

TOWNSHIP OF WOOLWICH

BY-LAW NUMBER 27-2008

A BY-LAW TO PROVIDE FOR THE ESTABLISHMENT, MAINTENANCE AND MANAGEMENT OF TOWNSHIP-OWNED COMMUNITY CENTRES, PARKS, AND TRAILS.

WHEREAS the Municipal Act, S. O. 2001, as amended, provides that a council of a local municipality may pass by-laws respecting matters within the sphere of jurisdiction of culture, parks, recreation and heritage;

AND WHEREAS the Community Recreation Centres Act, R.S.O. 1990, Chapter C.22, allows for the establishment and control of Community Recreation Centres;

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 127, provides that council may prohibit the depositing of refuse or debris from the land without the consent of the owner or occupant of the land

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 128, provides that Council may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the council are or could become or cause public nuisances;

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 11, provides that Council may regulate matters not specifically provided for by this Act or any other Act for the purposes related to the health, safety, and well-being of the inhabitants of the municipality;

AND WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 425 establishes that any person who contravenes any by-law of the municipality or of a police services board, as the case may be, passed under the Act, is guilty of an offence;

AND WHEREAS, the Trespass to Property Act, R.S.O. 1990, c. T.21 allows the Township of Woolwich as "occupier" to prohibit entry by notice to that effect;

AND WHEREAS, the Trespass to Property Act, R.S.O. 1990, c. T.21 provides a broad authority to the Municipality to post signs prohibiting activities within an area, as is deemed appropriate by the Township;

AND WHEREAS, the Trespass to Property Act, R.S.O. 1990, c. T.21, Section 2 makes it an offence for every person who is not acting under right or authority conferred by law and who, without the express permission of the occupier, the proof of which rests on the defendant, enters on premises when entry is prohibited under the Act or further engages in an activity on the premises when the entry or activity is prohibited under the Act

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF WOOLWICH ENACTS AS FOLLOWS:

A. SHORT TITLE

1. This by-law may be known as the "Recreation By-law".

B. DEFINITIONS

1. In this by-law:

"Advertisements" shall include but is not limited to Notices, Bills, commercial circulars, or any such like items, but does not include items allowed under any other relevant Legislation ;

"Change Room" shall also mean a Change House or other building set aside for the changing of clothing in conjunction with recreational activities, and may include a washroom.

"Community Recreation Centre" shall mean any land or all or part of a building or buildings or structure that is maintained and operated for community recreation activity, as defined in the Community Recreation Centres Act, R.S.O. 1990, Chapter C.22;

"Disturbance" shall mean fighting, screaming, shouting, swearing, singing, using insulting, using foul or indecent language, being intoxicated, impeding or molesting other persons.

"Goods" shall include but not be limited to wares, merchandise, confectionary, tobacco or refreshments.

"Intoxicated" shall mean to be under the influence of any alcoholic substance pursuant to the provisions of the Liquor Licence Act R.S.O. 1990, CHAPTER L.19;

"Lead" shall include but is not limited the riding or driving a horse

"Motorized Snow Vehicle" shall mean a motorized snow vehicle as defined in the *Motorized Snow Vehicle Act*;

"Owner" shall mean any person who owns, possesses harbors or has custody of an animal and, where the owner is a minor, the person responsible for the custody of the minor. Shall also include a person who is temporarily the keeper of the animal;"

"Paper" shall mean and include signs, or any such like item, but does not include items allowed under any other relevant Legislation.

"Property" shall include but is not limited to ornamental or shade trees or shrubs, plants, statues, fountains, vases, fixtures, ornaments, utilities, trees, fences, buildings, roadways, walkways, grassed areas, trees, flowers, flower beds, coin operated machines or games, vehicles and includes property of the Township.

"Township" shall mean the Corporation of the Township of Woolwich

C. COMMUNITY RECREATION CENTRES

1. The facilities as set forth in Schedule "A" attached are hereby established as Community Recreation Centres pursuant to the provisions of the Community Recreation Centres Act, R.S.O. 1990, Chapter C.22, as amended. The provisions of this by-law shall apply to the Community Recreation Centres as outlined in Schedule "A" and to any other facilities which may from time to time be acquired by the Township for community recreation activity.
2. No person shall within any Community Recreation Centre:
 - a. cause injury to any person or damage any property by any means whatsoever or, permit any animal belonging to him or in his custody or control to unlawfully damage any property;
 - b. deposit waste, except in the receptacles provided for such purpose;

- c. cause or commit a disturbance;
- d. distribute or expose any kind of advertisements on any Community Recreation Centre property unless authorized by the Township;
- e. affix any advertisements or other paper to any Community Recreation Centre on any Township property, unless authorized by the Township;
- f. unless authorized by the Township, and after having obtained all necessary licences, sell or display for sale any goods;
- g. dress or undress in or adjacent to any recreational facility except in the places provided for such purposes;
- h. loiter in or immediately adjacent to any change room or conduct themselves in such manner so as to be objectionable or offensive to any other patrons or the public in;
- i. being a male person, enter any portion of any change room or washroom set apart for the use of female persons or, being a female person, enter any portion of any change room or washroom set apart for the use of male persons except for authorized maintenance or other purposes and in accordance with other relevant Legislation.

D. PARKS

1. The parks as set forth in Schedule "B" attached are hereby established as parks pursuant to the provisions of the Municipal Act, S.O. 2001, as amended. The provisions of the by-law shall apply to the parks as outlined in Schedule "B" and to any other facilities which may from time to time be acquired by the Township for park and recreational purposes.
2. No person shall in any park:
 - a. lead a horse where signs prohibit doing so, or in a manner so as to be unsafe to other persons lawfully using the park.
 - b. operate a vehicle of whatever motive power except upon the roadways and parking lots therein or which are posted areas designated for such vehicular use and, in such instances, at no speeds in excess of speed limits as may be posted in any area;
 - c. cause injury to any person or damage any property by any means whatsoever or, as owner, permit any animal damage any property;
 - d. strike a golf ball;
 - e. deposit waste, except in the receptacles provided for such purpose;
 - f. being owner, permit any animal to run unattended and unleashed.
 - g. being owner, fail to remove any fecal matter discharged by any animal;

- h. distribute or expose any kind of advertisement on any Township property unless authorized by the Township;
 - i. cause or commit a disturbance;
 - j. affix any advertisement or other paper to any Township property, unless authorized by the Township;
 - k. alter any Township property without consent of the Township;
 - l. unless authorized by the Township and after having obtained all necessary licences, sell or display for sale any goods;
 - m. build or light a fire unless authorized by the Township;
 - n. operate any amplifying system or loudspeaker without the written consent of the Township;
 - o. place any coin operated machine or game of any nature or kind without written permission from the Township;
 - p. operate a motorized snow vehicle unless authorized by the Township;
 - q. no person shall, without first obtaining the Chief Fire Official or District Fire Chief's permission, ignite, discharge, or set off firecrackers, rockets or other fireworks in a park;
 - r. no person shall use any park for any activities related to take-off procedures for hot air balloons without written permission of the Township;
 - s. no person shall use any park facility without having paid the fees prescribed, if any;
 - t. all parks under the control and management of the Township shall be closed each day from 11:00 p.m. to 6:00 a.m. the following day.
3. No person shall camp within a park, between the hours of 10:00 p.m. to 7:00 a.m. the following day unless in an area indicated for such purpose by a sign erected by the Township.
4. no person shall be in a park when it is closed except:
- i. a member of the Waterloo Regional Police Service;
 - ii. an employee of the Township;
 - iii. those engaged in Township-authorized activities.
5. Notwithstanding this section, Township staff that are engaged in the maintenance of parks, or other authorized use, are exempted from restrictions to vehicular access.

E. TRAILS

1. The provisions of this by-law shall apply to the trails as outlined in Schedule "C" and to any other trail which may from time to time be acquired by the Township for recreational purposes.
2. No person shall on any trail:
 - a. operate a motorized vehicle except at the trail access points, at roadways and parking lots which are posted areas designated for such vehicular use and, in such instances, at no speeds in excess of speed limits as may be posted in any area;
 - b. cause injury to any person or damage any property by any means whatsoever or, as owner, permit any animal to damage any property;
 - c. strike a golf ball;
 - d. deposit waste except in the receptacles provided for such purposes;
 - e. being owner, permit any animal to run unattended and unleashed;
 - f. being owner of any animal, fail to remove any fecal matter discharged by any animal;
 - g. distribute or expose any kind of advertisement on any Township property unless authorized by the Township;
 - h. cause or commit a disturbance;
 - i. affix any advertisement or other paper to any Township property, unless authorized by the Township;
 - j. alter any trail or township property without the knowledge and written consent of the Township;
 - k. unless authorized by the Township and after having obtained all necessary licences, sell or display for sale any goods;
 - l. build or light a fire unless authorized by the Township;
 - m. operate any amplifying system or loudspeaker without the written consent of the Township;
 - n. place any coin operated machine or game of any nature or kind without written permission from the Township;
 - o. no person shall, without first obtaining the Chief Fire Official or District Fire Chief's permission, ignite, discharge, or set off firecrackers, rockets or other fireworks on any trail listed in Schedule "C;"
 - p. No person shall camp on any trail unless in an area indicated for such purpose by a sign erected by the Township.

- q. lead a horse where signs prohibit doing so, or in a manner so as to be unsafe to other persons lawfully using a trail.
- 3. All trails under the control and management of the Township shall be closed each day from 11:00 p.m. to 6:00 a.m. the following day.
- 4. No person shall be on a trail when it is closed except:
 - i. a member of the Waterloo Regional Police Service;
 - ii. an employee of the Township;
 - iii. those engaged in Township-authorized activities;
- 5. Notwithstanding this section, Township staff that are engaged in the maintenance of parks, or other authorized use, are exempted from restrictions to vehicular access.

F. ULTRA VIRES

- 1. Each and every one of the foregoing provisions of the by-law is severable and if any provisions of this by-law should, for any reason, be declared invalid by any court, it is the intention and desire of this Council that each and every one of the then remaining provisions shall remain in full force and effect.

G. PENALTY PROVISIONS

- 1. Every person who contravenes any provisions of this by-law is guilty of an offence and is liable, upon conviction, to a fine not exceeding One Hundred Thousand Dollars (\$100,000), exclusive of costs, for each offence as prescribed in the Provincial Offences Act, R.S.O. 1990, C.P. 33 as amended.
- 2. Short form wordings and set fine amounts for this by-law are set out in Schedule "D" of this by-law.

H. REPEAL SECTION

- 1. By-law number # 75-2005 of the Township of Woolwich, and all by-laws amending the same and any other by-law inconsistent with the provisions of this By-law are hereby repealed are hereby repealed on the date this by-law shall comes into force and effect.

I. FORCE AND EFFECT

- 1. This bylaw shall come into force and effect on the date of passing.

PASSED this 29th day of April, 2008.



Mayor



Clerk

SCHEDULE A

Community Recreation Centres

COMMUNITY HALLS

Elmira Community Centre
Lions Hall
Woolwich Township Hall (St. Jacobs)

ARENAS

Elmira Arena
Woolwich Township Arena (St. Jacobs)

SWIMMING POOLS

Elmira Swimming Pool

TENNIS COURTS

Elmira Tennis Courts (Gibson Park)
Heidelberg Tennis Courts (Heidelberg Park)
St. Jacobs Tennis Courts (Snider Park)

RECREATION CENTRES

Maryhill Park Community Recreation Centre
Bloomingdale Community Recreation Centre
Conestogo Community Recreation Centre
Woolwich Memorial Centre

FIELD HOUSES

Lions Park (Elmira)

SCHEDULE B

1. PARKS

LOCAL PARKS

Priddle Park (Conestogo)
Hopewell Park (Breslau)
Ann Street Park (Elmira)
Westfield Park (Elmira)
Aspen Park (Elmira)
Bristow Creek Park (Elmira)
Bitternut Park (Elmira)
Crane Park (Elmira)
Valleyview Park (St. Jacobs)
Gole Park (West Montrose)
Letson Park (West Montrose)
Floradale Community Park

MAJOR PARKS

Bloomingtondale Park
Bolender Memorial Centennial Park (Elmira)
Breslau Memorial Park
Conestogo Community Park
Gibson Park (Elmira)
Heidelberg Community Park
Industrial Ball Park (Elmira)
Lions Park (Elmira)
Park Manor Park (Elmira)
Snider Park (St. Jacobs)
Riverside Meadows Park (St. Jacobs)
Maryhill Heritage Park
Woolwich Memorial Centre

ORNAMENTAL PARKS

Bristow Park (Elmira)
E. B. W. Snider Memorial Park (St. Jacobs)
Gore Park (Elmira)
Memorial Park (Elmira)

2. Any property owned by the Township, including walkways and Community Recreation Centres set out in Schedule "A" of this By-law, that are:

- (i) accessible to and designed to be used by the public for recreational purposes, and;
- (ii) are designated O-1 and/or O-2 "Open Space" by the Township Zoning By-law and is in compliance with the regulations contained therein,

shall be designated as a Park within the meaning of this By-law.

SCHEDULE C

TRAILS

Mill Race Trail / Trans Canada Trail – St. Jacobs

Health Valley Trail / Trans Canada Trail – St. Jacobs

Lions Ring Trail - Elmira

Trans Canada Trail – Parallel to the west side of Hwy 85 between the Conestogo River and King St.

Hopewell Trail – Breslau

Bristow Creek Trail – Elmira

Westfield Acres Pathway – Elmira

Water St. Trail, St. Jacobs

Schedule "D"

Part I Provincial Offences Act

Corporation of the Township of Woolwich By-law 27-2008
 Being a By-law of The Corporation of the Township of Woolwich
 To provide for the establishment, maintenance and management
 of Township-owned community centres, parks, and trails

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Set Fine
1	Cause injury to any person in a Community Recreation Centre	Section C, 2, a	\$105.00
2	Damage any property in a Community Recreation Centre	Section C, 2, a	\$105.00
3	Permit animal unlawfully damage property in a Community Recreation Centre	Section C, 2, a	\$105.00
4	Deposit waste, except in the receptacles provided in a Community Recreation Centre	Section C, 2, b	\$105.00
5	Cause a disturbance in a Community Recreation Centre	Section C, 2, c	\$105.00
6	Commit a disturbance in a Community Recreation Centre	Section C, 2, c	\$105.00
7	Distribute advertisements not authorized by the Township in a Community Recreation Centre	Section C, 2, d	\$105.00
8	Expose advertisements not authorized by the Township in a Community Recreation Centre	Section C, 2, d	\$105.00
9	Affix advertisements not authorized by the Township in a Community Recreation Centre	Section C, 2, e	\$105.00
10	Affix other paper not authorized by the Township in a Community Recreation Centre	Section C, 2, e	\$105.00
11	Sell goods not authorized by the Township in Community Recreation Centre	Section C, 2, f	\$105.00
12	Display for sale goods not authorized by the Township in Community Recreation Centre	Section C, 2, f	\$105.00
13	Dress in or adjacent except in place provided for such purpose in a Community Recreation Centre	Section C, 2, g	\$105.00

Page 2 of 5		Column 1	Column 2	Set Fine
Item	Short Form Wording		Provision creating or defining offence	
14	Undress in or adjacent except in place provided for such purpose in a Community Recreation Centre		Section C, 2, g	\$105.00
15	Loiter in to any change room in a Community Recreation Centre		Section C, 2, h	\$105.00
16	Loiter immediately adjacent to any change room in a Community Recreation Centre		Section C, 2, h	\$105.00
17	Conduct oneself in objectionable manner to other patrons in a Community Recreation Centre		Section C, 2, h	\$105.00
18	Conduct oneself in objectionable manner to any members of the public in a Community Recreation Centre		Section C, 2, h	\$105.00
19	Conduct oneself in offensive manner to any other patrons in a Community Recreation Centre		Section C, 2, h	\$105.00
20	Conduct oneself in offensive manner to any members of the public in a Community Recreation Centre		Section C, 2, h	\$105.00
21	Being a male person, enter female change room without authorisation in a Community Recreation Centre		Section C, 2, i	\$105.00
22	Being a male person, enter female washroom without authorization in a Community Recreation Centre		Section C, 2, i	\$105.00
23	Being a female person, enter male change room without authorization in a Community Recreation Centre		Section C, 2, i	\$105.00
24	Being a female person, enter male washroom without authorization in a Community Recreation Centre		Section C, 2, i	\$105.00
25	Lead a horse where signs prohibit in a park		Section D, 2, a	\$105.00
26	Lead a horse in a unsafe manner to other persons in a park		Section D, 2, a	\$105.00
27	Operate a vehicle in non-designated area in a park		Section D, 2, b	\$105.00
28	Cause injury to any person in a park		Section D, 2, c	\$105.00
29	Damage any property in a park		Section D, 2, c	\$105.00
30	As owner, permit animal to damage property in a park		Section D, 2, c	\$105.00
31	Strike a golf ball in a park		Section D, 2, d	\$105.00
32	Deposit waste, except in the receptacles provided for such purpose in a park		Section D, 2, e	\$105.00

Page 3 of 5		Column 1	Column 2	Set Fine
Item	Short Form Wording		Provision creating or defining offence	
33	Being owner, permit any animal to run unattended in a park		Section D, 2, f	\$105.00
34	Being owner, permit any animal to run unleashed in a park		Section D, 2, f	\$105.00
35	Being owner, fail to remove fecal matter discharged by animal in a park		Section D, 2, g	\$105.00
36	Distribute advertisements not authorized by the Township in a park		Section D, 2, h	\$105.00
37	Expose advertisements not authorized by the Township in a park		Section D, 2, h	\$105.00
38	Cause a disturbance in a park		Section D, 2, i	\$105.00
39	Commit a disturbance in a park		Section D, 2, i	\$105.00
40	Affix advertisements not authorized by the Township in a park		Section D, 2, j	\$105.00
41	Affix other paper not authorized by the Township in a park		Section D, 2, j	\$105.00
42	Alter Township property without consent of the Township in a park		Section D, 2, k	\$105.00
43	Sell goods not authorized by the Township in a park		Section D, 2, l	\$105.00
44	Display for sale goods not authorized by the Township in a park		Section D, 2, l	\$105.00
45	Build a fire not authorized by the Township in a park		Section D, 2, m	\$105.00
46	Light a fire not authorized by the Township in a park		Section D, 2, m	\$105.00
47	Operate amplifying system without the consent of Township in a park		Section D, 2, n	\$105.00
48	Operate loudspeaker without consent of Township in a park		Section D, 2, n	\$105.00
49	Place coin operated machine without permission from Township in a park		Section D, 2, o	\$105.00
50	Place coin operated game without permission from Township in a park		Section D, 2, o	\$105.00
51	Operate a motorized snow vehicle without authorization from Township in a park		Section D, 2, p	\$105.00
51	Operate a motorized snow vehicle without authorization from Township in a park		Section D, 2, p	\$105.00
52	Ignite firecrackers without permission in a park		Section D, 2, q	\$105.00
53	Discharge firecrackers without permission in a park		Section D, 2, q	\$105.00
54	Set off firecrackers without permission in a park		Section D, 2, q	\$105.00
55	Ignite rockets without permission in a park		Section D, 2, q	\$105.00
56	Discharge rockets without permission in a park		Section D, 2, q	\$105.00
57	Set off rockets without permission in a park		Section D, 2, q	\$105.00

Page 4 of 5		Column 1	Column 2	Set Fine
Item	Short Form Wording	Provision creating or defining offence		
58	Ignite other fireworks without permission in a park	Section D, 2, q	\$105.00	
59	Discharge fireworks without permission in a park	Section D, 2, q	\$105.00	
60	Set off other fireworks without permission in a park	Section D, 2, q	\$105.00	
61	Use park for take-off procedures of hot air balloons without permission	Section D, 2, r	\$105.00	
62	Use park facility without having paid prescribed fees	Section D, 2, s	\$105.00	
63	Camp within a park in area not designated by sign	Section D, 3	\$105.00	
64	Camp within a park between 10:00 p.m. and 7:00 a.m.	Section D, 3	\$105.00	
65	Be in a closed park	Section D, 4	\$105.00	
66	Operate a motorized vehicle in non-designated area on a trail	Section E, 2, a	\$105.00	
67	Cause injury to any person on a trail	Section E, 2, b	\$105.00	
68	Damage any property on a trail	Section E, 2, b	\$105.00	
69	As owner, permit animal to damage property on a trail	Section E, 2, b	\$105.00	
70	Strike a golf ball on a trail	Section E, 2, c	\$105.00	
71	Deposit waste except in the receptacles provided for such purposes on a trail	Section E, 2, d	\$105.00	
72	Being owner, permit any animal to run unattended on a trail	Section E, 2, e	\$105.00	
73	Being owner, permit any animal to run unleashed on a trail	Section E, 2, e	\$105.00	
74	Being owner, fail to remove fecal matter discharged by animal on a trail	Section E, 2, f	\$105.00	
75	Distribute advertisements not authorized by the Township on a trail	Section E, 2, g	\$105.00	
76	Expose advertisements not authorized by the Township on a trail	Section E, 2, g	\$105.00	
77	Cause a disturbance on a trail	Section E, 2, h	\$105.00	
78	Commit a disturbance on a trail	Section E, 2, h	\$105.00	
79	Affix advertisements not authorized by the Township on a trail	Section E, 2, i	\$105.00	
80	Affix other paper not authorized by the Township on a trail	Section E, 2, i	\$105.00	
81	Alter Township property without consent of the Township on a trail	Section E, 2, j	\$105.00	
82	Sell goods not authorized by the Township on a trail	Section E, 2, k	\$105.00	
83	Display for sale goods not authorized by the Township on a trail	Section E, 2, k	\$105.00	
84	Build a fire not authorized by the Township on a trail	Section E, 2, l	\$105.00	
85	Light a fire not authorized by the Township on a trail	Section E, 2, l	\$105.00	

Page 5 of 5		Column 2	Set Fine
Item	Column 1 Short Form Wording	Provision creating or defining offence	
86	Operate amplifying system without the consent of Township on a trail	Section E, 2, m	\$105.00
87	Operate loudspeaker without consent of Township on a trail	Section E, 2, m	\$105.00
88	Place coin operated machine without permission from Township on a trail	Section E, 2, n	\$105.00
89	Place coin operated game without permission from Township on a trail	Section E, 2, n	\$105.00
90	Ignite firecrackers without permission on a trail	Section E, 2, o	\$105.00
91	Discharge firecrackers without permission on a trail	Section E, 2, o	\$105.00
92	Set off firecrackers without permission on a trail	Section E, 2, o	\$105.00
93	Ignite rockets without permission on a trail	Section E, 2, o	\$105.00
94	Discharge rockets without permission on a trail	Section E, 2, o	\$105.00
95	Set off rockets without permission on a trail	Section E, 2, o	\$105.00
96	Ignite other fireworks without permission on a trail	Section E, 2, o	\$105.00
97	Discharge fireworks without permission on a trail	Section E, 2, o	\$105.00
98	Set off other fireworks without permission on a trail	Section E, 2, o	\$105.00
99	Camp on trail in area not indicated by a sign erected by the Township.	Section E, 2, p	\$105.00
100	Lead a horse where signs prohibit on a trail	Section E, 2, q	\$105.00
101	Lead a horse in a unsafe manner to other persons on a trail	Section E, 2, q	\$105.00
102	Be on a closed trail	Section E, 4	\$105.00

NOTE: The penalty provision for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33