



By-law No. 44-2023

Recreation By-law

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Revision History:	Passed On:
44-2023 (Original)	May 16, 2023

## The Corporation of the Township of Woolwich

### By-law No. 44-2023

#### A By-law to Regulate Recreation Areas in the Township of Woolwich

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**Whereas** the Municipal Act, 2001, S.O. 2001 c. 25, as amended (the "Municipal Act"), provides that a council of a local municipality may pass by-laws respecting matters within the sphere of jurisdiction of culture, parks, recreation and heritage;

**Whereas** the Community Recreation Centres Act, R.S.O. 1990, c.22, allows for the establishment and control of Community Recreation Centres;

**Whereas**, the Municipal Act, Section 127, provides that council may prohibit the depositing of refuse or debris from the land without the consent of the owner or occupant of the land;

**Whereas**, the Municipal Act, Section 128, provides that Council may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the Council are or could become or cause public nuisances;

**Whereas**, the Municipal Act, Section 11, provides that Council may regulate matters not specifically provided for by this Act or any other Act for the purposes related to the health, safety, and well-being of the inhabitants of the municipality;

**Whereas**, the Trespass to Property Act, R.S.O 1990, c. T.21 allows the Township of Woolwich as "occupier" to prohibit entry by notice to that effect;

**Whereas**, the Trespass to Property Act, R.S.O, 1990, c. T21 provides a broad authority to the Municipality to post signs prohibiting activities within an area, as is deemed appropriate by the Township, and;

**Whereas**, the Trespass to Property Act, RSO. 1990, c. T21, Section 2 makes it an offence for every Person who is not acting under right or authority conferred by law and who, without the express permission of the occupier, the proof of which rests on the defendant, enters on premises when entry is prohibited under the Act or further engages in an activity on the premises when the entry or activity is prohibited under the Act.

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOOLWICH ENACTS AS FOLLOWS:**

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## **Part I. Short Title, Purpose and Scope**

### **Short Title**

1. This by-law may be cited as the "Recreation By-law".

### **Purpose**

2. This by-law has been enacted to regulate activities in Recreational Areas within the Township.

### **Scope**

3. This by-law shall not apply to:
  - a. Operation of Authorized Emergency Vehicles or any emergency activities are undertaken for:
    - i. the health, safety or welfare of the inhabitants of the Township; or
    - ii. the preservation or restoration of property.
  - b. the Township;
  - c. Wheelchair or similar devices (motorized or otherwise) used by an individual due to a disability may be used in all areas of Park's including all Multi-use Pathways and the accessible portions of hiking trails;
  - d. any Person whose bona fide medical condition prevents compliance of this by-law.

## **Part II. Interpretation**

### **Headings and References**

4. The division of this by-law into parts and the insertion of headings are for convenient reference only and shall not affect the interpretation of the by-law.
5. All references to applicable laws are ambulatory and apply as amended from time to time.

### **Definitions**

6. For the purposes of this by-law:

"Authorized Emergency Vehicle" includes any:

- a. ambulance;
- b. fire department vehicle;

- c. police vehicle;
- d. a snowplow or other maintenance vehicle operated by or for the Township, the Regional Municipality of Waterloo or the Ministry of Transportation, and;
- e. vehicle for a public utility company while actively engaged in the construction, maintenance, or repair of any roadway, or any equipment or facilities thereon;

" 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;

"Change Room" shall mean a facility or portion of a facility designated to accommodate Persons for the purpose of changing their clothing in conjunction with recreational activities. A change room may or may not include showers and/or Washroom facilities;

"Community Recreation Centre" shall mean any land or all or part of a building or buildings or structure that is maintained and operated for community recreation activity, as defined in the *Community Recreation Centres Act, R.S.O. 1990, Chapter C.22* as amended;

"Control" means care and custody;

"Council" means the Council of The Corporation of the Township of Woolwich;

"Director" refers to the current or acting Director of Recreation & Community Services or designate;

"Disturbance" means fighting, screaming, shouting, swearing, singing, using insulting, foul or indecent language, being in an intoxicated condition from the consumption of liquor or other substance, impeding or assaulting other Persons;

"E-bike" shall mean a power-assisted bicycle as defined under the Highway Traffic Act;

"E-scooter" shall mean a electric kick-scooter as defined under the Highway Traffic Act;

"Foul or Fouling" shall mean and includes spitting, urinating, defecating, allowing an animal to defecate, or other act of defacing Township property unless authorized by the Township.

"Lead" includes but is not limited to riding or driving a horse;

"Liquor" shall have the same meaning as defined in the *Liquor Licence Act, R.S.O. 1990, c. L.19* as amended;

"Motor Vehicle" includes an automobile, a motorcycle, a motorized snow vehicle, and any other vehicle propelled or driven otherwise by muscular power but shall exclude an E-bike and E-scooter;

"Multi-use Pathway" means that part of a Park that has been improved with a hard surface and intended for a variety of uses including pedestrians, cyclists, in-line skating and excluding Motor vehicles, horses and horse drawn conveyances of any sort and motorized snow vehicles;

"Natural 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;

"Officer" means a By-law Enforcement appointed by Council to enforcement of the Township by-laws, an Officer of the Kitchener Waterloo Humane Society or a Police Officer appointed under the Police Services Act, R.S.O. 1990, c P.15;

"Owner or Ownership" means any Person who owns, possesses, harbors or has custody of an animal and, where the Owner is a minor, the Person responsible for the custody of the minor. The Owner may also include a Person who is temporarily the keeper of the animal;

"Park" means land or land covered by water and all portions thereof under the Control or management or joint management of the Township, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a Natural Area and Trails as defined in this by-law, any buildings, structures, facilities, erections and improvements located in or on such land;

"Person" means an individual, firm, corporation, partnership, association or organization, including a charitable organization;

"Property" shall include but is not limited to trees or shrubs, plants, statues, fountains, vases, fixtures, ornaments, utilities, fences, buildings, roadways, walkways, grassed areas, coin operated machines, benches, gates, vehicles and includes Property of the Township;

"Recreation Area" means an area or building or combination of, under the Control of the Township which is maintained and/or supervised by the Township. This includes but is not limited to any Trail, Natural Area, tennis court, Community Recreation Centre, skating rink, swimming pool, wading pool/splash pad, Washroom, skateboard facility, sports field or pitch, park, building or portion of a building which is owned, leased or used by the Township;

"Refuse" includes but is not limited to paper, cardboard, clothing, food containers, discarded food, disposable eating utensils, newspapers, drink containers of all kinds, disposable diapers, new or used construction material, appliances and furniture, broken glass, grass or tree clippings, leaves and garden waste, inert fill of any kind and other miscellaneous scrap metal items;

"Township" means the Township of Woolwich and a reference to Woolwich is a reference to the geographical area of the Township of Woolwich or to the Corporation of the Township of Woolwich as the context requires;

"Trail" means that part of a Park that has been improved with a stone dust surface or is a natural footpath, is intended for a variety of uses including for the purpose of hiking, cross country skiing, running, cycling, and is not asphalt or concrete;

"Trained Service Animal" includes a guide dog or other certified service animal often identifiable by a harness or vest used principally to assist Persons with sight or physical assistance, warning of seizures or other disabilities; and

"Washroom" means any permanent or temporary structure or portion of a structure that contains toilets, or urinals and wash basins and which is owned, leased or operated by the Township.

### **Part III. Regulations**

#### **General Prohibited Activities**

7. No Person shall engage in any of the following prohibited activities in a Recreation Area:
  - a. operate a Motor Vehicle in a Park;
  - b. operate an e-bike or e-scooter in a Park, except on a Multi-use Pathway or Trail;
  - c. make noise likely to disturb any inhabitant or interfere with the enjoyment through the use of electronic equipment or any other means;
  - d. urinate or defecate except in a designated area in a Washroom facility;
  - e. engage in conduct that endangers the health and safety of himself, herself or others;
  - f. paint likeness, take pictures, record video or record audio of any Persons without the consent of the Person, or, where the Person is a minor, without consent of a parent or legal guardian;
  - g. create a Disturbance;
  - h. for the purpose of or appearance of loitering;
  - i. play or practice golf or strike any golf ball;
  - j. break, peel bark from, cut, remove, burn, deface or otherwise damage any tree, shrub or bush, or pick, destroy or remove any flower, plant, roots, grass or rock;
  - k. walk on grass where a sign is posted prohibiting activity (i.e. Natural Area);
  - l. fish in violation of provincial or federal statutes or regulations;
  - m. remove or injure the nest or egg of any bird;

- n. 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 Recreation Area with the exception of natural over land flow from adjacent residential yards;
- o. enter or use gender segregated facilities that do not correspond to their lived gender identity, in any Recreation Area, set apart for the opposite gender, unless the Person is 10 years of age or younger and accompanied by a parent, guardian, caregiver or caretaker at the time;
- p. loiter in any Washroom or Change Room, or engage in conduct that could reasonably be considered offensive;
- q. interfere with a picnic, organized gathering or special event authorized by the Director;
- r. drive, ride or operate a motorized boat;
- s. cause injury to any Person or damage any Property by any means whatsoever or, as Owner, permit any animal to cause injury to any Person or damage to any Property;
- t. dress or undress except in Change Rooms or Washrooms;
- u. fail to deposit Refuse in appropriate containers provided or if containers are not provided fail to remove Refuse, and;
- v. dump Refuse on any Property.

#### **Activities Subject to Approval**

- 8. Unless authorized by the Director, no Person shall engage in any of the following activities in a Park or Recreation Area:
  - a. enter or remain a Park or Recreation Area when closed, being between the hours of 11:00 p.m. and 6:00 a.m. or such other time posted;
  - b. drive, ride or operate a Motor Vehicle except on a roadway or Authorized Parking Area;
  - c. encroach on municipally owned lands or erect fences on municipally owned lands;
  - d. access a Recreation Area for the purposes of private maintenance or construction activities without an exemption;
  - e. cause or permit any animal under their Control or Ownership to swim in or enter any splash pad or pool intended for human use only;
  - f. consume, serve, sell or possess Liquor;
  - g. possess or use a bow and arrow, axe or other weapon;



- h. start or maintain a fire;
- i. use a sports field for any organized game or practice;
- j. erect a tent or shelter, or park a trailer of any kind for overnight accommodation;
- k. have exclusive use of any portion or all of a Recreation Area;
- l. ride or Lead a horse, pony, donkey or mule in a Recreation Area, except on a roadway or Authorized Parking Area;
- m. post any sign or poster on any pole, planter, building, fence, bench, picnic table, electrical transmission unit, lamp standard, or Property of any kind;
- n. sell refreshments or other merchandise to the public;
- o. operate any business, game, show or amusement for admission by the public;
- p. solicit funds for any charities, organizations or individuals of any kind;
- q. use a trained dog as a means of controlling waterfowl;
- r. allow a dog or any other domesticated or wild vertebrate animal to enter a Recreation Area building, facility or Change Room, unless the animal is a Trained Service Animal;
- s. disturb, wound, kill, or injure any vertebrate or invertebrate animal, whether domesticated or wild, including but not limited to, birds, fish, molluscs, arthropods;
- t. operate any amplifying system or loudspeaker;
- u. take-off hot air balloons;
- v. alter or foul or permit the altering or fouling of any Property; and
- w. carry out any scientific investigation or study.

### **Closure of Facilities**

9. Parks and Recreation Areas may be closed at the discretion of the Director, due to weather, safety, or other circumstances.

### **Permit Fees**

10. No Person shall use a Recreation Area without first having paid the required fee, and providing proof of insurance if required, or having made the appropriate arrangements for the scheduled payment of fees according to the practices established by the Director and as established in the applicable fees and charges by-law.
11. Permit holders have priority use of a Recreation Area or any part within.

### **Winter Conditions**

12. Parks and Recreation Areas are open year-round, however are not winter maintained by the Township, except for Community Recreation Centres winter maintained for permitted activities.

### **Exemption Requests**

13. The Director may grant an exemption to any Person from Section 8 of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

### **Order to Comply**

14. Where the Officer has reasonable grounds to believe that a contravention of this by-law has occurred, the Officer may make an order requiring the Person who contravened this by-law to do work to correct the contravention
15. An order issued under this by-law shall set out:
  - a. reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred, and;
  - b. the work or remedial action required to be done and the date by which the work or remedial action must be done.
16. An order issued under this by-law may require work or remedial action to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.
17. Any Person who fails to comply with an order issued under this by-law is guilty of an offence.

### **Enforcement**

18. Any Officer is authorized to enforce this by-law.
19. No Person shall hinder or obstruct or attempt to hinder or obstruct, any Officer who is exercising a power or performing a duty under this by-law.

### **Penalty**

20. Every Person who contravenes any of the provisions of this by-law is guilty of an offence and, upon conviction, is liable to a set fine or penalty in accordance with the Provincial Offences Act, R.S.O. 1990. c P.33, as amended.

**Part IV. Conflict and Severability**

**Conflict and Terms Severable**

21. In the event the provisions of this by-law are inconsistent with the provisions of the Municipal Act, its Regulations, or any other Act, the provisions of the Act or Regulation shall prevail.
22. The terms and provisions of this by-law shall be severable, and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, inoperative or invalid, the remainder of the by-law shall continue to be in full force and effect.

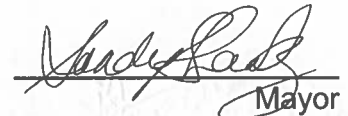
**Repeal**

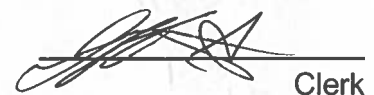
23. By-law number 27-2008 is repealed as of the date and the time of this by-law coming into effect.

**Enactment**

24. This by-law shall come into full force and effect on the date it is passed.

PASSED this 16th day of May, 2023.

  
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Mayor

  
\_\_\_\_\_  
Clerk