

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2002-72

Being a By-law to Regulate the Use of Parks

WHEREAS the Municipal Act R.S.O 1990 Chapter M.45, Section 207 (52) authorizes Council to pass bylaws to acquire land for establishing and laying out public parks in the municipality and exercising all or any of the powers conferred on Boards of Park Management by the Public Parks Act.

AND WHEREAS the Public Parks Act R.S.O. 1990, Chapter P. 46, Section 11 authorizes such a Board of Park Management to pass bylaws for this use, regulation protection and government of the Parks under its jurisdiction not inconsistent with the provisions of this Act or of any law of Ontario;

AND WHEREAS the new Town of Amherstburg has acquired a number of parks from the amalgamation of Amherstburg, Anderdon and Malden and whereas it is desirable to consolidate and update the rules and regulations relating to the various parks;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG HEREBY ENACTS AS FOLLOWS:

1. In this by-law:
 - (a) "Council" shall mean the municipal council of the Town of Amherstburg;
 - (b) "Town" shall mean the Corporation of the Town of Amherstburg;
 - (c) "Park" shall mean any land which the Town now or in future owns, or has the use of that is designated by Council as such, and intended to be used and enjoyed by the public for pleasure and recreation, and shall include any body of water enjoyed or used in connection therewith;
 - (d) "Vehicle" shall mean any conveyance of any kind, drawn, propelled or driven by any kind of power, including muscular power, including motor vehicles, trailers, motorcycles, motorized snow vehicles, bicycles and skate boards, but shall not include wheelchairs, whether driven by muscular or any other kind of power, while used for the carriage of a person who has a physical defect or disability, baby carriages, and children's strollers, tricycles, wagons and toys;
 - (e) "Liquor" shall have the meaning given in the Liquor Licence Act, R.S.O. Ch. 244, and shall include spirits, wine and beer.
2. No person shall, within a park and/or Town properties and facilities:-
 - (a) Climb any tree, or any fence or structure;
 - (b) Climb, bark, peel, break, cut, deface, remove, injure, root up or otherwise destroy or damage the trees, shrubs, flowers, roots or grass planted, growing or being in the park;
 - (c) Cut, carve, paint or otherwise deface, remove, injure, destroy or damage

benches, fences, seats, tables, equipment, notices or other chattels or any building or structure or part thereof;

- (d) Consume, or have in an opened container, any liquor, unless under a L.C.B.O. special occasions permit, in the licensed designated or permitted area;
 - (e)
 - (i) Throw anything in the King's Navy Yard Park and extension thereof;
 - (ii) Throw objects, or anything else other than a ball, or other object used for the purpose of a game or sport in any other park;
 - (f) Throw or put anything into any pool within a park, or into any waterways adjacent to a park, except for equipment used for permitted recreational activities in areas so designated;
 - (g) Swim or bath in any pool of water not designated for that purpose;
 - (h) Enter any place where a sign says not to, or that is enclosed or fenced off;
 - (i) Remove, change the location of or in any way disturb the setting or playground or any other equipment or chattels or of any part or portion thereof;
 - (j) Use any equipment, building or structure for any other purpose than that for which it is obviously intended;
 - (k) Distribute, or cause to be distributed any advertising material of any kind except if specifically authorized by Council;
 - (l) Utter offensive or indecent language;
 - (m) Commit any disorderly or immoral act;
 - (n) Obstruct any sidewalk, path or roadway in any way;
 - (o) Carry or use any firearm, sling-shot, catapult, airgun, or any object or device capable of propelling any projectile;
 - (p) Tie or otherwise attach any animal or thing to any tree, plant, hedges, fence, building or structure of any kind or to any equipment or chattels of any nature;
 - (q) Deposit or strew refuse or waste, paper, wrapper, container or any garbage except in the receptacles provided for that purpose;
 - (r) Permit, authorize or direct any other person in his/her custody or under his/her control, whether a child, mental incompetent or otherwise, to breach any the foregoing provisions.
3. No animal shall be permitted within the confines of a park except upon a leash and unless in charge of a person capable of controlling the same, and no person shall bring or permit any animal not under full control to accompany him/her to or within a park.
4. (a) No person shall, within the confines of any park within the Town of

Amherstburg, operate any vehicle except for the purpose of picking up or delivering passengers or freight at or from such points within the confines of any park as may be designated for such purposes by the Council, or for the purpose of serving any duly authorized licences or concessionaire within such park, provided, however, that the provisions of this section shall not apply to any vehicle of the Municipality or to any ambulance, police vehicle or fire equipment, responding to or returning from any emergency call;

- (b) No person shall operate any vehicle within a park at a speed greater than 10 kilometres per hour.

5. Except under authority of a Facility Use Permit, issued under the policies and regulations from time to time of the Amherstburg Recreation Committee, as approved by Council, or with the express permission of Council, granted by resolution, no person shall hold or take part in any picnic, field day athletic meet, carnival, celebration, religious service, public meeting or public gathering.

6. Except with the express permission of the Council, hereby empowered to grant such permission, or of their duly authorized agent, no person shall within the confines of any park:

- (a) Ride, drive or lead a vehicle, horse or other animal on any roadway in any park except where such roadway is an extension of a Municipal thoroughfare;
- (b)
 - (i) Park any vehicle of any kind on any part of a park or on any approach thereto including any roadway in such park where vehicular traffic is permitted, except in such places as are clearly marked by signs as parking places;
 - (ii) The Council or their duly authorized agent may, at any time, however, set aside a place or places in any park temporarily for parking purposes or may, at any time, temporarily close off or otherwise obstruct any path or roadway on which traffic is permitted by this by-law, whether for foot, horse or wheel traffic;
- (c) Ride, drive or lead any animal or any carriage, wagon, bicycle, automobile, sleigh or other vehicle or conveyance, save and except baby carriages, hand-sleighs, children's go-carts or wagons and wheel chairs upon or along the turf or sward or upon any sidewalk, pathway or footpath set apart for the use of pedestrians in any park;
- (d) Strike golf balls or other objects with a golf club;
- (e) Offer anything whatsoever for sale;
- (f) Play any musical instrument or direct the playing thereof;

- (g) Solicit for any purpose whatsoever;
- (h) Set out or start any fire;
- (i) By live music, a musical instrument, loudspeakers, a public address system or otherwise emit any sound in or into a park louder than 55 Decibels at 1000 Hertz (55 Phons) measured at any place within, or at any limit of a park;
- (j) Tell fortunes;
- (k) Discharge any fireworks;
- (l) Send up or purposely release a balloon;
- (m) Land or otherwise operate a helicopter or aeroplane;
- (n) Display or cause to be displayed any sign, poster or banner, except as incidental to an event authorized under Section 5 hereof;
- (o) Play baseball, softball, football, soccer, volleyball, tennis, or other game, whether organized or not, except on playing fields or in areas specifically provided for such purposes;
- (p) Make exclusive use of a park or portion thereof, or claim to be entitled to such exclusive use, except for an event authorized by Section 5 hereof.

7. No person other than a police officer, caretaker, or other person expressly or impliedly authorized by Council shall enter or remain within the King's Navy Yard Park or the extension thereof between the hours of 12:00 midnight and 6:00 A.M. of the next succeeding day, nor enter or remain within any park between the hours of 11:00 P.M. and 6:00 A.M. of the next succeeding day.
8. Notwithstanding the foregoing, the Council or their duly authorized agent, may, at any time and for any reason they deemed sufficient, temporarily close any park or portion thereof to the public use.
9.
 - (a) Any police officer, caretaker, or other person authorized by Council may exclude any person from any park or part thereof, on the grounds;
 - (i) the person is upsetting or disturbing other users of the park;
 - (ii) the person is in breach of any provisions of this by-law, and;
 - (iii) where any damage has been caused by any person in breach of any regulations herein contained, or of any by-law of the Township of Amherstburg, he/she may, if a police officer, take such person into custody;
 - (b) Every person shall obey any temporary or permanent exclusion order or direction of any police officer, caretaker, or other person authorized by Council.

10. Any person violating any of the provisions of this by-law shall be liable upon conviction thereof to a penalty not exceeding (\$2,000.00) two thousand dollars, exclusive of costs and the same shall be recoverable under the provisions of the Provincial Offences Act.

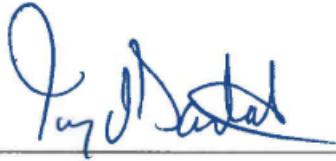
11. This by-law shall come into force and take effect on final passage hereof.

The following bylaws are hereby repealed:

- Former Town of Amherstburg Bylaw 2118
- Former Township of Malden Bylaw 90-5

By-law read a first and second time this 9th day of December, 2002.

By-law read a 3rd and final time this 9th day of December, 2002.



MAYOR



CLERK

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

COURT HOUSE
15TH FLOOR, UNIT "G"
80 DUNDAS STREET
LONDON, ONTARIO
N6A 6B3



CABINET DU JUGE PRINCIPAL REGIONAL
COUR DE JUSTICE DE L'ONTARIO
REGION DE L'OUEST

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

RECEIVED
JUL 13 2005

July 8th, 2005

Mr. David Mailloux, Clerk
Corporation of the Town of Amherstburg
PO Box 159, 271 Sandwich St S
Amherstburg ON N9V 2Z3

Dear Mr. Mailloux:

**Re: Set Fines - Provincial Offences Act - Parts I and II
By-law Number 2002-72, of the Town of Amherstburg**

Enclosed herewith is a copy of an Order, and a copy of a schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the original of the Order and the schedule of the set fines to the Ontario Court of Justice in Windsor, together with a certified copy of the By-law.

Yours truly,

Alexander M. Graham
Regional Senior Justice
West Region

Enclosures
/ec

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART II

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 schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. **2002-72, of the Town of Amherstburg**, attached hereto are the set fines for those offences. This Order is to take effect July 8th, 2005.

Dated at London this 8th day of July, 2005.

Alexander M. Graham
Regional Senior Justice
West Region

SET FINE SCHEDULE

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2002-72

A By-law to Regulate the Use of Parks

PART II Provincial Offences Act

ITEM	SHORT FORM WORDING	PROVISION CREATING OFFENCE	VOLUNTARY PAYMENT (within 7 days)	SET FINE
1	Park vehicle where prohibited without authorization	s. 6 (b)(i)	\$40.00	\$50.00

NOTE: The penalty provision for the offences indicated above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. C.33

ONTARIO COURT OF JUSTICE

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 schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2002-72, of the Town of Amherstburg, attached hereto are the set fines for those offences. This Order is to take effect July 8th, 2005.

Dated at London this 8th day of July, 2005.

A handwritten signature in black ink, appearing to read 'A. M. Graham', with a long, sweeping horizontal line extending to the right.

Alexander M. Graham
Regional Senior Justice
West Region

SET FINE SCHEDULE**THE CORPORATION OF THE TOWN OF AMHERSTBURG****BY-LAW NO. 2002-72****A By-law to Regulate the Use of Parks*****PART I Provincial Offences Act***

ITEM	SHORT FORM WORDING	PROVISION CREATING OFFENCE	SET FINE
1	Climb a tree, fence or structure	s. 2 (a)	\$50.00
2	[Climb / Bark / Peel / Break / Cut / Deface / Remove / Injure / Root up] trees, shrubs, flowers, roots or grass	s. 2 (b)	\$150.00
3	[Cut / Carve / Paint / Deface / Remove / Injure / Destroy / Damage] a bench, fence, seat, table, equipment, notice or structure	s. 2 (c)	\$100.00
4	Throw anything in King's Navy Yard Park	s. 2 (e)(i)	\$50.00
5	Throw object other than ball in park	s. 2 (e)(ii)	\$50.00
6	[Throw / Put] anything into pool or waterway	s. 2 (f)	\$50.00
7	[Swim / Bath] where not permitted	s. 2 (g)	\$50.00
8	Enter a place where prohibited or fenced off	s. 2 (h)	\$50.00
9	[Remove / Change / Disturb] the setting, playground, equipment or chattel	s. 2 (i)	\$50.00
10	Use equipment, building or structure other than as intended	s. 2 (j)	\$50.00
11	[Distribute / Cause to be distributed] unauthorized advertising material	s. 2 (k)	\$50.00
12	Utter offensive language	s. 2 (l)	\$50.00

NOTE: The penalty provision for the offences indicated above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. C.33

ITEM	SHORT FORM WORDING	PROVISION CREATING OFFENCE	SET FINE
13	Commit [disorderly / immoral] conduct	s. 2 (m)	\$50.00
14	Obstruct sidewalk, path or roadway	s. 2 (n)	\$50.00
15	[Tie / Attach] any animal or thing to a tree, plant, hedge, fence, building, structure, equipment or chattel	s. 2 (p)	\$50.00
16	Fail to deposit waste in receptacle	s. 2 (q)	\$50.00
17	Permit child to breach section 2 of by-law	s. 2 (r)	\$50.00
18	Bring animal into park without leash	s. 3	\$50.00
19	Drive vehicle in park – unauthorized reason	s. 4 (a)	\$100.00
20	[Hold / Take part in] unauthorized event	s. 5	\$100.00
21	[Ride / Drive / Lead] vehicle or animal on park roadway without authorization	s. 6 (a)	\$100.00
22	[Ride / Drive / Lead] animal, carriage, wagon, bicycle, automobile, sleigh, vehicle on park pathway without authorization	s. 6 (c)	\$50.00
23	Strike golf ball or other object with golf clubs without authorization	s. 6 (d)	\$100.00
24	Offer anything for sale without authorization	s. 6 (e)	\$100.00
25	[Play / Direct the playing of] a musical instrument without authorization	s. 6 (f)	\$50.00
26	Solicit without authorization	s. 6 (g)	\$50.00
27	Emit sound louder than 55 Decibels at 100 Hertz without authorization	s. 6 (i)	\$300.00
28	Tell fortunes without authorization	s. 6 (j)	\$50.00
29	Discharge fireworks without authorization	s. 6 (k)	\$100.00
30	Release a balloon without authorization	s. 6 (l)	\$50.00
31	[Land / Operate] helicopter or aeroplane without authorization	s. 6 (m)	\$100.00
32	[Display / Cause to be displayed] sign, poster, banner without authorization	s. 6 (n)	\$50.00

NOTE: The penalty provision for the offences indicated above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. C.33

ITEM	SHORT FORM WORDING	PROVISION CREATING OFFENCE	SET FINE
33	Play a sport or game on area other than the provided field without authorization	s. 6 (o)	\$50.00
34	Make exclusive use of park without authorization	s. 6 (p)	\$50.00
35	[Enter / Remain] in King's Navy Yard Park between 12:00 a.m. and 6:00 a.m.	s. 7	\$50.00
36	[Enter / Remain] in any park between 11:00 p.m. and 6:00 a.m.	s. 7	\$50.00

NOTE: The penalty provision for the offences indicated above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. C.33