

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW NUMBER 2020-095

A by-law of the Township of Muskoka Lakes to regulate and to promote responsible enjoyment and use of parks and facilities.

WHEREAS The Municipal Act, 2001, S.O. 2001, c25 s.130. permits a municipality to regulate matters for the purposes related to the health, safety, and well-being of the inhabitants of the municipality;

AND WHEREAS the Council of the Corporation of the Township of Muskoka Lakes deems it essential to regulate the setting of open air fires.

NOW THEREFORE the Council of the Corporation of the Township of Muskoka Lakes enacts as follows:

1.SHORT TITLE:

The short title of this By-law is the "Parks and Facilities Use By-law".

2.DEFINITIONS

In this by-law:

"alcoholic beverage" means spirits, liquor, beer, wine or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage alone or in combination with any other substance;

"animal" means any member of the animal kingdom, other than a human, and includes birds;

"barbecue" means a portable or fixed device designed and intended solely for the cooking of food in the open air, but does not include outdoor fireplaces and campfires;

"boat" includes a canoe, rowboat, punt, sailboat, outboard and inboard motor boat, and personal water craft;

"By-law Officer" means a person appointed by the Council of the Township of Muskoka Lakes as a Municipal Law Enforcement Officer to enforce the provisions of the by-law;

"camp" means to erect a structure, hut or tent for the purpose of providing shelter;

"Director" means the Director of the Public Works Department, or its successor, of the Township of Muskoka Lakes or authorized designates, unless otherwise specified;

"facility" means any area, building or structure in a park under the jurisdiction of the Township of Muskoka Lakes;

"motorized vehicle" means an automobile, truck, motorcycle or any other vehicle propelled or driven by means other than muscular power but does not include a wheelchair or motorized vehicles operating pursuant to the approval of the Director;

"organized team sport" means a team sport which operates under the auspices of a league, club or association and has a registration process with designated player rosters;

"outdoor municipal property" means the outdoor area of all property owned or leased by the Township including but not limited to a park, trail and property managed by, Muskoka Lakes Public Library Board.

"park" means a playground, playing field, ball diamond, sports field, beach including but not limited to the area of the water under the control or supervision of the Township, recreation centre, community building, facility, square, garden, water, pedestrian walkway, trail or any other area owned, leased or used by the Township as designated herein and devoted to active or passive recreation and includes any lane or walkway or public parking area leading thereto;

"person" means any individual, association, firm, partnership, corporation, agent or trustee

and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law;

“service animal” means an animal trained by a recognized school for service as a guide dog for the blind or visually impaired, a guide dog for the deaf or hearing- impaired, or a special skills dog for other disabled persons and includes an animal used in therapy, registered with a recognized organization for that purpose;

“smoke” or “smoking” includes the carrying of a lighted cigar, cigarette, pipe, or any other lighted or heated smoking equipment used to smoke any tobacco or non-tobacco substance;

“sports field” means an area in a park set aside for use in sports, such as football, soccer, rugby and cricket, requiring an open field space;

“Township” means the municipal corporation of the Township of Muskoka Lakes or the geographic area of the Township of Muskoka Lakes as the context requires;

“waste” means paper, bottles, broken glass, cans, cigars, cigarettes, rags, garbage, rubbish, debris or refuse of any kind;

“wheelchair” means a chair mounted on wheels, which is propelled by muscular or mechanical power including a scooter and is used for the carriage of a person who has a disability.

3.INTERPRETATION

- (1) In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
- (2) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable, and all parts hereof are declared to be separate and independent and enacted as such.

4.DESIGNATION OF PARKS

- (1) The lands identified in Schedule 1 attached hereto are designated as parks for the purposes of this by-law.

5.HOURS OF OPERATION

No person shall:

- (1) remain or enter into any park between the hours of 11:00 p.m. and 7:00 a.m. except as a participant or spectator of a function approved by the Director;
- (2) remain in the park upon completion of an activity as a participant or spectator of any function between the hours of 11:00 p.m. and 7:00 a.m.; or
- (3) enter any place where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted.
- (4) Despite subsection (1), where the hours of operation in a park are posted and differ from those in subsection (1), the provision of this by-law shall apply.

6.ANIMALS

- (1) No person being the owner or having care and custody of an animal shall permit such animal to be in a park except while on a leash unless otherwise approved by the Director.
- (2) Subsection (1) shall not apply to dogs in areas of a park designated as an off leash park.
- (3) Subsection (1) shall not apply to a person with a service animal.
- (4) Despite subsection (1) and subject to other applicable municipal by-laws, the

Director may permit animals to be brought into a park for specific events, if the applicant files with the Director a request for a specific event indicating the time, date, place and purpose together with any additional information requested by the Director.

(5) No person shall ride a horse in a park in an area not designated for that purpose.

7. SPORTS AND ACTIVITIES

(1) No person shall participate in or play baseball, softball, basketball, volleyball, football, soccer, rugby, tennis, croquet, cricket, badminton, frisbee, disk golf, skateboarding or any other sport or activity in a park except in an area designated for such respective purposes and in accordance with subsection (2).

(2) No person shall:

(a) use a ball diamond on any day between the 16th day of October and the 30th of April of any year;

(b) use a sports field on any day between the 1st day of November and the 14th day of May of any year;

(3) Despite subsection (2), the Director may, at his or her discretion, amend the dates on which a ball diamond and sports field may be used, on the basis of the ground conditions of the ball diamond or sports field.

(4) Despite subsection (2), 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.

(5) Subject to subsections (3) and (4), no person shall use or access a ball diamond or sports field to which access has been restricted by the Director.

(6) Despite clause (b) of subsection (2), no person shall access or use sports fields for winter sports during the winter months unless,

(a) the ground is snow covered;

(b) the site is not altered; and

(c) there is no damage to the field.

(7) 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 for that purpose.

(8) No person shall use a municipal tennis court located in a park unless such person is wearing appropriate footwear.

(9) No person shall possess or discharge any firearm, bow or arrows in or into a park except in an area designated for that purpose.

(10) No person shall operate a motor driven model airplane, helicopter, rocket or boat except in an area designated for that purpose.

(11) No person shall use a barbecue in a park except in areas designated for that purpose.

8. CYCLING, SKATEBOARDING, ROLLERBLADING, MOTORIZED VEHICLES

(1) No person shall ride a bicycle or participate in skateboarding or rollerblading in a park, or part thereof, except where such activities are approved.

(2) No person shall drive a motorized vehicle in a park, except in areas and during hours designated for that purpose.

(3) No person shall drive, park or stop a motorized snow vehicle in a park except in areas and during the hours designated for that purpose.

9. PERMITS

- (1) No person shall undertake the following activities in a park and without a permit issued by the Director:
- a) sell, or offer, expose or advertise for sale any:
 - 1) food or drink;
 - 2) newspaper, magazine or publication;
 - 3) goods, wares or merchandise;
 - 4) art, skill or service;
 - b) practice, carry on, conduct or solicit for any trade, calling, business or occupation;
 - c) distribute any flyers or circulars, or post any bills, notices or advertising devices, including signs, of any kind;
 - d) convene, conduct or participate in any parade or procession;
 - e) convene, conduct or hold a public meeting, or deliver a speech as a member of or to members of any group or to members of the general public;
 - f) have in his/her possession any alcoholic beverage;
 - g) ignite, discharge or set off any fireworks;
 - h) light any open air fire in any park, except in places specifically provided by the Township;
 - i) camp in any park, or construct any tent or other structure;
 - j) play any organized team sport;
 - k) use a public address system or other device or equipment for amplifying sounds in a park; or
 - l) allow a hot air balloon to land or take off from a park, except in emergency situations only.
- (2) No person not in possession of a valid 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.
- (3) No permit holder shall undertake to use a park or its facilities unless the permit holder,
- a) maintains, at his or her own expense, liability insurance coverage related to the holding of the event and subject to limits of not less than one million dollars (\$1,000,000.00), inclusive per occurrence, for bodily injury, death and damage to property, and such insurance shall be in the name of the permit holder or the sponsoring organizer of the event and, where applicable, shall name the Township of Muskoka Lakes as an additional insured;
 - b) is eighteen (18) years of age or older;
 - c) does not charge admission or sell refreshments except as authorized by the Director;
 - d) follows the incident reporting procedures outlined in the permit in the event of an incident, including the contacting of Township staff, the police, paramedic or fire services, as appropriate; and
 - e) complies with any other conditions of the permit issued by the Director pursuant to subsection (6).
- (4) A permit issued by the Director is valid on the date or dates shown on the permit.

(5) No holder of a permit issued by the Director shall access or use a park unless the permit holder:

- a) accesses or uses the area of the park designated by the Director for the permitted use;
- b) produces his or her permit upon being requested to do so by the Director or designate or a By-law Enforcement Officer;
- c) immediately vacates the park upon being ordered to do so by the Director or designate or a By-law Enforcement Officer; and
- d) complies with the conditions of the permit, including any additional conditions imposed by the Director pursuant to subsection (6).

(6) The Director may attach such additional conditions to a permit as deemed necessary to ensure public safety, protect Township property or maintain the enjoyment of the park for the public.

(7) A permit for park use issued by the Director is not transferable.

(8) The permit holder shall comply at all times with all other applicable municipal by-laws and provincial and federal laws.

10. ENCROACHMENT

No person, being the owner or tenant of land adjacent to a park, shall undertake any activity so as to encroach on municipal property. Without limiting the generality of the foregoing no person shall cause or permit the following activities on municipal lands:

- (1) planting of any hedge, tree, shrub or garden;
- (2) construction of any fence, storage shed, retaining wall or other structure of any kind;
- (3) keeping of any composting receptacle or pile; or
- (4) placing of any string, wire, chain, rope or similar material,

11. ASSET PROTECTION

(2) No person shall, in a park, cut, climb, break, injure, deface, disturb or remove any property including:

- a) a tree, shrub, bush, flower, plant, grass, wood, soil, sand, rock or gravel;
- b) a building, cage, pen or monument.

(3) No person shall, in a park, mark or write upon, damage or otherwise injure any property of the Township including:

- a) any part of the interior or exterior of a building;
- b) any monument, fence, bench or other structure.

(4) No person shall throw a stone or other object that may cause injury or damage to any person or property.

(5) No person shall, in a park:

- a) disturb, injure, wound, hunt, trap, attempt to kill or kill any animal;
- b) touch, interfere with, remove or injure any bird's nest, the eggs or the young birds contained therein; or
- c) provide, cause to be provided, deposit or leave any food that may be used by wildlife in a park.

(6) No person shall, in a park:

- a) leave or deposit any waste, except in a receptacle provided for that purpose;
- b) deposit or leave any paint, grease, oil, offal or any dangerous matter that has

an odour or appearance found to be offensive by users of the park;

c) scatter any paper, cardboard, or any other material; or

d) undertake any maintenance activities or alter existing grounds or facilities unless authorized to do so by the Parks Foreman.

(7) No person shall discharge, dump or leave any construction material, earth, dirt, rock, snow, stone or any other materials in a park, or in any ravine, slope, or other land access way to a park, except with the written consent of the Parks Foreman.

(8) No person shall use a park or any part thereof for the purpose of:

a) washing, cleaning, polishing, servicing, maintaining or, with the exception of any emergency, repairing any motorized vehicle; or

b) instructing, teaching or coaching any person in the driving or operation of a motorized vehicle.

(9) No person shall transport across, launch or beach a boat in any park except on a portion of land specified for such purposes.

12. SKATING

No person using a skating rink in a park shall:

(1) Conduct themselves in a manner so as to **endanger or interfere** with any other person using the rink;

(2) carry a 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;

(3) use the rink during **the preparation period thereof**; or

(4) fail to obey the **instructions of a rink supervisor** employed or designated by the Township of Muskoka Lakes or any other person appointed by the Director to oversee the operation and use of **skating rinks**.

13. SWIMMING

No person shall:

(1) **fail to obey the instructions** of a lifeguard or any other person appointed to oversee the **facility**;

(2) swim, bathe, wade in or enter the waters of a pond, lake, river or stream in a park, except in an area or at a time designated for such purposes;

(3) throw any article in any pond, lake or stream that is likely to endanger any person or wildlife, or to pollute the waters; or

(4) bring into or possess in a bathing area or swimming area of a park any bottles, glassware, metal or other material which may cause injury.

14. GENERAL

(1) No person shall engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behaviour in a park.

(2) No person shall engage in any activity so as to interfere with or become a nuisance to the general public using the park.

15. SMOKING

(1) No person shall smoke vape or otherwise consume the smoke from a burning

substance on municipal property.

16. TEMPORARY CLOSURE

- (1) The Director may, at any time, temporarily close to the public a park, a portion of a park or a building in a park for reasons deemed appropriate by the Director.
- (2) Where the Director has temporarily closed to the public a park, a portion of a park or a building in a park pursuant to subsection (1), no person shall remain in or enter the closed area.

17. INDEMNIFICATION

- (1) Any applicant for a permit to access any park shall indemnify and save harmless the Township of Muskoka Lakes from any and all claims, demands, causes of action, losses, costs or damages that the Township of Muskoka Lakes may suffer, incur or be liable for resulting from the use of the park, whether with or without negligence on the part of the applicant or the applicant's employees, directors, contractors and agents.

18. REVOCATION

- (1) Permits issued to a permit holder under this by-law may be revoked by the Director if, in the opinion of the Director, the permit holder fails to comply with the requirements of the permits or any other provisions of the by-law.

19. EXEMPTIONS

- (1) The provisions of this by-law shall not apply to the Township of Muskoka Lakes or its agents, employees or contractors during the course of performing their duties in relation to park construction, maintenance or other related activities.
- (2) The provisions of this by-law shall not apply to any emergency service providers.

20. ENFORCEMENT

- (1) The by-law shall be enforced by the By-law Enforcement Officers of the Township.

21. OFFENCES AND PENALTIES

- (1) Every person who contravenes any of the provisions of this by-law is guilty of an offence.
- (2) Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter 33.
- (3) Where a person has been convicted of an offence under this by-law,
 - a) the Ontario Court of Justice, or
 - b) any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offence.

22. REIMBURSEMENT OF EXPENSES INCURRED

- (1) Every person who acts in contravention of this by-law so as to cause the Township to incur costs due to his or her actions shall, in addition to any penalty provided for herein, be liable to the Township for all expenses incurred for the purpose of repairing or replacing damaged property or removing unauthorized materials, and such expenses may be recovered by court action or in a like manner as municipal taxes.

23.FORMER BY-LAWS REPEALED

- (1) The following by-laws and portions of by-laws are hereby repealed:
- (2) By-law 79-103 being a by-law concerning the use of certain public lands
- (3) By-law 84-15 being a by-law to regulate the hours of use within designated parks within the Township of Muskoka Lakes.

24.CONFLICT WITH OTHER BY-LAWS

- (1) In the event of any conflict between the provisions of this by-law and any other by-law regarding the regulation of parks and facilities, including the by-laws referred to in Section 20, the provisions of this by-law shall prevail, but nothing in this by-law shall invalidate the enforceability of other provisions of those by-laws.

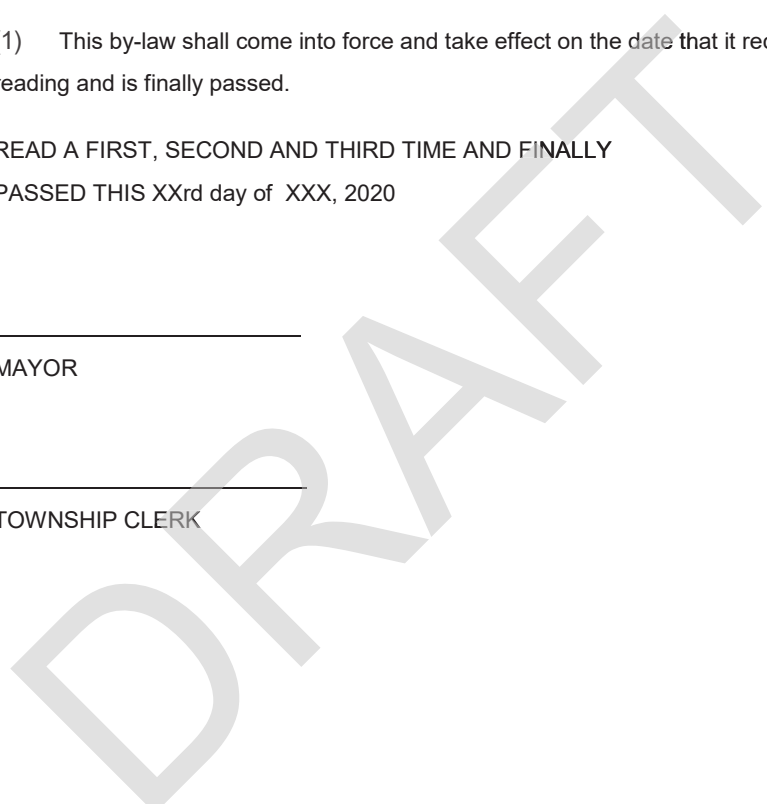
25.EFFECTIVE DATE

- (1) This by-law shall come into force and take effect on the date that it receives third reading and is finally passed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY
PASSED THIS XXrd day of XXX, 2020

MAYOR

TOWNSHIP CLERK



Schedule 1 to By-law Number YY-XX
Designated Parks

Bala Falls Park
3111 Muskoka Rd. 169

Cenotaph Park
1012 Bala Falls Rd.

Jaspen Park
1005 Pine Ridge Rd.

Muskoka Lakes Sports Park
3224 Muskoka Rd. 169

Windsor Park
3040 Muskoka Rd 169

Baycliffe Park
1148 Milford Bay Rd.

Valley Green Beach
2605 Muskoka Rd. 118

Archdekin Park
24 Harris St.

Hanna Park
40 Bailey St.

Indian Crescent Park
28 Indian Crescent

Port Sandfield Park
1306 Peninsula Rd.

Sunset Park
1031 Queens Walk Rd.

Torrance Ball Field
2667 Muskoka Rd. 169

Dee Bank Park
1026 North Shore Rd.

Fish Hatchery Park
1111 Fish Hatchery Rd.

Skeleton Lake Park
1167 Skeleton Lake Rd. 5

Four Mile Point Park
1230 Rosseau Lake Rd. 3

Windermere Park
2510 Windermere Rd.

Walker's Point Beach
1010 Nixon Rd.

Huckleberry Rock Lookout Trail
1057 Milford Bay Rd

Walker's Point Lookout Trail
Walker's Point Road

Hazelwood Trail
Hazelwood Road

Skeleton Lake Fish Hatchery Trail
Fish Hatchery Road

Raymond Trail
Skeleton Lake Road 1

Weir Lake Trail
Highway 141