

THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 76 OF 1989

Being a by-law to establish use and control of all Municipal Parks for general public use in the Town of Goderich and repealing By-law No. 53 of 1985 as amended.

WHEREAS the Town of Goderich does not have a Board of Park Management;

AND WHEREAS the Public Parks Act, R.S.O. 1980, Chapter 417 conveys certain powers to a Board of Park Management in regulating the use and control of parks;

AND WHEREAS when there is no Board of Park Management, the Municipal Act, R.S.O. 1980, Chapter 302, Section 208(51) vests all of the powers under the Municipal Act and Public Parks Act with the Council;

AND WHEREAS it is deemed expedient to enact such a by-law.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:

That this By-law shall be known as the "Parks By-law".
The Parks of the Town of Goderich are for the benefit and pleasure of all persons who shall be subject to the rules and regulations passed therefor.

1. Definitions:

- a) The word "Parks" used herein shall include all lands, water, buildings, and facilities owned by or under the control of the Town of Goderich.
- b) The words "Parking Area" shall mean land that is physically laid out and/or improved for the parking of vehicles, and that may or may not be designated by an official sign for such purposes.
- c) The words "Roadway" or "Path" shall be construed to mean any travelled portion maintained for vehicle use by the general public, and without limiting the generality of the foregoing including those areas maintained for parking of vehicles of the general public, except where posted as a service road for Parks vehicles only.
- d) The word "Vehicle" shall mean and include a truck, automobile, motorcycle, motor scooter, mini-bike, trailer, bicycle, carriage, wagon, sleigh, snowmobile, or any vehicle or conveyance of every description and whatever the motive power, but excludes baby carriage or cart, child's wagon or sleigh and six-wheeled amphibian vehicles.
- e) The words "Posted Area" shall mean an area where any sign or other device is placed or erected in or upon any area in a park under the authority of this by-law, relating to the portion of the park set forth upon the sign or other device.
- f) "Council" shall mean the Town Council for the Town of Goderich.
- g) "Designated Swimming Area" shall mean any area of water marked off by the Town of Goderich for public swimming.
- h) "Beach" shall mean that area of the Town of Goderich between the toe of the slope and the water's edge which is located to the south of the north edge of the South Pier and to the south limit of the Corporation of the Town of Goderich.

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- i) "Overnight parking" shall mean between the hours of 12:00 midnight and 6:00 a.m. local time.

2. Animals:

- a) No person shall permit any horse, dog, cattle or other animal or fowl of which he is the owner of or has custody of to be led or to be at large in a park or recreation area or do any damage therein or thereto, provided that this shall not apply to dogs when led by a leash not more than six feet long.
- b) No animals, including dogs, shall be permitted on beaches in any park.
- c) No animals shall be permitted at the Farmers' Market located at the Courthouse Park.

3. Conservation:

- a) No person shall cut or remove any wood, turf, grass, soil, rock, sand, or gravel in any such park except by the authority of the Council.
- b) No person shall wilfully deface, or otherwise damage any of the gates, lock, bolts or fences of the parks or any of the seats or benches, buildings or other property or equipment placed by the Council in any park for the accommodation of the public or any other town property contained in any park.
- c) No person shall walk on any part of any park property where warned by signs not to do so.
- d) No person shall kill, maim or in any way molest, injure or disturb any bird or animal whose habitat is a park. This does not apply to vermin.

4. Vehicles:

- a) No person shall drive or ride or be in the care or control of any vehicle on any area, roadway or path in any park, which is not intended to be used for such purpose, or which has any sign showing that such roadway or path intended to be used for vehicular traffic in any other direction than that indicated by the signs placed thereon by the Council.
- b) No person shall drive or operate any snowmobile or other motorized snow vehicle in any park without prior permission, in writing, from the Council with the exception of Optimist Park where snowmobiles shall be authorized to use the travelled portion of the roadway.
- c) No person shall stand any vehicle upon any part of any road, driveway or parking lot in any park in such a manner as to cause congestion to traffic or in any other way cause any obstruction of such road or driveway.
- d) No person shall park any vehicle in any park except in areas designated for parking purposes.
- e) No person shall park overnight in any park unless permission has been granted by Council or, in any emergency approval has been given by the Chief of Police.

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- f) No person shall use any part of a park for the purpose of washing, cleaning, polishing, servicing, maintaining any vehicle nor, except in the event of an emergency, repair any vehicle.
- g) Speed limit in parks shall be 25 km per hour and signs shall be posted at the entrances indicating this limit.
- h) Clauses a), b), c), d) and i) do not apply to vehicles transporting materials for use by the Parks or Works and Engineering employees; police, fire, or ambulance vehicles when being operated in accordance with those duties, or in an emergency, to any other vehicles.
- i) All motorized vehicles, excluding emergency vehicles, be prohibited from that area of park known as St. Christopher's Beach & Cove which is located from the toe of the slope in the east, the water's edge in the west, the limit of the Town of Goderich in the south and that gate across the access road in the north from 12:00 midnight to 6:00 a.m.

5. Prohibitions:

- a) No person shall in any park make or kindle any open fire for any purpose in any such park except in such places provided therefor.
- b) No person shall in any park carry or discharge any firearm (including air-guns, pellet guns of any description) or bows and arrows.
- c) No person shall in any park set off any fireworks in any park unless during an organized firework display which conforms to the Safety Standards laid down for such events; and then only after permission has been given in writing by the Council.
- d) No person shall in any park sell or offer for sale or expose any merchandise, or other articles or anything for immediate or future delivery, or any art, skill, or service to be exercised or performed immediately or in the future, within any park, without the written consent of the Council.
- e) No person shall in any park practice, carry on, conduct or solicit for any trade.
- f) No person shall in any park play or engage in any team game except in those parks or parts of parks set apart for that purpose.
- g) No person shall in any park distribute or pose any hand bills or circulars in any such park without the written consent of the Council.
- h) No person shall in any park play golf or drive any golf ball.
- i) No person shall in any park erect any tent or park a trailer of any kind in any park or recreation area for overnight accommodating unless duly authorized by the Council.
- j) No person shall use the Bandshell in Lions Harbour Park without first checking with the Town Clerk's staff to ascertain if any other group or person has previously arranged for use of these facilities.

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- k) No person shall in any park post signs of any kind, printed or otherwise, on fences, trees, lamp standards, poles, buildings, structures, electrical transmission units, benches, picnic tables, flower planters, or equipment of any kind in any park.
- l) No person shall in any park use any underwater spear or shooting device in any bathing beach or waters adjacent thereto.
- m) No person shall in any park operate any type of boat (power or sail) or a surf-board or wind-surfing board within 30 metres of any area designated as a swimming area.
- n) No person shall in any Park park, moor, anchor or leave any type of boat (power or sail) inside any area designated as a swimming area.

6. Pollution:

No person shall break glass containers or deposit or strew any refuse or waste paper, wrapper, container or garbage anywhere within a park except in the receptacles provided for that purpose.

7. Fees:

The Council may require the payment of a fee by any person desiring to enter any park or building in any park and no person shall enter any park or any portion of any park or building in any park so closed, without first paying the fee for admission to a person duly authorized by the Council for the collection of such fee as the care may be.

8. Signs:

The Council is authorized to place or erect and to maintain such official signs as are required to give effect to the provision of this by-law or as required to warn or guide the public for reasons of safety.

9. Closure:

The Council may at any time when it is deemed advisable so to close to the Public any park or any portion of any park or any building in any park upon reasonable notice to the public in the local newspaper.

10. Enforcement:

The Goderich Police Force and Goderich By-law Enforcement Officer shall enforce all sections of this by-law.

11. Procedures, penalties, and voluntary payment of parking penalties

- a) The procedure to be used in dealing with Parking Violators is as set out in Part II, Provincial Offences Act.
- b) Every person who violates any provision of this by-law is upon conviction guilty of an offence and shall be liable to a fine of not more than \$300.00 exclusive of costs, and all such penalties shall be recoverable under the Provincial Offences Act.

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- c) Notwithstanding all other provisions of this by-law, in respect of penalties for violations of the Parking and Stopping provisions of this by-law, any person may, upon presentation of a Parking Infraction Notice issued alledging the commission of such offence pay out of Court within seven (7) days from the date of said Notice, a penalty of \$10.00. Upon payment no further proceedings shall be taken under this by-law in respect of the said offence alledged in the Parking Infraction Notice.

12. That By-law No. 53 of 1985 as amended be hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS TWENTY-SIXTH DAY OF JUNE, 1989.


MAYOR


CLERK