

THE CORPORATION OF THE TOWN OF PETAWAWA

BY-LAW # 359/06

**BEING A BY-LAW RELATING TO THE USE, PROTECTION AND
REGULATION OF PUBLIC PARKS AND RECREATION AREAS IN THE
TOWN OF PETAWAWA**

WHEREAS Section 130 of the Municipal Act, 2001, S.O., c 25, as amended, authorizes Councils of local municipalities to regulate matters related to the health, safety and well being of inhabitants of the municipality;

NOW THEREFORE the Municipal Council for the Corporation of the Town of Petawawa hereby enacts as follows:

SHORT TITLE

PARKS AND RECREATION AREA BY-LAW

PART 1

INTERPRETATION

1.1

In this by-law:

Authorized parking area – defined

“authorized parking area” means an area of a park or recreation area designated, set aside for or established, for the parking of motor vehicle, which may have posted regulations with respect to the use of the area.

Control – defined

“control” includes care, custody and responsibility.

Council – defined

“Council means the Council of the Corporation of the Town of Petawawa.

Designated – defined

“Designated” means an area defined or constructed for a specific use that may include posted conditions of use.

Fireworks – defined

“Fireworks” means devices containing combustible chemicals that cause explosions or light and/or sound effects.

Hiking trail – defined

“Hiking trail” means that part of a park that has been marked, posted or blazed for the purpose of hiking by the public, is not hard surfaced and on which the use of in-line skates, bicycles, motor vehicles and motorized snow vehicles is prohibited.

Motor vehicle – defined

“Motor vehicle” has the meaning attributed to it in the Ontario Highway Traffic Act.

Multi-use pathway – defined

“Multi-use pathway” means that part of a park that has been improved with a hard surface and intended for a variety of uses including pedestrians, skating and vehicles, excluding motor vehicles, horses and horse drawn conveyances of any sort and motorized snow vehicles.

Natural park area – defined

“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 remain thereafter in a natural state as open space and available for use by the public. For the purposes of this definition, natural shall mean established by nature or a selection process favoring survival of organism best adapted to their environment.

Park - defined

“Park” means land and land covered by water and all portions thereof owned or made available by lease, agreement or otherwise, to the Town, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a natural park area and an environmentally significant area as defined in this by-law, that has been or hereafter may be placed under the jurisdiction of the Town, including any buildings, structures, facilities, erections and improvements located in or on such land, save and except where such land is governed by other by-laws of the Town.

Refuse – defined

“Refuse” includes but is not limited to paper wrappers, food containers, discarded food, disposable eating utensils, newspapers, drink containers of all kinds, disposable diapers, broken glass, grass clippings and inert fill of any kind.

Recreation area – defined

“Recreation area” means an area or building or combination of both, under the control of the Town which is maintained and supervised by employees of the Town and includes golf course, tennis court, arena, skating rink, swimming pool, wading pool, play area, sports field, designated area of a park, a building or portion of a building which is owned, leased or used by the Town, including a school and school grounds, for the purpose of offering recreation to the public.

Roadway – defined

“Roadway” means that part of a park or recreation area that is improved, designed or ordinarily used by vehicles.

Vehicle – defined

“vehicle” includes a motor vehicle and any vehicle drawn, propelled or driven by any kind of power including muscular power but excludes a child’s wagon, a baby carriage.

Part 2

BY-LAW APPLICATION AND ADMINISTRATION

2.1 By-law applicability – defined

This by-law applies to all recreation areas, parks and any premises, buildings or structures located therein which are under the control and management of the Town, together with the avenues, boulevards, drives, streets and approaches thereto and connecting the same.

2.2 Emergency – maintenance vehicles – excepted

Notwithstanding any provision of this by-law, vehicle operated on behalf of an ambulance service, fire department, police department, hydro company and the Town, shall have full access to all parts of a park and/or recreation area at all times in the performance of their assigned duties.

2.3 By-law administration

This by-law shall be administered by the Town of Petawawa Parks and Recreation Department, the Municipal Law Enforcement Officer or any other person or organization as directed by the Council.

Part 3

General ~~GENERAL~~ PROHIBITED ACTIVITIES

3.1 Activities – prohibited

In any park or recreations area within the Town, no person shall:

- a. drive, ride or operate a vehicle or carry on in-line skating or skateboarding in violation of posted signs;
- b. drive, ride or operate any motor vehicle or horse drawn conveyance on a multi-use pathway;
- c. drive, ride or operate a motor vehicle on a hiking trail;
- d. operate a motor vehicle except on a roadway or in an authorized parking area;
- e. park or leave a motor vehicle in a place other than an authorized parking area;
- f. conduct themselves in a boisterous or unseemly manner so as to disturb any inhabitant or interfere with the enjoyment of the park or recreation area by any member of the public;
- g. hold or take part in an unauthorized public meeting or gathering;
- h. remain in an unlighted park area between the hours of 11:00 pm and 6:00 am of the following day;
- i. operate a motorized snow vehicle except on approved snowmobile trails;
- j. climb, break, peel bark from, cut, remove, deface or otherwise damage any tree, shrub or bush, or pick, destroy or remove any flower, plant, roots, grass or rock;

- k. cause or permit any animal under their control or ownership to damage any trees, shrubs, bushes, flowers, plants or roots;
- l. post signs or posters on trees, bushes or shrubs;
- m. remove, break, deface, or otherwise damage any sign, monument, cage, pen, gate, seat, bench, picnic table, fence, lock, barrier, structure or any other equipment of the Town located therein;
- n. fail to deposit refuse in containers provided or if containers are not provided, fail to remove refuse from a park or recreation area;
- o. cause or permit any animal under their control or ownership to swim or enter into or foul any swimming or wading pool or any natural swimming area or beach designated by sign and/or barriers and intended for human use only;
- p. walk on grass in an area where signs are posted prohibiting such activity;
- q. disturb, wound, kill, injure, any bird, fowl, or animal whether domesticated or wild;
- r. remove or injure the nests or eggs of any bird or fowl;
- s. willfully or maliciously hinder, or interrupt or cause to be hindered or interrupted any employee or agent of the Town in the exercise of the their powers or duties;
- t. Willfully or maliciously let off or discharge any water so that it runs waste or useless from or out of any reservoir, pond, river or lake located in a park or recreation area;

- u. Discharge or permit the discharge of any water from any vehicle or trailer, private properties, including pool water and water from a roof drainage system, onto, into or over any park; and
- v. Discharge or permit the discharge of any type or form of fireworks, explosive devices, firearms, or any type of mechanical device which will propel or throw an object which could be hazardous to people or animals or property.

3.2 Motorized wheel chairs exempt

Despite any regulation in this by-law restricting the use of motor vehicles in parks, motorized wheel chairs may be used on all multi-use pathways and hiking trails.

Part 4

ACTIVITIES – SUBJECT TO APPROVAL

4.1 Activities prohibited – subject to approval

Unless authorized by the Town, no person shall engage in any of the following activities in a park or recreation area:

- a. cook food, unless any fire required to do so is in a fireplace or barbecue or stove;
- b. erect a tent or shelter, or park a trailer of any kind for overnight accommodation;
- c. sell refreshments or other merchandise to the public or take part in or conduct a commercial enterprise or business of any type;
- d. hold or take part in a public meeting or gathering or deliver any public speech;

- e. hold or take part in a meeting or gathering that obstructs the free passage of vehicular traffic;
- f. have exclusive use of any portion or all of a park or recreation area;
- g. ride or lead a horse, pony or like animal in an area not designated for such activity;
- h. drive, lead or use a animal drawn wagon or sleigh or other conveyance;
- i. post signs or posters of any kind;

4.2 Public gatherings – location

The locations made available for approved public meeting, gatherings or public speeches shall be determined by the Town upon the receipt of a written application for the use of a park or recreation area for such meeting, gathering or public speech.

Part 5

FEES

5.1 Use without payment – prohibit

No person shall use a park or recreation area without first having paid the applicable fee, if any.

Part 6

ENFORCEMENT

6.1 Applicable law

Park and recreation area users 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 evicted from any park or recreation area.

6.2 Enforcement

This by-law shall be enforced by a Police Officer, Animal Control Officer, Municipal Law Enforcement Officer or Peace officer, duly appointed for the purposed of enforcing the Municipality's by-laws.

6.3 Fine – upon conviction

Every person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided for by the Provincial Offences Act.

6.4 Continuation – repetition of offence – prohibited

The court in which the conviction has been entered 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 penalty imposed by the court on the person convicted.

Part 7

MISCELLANEOUS

7.1 Validity

Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid it shall not affect the validity of this by-law as a whole or part thereof, other than the part so declared invalid.

7.2 Effective date

This by-law shall come into force and take effect upon the day of its final passing.

Read a first and second time this 5 day of June, 2006.

Read a third time and passed this 5 day of June, 2006.


MAYOR


CAO/Clerk

THE HONOURABLE PETER D. GRIFFITHS
REGIONAL SENIOR JUSTICE
EAST REGION
ONTARIO COURT OF JUSTICE

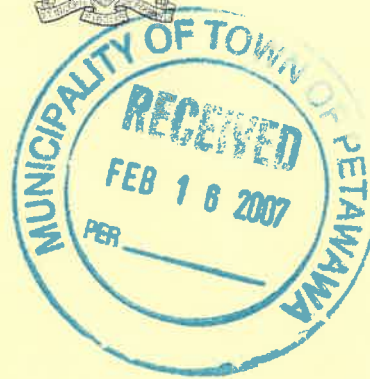
COURT HOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
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L'HONORABLE PETER D. GRIFFITHS
JUGE PRINCIPAL RÉGIONAL
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COUR DE JUSTICE DE L'ONTARIO

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February 13, 2007

Mr. David Newton
Municipal Law Enforcement officer
Town of Petawawa
1111 Victoria Street
Petawawa, Ontario
K8H 2E6

Dear Mr. Newton,

**Re: *Set Fines - Provincial Offences Act – Part I
Town of Petawawa***

Enclosed herewith is a copy of an Order and a copy of the schedule of set fines for By-law No. 359/06, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the validity of the By-law or of the short form of wording used to describe the offences.

I have forwarded the original Order and the schedule of the set fines to the Honourable Mr. Justice S.G. Radley-Walters in Pembroke, together with a certified copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read "Peter D. Griffiths".

Peter D. Griffiths
Regional Senior Justice

Enclosures

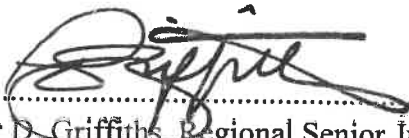
PROVINCIAL OFFENCES ACT

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 schedules of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 359/06 of the **Town of Petawawa** attached hereto are the set fines, including costs, for those offences.

This Order is to take effect February 13, 2007.

Dated at Ottawa this 13th day of February 2007.



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Peter D. Griffiths, Regional Senior Justice
Ontario Court of Justice
East Region

SET FINE SCHEDULE
TOWN OF PETAWAWA - BY-LAW 359/06

PART 1 PROVINCIAL OFFENCES ACT
TITLE: PARKS AND RECREATION AREA BY-LAW

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	DRIVE/RIDE/OPERATE-VEHICLE-PROHIBITED BY SIGNS	3.1(a)	65
2	OPERATE-IN LINE SKATES/SKATEBOARD-PROHIBITED BY SIGNS	3.1(a)	65
3	DRIVE/OPERATE-MOTOR VEHICLE-MULTI USE PATH	3.1(b)	125
4	RIDE-HORSE DRAWN CONVEYANCE-MULTI USE PATH	3.1(b)	65
5	OPERATE MOTOR VEHICLE-HIKING TRAIL	3.1(c)	125
6	OPERATE MOTOR VEHICLE-UNAUTHORIZED AREA	3.1(d)	125
7	LEAVE MOTOR VEHICLE-UNAUTHORIZED AREA	3.1(e)	65
8	PUBLIC DISTURBANCE	3.1(f)	125
9	UNAUTHORIZED GATHERING/PUBLIC MEETING	3.1(g)	125
10	REMAIN IN UNLIGHTED PARK- NIGHTTIME HOURS	3.1(h)	65
11	OPERATE MOTORIZED SNOW VEHICLE-UNAUTHORIZED AREA	3.1(i)	125
12	PERSON-DISTURB NATURE	3.1(j)	250
13	ANIMAL-DISTURB NATURE	3.1(k)	250
14	POST SIGNS/POSTERS	3.1(l)	65
15	REMOVE/DAMAGE INFRASTRUCTURE	3.1(m)	250
16	LITTERING	3.1(n)	65
17	DOMESTIC ANIMAL-OUT OF BOUNDS AREA	3.1(o)	65
18	WALK ON GRASS-PROHIBITED AREA	3.1(p)	65
19	DISTURB BIRD/FOWL/ANIMAL	3.1(q)	250
20	DISTURB BIRD/FOWL NESTS/EGGS	3.1(r)	250
21	INTERFERE WITH TOWN EMPLOYEE	3.1(s)	500
22	DISCHARGE WATER-NATURAL SOURCE	3.1(t)	250
23	DISCHARGE WATER-MANMADE	3.1(u)	250
24	DISCHARGE PROJECTILE DEVICE/EXPLOSIVES	3.1(v)	500
25	COOK FOOD - UNAUTHORIZED	4.1(a)	125

SET FINE SCHEDULE
TOWN OF PETAWAWA – BY-LAW 359/06

PART 1 PROVINCIAL OFFENCES ACT
TITLE: PARKS AND RECREATION AREA BY- LAW

ITEM	COLUMN 1 SHORT FORM WORKING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
26	CAMP/INHABIT-UNAUTHORIZED	4.1(b)	65
27	OPERATE BUSINESS - UNAUTHORIZED	4.1(c)	250
28	HOLD/PARTICIPATE – PUBLIC MEETING - UNAUTHORIZED	4.1(d)	125
29	OBSTRUCT TRAFFIC – PUBLIC MEETING/GATHERING	4.1(e)	125
30	RESTRICT ACCESS - UNAUTHORIZED	4.1(f)	250
31	HORSE/PONY - UNAUTHORIZED	4.1(g)	65
32	ANIMAL DRAWN CONVEYANCE - UNAUTHORIZED	4.1(h)	65
33	POST SIGNS - UNAUTHORIZED	4.1(i)	65
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NOTE: The penalty provision for the offences indicated above is section 6.3 of by-law no.359/06, a certified copy of which has been filed.

CORPORATION OF THE TOWN OF PETAWAWA

BY-LAW 372/06

**BEING A BY-LAW TO AMEND BY-LAW 359/06
THE PARKS AND RECREATION AREA BY-LAW**

WHEREAS THE Council of the Town of Petawawa deems it expedient to amend by-law 359/06 the Parks and Recreation Area By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PETAWAWA ENACTS AS FOLLOWS:

1. Part 3, paragraph 3.1(h) is repealed and replaced with the following new Section:

3.1(h) remain in an unlighted park area without authorization from sundown until sunup of the following day.

2. This by-law shall come into force and take effect following third reading.

By-law read a first and second time this 8th day of August, 2006.

By-law read a third time and passed this 8th day of August, 2006.



Mayor



Clerk