



The Corporation of the Township of Tiny

By-law 12-032

Being a By-law to protect, prohibit, regulate and Control
all public parks in the Township of Tiny.

Passed: April 10, 2012

As Amended / Repealed by By-law Number:

Repealed By / Amended By	By-law No.	Passed on:
Amended by	By-law 18-039	May 18, 2018
Amended by	By-law 20-015	February 10, 2020

THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW NUMBER 12-032

**Being a By-law to protect, prohibit, regulate and
Control all public parks in the Township of Tiny**

WHEREAS pursuant to Section 11 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, a municipality may pass by-laws respecting matters within the spheres of jurisdiction, namely culture, parks, recreation and heritage;

AND WHEREAS Council deems it appropriate to enact a by-law to prohibit and regulate activities at parks and to protect these lands on behalf of the public interest;

NOW THEREFORE the Council for The Corporation of the Township of Tiny hereby ENACTS AS FOLLOWS:

TITLE

This By-law shall be known and may be cited as the Parks By-law.

1. DEFINITIONS

- 1.1 "Authorized sign" means any sign, notice, or other device placed or erected in or upon a park by the Township.
- 1.2 "Bluewater Beach Park" for the purpose of this by-law is legally described as #57 Trew Avenue, Township of Tiny, Part Lot 24 Concession 4, Part Blocks R and S RP 51M-117, Block A RP 51M-115, Block A RP 1297, Parts 1-4 51R27134.
- 1.3 "Council" means the Council of the Township.
- 1.4 "Damage" means break, injure, deface or otherwise disturb an area, item, thing or structure.
- 1.5 "Officer" means a Municipal Law Enforcement Officer, a Police Officer or other person appointed by by-law to enforce the provisions of this by-law.
- 1.6 "Park" includes all land owned or operated by or belonging to the Township of Tiny used for park or recreational purposes including but not limited to green spaces, trails, walkways, beaches, beach accesses, sports fields, wooded areas and all portions thereof owned by 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 the use as a public open space, including any buildings, structures, facilities, erections and improvements located in or on such lands.
- 1.7 "Parking area" means a part of a park that is designated for the parking of motor vehicles.
- 1.8 "Person" means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply, according to law.
- 1.9 "Township" means The Corporation of the Township of Tiny.
- 1.10 "Vegetation" includes, but not limited to, any tree, flower, flower bed, fiddle heads, bush, shrub, plant, sod and grass.

2. PARK HOURS

- 2.1 No person shall enter into or remain in a park between the hours of 12:00 midnight to 6:00am.
- 2.2 No person shall enter into or remain in a park building when the park building is closed to the public.
- 2.3 No person shall during any period when a park is closed, allow a vehicle to remain in a park.

3. GENERAL CONDUCT

- 3.1 No person shall engage in riotous, boisterous, violent, threatening, or illegal activity.
- 3.2 No person shall engage in any activity that creates a nuisance or that interferes with the use and enjoyment of the park by other persons.
- 3.3 No person shall engage in any activity that may cause injury or damage to any person, animal, tree or property.
- 3.4 No person shall engage in archery.
- 3.5 No person shall hit, strike or otherwise propel a golf ball.
- 3.6 No person shall disobey an authorized sign.
- 3.7 No person shall erect, place, install, or cause the erection, placing or installation of any permanent or temporary structure or tent unless authorized by Council.
- 3.7 No person shall camp, erect or place a tent for shelter or temporary abode of any kind.
- 3.8 No person shall use, ride, train or race a horse in a park.
- 3.9 No person shall damage or disturb the nest or den of any bird or animal in a park.
- 3.10 No person shall hunt, maim, injure, trap or disturb any animal, bird, waterfowl, or other wildlife.
- 3.11 No person shall affix any advertisement, notice, bill or paper to any vegetation, structure or building in a park or park building.
- 3.12 No person shall fly or operate any powered model airplane in a park.
- 3.13 Subject to any right at law to do so, No person shall place, store, or moor any watercraft or trailer in a park.
- 3.14 No person shall carry a stick of any kind while on the ice surface in a park except where such surface has been designated for the playing of hockey.

4. VEHICLES

- 4.1 No person shall operate any motorized machine on any municipally owned lands such as parks and right-of-ways.
- 4.2 Despite section 4.1 above, the operation of a motor vehicle in a park upon a roadway or parking area shall be permitted.
- 4.3 Permission must be obtained from the Manager of Public Works to obtain access to the beach and waterfront areas.

5. DAMAGE TO PROPERTY

- 5.1 No person shall plant, cut, dig up, remove or damage any plant, shrub, flower, flowerbed, tree, shrub, bush, sod, grass or any other vegetation.
- 5.2 No person shall climb, remove, damage, or deface any property owned by or under the control of the Township including, but not limited to, any fence, bench, seat, table, monument, boardwalk, hand rail, or sign.
- 5.3 No person shall climb onto any park building, structure or equipment not intended for that purpose.
- 5.4 No person shall damage or deface any park building, structure or equipment.
- 5.5 No person shall remove any soil, sand, gravel, stone, rocks, wood, or any other material located in the park.

6. PROHIBITED AREAS

- 6.1 While in a park, no person shall enter into areas posted to prohibit or restrict admission of the public.
- 6.2 For the purpose of Section 6.1 above, all areas of the Bluewater Beach Park are prohibited except for the sandy beachfront area (West of the fence which is adjacent to the shoreline), the boardwalk, the lookout and the marked pedestrian walkways.

7. CAMPFIRES AND BARBEQUES

- 7.1 No person shall build, light, set, stoke or maintain a fire or fire pit.
- 7.2 No person shall be permitted to have a Barbeque upon any boardwalk or beach owned by the Township of Tiny.
- 7.3 No person shall be permitted to have a Barbeque on the municipally owned portion of the Concession 8 West road end, as indicated by the shaded area on Schedule "A" to this by-law.

8. COMMERCIAL ACTIVITIES

8.1 While in a park, no person shall film, videotape or make a television broadcast unless Council has granted approval, except if the broadcast is made by the news media.

9. ENFORCEMENT AND EXEMPTIONS

9.1 This by-law shall not apply to the drivers, operators or other personnel of ambulances, police or fire department vehicles or any employees or agents of the municipality while engaged in the performance of their duties.

9.2 Any Township employee is authorized to inform any person of the provisions of this By-law and to request compliance therewith.

9.3. Any Police Officer, Municipal Law Enforcement Officer or Township employee is authorized to order any person that they believe to be contravening or who has contravened any provision of this By-law,

9.3.1 to desist from the activity constituting or contributing to such contravention;

9.3.2 to remove from the park any object, thing or motorized vehicle owned by or in the control of such person which the officer or employee believes is or was involved in such contravention;

9.3.3. to leave the park or park building.

9.4 No person shall fail to comply with any order given in sections 9.2 or 9.3.

9.5 Any Police Officer or Municipal Law Enforcement Officer upon discovery of any object, thing or motorized vehicle in contravention of this by-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the object, thing or motorized machine which may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, Chapter R.25, as may be amended from time to time, or any successor acts thereto.

9.6 Any Police Officer or Municipal Law Enforcement Officer appointed by the Township of Tiny may enforce the provisions of this By-law.

10. OBSTRUCTION

10.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

10.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.

11. PENALTY

11.1 Every person who contravenes any of the provision of this By-law and every Director or Officer of a Corporation, who knowingly concurs in the contravention by the Corporation, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

11.2 Every person who contravenes the provisions of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contraventions by the corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not be less than \$500 and the maximum shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

11.3 For the purpose of continuous offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

11.3.1 Despite section 11.3 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.

11.4 For the purpose of multiple offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

11.4.1 Despite section 11.4 and the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.

12. SEVERABILITY

12.1 If any court of competent jurisdiction declares any section or part of this By-law to be invalid, such section or part of a section thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent there from and to be enacted as such and the remainder of the By-law shall be valid and shall remain in force.

13. REPEAL OF PREVIOUS BY-LAWS

13.1 That By-law Number 1588, By-law Number 31-77 and By-law Number 00-080 are hereby repealed.

14. EFFECTIVE DATE

14.1 That this By-law shall come into force and effect on the date of passing.

READ A FIRST AND SECOND TIME THIS *10th* DAY OF *April* 2012.

READ A THIRD TIME AND FINALLY PASSED THIS *10th* DAY OF *April* 2012.

THE CORPORATION OF THE TOWNSHIP OF TINY

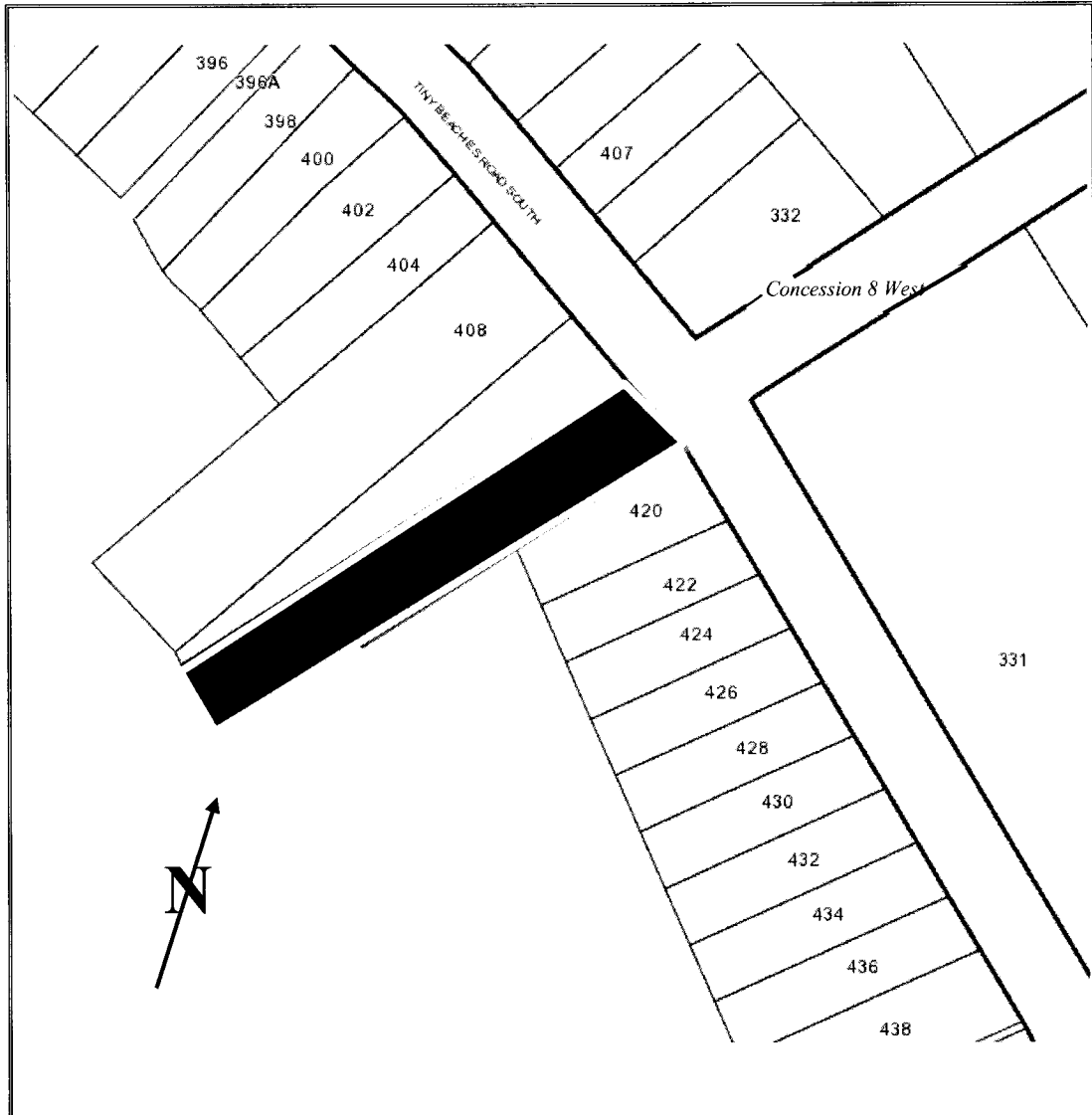


MAYOR, Ray Millar



CAO/CLERK, Doug Luker

**Township of Tiny
SCHEDULE 'A' to By-law 12-032**



LEGEND



No person shall be permitted to have a Barbeque on the municipally owned portion of the Concession 8 West road end, as indicated by the shaded area shown above.