



The Corporation of the Municipality of
Central Elgin

BY-LAW 2617

**BEING A BY-LAW FOR THE USE, PROTECTION AND REGULATION OF PUBLIC
PARKS AND RECREATION AREAS IN THE IN THE MUNICIPALITY OF
CENTRAL ELGIN**

WHEREAS Section 11 of the Municipal Act, S.O. 2001, as amended, provides that a municipality may pass by-laws respecting matters within the sphere of jurisdiction of Culture, Parks, and Recreation;

AND WHEREAS Subsection 11(2) 5. of the Municipal Act provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

NOW THEREFORE the Council of the Corporation of the Municipality of Central Elgin hereby enacts as follows:

SHORT TITLE

This By-law may be cited as the 'Parks By-law'

Section 1 - Definitions

In this By-law:

- 1.1 **'Boulevard'** shall mean any part of a municipal road allowance except for the traveled portion of the road, the shoulder of the road or the sidewalk.
- 1.2 **'Control'** shall include care, custody and responsibility for supervision.
- 1.3 **'Council'** shall mean the Council of the Corporation of the Municipality of Central Elgin.
- 1.4 **'Designated'** means an area defined or constructed for a specific use which may include posted conditions.
- 1.5 **'Liquor'** shall have the same meaning as defined in the *Liquor Licence Act*, R.S.O. 1990, c. L-19 as amended.
- 1.6 **'Motor Vehicle'** shall have the same meaning as defined in the *Highway Traffic Act*, R.S.O. 1990, c. H.8 as amended.
- 1.7 **'Municipality'** shall mean the Corporation of the Municipality of Central Elgin.

- 1.8 **'Municipal Law Enforcement Officer'** shall mean a person appointed by the Council of the Corporation of the Municipality of Central Elgin for the purpose of enforcing Municipal By-laws and for the purpose of this by-law shall include Ontario Provincial Police and the Director of Asset Management & Development or designate.
- 1.9 **'Natural Park 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 retain a natural state as open space and available for use by the public.
- 1.10 **'Park'** means land and land covered by water and all portions thereof owned by, or made available by lease, agreement, or otherwise, to the Municipality, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a Public Park, Municipal Beaches, Pier and Natural Park Area as defined in this by-law, that has been or hereafter may be placed under the jurisdiction of the Municipality, including any buildings, structures, facilities, erections and improvements located in or on such land.
- 1.11 **'Person'** shall mean an individual, corporation, partnership or sole proprietorship.
- 1.12 **'Playground Equipment'** includes slides, swings and other equipment provided for the use of young children within a defined area.
- 1.13 **'Public Park'** shall mean an area of open land, maintained or owned by the Municipality or a public authority for the enjoyment, health and well-being of the public and normally open to the public.
- 1.14 **'Refuse'** or **'Debris'** shall include but is not limited to:
- i. animal waste and excrement
 - ii. carcass, hides, bones or feathers of any animal or bird
 - iii. construction and landscaping materials
 - iv. celluloid cuttings,
 - v. material or thing soaked in oil or gasoline
 - vi. domestic waste
 - vii. grass cuttings, leaves and vegetation
 - viii. hay, straw and manure
 - ix. manufacturers/industrial waste
 - x. sawdust and shavings
 - xi. sewage and paper sludge
 - xii. snow and ice
 - xiii. swill, soil, dirt earth or organic material
 - xiv. tree branches or roots
 - xv. wrecked, dismantled, discarded, inoperative or abandoned machinery, Vehicles, trailers, boats and their component parts, and includes Vehicles that appear by reason of their appearance, mechanical condition or lack of current permit plates to be inoperable, and tires;

- 1.15 **'Recreation Area'** means an outdoor area or building or combination of both, under the Control of the Municipality which is maintained and/or supervised by employees of the Municipality and includes every tennis court, skating rink, play area, community centre, skateboard facility, sports field, building or portion of a building which is owned, leased or used by the Municipality, including a school and school grounds, for purposes which include offering recreation to the public.
- 1.16 **'Roadway'** means that part of a Recreation Area that is designed for use by Vehicles and Motor Vehicles.
- 1.17 **'Trail'** shall mean that part of a Park that has been marked or posted for the purpose of hiking by the public.
- 1.18 **'Tree'** means all trees, shrubs and saplings now or hereafter growing or planted upon any municipally owned land including Parks, Recreation Areas, and street Boulevards.
- 1.19 **'Vehicle'** means a truck, automobile, motor cycle, motor scooter, minibike, trailer, Bicycle, carriage, wagon, sleigh, snowmobile, or any Vehicle or conveyance of every description and whatever the motive power, except a baby carriage or cart, child's wagon, child's sleigh, wheelchair or motorized assistive devices for persons with disabilities.
- 1.20 **'Washroom'** means any permanent or temporary structure or portion of a structure located in Recreational Area that contains toilets or urinals and wash basins.

Section 2 – General Provisions

- 2.1 In any Park or Recreation Area within the Municipality, no person shall:

Vehicles and Parking

- 2.1.1 drive any Vehicle other than on the Designated Roadways or drive or ride or be in the care or Control of any Vehicle on any area which is not a Roadway, or which has any signage, gate or barricade showing that such area is closed to vehicular traffic;
- 2.1.2 use a motorized snow vehicle or motorized all-terrain vehicle;

Personal Conduct

- 2.1.3 engage in riotous, boisterous, violent, threatening, lewd or illegal conduct or use profane or abusive language, including:
- i. making any verbal comments or physical gestures about or toward anyone that could reasonably be considered to be offensive, derogatory or abusive;
 - ii. making noise likely to disturb any inhabitant or interfere with the enjoyment of the Park or Recreation Area through the use of electronic equipment or any other means;

- iii. urinating or defecating except in a washroom facility;
- iv. engage in conduct that endangers the health and safety of himself, herself or others;

2.1.4 remain in a Park or Recreation Area after being requested to vacate the Park or Recreation Area by a Municipal Law Enforcement Officer;

2.1.5 plant any Tree or remove, cut down or injure any Tree in any Park or Recreation Area or connecting ravine, or on Boulevards related thereto without proper approval of the Municipality.

Alcoholic Beverages

2.1.5 consume, serve, sell or possess Liquor without proper approval of the Municipality and the Alcohol and Gaming Commission of Ontario;

Hours of Use

2.1.6 enter or remain in a Park or Recreation Area between 11:00PM and 5:00AM of the following day, except to the extent that the Municipality has specifically authorized the use of the Park or Recreation Area beyond 11:00PM.

Vandalism and Damage to Property

2.1.7 climb, 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, sod or rock;

2.1.8 remove, break, deface, or otherwise damage any monument, display, cage, pen, gate, seat, bench, picnic table, fence, posted sign, lock, barrier or any other equipment of the Municipality located therein;

2.1.9 break, deface, or otherwise damage any of the gates, locks, bolts or fences or any of the seats or benches, buildings or other property or equipment or any other Municipal property;

2.1.10 destroy, cut, mark, break, dig, tear up, burn, paint or write upon or in any way damage or deface any fountain, bridge, fence, wall, gate, Roadway, pavement, parking area, sidewalk or other facility, erection or improvement, or any building, or other structure or any appurtenance thereof or any swing, slide, playground apparatus, sign, vase, or other fixture, or personal property or ornament or utility;

2.1.11 attach to or in any manner fasten to any Tree, any wire, rope, chain, cable, or other such devices;

Animal Care & Control

2.1.12 cause or permit any animal under their Control or ownership to damage any Tree, shrub, bush, flower, plant or roots thereof;

2.1.13 permit a dog to defecate unless the owner or other person in charge of the dog forthwith removes the feces;

Trash and Recycling

2.1.14 fail to deposit Refuse in containers provided or if containers are not provided fail to remove Refuse;

Posting Notices

2.1.15 post any sign or poster on any pole, Tree, planter, building, fence, bench, picnic table, electrical transmission unit, lamp standard, or Municipal or utility company equipment of any kind;

Weapons

2.1.16 carry, use or discharge any firearm, slingshot, bow and arrow, catapult or airgun or throw any stone or missile, except under specifically written permission from the Municipality;

Beach Lifesaving Equipment

2.1.17 remove, break, deface, or otherwise damage any item of lifesaving equipment or any other equipment of the Municipality;

Section 3 – Activities Subject to Approval

3.1 No Person shall claim, attempt to claim, assert or have exclusive use of any Playground Equipment, Natural Park Area, Park or Recreation Area within the Municipality.

3.2 Notwithstanding provision 3.1 of this by-law, a person may claim exclusive use of areas of a Park or Recreation Area subject to the appropriate rental and rental agreement with the Municipality, including prior payment of monies due and owing pursuant to the Rates & Fees By-law.

Section 4 – Exceptions

4.1 Notwithstanding any provision of this by-law restricting the use of Motor Vehicles in any Park or Recreation Area, and for greater certainty only, a wheelchair or similar device (motorized or otherwise) used by an individual due to a disability may be used in any Park or Recreation Area including all pathways and the accessible portions of Trails.

4.2 Notwithstanding any provision of this by-law, Vehicles operated on behalf of an emergency medical service, fire department, police department, public utility, and the Municipality shall have full access to all parts of a Park or Recreation Area at all times where such access is possible.

Section 5 - Enforcement

5.1 A Municipal Law Enforcement Officer may enforce the provisions of this by-law.

- 5.2 A Municipal Law Enforcement Officer may order a person believed to be in contravention of this by-law to:
- 5.2.1 cease the activity that is in contravention of the by-law; and/or
 - 5.2.2 leave the Park or Recreation Area or any facility therein.
- 5.3 Upon the failure of any person to do anything required to be done or otherwise prohibited under the provisions of this By-law, or to repair any damage caused by any action prohibited by this By-law, the Municipality may, upon giving ten (10) days' notice in writing to the said person, do the work required to be done, or repair the damages caused by the said person at the expense of the said person. All expenses incurred by the Municipality in completing the said works, including but without limiting the generality of the foregoing materials, labour, equipment, administration and legal expenses, shall be paid by the said person and may be recovered by action in any court having jurisdiction.
- 5.4 The expenses as aforesaid shall bear simple interest from the date incurred at the rate of 1.25% per month until paid.
- 5.5 Users of a Park or Recreation Area are subject to all applicable Municipal by-laws and all Provincial and Federal laws and regulations and all persons violating any by-law or law may be ordered to leave any Park or Recreation Area.

Section 6 - Penalty

- 6.1 Any Person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to pay a fine or penalty for each offence, exclusive of costs, as provided for in the *Provincial Offences Act R.S.O. 1990, c. P. 33, as amended*.
- 6.2 The court in which a conviction has been entered for contravention of this By-law and any other court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed by the court on the person convicted.
- 6.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Municipal Law Enforcement Officer while exercising any power or performing any duty under this By-law.

Section 7 - Liability for Damages

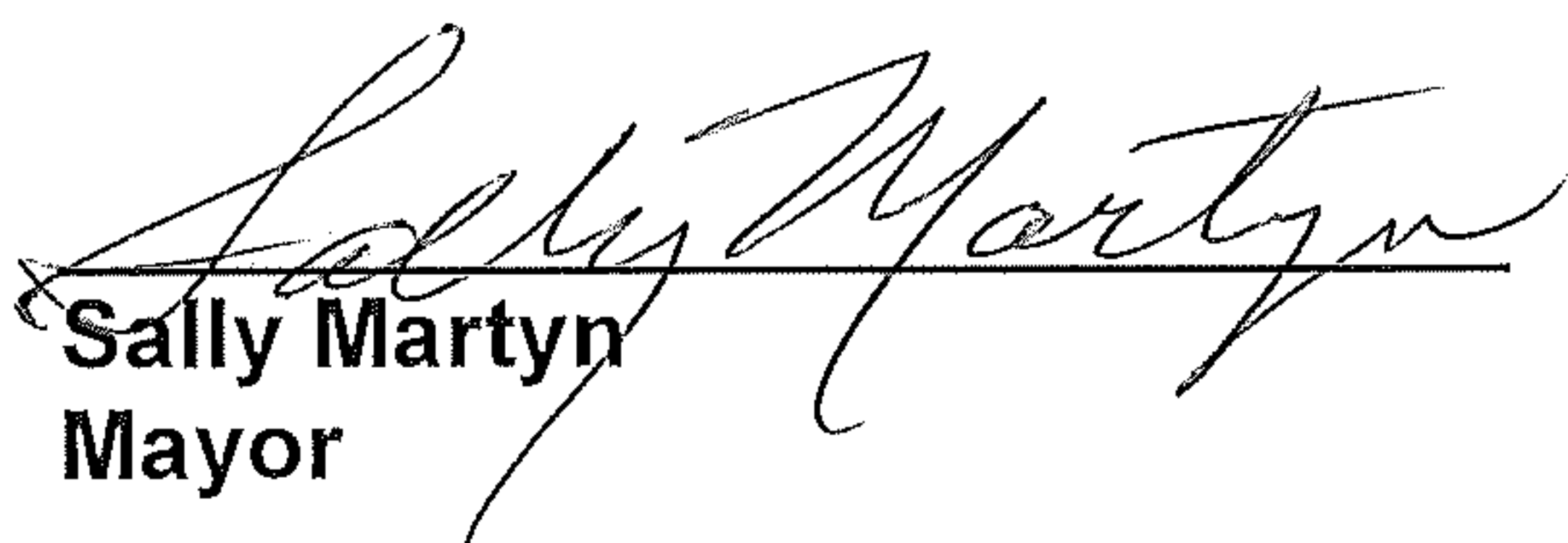
- 7.1 The provisions of this By-law shall not be construed as relieving or limiting the responsibility or liability of any person utilizing a Park or Recreation Area for personal injury or property damage resulting from the use of a Park or Recreation Area or resulting from the negligence or willful acts of such person, or his or her agents or employees, in the utilization of a Park or Recreation Area. Likewise, the provisions of this section shall not be construed as imposing on The Corporation of the Municipality of Central Elgin,

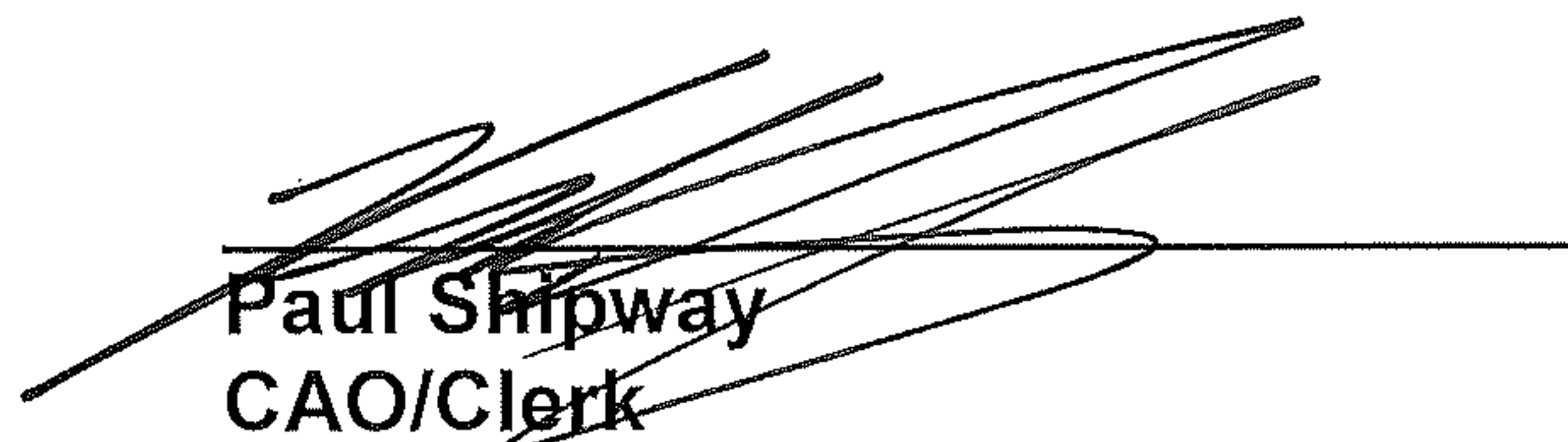
its officers, employees, servants, agents and contractors any responsibility or liability (whatsoever) by reason of the removal of any unauthorized utilization of a Park or Recreation Area.

Section 8 - Administration

- 8.1 In this By-law, unless the contrary intention is indicated, words used in the singular shall include the plural and words used in the male or female gender shall include all gender identities, where applicable.
- 8.2 This by-law applies to all Park or Recreation Areas as defined in this by-law and any premises located therein which are under the ownership or management of the Municipality, together with the avenues, Boulevards, drives, ravines, trails, streets and approaches thereto and connecting the same.
- 8.4 This by-law shall take effect on the date of passage by Council.
- 8.5 In the event any section or provision of this By-law is held invalid, the remainder of the By-law shall continue in force.

READ a FIRST, SECOND and THIRD TIME and finally passed this 16th day of AUGUST, 2021.


Sally Martyn
Mayor


Paul Shipway
CAO/Clerk

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

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

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LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
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March 1, 2022

Mr. Stephen Gibson
County Solicitor, County of Elgin
450 Sunset Drive
St. Thomas, Ontario
N5R 5V1

Dear Mr. Gibson:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 2617 of the Municipality of Central Elgin**

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

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

I have forwarded copies of the Order and the schedule of set fines to the Provincial Offences Court in St. Thomas, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in cursive script that reads "Jeanine E. LeRoy".

Jeanine E. LeRoy
Regional Senior Justice
West Region

Enclosures
/dh


ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2617, of the Municipality of Central Elgin, attached hereto are the set fines for those offences. This Order is to take effect March 1, 2022.

Dated at London this 1st day of March, 2022.



Jeanine E. LeRoy
Regional Senior Justice
West Region

Part I Provincial Offences Act

THE CORPORATION OF THE
MUNICIPALITY OF CENTRAL ELGIN

BY-LAW NO. 2617

TITLE: PARKS BY-LAW

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1.	Park or Recreational Area – drive vehicle other than on designated roadway	s. 2.1.1	\$105.00
2.	Park or Recreational Area – drive vehicle on any area not a roadway	s. 2.1.1	\$105.00
3.	Park or Recreational Area – ride in vehicle driven on any area not a roadway	s. 2.1.1	\$105.00
4.	Park or Recreational Area – in care and or control of vehicle driven on any area not a roadway	s. 2.1.1	\$105.00
5.	Park or Recreational Area – drive vehicle on area closed to vehicular traffic	s. 2.1.1	\$105.00
6.	Park or Recreational Area – ride in vehicle driven on area closed to vehicular traffic	s. 2.1.1	\$105.00

NOTE: The penalty provision(s) for the offence(s) indicated above is s. 6.1 of By-Law No. 2617, a certified copy of which by-law has been filed.

Part I Provincial Offences Act

THE CORPORATION OF THE
MUNICIPALITY OF CENTRAL ELGIN

BY-LAW NO. 2617

TITLE: PARKS BY-LAW

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating or Defining Offence	Set Fine
7.	Park or Recreational Area – in care or control of vehicle driven on area closed to vehicular traffic	s. 2.1.1	\$105.00
8.	Park or Recreational Area – use motorized snow vehicle	s. 2.1.2	\$105.00
9.	Park or Recreational Area – use motorized all-terrain vehicle	s. 2.1.2	\$105.00
10.	Park or Recreational Area – engage in riotous, boisterous, violent, threatening, lewd or illegal conduct	s. 2.1.3	\$125.00
11.	Park or Recreational Area – use profane or abusive language	s. 2.1.3	\$125.00
12.	Park or Recreational Area – remain after being requested to vacate	s. 2.1.4	\$105.00

NOTE: The penalty provision(s) for the offence(s) indicated above is s. 6.1 of By-Law No. 2617, a certified copy of which by-law has been filed.

Part I Provincial Offences Act

THE CORPORATION OF THE
MUNICIPALITY OF CENTRAL ELGIN

BY-LAW NO. 2617

TITLE: PARKS BY-LAW

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating or Defining Offence	Set Fine
13.	Park or Recreational Area – plant tree	s. 2.1.5	\$105.00
14.	Park or Recreational Area – remove, cut down, or injure any tree	s. 2.1.5	\$105.00
15.	Park or Recreational Area – remove, cut down, or injure any tree in connecting ravine or on related boulevard	s. 2.1.5	\$105.00
16.	Park or Recreational Area – consume liquor without prior approvals	s. 2.1.6	\$105.00
17.	Park or Recreational Area – serve liquor without prior approvals	s. 2.1.6	\$105.00
18.	Park or Recreational Area – sell liquor without prior approvals	s. 2.1.6	\$105.00

NOTE: The penalty provision(s) for the offence(s) indicated above is s. 6.1 of By-Law No. 2617, a certified copy of which by-law has been filed.

Part I Provincial Offences Act

THE CORPORATION OF THE
MUNICIPALITY OF CENTRAL ELGIN

BY-LAW NO. 2617

TITLE: PARKS BY-LAW

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
19.	Park or Recreational Area – possess liquor without prior approvals	s. 2.1.6	\$105.00
20.	Park or Recreational Area – enter between 11:00 p.m. and 5:00 a.m.	s. 2.1.7	\$105.00
21.	Park or Recreational Area – remain between 11:00 p.m. and 5:00 a.m. without authorization	s. 2.1.7	\$105.00
22.	Park or Recreational Area – damage tree	s. 2.1.8	\$105.00
23.	Park or Recreational Area – pick, destroy or remove any flower, plant, roots, sod or rock	s. 2.1.8	\$105.00
24.	Park or Recreational Area – damage any monument, display, cage, pen, gate, seat, bench, picnic table, fences, posted sign, lock, barrier, equipment or other municipal property	s. 2.1.9	\$105.00

NOTE: The penalty provision(s) for the offence(s) indicated above is s. 6.1 of By-Law No. 2617, a certified copy of which by-law has been filed.

Part I Provincial Offences Act

THE CORPORATION OF THE
MUNICIPALITY OF CENTRAL ELGIN

BY-LAW NO. 2617

TITLE: PARKS BY-LAW

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating or Defining Offence	Set Fine
25.	Park or Recreational Area – willfully damage gates, locks, bolts or fences or seats, benches, equipment, or other municipal property	s. 2.1.10	\$105.00
26.	Park or Recreational Area – willfully damage or deface specified facilities and property	s. 2.1.11	\$105.00
27.	Park or Recreational Area – attach or fasten wire, rope, chain, cable or device to tree	s. 2.1.12	\$105.00
28.	Park or Recreational Area – permit animal to damage tree, shrubs, bush, flower, plant or roots	s. 2.1.13	\$105.00
29.	Park or Recreational Area – permit dog to defecate without removing feces	s. 2.1.14	\$105.00
30.	Park or Recreational Area – fail to deposit refuse in containers	s. 2.1.15	\$105.00

NOTE: The penalty provision(s) for the offence(s) indicated above is s. 6.1 of By-Law No. 2617, a certified copy of which by-law has been filed.

Part I Provincial Offences Act

THE CORPORATION OF THE
MUNICIPALITY OF CENTRAL ELGIN

BY-LAW NO. 2617

TITLE: PARKS BY-LAW

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating or Defining Offence	Set Fine
31.	Park or Recreational Area – fail to remove refuse where containers not provided	s. 2.1.15	\$105.00
32.	Park or Recreational Area – post sign or poster	s. 2.1.16	\$105.00
33.	Park or Recreational Area – carry, use, or discharge weapon	s. 2.1.17	\$200.00
34.	Park or Recreational Area – remove life saving equipment	s. 2.1.18	\$200.00
35.	Park or Recreational Area – remove municipal equipment	s. 2.1.18	\$200.00
36.	Park or Recreational Area – break, deface or damage lifesaving equipment	s. 2.1.18	\$200.00
37.	Park or Recreational Area – break, deface or damage municipal equipment	s. 2.1.18	\$200.00

NOTE: The penalty provision(s) for the offence(s) indicated above is s. 6.1 of By-Law No. 2617, a certified copy of which by-law has been filed.

Part I Provincial Offences Act

THE CORPORATION OF THE
MUNICIPALITY OF CENTRAL ELGIN

BY-LAW NO. 2617

TITLE: PARKS BY-LAW

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Short Form Wording	Provision Creating or Defining Offence	Set Fine
38.	Claim exclusive use of playground equipment, natural park area or park or recreational area	s. 3.1	\$105.00
39.	Attempt to claim exclusive use of playground equipment, natural park area or recreational area	s. 3.1	\$105.00
40.	Assert exclusive use of playground equipment, natural park area or park recreational area	s. 3.1	\$105.00
41.	Have exclusive use of playground equipment, natural park area, or recreational area	s. 3.1	\$105.00
42.	Hinder or obstruct Municipal Law Enforcement Officer	s. 6.3	\$250.00
43.	Attempt to hinder or obstruct Municipal Law Enforcement Officer	s. 6.3	\$250.00

NOTE: The penalty provision(s) for the offence(s) indicated above is s. 6.1 of By-Law No. 2617, a certified copy of which by-law has been filed