

THE CORPORATION OF THE TOWN OF GRIMSBY  
BY-LAW NO. 24-43  
A BY-LAW TO REGULATE THE USE OF MUNICIPAL PARKS

Whereas Sections 9 to 11 of the Municipal Act, R.S.O., 2001, c.25, as amended, authorizes municipalities to pass By-laws regulating and prohibiting with respect to, among other things, parks.

And whereas the Corporation of the Town of Grimsby deems it necessary and expedient to establish certain rules and regulations for the use of parks within the municipality.

Now therefore the Council of the Corporation of the Town of Grimsby enacts as follows:

### SECTION 1: DEFINITIONS

In this By-law:

**"At Large"** means not being under the control of its Owner and in the case of dogs, includes when a dog is not on a lead or Leash held by a Person or not otherwise physically restrained or directed in its actions;

**"Bicycle"** means any cycle propelled or driven by muscular power, regardless of the number of wheels it has;

**"Bicycle Trail"** means a pathway, whether paved or unpaved, that is designed and posted to permit the use of Bicycles, and does not include a Roadway;

**"Commercial Vehicle"** means a Vehicle where goods and/or services are sold or offered for sale, and includes a refreshment Vehicle that serves food and beverage;

**"Council"** means the Council of the Corporation of the Town of Grimsby;

**"Designated Area"** means an area of a Park designated by the Director for a specific purpose or use;

**"Director"** means the Director of Community Services or designate;

**"Fence"** means any physical barrier erected for the purpose of demarcation, including railing, wall, hedge, line of posts, shrubs, Trees, wire, gate, boards, pickets, or other similar materials;

**"Fireworks"** means a pyrotechnic device or a substance that is made manufactured or used to produce an explosion or detonation, including Fireworks composition and manufactured Fireworks as defined in the Explosives Act R.S.C. 1985, c. E-17, as amended;

**"Leash"** means a rope, chain or other restraining device for a dog or other animal which may not exceed two meters (6 feet) in length; and

**"Leash-free zone"** means a Designated Area as listed on the Town website for the purpose of permitting an animal to be At Large;

**"Motorized Recreational Vehicle"** means that is propelled or driven by an internal combustion engine and that is used for recreational purposes, including but not limited to a snowmobile, go-cart, trail bike, minibike, motorized scooters, power-assisted bicycles, or all-terrain vehicle;

**"Multi-Purpose Pad"** means an asphalt or concrete surface area for non-motorized activities such as-without limiting the generally thereof-basketball, skateboarding, roller-blade and street hockey;

**"Multi-Use Recreational Trail"** means a multi-purpose path whether paved or unpaved for use by pedestrians and non-motorized conveyances, except motorized wheelchairs;

**"Sign"** means any sign, notice, or other device place or erected in or upon a park by the Town;

**"Officer"** means a Municipal By-law Enforcement Officer, a police officer or a Person appointed or employed by the Town for the enforcement of by-laws;

**"Organized Sport or Activity"** means a sport, game or activity that has been pre-planned and that involves more than on player;

**"Owner"** means a Person who keeps, harbors, or has temporary or permanent possession of an animal;

**"Park"** means the land, including any body of water, buildings, structures, and road allowances located therein, that is owned by or made available to the Town by lease, agreement, or otherwise, and that is established, dedicated, set apart or made available for use as public open space; but does not include a marina, golf course, or cemetery;

**"Parking Area"** means a part of the Park the designated for the parking of motor Vehicles;

**"Parks Staff"** means any employee in the Community Services Department in the Town of Grimsby. May also include other Town of Grimsby staff carrying out prescribed work in a Town park.

**"Permit"** means a written authorization issued by the Town under this By-law including a document known as a "Special Events Permit" issued for the use of Park facilities;

**"Person"** means an individual, partnership, association, firm or corporation, and in the case of a minor, the Person having custody over the minor;

**"Recreational Vehicle (RV)"** means a Vehicle or trailer which may provide short term occupancy that is intended and used exclusively for travel, recreation and vacationing, designed to be towed or propelled by a motor Vehicle or self-propelled, and includes such Vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes or other similar travel Vehicles but does not include a mobile home;

**"Refuse"** means and shall include all manner of debris, paper, rag, garbage, dead flower, empty milk or other bottle or any glass article or broken glass, dog feces or rubbish of any kind.

**"Roadway"** means a road that has been improved and designed for vehicular traffic use, but does not include a Bicycle Trail;

**"Special Event"** means an event which may occupy all or part of the Town owned property or may result in the disruption of the local flow of traffic. A Special event may be defined as, but not limited to, a parade, festival, filming, bicycle race/tour, running event, procession, walk-a-thon, or other organized event.

**"Special Events Permit"** means written permission or written authorization issued by the Town under this By-law, issued for the temporary use or access to a Park which shall include, but not limited to, a facilities rental contract or field rental contract;

**"Tree"** means a tree or shrub.

**"Town"** means the Corporation of the Town of Grimsby.

**"Vehicle"** means an automobile, motorcycle, motor-assisted Bicycle, trailer, traction engine, farm tractor, road-building machine, Bicycle or any other Vehicle propelled or driven by any kind of power but does not include a wheelchair or motorized wheelchair.

**"Watercraft"** means any device for conveyance in or on water, including but is not limited to boats, row boats, sailboards, canoes, kayaks, and dinghies.

**"Waste"** means and includes any liquid waste containing human, vegetable, or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated.

**"Weapon"** means anything used, designed to be used or intended for use in causing death or injury to any person, or anything used, designed to be used or intended for use for the purpose of threatening or intimidating any person and, without restricting the generality of the foregoing, includes any firearm.

## **SECTION 2: ADMINISTRATION**

1. The Director shall be responsible for the administration of this By-law and the Director may:
  - a. identify a Designated Area within a Park;
  - b. designate areas within a Park to be excluded from public access;
  - c. post signage or permission, regulation, restriction, warning or prohibition with respect to uses of or activities in any park in accordance with the provisions hereof.
  - d. make regulations and impose conditions upon which a Designated Area shall be used;
  - e. make regulations and impose conditions for the orderly use of a Park and any Park facilities;
  - f. issue Permits for specific uses of a Park or parts of a Park;
  - g. impose conditions as a requirement of obtaining, continuing to hold or renewing a Permit, in addition to the requirements of this By-law, and such conditions may vary depending upon the type of Permit;
  - h. revoke a Permit because of a breach of a condition of the Permit or a provision of this By-law.

## **SECTION 3: EXEMPTIONS**

1. This By-law shall not apply to:
  - a. employees or agents of ambulance, fire and police services acting in the scope of their duties to provide emergency services or enforcement activities within a Park;

- b. the Vehicles and other properties of ambulance, fire and police services used for the purpose of providing emergency services or engaging in enforcement activities within a Park; or
  - c. the Town, its Vehicles, and its employees or agents acting within the scope of their duties as employees or agents of the Town.
  - d. Activities and/or events in a Park which are hosted, sanctioned, and/or authorized by the Town.
2. The Director may, in writing, exempt Persons from all or part of the requirements and prohibitions of this By-law from time to time if such exemption is required for the beneficial administration of a Park.

#### **SECTION 4: PERMITS**

1. No Person without a Permit shall refuse to vacate a Park, or portion of a Park, in the event that a holder of a Permit for that Park, or portion of the Park, wishes to access the area in accordance with the terms and conditions of his or her Permit.
2. An applicant for a Permit under this By-law shall:
  - a. complete a request for the Permit on the forms provided by the Town;
  - b. submit a completed application together with the applicable fees that are established by Council from time to time;
  - c. provide any documentation and insurance certificates as required by the Town as prerequisites and requirements for the issuance of the Permit.
3. Any large Park event that includes one or more of the following will require a Special Event Permit and approval when:
  - a. expected attendance of 150 Persons or more, and open to community for attendance
  - b. requires a road closure, road occupancy or special road use
  - c. service of alcohol on public property
  - d. food service or food trucks
  - e. set up any structures or tents
  - f. ticketed/admission events
  - g. events with special equipment or programming
4. Every applicant for a Special Event Permit shall apply for the Permit at least 45 days prior to the event.
5. The applicant applying for a Special Event Permit shall restore the Park to the same condition or better as existed prior to the holding of the said permitted event.
6. The Town may attach such additional conditions to a Permit as deemed necessary to increase public safety, minimize public nuisances, protect Town property or maintain the enjoyment of the Park for the public.
7. A Permit issued by the Town is valid on the date or dates shown on the Permit.
8. Failure to comply with any provision or condition of a Permit of this By-law may result in the revocation of the Permit by the Director or Parks Staff, in addition to any other enforcement proceedings against the Permit holder as permitted by law.
9. The Permit holder of a revoked Permit shall immediately cease or ensure the immediate cessation of all the activities for which a Permit has been issued upon revocation of the Permit under Section 2.1(h).
10. Where a Permit holder has damaged any Park property, including but not limited to, landscaping, trees or park facilities, the Permit holder may be ordered to
  - a. Repair and/or compensate for the damage to the satisfaction of the Town at the expense of the Permit holder; and/or

- b. Provide any studies or documentation, as deemed appropriate by Parks staff, to determine the extent of the damage before repairing the damage.
- 11. If the Permit holder fails to comply with an order made under Section 4.10 or of the Town chooses to correct the damage itself, the Town may correct the damage and use any security deposit posed by the Permit holder to pay for any costs associated with carrying out the work.
- 12. A Permit holder shall comply or ensure that compliance of all the provisions and conditions of the Permit and this by-law and any other municipal by-laws, provincial laws, and federal laws.
- 13. The issuance of a Permit under this By-law does not relieve any Person from the necessity of acquiring any other license or Permit required for carrying on an activity in a Park under any other applicable laws, by-laws, regulations, and requirements of other government authority.
- 14. A Permit is the property of the Town and is not transferrable.

## **SECTION 5: HOURS OF OPERATION**

- 1. All Parks shall close 30 minutes after sunset and remain closed until 30 minutes before sunrise the following day, with the exception of;
  - a. pathways with lighting; or
  - b. lit sports fields that are authorized by Permit.
- 2. No Person shall:
  - a. enter or remain in a Park after it has closed except if that Person is a participant or spectator of any event or function authorized by the Town of Grimsby or permitted by the By-law wherein such participant or spectator shall promptly leave the Park upon the completion of such event or function;
  - b. enter or remain in an area of a Park where admission is prohibited or restricted without a Permit;
  - c. enter or access through a Park for the purpose of conducting any work on private property without written permission from the Town;
  - d. encroach upon or take possession of any Park or part thereof by any means whatsoever, including construction, installation or maintenance of any Fence, well or structure, the dumping, parking or storage of any Vehicles, boats, materials or plants or the planting, cultivating, grooming, grading or landscaping thereon.
  - e. No Person shall cause or Permit an obstruction that could block or dissuade access for the public to any Park through any means.
- 3. Notwithstanding Section 9 of the Municipal Act, the Director or Officer may close a Park or portion of a Park for a period of time, where the Director or Officer determines that is it necessary:
  - a. to maintain the safety or security of the Park; or
  - b. to conduct an investigation; or
  - c. to allow the Director or Officer to adequately administer and enforce this By-law; or
  - d. for the beneficial administration of the Park or to carry out the functions as authorized by a Permit for use of the Park or part of the Park.
- 4. The Director shall not close the Park or a portion of the Park for a different period of time as provided in Section 5.1 for more than 6 consecutive months without Council approval.

## **SECTION 6: GENERAL CONDUCT**

- 1. While in a Park, no Person shall:

- a. engage in riotous, boisterous, violent, threatening, indecent, or illegal activity.
- b. engage in any activity that creates a public nuisance including but not limited to being in an intoxicated condition or by loitering, spying, frightening, annoying or otherwise interfering with the use and enjoyment of the Park by any other Person;
- c. disobey an Official Town Sign;
- d. Picnic tables, playground equipment and other facilities are provided for the use of the general public. No Person shall unduly restrict the use of any Park facilities by any other person except with the written permission of the Town;
- e. engage in any activity that may cause injury damage to any Person, animal, Tree or property;
- f. unless authorized by Permit, while in any Park or public place, no Person shall be in possession of or use any firearm, air gun, bow and arrow, axes or weapon of any kind;
- g. carry or discharge any Fireworks as defined by the Town of Grimsby By-law No.20-41, as amended, or any successor thereto without a Permit;
- h. release any balloons, paper lanterns, glitter or confetti;
- i. have in his or her possession any air horn or similar device;
- j. dress or undress in a Park or Park building except in a change facility;
- k. be nude in a Park building except when dressing or undressing in a change facility;
- l. urinate or defecate except in a designated washroom
- m. dive or jump from any bridge in a Park;
- n. smoke in contravention of Niagara Region By-law No.2019-52, as amended, or any successor thereto;
- o. bring alcohol into any Park. Alcohol is only permitted for special occasions with the approval of the Town and in compliance with any applicable legislation governing the control of alcohol; or
- p. while in any Park or public place, no Person shall consume or have on their Person a drug listed in schedules I, II, III, IV, and, V of the *Controlled Drugs and Substances Act* S.C.c.19.
- q. camp, erect, or place a tent for shelter or temporary abode of any kind without a Permit.
- r. Any Person using any Park does so entirely at his or her own risk, and the Council and the Town shall not be liable in any way or any action, cause of action, claim, or demand, for, upon or by reason of any damage, loss, or injury that any time may be sustained by any Person using a Park either with or without permission in consequence of any accident or injury.
- s. obstruct, hinder or otherwise interfere with an authorized employee of the Town or with an Officer while carrying out an investigation, making inquiries or performing his/her duties for the purposes of enforcing this by-law.
- t. willfully or maliciously hinder, or interrupt or cause or procure to be hindered or interrupted, the Committee or its engineers, surveyors, managers, contractors, servants, agents, workmen, or any of them in the exercise of any of the powers and authorities authorized and contained in this by-law.

## **SECTION 7: PROTECTION OF PROPERTY**

1. No Person shall cross or conduct any works under, over, along, across, or upon any park for the purpose of construction, demolition, repair, alteration, works, and/or improvement of private property of any kind without first applying for and receiving a Permit.
2. No Person, in a Park shall damage, deface, destroy, injure, plant, prune or remove any plant, shrub, flower, flowerbed, bush, sod, grass, trees, or any other vegetation unless otherwise authorized in writing by the Town;
3. No Person, in a Park shall damage, deface, destroy or remove;
  - a. any bench, Fence, fixture, fountain, monument, seat, Sign, or table;
  - b. building, structure, utility, or equipment;
  - c. wood, turf, grass, soil, rock, sand, gravel, or any other material located in the Park except by the authority of the Council.
4. No Person shall dump, deposit, drain, or otherwise dispose of:
  - a. any waste anywhere in the Park, except waste generated from the use of the Park which shall be placed wholly into receptables provided in the Park for such purposes;
  - b. any construction materials, debris, fill, snow or soil in a Park, or in any ravine, slope, or other land access way to a park, except with the written consent of the Town;
  - c. any paint, grease, oil, offal or any dangerous matter that has an odor or appearance found to be offensive by users of the Park;
  - d. any material into or out of any soils or into any pool, pond, lake, stream, fountain, watercourse, or any other body of water, without a Permit.
5. While in a Park, no Person shall:
  - a. climb any building, structure or equipment, unless the structure or equipment is designed for climbing;
  - b. in any manner, disturb ground which is under repair, prepared for planting, has newly been seeded or sodded or is in an area posted to that effect;
  - c. drive, park, or walk in an area posted to prohibit the same;
  - d. use a metal detector within any of the Town's Parks;
  - e. conduct archaeological research, or remove any relic, artifact or natural object, unless authorized by the Town;
  - f. scatter any paper, cardboard, or any other material; or
  - g. lay or cause to be laid pipe or main connected with any park waterworks;
  - h. undertake any maintenance activities or alter existing grounds or facilities unless authorized to do so by the Town.
6. No Person shall bury, scatter, or otherwise dispose of any cremated remains in a Park.

## **SECTION 8: ANIMALS**

### **ANIMALS IN PARKS**

1. In a Park, no Owner shall:
  - a. bring any animal other than a domesticated animal unless authorized by a Permit;
  - b. shall ride horses or ponies at any time;
  - c. excluding blind Persons reliant upon a guide dog, Permit any dog to enter any beach, pond, swimming area, farm area, garden, landscaped area, playground, or sports field, or any other area posted to prohibit animals;

- d. bring a dog into an area that is designated by a Sign as an area where dogs are prohibited;
- e. allow an animal to be At Large other than a Leash-free zone; or
- f. allow an animal to be At Large in a Leash-free zone at a time other than the permitted hours of between 7:00 a.m. to dusk;
- g. allow an animal At Large in a Leash-free zone without the Owner's supervision; or
- h. allow an animal to disturb any wildlife or vegetation;
- i. fail to pick up and remove any excrement left by an animal under his or her control ;
- j. allow an animal to engage in any activity that is prohibited under Sections 5, 6, 7.

#### PROTECTION OF WILDLIFE

- 2. While in a Park, no Person shall;
  - a. hunt, injure, kill, attempt to kill, trap or otherwise pursue or molest any animal in any manner so as to disturb its presence in the Park;
  - b. feed or attempt to feed any wild animal, unless authorized by the Town;
  - c. damage or disturb the nest or den of any bird or animal in the Park;
  - d. allow a pet to kill, attempt to kill, maim, injure, trap or disturb any animal, bird, waterfowl, fish or other wildlife.

#### ANIMAL CARE & CONTROL BY-LAW

- 3. In the event of any conflict between this By-law and the Town of Grimsby Animal Care & Control By-law No. 10-06, or any successor thereto as amended. The Animal Care & Control By-law shall take precedence.

### **SECTION 9: SPORTS AND ACTIVITIES**

- 1. A Permit shall be required for an Organized Sport or Activity. Team sports and organized activities shall only take place in areas specifically designated by the Director and in which facilities have been installed by the Town of specifically for such purpose. No Person shall conduct any team sports or organized activities without a Permit or other than in accordance with the terms of the Permit and the provisions of this paragraph.
- 2. No Person shall interfere with an authorized Organized Sport or Activity.
- 3. The Town may impose limits on the age, size or number of Persons permitted to engage in any of the Organized Sport or Activities specified in Section 9.1 at any given location, having regard to the capacity of the Park facilities and the safety of the public. Any such restrictions posted in the area of the Park facilities by Sign. No Person shall play a game in a Park contrary to any restrictions posted under this paragraph without the written authorization from the Town. This paragraph shall not apply to prevent activities necessary or incidental to coaching participants in an Organized Sport or Activity conducted pursuant to a Permit.
- 4. Where a Permit allows for an Organized Sport or Activity to use lights in a Park no Person responsible for the Organized Sport or Activity shall leave the Park without turning off the lights at the end of the game or practice.
- 5. The Director may, at his or her discretion, restrict or Permit access, at any time and to any one ball diamond or sports field, on the basis of the ground conditions of the ball diamond or sports field.
- 6. No Person shall snow board, skate, or ski in any Park except in those areas designated by signage for that purpose.
- 7. No Person shall engage in any horse race or ride a horse in a Park in an area not designated for that purpose by the Director.



8. No Person shall play golf, drive a golf ball or use golf clubs or other like equipment or drive a golf cart in a Park except in an area designated by the Director for that purpose.
9. No Person shall enter, walk, or play upon a Designated Area for tennis or pickleball in any Park or public place, except in accordance with the posted rules and regulations.
10. No Person shall possess any bows or arrows or discharge arrows in or into a Park except in an area designated by the Director as an archery range.
11. No Person shall operate a motor driven model airplane, helicopter, rocket, boat, or Vehicle, except in an area designated by the Director for that purpose.
12. The flying of kites is prohibited in Parks and public places where power lines exist.
13. Unless authorized by Permit, no Person shall either, launch or land any hot air balloon, hang glider, ultra light aircraft, parachutes or similar conveyance in any Park or public place.

#### **SECTION 10: CYCLING, SKATEBOARDING, ROLLERBLADING, SKATING**

1. In a Park, no Person shall:
  - a. roller skate, Bicycle, skate board, roller blade or use a scooter anywhere except for a Designated Area, Multi-Purpose Pad, or a Multi-use Recreational Trail.
  - b. obstruct, inconvenience or endanger other users of the Park or public place while operating or utilizing traditional or in-line roller skates, skate boards, Bicycles, scooters or like conveyances. To avoid collision riders should give adequate warning on their approach and give pedestrian(s) the right-of-way.
  - c. skate, walk, or engage in any activity or access through snow- or ice-covered ponds, lakes, streams, rivers, or any other snow- or ice-covered body of water;
2. No Person using a skating rink in a Park shall:
  - a. race, speed, or interfere with, or do anything that would endanger the safety of others on the skating rink;
  - b. use long-nosed racing skates unless protected by toe guards of a type approved by the Council
  - c. carry a cane, stick or any other object that is, or is likely to be, dangerous to other Persons on a rink, except such equipment as may be required for any sport or activity approved by the Director;
  - d. engage in hockey or carry or use a hockey stick or similar equipment on a natural or artificial ice surface which is designated for pleasure skating only unless posted and under the authority of the Director;
  - e. use the rink during the preparation period; or
  - f. fail to obey the instructions or a rink supervisor employed by the Town of Grimsby or any other Person appointed by the Director to oversee the operation and use of skating rinks.

#### **SECTION 11: ORGANIZED GATHERINGS AND PICNICS**

1. While in a Park, no Person shall:
  - a. hold a picnic, organized gathering or event except in areas designated by the Town for such purposes;
  - b. hold a picnic, organized gathering or event for more than 30 Persons without a park Permit;

- c. interfere with a picnic, organized gathering or event authorized by Permit; or
- 2. If there is an organized gathering or event, no Person shall arrange or engage in cooking except in a Designated Area and with a valid Permit, where it is required.

## **SECTION 12: FIRES AND BARBEQUES**

- 1. While in the Park, no Person shall:
  - a. light, build, or stoke a fire or bonfire
  - b. gather, collect or remove wood from a park for the purposes of a fire;
  - c. use a portable barbeque unless authorized by Permit from the Town or in a Designated Area.

## **SECTION 13: AMPLIFIERS AND SPEAKERS**

- 1. While in a Park, no Person shall:
  - a. without a Permit, operate or use any sounds amplifying equipment, including but not limited to a radio, tape player, Bluetooth speaker, public address system and car radio in a manner that, in the opinion of Park Staff or an Officer, disturbs or interferes with other Persons in or near the Park; or
  - b. operate or use any sound amplifying equipment contrary to the provisions of the Town of Grimsby Noise By-law No.11-22, as amended or any successor thereto.

## **SECTION 14: WATERCRAFT**

- 1. No Person shall:
  - a. launch a Watercraft anywhere in a Park except from a Designated Areas; or
  - b. beach, moor, or dock a Watercraft anywhere in a Park except in a Designated Area.
- 2. No Person shall fuel or refuel a Watercraft:
  - a. from any Vehicle or other equipment on land, including piers or docks, except in a Designated Area; or
  - b. from another Watercraft; or
  - c. without a fuel attendant of the Town on duty and supervising the fueling.

## **SECTION 15: BATHING AND SWIMMING**

- 1. While in a Park no Person shall:
  - a. enter any public swimming pool except at times designated for swimming and provided that there is lifeguard present and on duty;
  - b. disobey posted Signs or the instructions of any lifeguard, Parks Staff or Officer in or adjacent to any swimming pool;
  - c. willfully or cause any Person or animal to swim, bathe or wade in any fountain, pond, lake, stream, or any body of water except in a Designated Area;
  - d. dive from any pier or groyne;
  - e. take any inflatable device, swimming assistive device, snorkel, or other underwater breathing device into any body of water unless otherwise permitted; or
  - f. misuse or damage the Town's lifesaving equipment;
  - g. throw any article in any pool, fountain, pond, lake or stream that is likely to endanger any Person or wildlife, or to pollute the waters; or

- h. bring into or possess in a bathing area or swimming areas of a Park any bottle, glassware, metal or other material which may cause injury;
- i. dress or undress in or adjacent to any water in or adjoining Park, bathing beach, or swimming pool except in a Designated Area;
- j. filming and photography at a public pool is not permitted without permission from the Town.

#### **SECTION 16: WASHROOMS AND CHANGE-ROOMS**

- 1. While in a Park, no Person shall:
  - a. activate, operate, turn on or use any photographic device, including any camera, video equipment or cellular phone with video or photographic functions, in a washroom, bathhouse, or change-room.
  - b. Occupy or utilize any washroom or changeroom facility outside of the park operating hours.

#### **SECTION 17: COMMERCIAL ACTIVITIES**

- 1. While in a Park, no Person shall:
  - a. unless authorized by Permit or as approved under a Special Event Permit, sell, offer to sell, or display for sale:
    - i. any flowers, food, including fruits and vegetables, refreshments, tobacco, or alcohol;
    - ii. any goods, wares, merchandise, or articles, including promotional materials, souvenirs and novelties; or;
    - iii. newspaper, magazine, or publication;
    - iv. any art, skill, service or work.
  - b. once the necessary Permit has been obtained from the Town, the vendor may be required to apply to the Clerk's Division for a business license;
  - c. The following regulations apply to vendors who have obtained permits to sell food or refreshment in Parks:
    - i. all Vehicles from which food or refreshments are sold must be parked in the area designated for such purpose, with the exception of non-motorized refreshment Vehicles
    - ii. all vendors selling food or refreshments shall keep the ground within a 46 meter (150 ft) radius of their designated sales area clear of garbage and litter on a continuous basis;
  - d. unless authorized by Permit practice, carry on, conduct, or solicit for any trade, occupation, business, profession, or charity.
  - e. film, photograph or videotape for remuneration without permission from the Town (with the exception of family photographs); or
  - f. make any television broadcast without permission from the Town, except if the broadcast is made by the news media.

#### **SECTION 18: CIRCULARS AND ADVERTISEMENTS**

- 1. Unless authorized by Permit, no Person shall:
  - a. while in any Park or public place distribute, discard, or display any handbill, notice, or other circular, bill or advertisement;
  - b. post, nail, attach, stencil or otherwise fasten or erect any poster, sign, notice, or other circular, bill, advertisement or paper in a Park or public place, including Trees;
  - c. post, affix or attach any handbills, notices, or other circular on any Vehicle in a Park or public place.

## **SECTION 19: VEHICLES**

### **GENERAL PROHIBITIONS**

1. While in the Park, no Person shall:
  - a. unless specifically permitted, drive, operate, pull or ride any Vehicle except on a Roadway or in a designated Parking Area;
  - b. drive, operate or park;
    - i. any motor vehicle or any other form of motorized conveyance on a Multi-Purpose pad or Multi-Use Recreational Trail or Bicycle Trail;
    - ii. any heavy equipment, machinery or Vehicle of whatever mode of power;
    - iii. any Vehicle except for the purpose of making a delivery to a point within the limits of the Park;
    - iv. any recreational Vehicle, commonly known as an "RV" which may provide living accommodations for Persons; or
    - v. any Motorized Recreational Vehicle except in areas specifically designated for that purpose.
  - c. park any Vehicle, except a Bicycle, on a landscape area, turf grass area or other area not designated for parking, unless by written permission by the Town;
  - d. park any Vehicle in a designated Parking Area that is not associated with Park use.
  - e. park or stand any Vehicle upon a Roadway where prohibited by Signs erected or posted by the Town.
  - f. park or stand any Vehicle in such a manner as to obstruct traffic or impede pedestrian travel;
2. No Person shall use a Roadway or Parking Area in a Park for:
  - a. cleaning, maintaining, repairing, servicing or washing a Vehicle;
  - b. instructing, teaching, or coaching any Person in the driving or operation of a Vehicle, except for a Bicycle; or
  - c. games or sport activities without a Permit.
3. Park or stand any passenger bus or school bus, including upon a Roadway or in a designated parking lot, unless in relation to a Special Event Permit, without the written permission of the Town;
4. An Officer or Parks Staff may direct vehicular or pedestrian traffic at their discretion where it is considered reasonable necessary to ensure the orderly movement of traffic, or to Permit action in an emergency.
5. No Person shall park or leave a vehicle overnight in a Park in accordance with the Town of Grimsby By-law No.16-82 as amended, or any successor thereto;
6. An Officer appointed to enforce this by-law, upon discovery of any Vehicle parked in contravention of this provisions 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 vehicle, which may be enforce in the manner provided by Section 4 of the *Repair and Storage Lien Act*. The payment of the cost of removing, care and storage does not excuse the drive or owner from paying any penalty provided for in this by-law or facing prosecution under the Provincial Offences Act in default of so doing.

## **COMMERCIAL VEHICLES**

7. No Person shall operate, pull, ride, or park any Commercial Vehicle in a Park unless the Person;
  - a. has a valid Permit issued by the Town to conduct commercial activities using the Vehicle in the Park.
  - b. satisfies all licensing requirements as provided in other applicable laws, by-laws, regulations and requirements of any governmental authority for the operation of such Commercial Vehicle in the Town; and complies with all the provisions in the Permit as issued by the Town.
  - c. complies with all the provisions in the Permit as issued by the Town.

## **SPEED**

8. No Person shall operate a Vehicle in a Park in excess of the posted speed limit.
9. No Person shall operate a Bicycle or power assisted Bicycle within a Park, at a speed over 8 km/hr. (5 m.p.h.).
10. All Roadways in a Park shall have a maximum speed limit of 25 km/hr. (15 m.p.h.) for all Vehicles.

## **SECTION 20: ENFORCEMENT**

1. An Officer or Parks Staff may order any Person believed to be contravening or have contravened any provision of this By-law:
  - a. to immediately cease and desist the activity constituting or contributing to such contravention;
  - b. to immediately remove from the Park any animal or thing owned by or in the control of such Person which is involved in such contravention; or
  - c. to leave the Park immediately.
2. While in a Park, every Person shall obey every order of:
  - a. employees or agents of ambulance, fire and police services acting in the scope of their duties to provide emergency or enforcement services;
  - b. any Officer acting in the scope of their duties to provide emergency or enforcement services; and
  - c. any Parks Staff acting in the scope of their duties.
3. Every Person who contravenes an provision of this By-law is guilty of an offence and is liable upon conviction to a fine and any other penalties imposed pursuant to the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended or any successor thereto.

## **SECTION 21: VALIDITY**

1. If a court of competent jurisdiction declares any section or part of a section of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force and effect.

## **SECTION 22: INTERPRETATION**

1. For the purposes of this By-law, unless the context requires otherwise:
  - a. Words imparting the singular number shall include the plural and words imparting the masculine gender shall include the feminine and vice versa.

- b. Where a form of words or expression are prescribed in this By-law, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.

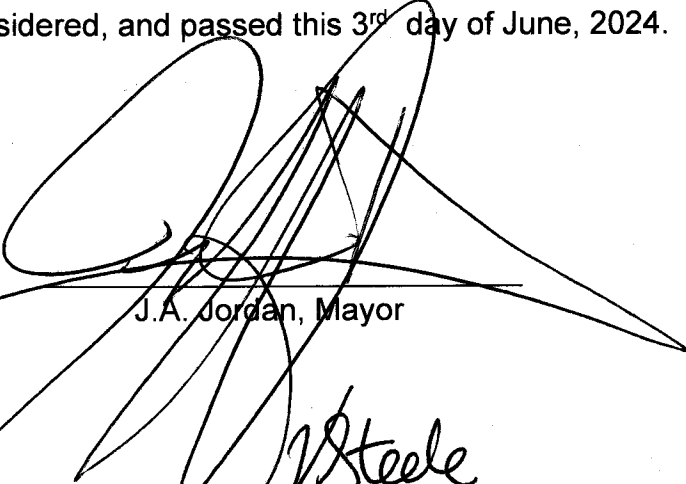
### SECTION 23: ENACTMENT

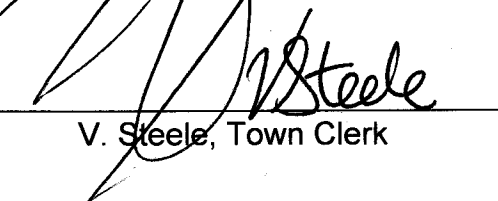
1. Schedule "A" attached hereto and forming part of this By-law, as may be approved or modified by an Order of the Chief Judge of the Ontario Court of Justice (Provincial Division) pursuant to the provisions of the Provincial Offences Act and the rules of the Ontario Court of Justice, shall come into force and take effect upon approval or modification by the said Chief Judge.
2. This By-law shall come into force and take effect upon the date of the passage.

### SECTION 24: SHORT TITLE

1. This By-law may be referred to as the "Parks By-law".

Read a first time, considered, and passed this 3<sup>rd</sup> day of June, 2024.

  
J.A. Jordan, Mayor

  
V. Steele, Town Clerk

# SCHEDULE "A"

## Part I Provincial Offences Act

### By-law No. 24-43

#### BEING A BY-LAW TO REGULATE THE USE OF MUNICIPAL PARKS

COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
Failure to leave park when directed	4 (1)	350
Enter park while closed	5 (2) a.	250
Enter prohibited/restricted area of the park without permit	5 (2) b.	150
Enter or access park to work on private property	5 (2) c.	250
Encroach or take possession of any part of the park	5 (2) d.	250
Cause or permit obstruction to the park	5 (2) e.	350
Engage in riotous, boisterous, violent, threatening, indecent, or illegal activity	6 (1) a.	350
Create public nuisance within park	6 (1) b.	250
Disobey official town sign	6 (1) c.	150
Restrict use of the park facilities without permission	6 (1) d.	150
Engage in activity to harm person/animal/tree	6 (1) e.	350
Possess firearm/bow/weapon within park	6 (1) f.	350
Possess or discharge fireworks	6 (1) g.	250
Release balloons/paper lanterns/glitter/confetti	6 (1) h.	150
Possess air horn or similar device	6 (1) i.	150
Dress or undress in park	6 (1) j.	250
Be nude within a park building	6 (1) k.	250
Urinate or defecate outside of designated washroom	6 (1) l.	350
Dive or jump from bridge	6 (1) m.	150
Possess alcohol in park	6 (1) o.	250
Possess or consume drugs in park	6 (1) p.	350
Erect tent or camp in park without permit	6 (1) q.	150
Obstruct Officer/Town employee/contractor	6 (1) s.	350
Hinder or interrupt authorized authorities	6 (1) t.	350
Damage/deface/destroy/injure any plant, tree, sod or other vegetation without permission	7 (2)	350
Damage/deface/destroy/remove any building, structure, utility, or other equipment	7 (3) a. & b.	350

Damage/deface/destroy/remove any wood, soil, rock, sand, gravel without permission	7 (3) c.	150
Deposit refuse not into approved receptables	7 (4) a.	150
Deposit materials/debris/fill/snow in park without permission	7 (4) b.	250
Deposit paint/grease/oil/any other dangerous material within park	7 (4) c.	250
Deposit any material into soil/pool/fountain/or any other body of water without permit	7 (4) d.	250
Climb non-designated structure/equipment/building	7 (5) a.	150
Disturb ground under repair	7 (5) b.	150
Drive/park/walk where prohibited by sign	7 (5) c.	150
Use metal detector within park	7 (5) d.	150
Conduct or remove any archaeological research or items	7 (5) e.	150
Scatter paper, cardboard or any other materials	7 (5) f.	150
Undertake maintenance activities without permission	7 (5) g.	150
Bury/scatter/ or otherwise distribute human remains	7 (6)	150
Bring other than domesticated animal to park	8 (1) a.	150
Ride horse or pony in park	8 (1) b.	150
Permit dog to enter any body of water/playground/sports field	8 (1) c.	150
Bring dog into park where prohibited by sign	8 (1) d.	150
Permit animal to run at large	8 (1) e.	150
Permit animal to run at large without owner supervision	8 (1) g.	250
Permit animal to disturb wildlife or vegetation	8 (1) h.	150
Owner of animal fail to remove excrement	8 (1) i.	150
Trap/hunt/kill or attempt to kill/injure/ or otherwise pursue animal in park	8 (2) a.	350
Feed wild animals within a park	8 (2) b.	150
Damage or disturb nest or den of animal	8 (2) c.	350
Permit pet to kill or attempt to kill, maim, injure, trap or disturb any animal or other wildlife	8 (2) d.	350
Engage in in organized sport or activity in area not permitted	9 (1)	150
Engage in in organized sport or activity without permit	9 (2)	250
Interfere with organized sport or activity	9 (3)	150
Fail to turn lights off within park	9 (5)	150
Skate/ski/snowboard not within permitted area	9 (7)	150



Golf/hit golf ball/ use golf equipment not within permitted area	9 (9)	150
Play Tennis not within permitted area	9 (10)	150
Operate motor driven airplane/vehicle/boat not within permitted area	9 (12)	250
Flying kite while overhead wires present	9 (13)	350
Fly/land/tether/launch a flying craft without permit	9 (14)	150
Use roller skates/bicycle/ skateboard/scooter not within designated areas	10 (1) a.	150
Use roller skates/bicycle/skateboard/scooter in manner to obstruct, inconvenience, or endanger other users	10 (1) b.	350
Enter onto snow or ice covered body of water	10 (1) c.	350
Fail to use skating rink in accordance with rules	10 (2)	250
Cause or permit gathering or event not within permitted area	11 (1) a.	150
Cause or permit gathering or event with more than 50 persons without permit	11 (1) b.	250
Interfere with permitted gathering or event	11 (1) c.	250
Cause or permit cooking not within designated areas	11 (2)	150
Cause or permit fire to be built or stoked	12 (1) a.	350
Cause or permit the use of a portable BBQ	12 (1) b.	250
Cause or permit the use of other than propane BBQ	12 (3)	250
Play sound or music with any sound amplifying equipment without permit	13 (1) a.	150
Launch watercraft in non-designated area	14 (1) a.	150
Moor or dock watercraft in non-designated area	14 (1) b.	150
Fuel watercraft in non-designated area	14 (2)	250
Enter public swimming pool outside of designated times	15 (1) a.	150
Disobey posted signs adjacent to swimming pool	15 (1) b.	250
Cause or permit person or animal to wade or swim	15 (1) c.	350
Dive from pier	15 (1) d.	150
Damage or misuse lifesaving equipment	15 (1) f.	350
Throw items into body of water that is likely to danger persons or wildlife	15 (1) g.	350
Possess item or material that may cause injury	15 (1) h.	350
Dress or undress in non-designated area	15 (1) i.	250
Enter washroom or change room of the opposite sex	16 (1) a.	250

Cause or operate any device capable of taking pictures or videos within a washroom or change room	16 (1) b.	250
Sell/offer/display items or goods for sale without a permit	17 (1) a.	150
Vendor fail to meet regulations	17 (1) c.	150
Vendor fail to obtain business license	17 (1) d.	250
Conduct or carry on business without permit	17 (1) e.	250
Film or photograph without permit	17 (1) f.	250
Cause or permit the handing out or posting of material on anything or anywhere in park.	18 (1)	150
Operate vehicle outside of roadway or designated parking areas	19 (1)	250
Use roadway or parking area for non-designated uses	19 (2)	250
Operate or pull commercial vehicle in park	19 (7)	250
Operate vehicle in excess of posted speed limit	19 (8)	250
Operate bicycle in excess of 8 km/hr	19 (9)	250
Operate vehicle in excess of 25 km/hr	19 (10)	350