfully leave a motor vehicle unattended in any part of a park or recreation area between 11:00 p.m. and 5:00 a.m.	Section # 3.1.6	\$125.00
5	Unlawfully maintain dog on leash which exceeds 3 metres in length	Section # 3.1.8	\$ 75.00
6	Unlawfully make or kindle an open fire for any purpose in any park except in such places provided therefore	3.1.10	\$ 75.00

NOTE: Penalty provision for the offences indicated above is Section 7.3 of By-law No. 2006-91, a certified copy which has been filed.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine
7	Unlawfully hold or take part in an unauthorized public meeting or gathering	3.1.13	\$ 75.00
8	Unlawfully play or practice golf or strike any golf ball by any means whatsoever in any park area	3.1.14	\$ 75.00
9	Unlawfully camp overnight in an unlighted park, recreation area or part of the trail system between the hours of 10:00 p.m. and 5:00 a.m.	3.1.15	\$ 75.00
10	Unlawfully operate a motorized snow vehicle in any park or recreation area	3.1.16	\$ 125.00
11	Unlawfully climb, break, peel bark from, cut, remove, deface or otherwise damage any tree, shrub or bush or pick, destroy or remove any flower, plant, root, grass or rock	3.1.17	\$ 150.00
12	Unlawfully remove, break, deface or otherwise damage any monument, gate, seat, bench, picnic table, fence, lock, barrier or any other equipment of the Township located therein	3.1.20	\$ 300.00
13	Unlawfully 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	3.1.29	\$ 300.00

NOTE: Penalty provision for the offences indicated above is Section 7.3 of By-law No. 2006-91, a certified copy which has been filed.

THE CORPORATION OF LOYALIST TOWNSHIP

BY-LAW NO. 2006-91

BEING a by-law to regulate the use of public parks in Loyalist Township

WHEREAS the Municipal Act, 2001, Section 11. (2) authorizes a lower-tier municipality to pass by-laws respecting matters within specific spheres of jurisdiction;

AND WHEREAS one of the authorized spheres of jurisdiction includes matters relating to culture, parks, recreation and heritage;

WHEREAS the Council of The Corporation of Loyalist Township considers it desirable to pass a by-law to regulate the use of public parks in Loyalist Township;

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

PART 1 DEFINITIONS

1.1 For the purpose of this by-law:

Authorized parking area – defined

“Authorized parking area” means an area of a park or recreation area designated, set aside for or established, for the parking of motor vehicles, which may have posted regulations with respect to the use of the area.

Bicycle – defined

“Bicycle” means a vehicle having only two tandem wheels, propelled solely by human power, upon which typically one or two persons may travel. A bicycle includes tricycles and uni-cycles but does not include a motor-assisted cycle of any type.

Control – defined

“Control” includes care and custody.

Council – defined

“Council” means the Council of The Corporation of Loyalist Township.

Designated – defined

“Designated” means an area defined or constructed for a specific use, which may include posted conditions.

Director – defined

“Director” means The Recreation Director, his/her designate and any Township employee acting under his/her direction

Environmentally Sensitive Area – defined

“Environmentally Sensitive Area (ES)” means an area as designated in the Official Plan for Loyalist Township and which is under public ownership and/or management, containing features and/or attributes of environmental and natural significance that warrant their retention in a natural state.

Motor Vehicle – defined

“Motor vehicle” includes an automobile, motorcycle, motor-assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power but does not include a motorized snow vehicle, traction engine, arm tractor, self-propelled implement of husbandry or road-building machine.

Motorized Snow Vehicle – defined

“Motorized Snow Vehicle” means a self-propelled vehicle designed to be driven primarily on snow as defined in the Motorized Snow Vehicles Act, R.S.O. 1990, Chapter M.44.

Natural Park Area – defined

“Natural park area” 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. For the purposes of this definition, natural shall mean established by nature or a selection process favouring survival of organisms best adapted to their environment.

Park – defined

“Park” means land and land covered by water and all portions thereof owned or made available by lease, agreement or otherwise to the Township that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a natural park area and an environmentally sensitive area as defined in this by-law, that has been or hereafter may be placed under the jurisdiction of the Township including any buildings, structures, facilities, erections and improvements located in or on such land, save and except where such land is governed by other by-laws of the Township.

Provincial Offences Officer

“Provincial Offences Officer” means a person authorized to administer and enforce this By-law in accordance with Part 7 of this By-law.

Refuse – defined

“Refuse” includes but is not limited to paper wrappers, food containers, discarded food, disposable eating utensils, newspapers, drink containers of all kinds, disposable diapers, broken glass, grass clippings and inert fill of any kind.

Recreation area – defined

“Recreation area” means an area or building or combination of both under the control of the Township which is maintained and supervised by employees of the Township and includes arena, skating rink, swimming pool, play area, sport field, designated area of a park, a building or portion of a building which is owned, leased or used by the Township, including a school and school grounds, for the purpose of offering recreation to the public.

Roadway – defined

“Roadway” means that part of a park or recreation area that is improved, designed or ordinarily used by vehicles.

Township – defined

“Township” means The Corporation of Loyalist Township.

Trail System – defined

“Trail System” means that part of a park that has been marked, posted or blazed for the purpose of hiking/skiing by the public, and which the use of motor vehicles and motorized snow vehicles is prohibited, excluding motorized scooters operated by physically challenged persons.

Vehicle – defined

“Vehicle” includes a motor vehicle, motor-assisted bicycle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power including muscular power but excludes a child’s wagon, a baby carriage and a motorized snow vehicle.

PART 2 BY-LAW APPLICATION AND ADMINISTRATION

- 2.1 By-law applicability – defined
This by-law applies to any recreation area, park, trail system, and any premises located therein which are under the control and management of the Township.
- 2.2 Emergency and/or Maintenance Vehicles – excepted
Notwithstanding any provision of this by-law, vehicles operated on behalf of an ambulance service, fire department, police department, the Township or other emergency vehicles, shall have full access to all parts of a park, recreation area and/or trail system at all times.
- 2.3 By-law administration
This by-law is administered by a Provincial Offences Officer.

PART 3 GENERALLY PROHIBITED ACTIVITIES

- 3.1 Activities – prohibited
In any park, recreation area or trail system within the Township, no person(s), unless authorized by the Township, shall:
- 3.1.1 Drive, ride or operate a vehicle except on a roadway or in an authorized parking area;
 - 3.1.2 Inline skate or skateboard;
 - 3.1.3 Carry on any other activities in violation of posted signs;
 - 3.1.4 Drive, ride or operate any motor vehicle, horse or horse drawn conveyance on a trails system pathway;
 - 3.1.5 Park a motor vehicle in a place other than an authorized parking area;
 - 3.1.6 Leave a motor vehicle unattended in any part of a park or recreation area between 11:00 p.m. and 5:00 a.m.;
 - 3.1.7 Allow dogs to run loose in park areas.
 - 3.1.8 Maintain dogs on a leash which exceeds three (3) metres in length;
 - 3.1.9 While having control of or being the owner of a dog in a park, allow such dog to foul any area of the park, unless cleanup and disposal occurs forthwith;
 - 3.1.10 Make or kindle an open fire for any purpose in any such park except in such places provided therefore;
 - 3.1.11 Carry or discharge fireworks, firearms and arrows in any such park without the written authority of the Township;
 - 3.1.12 Conduct themselves in a boisterous or unseemly manner, as to disturb any inhabitant or interfere with the enjoyment of the park or recreation area by any member of the public;
 - 3.1.13 Hold or take part in an unauthorized public meeting or gathering;
 - 3.1.14 Play or practice golf or strike any golf ball by any means whatsoever in any park area;
 - 3.1.15 Camp or park overnight in an unlighted park, recreation area or part of the trail system between the hours of 10:00 p.m. and 5:00 a.m.;
 - 3.1.16 Operate a motorized snow vehicle;
 - 3.1.17 Climb, break, peel bark from, cut, remove, deface or otherwise damage any tree, shrub or bush, or pick, destroy or remove any flower, plant, root, grass or rock;
 - 3.1.18 Cause or permit any animal under their control or ownership to damage any trees, shrubs, bushes, flowers, plants or roots;
 - 3.1.19 Post signs or posters on trees, bushes, shrubs, walls or posts.
 - 3.1.20 Remove, break, deface, or otherwise damage any monument, gate, seat, bench, picnic table, fence, lock, barrier or any other equipment of the Township located therein;

- 3.1.21 Fail to deposit refuse in containers provided or if containers are not provided, fail to remove refuse from a park, recreation area or trail system;
- 3.1.22 Fail to remove any utensils, equipment or articles taken into an area designated for picnics;
- 3.1.23 Walk on grass in area where signs are posted prohibiting such activity;
- 3.1.24 Disturb, wound, kill or injure any bird, fowl or animal, whether domesticated or wild;
- 3.1.25 Utilize any park, sports field or ballpark where unsuitable turf conditions are posted;
- 3.1.26 Remove or injure the nests or eggs of any bird or fowl;
- 3.1.27 Willfully or maliciously hinder, or interrupt, or cause to be hindered or interrupted, the Director, all employees acting under his/her direction, any agent of the Township, their workers or employees in the exercise of their powers and duties;
- 3.1.28 Willfully or maliciously let off or discharge any water so that it runs waste from or out of any reservoir, pond, river or creek located in a park, recreation area or trail system;
- 3.1.29 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.

3.2 Motorized wheel chairs and scooters excepted.

Despite any regulation in this by-law restricting the use of motor vehicles in parks, motorized wheel chairs and motorized scooters operated by physically challenged persons, may be used on all parks and recreation areas.

PART 4 ACTIVITIES – SUBJECT TO APPROVAL

4.1 Activities prohibited – subject to approval(s):

Unless authorized by the Director, no person shall engage in any of the following activities in a park, recreation area or trail system.

- 4.1.1 Cook food, unless any fire required to do so, is in a fireplace or barbecue;
- 4.1.2 Use a sports field for any organized or league game or practice;
- 4.1.3 Erect a tent or shelter, or park a trailer of any kind for overnight accommodation;
- 4.1.4 Hold or take part in a public meeting or gathering or deliver any public speech;
- 4.1.5 Hold or take part in a meeting or gathering that obstructs the free passage of vehicular traffic;
- 4.1.6 Have exclusive use of any portion or all of a park or recreation area;
- 4.1.7 Post signs or posters on poles, planters, buildings, fences, benches, picnic tables, lamp standards or Township equipment of any kind;
- 4.1.8 Sell refreshments or other merchandise to the public;
- 4.1.9 Operate any business, game, show or amusement for admission by the public.

4.2 Public Gatherings – location:

The location made available for approved public meetings, gatherings or public speeches shall be determined by the Director upon the receipt of a written application for the use of a park or recreation area for such meeting, gathering or public speech.

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 of this by-law.
- 5.2 The following special prohibition shall apply to the use of Township Parks:
5.2.1 No person shall operate, drive or ride a vehicle on any roadway within a park if the entrances to a park are closed by means of a barrier and/or signs;
- 5.3 Environmentally Sensitive Areas (ES) – Prohibitions
The following special prohibitions shall apply to all persons entering into and using a park designated as an Environmentally Sensitive Area or as a natural park area.
- 5.3.1 No person shall cut or remove any plant, aquatic vegetation, wood, turf, grass, soil, rock, sand or gravel without the express authority of the Director;
 - 5.3.2 No person shall carry out any scientific investigation or study without the express authority of the Director who may impose specific conditions which shall be adhered to;
 - 5.3.3 No person shall cause or permit any animal under their ownership or control to defecate any of the waters of any stream or river;
 - 5.3.4 No person shall bathe in or pollute in any way, the waters of any fountain, pond or stream;
 - 5.3.5 No person shall camp, set up a tent, park a trailer or hold a picnic, unless the area is specifically designed for such purpose; as approved by the Director;
 - 5.3.6 No person shall deposit, dump or leave waste and/or refuse of any kind;
 - 5.3.7 No person shall operate a vehicle, bicycle or motorized snow vehicle within the boundaries of an ES or a natural park area unless signs are posted specifically allowing such activity;
 - 5.3.8 No person shall ride, lead or drive any animal within the boundaries of an ES, except for a dog, which must be on a leash in accordance with the requirements of this bylaw.

Part 6 Fees

- 6.1 Use without payment - prohibited
No person, group or organization shall use a park or recreation area exclusively for their own use without first having paid any applicable fees or having formally booked the said facilities and can display the issued facility use booking permit. Further, exclusivity is restricted to the designated area only and access, by the public, to the rest of the park or recreation area must be permitted.

Part 7 Enforcement

- 7.1 Parks and recreation area users are subject to all applicable Municipal by-laws and all provincial and federal laws and regulations and all persons violating any by-law or law may be evicted from any park or recreation area.
- 7.2 Repetition of Offence prohibited
The court in which the conviction has been entered and any other court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed by the court on the person convicted.

- 7.3 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction, shall be liable to a fine as provided for under the *Provincial Offences Act*, c.P.33, R.S.O. 1990, as amended.

Part 8 Miscellaneous

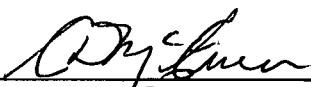
- 8.1 **By-law reference on signs – deemed to conform**
On a sign posted by the Township in a park, recreation area or trail system references to a by-law shall be deemed to be a reference to this by-law.
- 8.2 **Validity**
It is declared that notwithstanding that any Part or Parts of this by-law, or sections thereof, may be found by any court of law to be invalid or illegal or beyond the power of the Township to enact, such Part or Parts or sections thereof shall be deemed to be severable and that all other Parts or sections of this by-law are separate and independent there from and enacted as such.

Part 9 Repeal of Existing By-laws


- 9.1 That By-law 2002-104 and any and all by-laws or portions thereof conflicting with this by-law are hereby repealed.
- 9.2 **Effective date**
This by-law shall come into force and take effect on the day of its passing.

ENACTED and PASSED this 25th day of September, 2006.

THE CORPORATION OF LOYALIST TOWNSHIP



REEVE



CLERK