

THE CORPORATION OF THE TOWNSHIP OF TAY

**BY-LAW NO. 2019-50**

**Being a By-law to establish regulations within  
Municipal Parkland and Municipally owned lands used  
for recreational purposes within the Township of Tay  
and to repeal By-laws 2001-40 and 2006-04**

**WHEREAS** pursuant to Section 11(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended authorizes a municipality to pass by-laws with respect to the health, safety and well-being of persons;

**AND WHEREAS** pursuant to Section 11(3) of the Municipal Act, 2001, S.O. 2001 c. 25 as amended authorizes a municipality to pass by-laws with respect to culture, parks, recreation and heritage;

**AND WHEREAS** Section 119 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapons;

**AND WHEREAS** Section 128 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, authorizes municipalities to prohibit and regulate with respect to public nuisances;

**AND WHEREAS** the Township has established a recreational trail for the purpose of hiking, cycling, cross-country skiing and limited use by snowmobiles;

**AND WHEREAS** Council deems it necessary to pass a by-law to regulate and protect municipal parkland and trails;

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY ENACTS AS FOLLOWS:**

**SECTION 1 – DEFINITIONS**

**“All-Terrain Vehicle”** means an off-road vehicle:

- That has four tires, the tires of which all make contact with the ground
- Has a steering handlebar
- Has a seat that is designed to be straddled by the driver
- Designed to carry a driver and no passenger or a driver and one passenger;

**“Camping”** means the erection of tents, huts or other temporary shelters for the purpose of temporary lodgings;

**“Emergency Vehicle”** means a Motorized Vehicle required to attend a situation which arises suddenly and requires prompt action, and includes ambulance, fire, police, and municipal law enforcement vehicles;

**“Litter”** includes but is not limited to garbage, domestic waste (including items such as, but not limited to, furniture, carpets, appliances, household garbage), ashes, rubbish, builder’s and building contractors refuse, other industrial waste, inoperable vehicles and motor vehicles parts and accessories;

**“Motorized Vehicle”** means an automobile, motorcycle, power assisted bicycle, snowmobile or any other vehicle propelled or driven otherwise than by muscular power as defined by the Ministry of Transportation;

**“Municipal Parkland”** means properties as set out in Schedule “A” and any lands owned by or belonging to the Township of Tay that is utilized for recreational purposes and as otherwise may be designated for use as a public park, open space, dock or wharf, including, Tay Shore Trail and any and all buildings, structures, facilities, erections and improvements located in or on such land;

**“Nuisance”** means an unreasonable, unwarranted or unlawful interference with a right common to the general public;

**“Officer”** means a Municipal Law Enforcement Officer who has been appointed by Council for the purposes of carrying out the enforcement of Municipal by-laws and/or a Police Officer;

**“Park”** means any Municipal Parkland that is owned or belonging to the Township of Tay;

**“Personal Mobility Device”** means a motorized wheelchair or similar vehicle specifically designed for transportation of the physically disabled and has at least three or more permanently attached wheels and that is not classified under any other vehicle definition as outlined by the Ministry of Transportation;

**“Physically Disabled”** means an individual as defined by the Ministry of Transportation requirements for the purpose of obtaining an Accessible Parking Permit;

**“Service Animal”** means any animal used by a person with a disability for reasons related to the disability and the owner has a valid identification card signed by the Attorney General of Canada or a certificate of training from a recognized service animal training school;

**“Snowmobile”** means a motorized, self-propelled vehicle designed to be driven primarily on snow;

**“Township”** means the Corporation of the Township of Tay or the geographic Township of Tay as the case requires;

**“Trail”** means any portion of the Tay Shore Trail;

**“Trail Grooming Machine”** means a machine designed for the purpose of grooming snow to provide a maintained surface on which Snowmobiles travel;

**“Tree”** means the member of any coniferous or deciduous species having one or more self-supporting trunks/stems and includes the roots, branches, trunks/stems, or any part thereof;

**“Utility Off-Road Vehicle”** means an off-road vehicle that:

- has four or more wheels
- the tires of which are all in contact with the ground
- has a steering wheel for steering control
- and has seats that are not designed to be straddled;

**“Under Control”** means that when an animal is not on the property where it is usually kept, the animal must be leashed or chained, and must be held securely by the person accompanying the animal and that person must be physically able to control the animal;

## **SECTION 2.0 - GENERAL PROHIBITIONS**

### **2.1 No person shall within any Municipal Parkland:**

- 2.1.1** Use discriminatory, abusive, harassing or insulting language or gestures or make excessive noise or disturb other persons in a park.
- 2.1.2** Willfully or maliciously damage or displace any tree, shrub, grass, plant, sand, gravel, soil, rock, building, monument, fence, bench or any other structure.
- 2.1.3** Plant, cultivate, groom, or landscape on any municipal parkland without written consent of the Manager of Parks, Recreation and Facilities.
- 2.1.4** Carry or discharge any firearms, firecrackers, rockets, torpedoes, bows and arrows, cross bows, air guns, catapults, or fireworks.
- 2.1.5** Conduct or participate in any game or activity that may cause an element of danger to those people not engaged in the activity or game.
- 2.1.6** Operate or use any apparatus, mechanism or device for the amplification of the human voice, music or sound.
- 2.1.7** Disturb, molest, wound, attempt to kill, or kill any bird, fowl or animal upon parkland property except by the authority of the Township and no person shall remove or injure any bird's nest or eggs.
- 2.1.8** Litter, drop, or leave garbage or refuse in any portion of the parkland or Trail, except in receptacles provided for the deposit of refuse therein.
- 2.1.9** Place or deposit household garbage or any garbage that is not related to the use of the parkland into any garbage receptacle on municipally owned parkland or property, including along the Tay Shore Trail.
- 2.1.10** Let loose animals of any kind within any municipal parkland.
- 2.1.11** Swim, bathe, wade into the waters of any fountain or storm water management facility.
- 2.1.12** Use a park for the purpose of launching motorized or trailered boats, except where designated for such purpose by the Township of Tay.
- 2.1.13** Use a park for the purpose of camping or overnight sleeping.
- 2.1.14** Build, set, light, stoke or maintain a fire or fire pit except in places provided therefore.

- 2.1.15** Throw or deposit any injurious or offensive matter into any body of water within any municipal park or upon the ice in case the water is frozen, or in any way foul the water, or commit any unlawful damage or injury to the works, pipes or water, or encourage the same to be done.
- 2.1.16** Play or bet at or against any game conducted dealt or carried out on with cards, dice or other device for money, chips, shells, credit or any other representative of value, or maintain or exhibit any gambling table or other instrument for gambling or gaming.
- 2.1.17** Enter any place or location where the sign "No Admittance" is displayed.
- 2.1.18** Create a nuisance by loitering, spying, frightening, annoying or generally making himself/herself or themselves objectionable to other persons peaceably enjoying park privileges.
- 2.1.19** Distribute any handbills or circulars, or post, place or erect any bills, notice of paper, or advertising device or matter of any kind.
- 2.1.20** Sell, or offer for sale, or expose any merchandise, article or anything for immediate or future delivery, or any art, skill or service exercised or performed immediately or in the future unless written authorization from the Manager of Parks and Recreation is obtained.
- 2.1.21** Practice, carry on, conduct or solicit for any trade, occupation, business, or profession.
- 2.1.22** Hire or solicit passengers for any vehicle for hire in the parks,
- 2.1.23** Willfully or maliciously let off or discharge any water so that it runs waste or useless from or out of any reservoir, pond, lake or other receptacle for water connected with any such park.

### **SECTION 3.0 - DOGS IN MUNICIPAL PARKLAND**

- 3.1** No person shall enter a public beach area as defined by the Local District Health Unit with a dog either under control or at large, with the exception of a service animal, in the following Municipal Parklands unless in designated areas posted by sign:
- Albert Street Gazebo Park
  - MacKenzie Park
  - Magnus Beach
  - Waubauskene Pine Street Beach
  - Patterson Park

### **SECTION 4.0 - MOTORIZED VEHICLES**

- 4.1** No person shall operate any motorized vehicle within a park, municipal parkland, including the Tay Shore Trail or First Avenue Trail.
- 4.2** Notwithstanding Section 4.1 of this By-law, a person is exempt from operating a motorized vehicle in a park or on any trail in the following circumstances:
- 4.2.1** Emergency vehicles while performing their duties.

- 4.2.2 Motorized vehicles operated by the Corporation of the Township of Tay for maintenance, enforcement or patrol purposes.
- 4.2.3 Motorized vehicles authorized by resolution of Council for special occasions or purposes.
- 4.2.4 Personal mobility devices specifically designed for the transportation of the physically disabled.
- 4.2.5 Snowmobile on that portion of the Trail leased by the Georgian Bay Snowriders during the time from authorized by the lease and which display a valid trail permit as provided for by the Motorized Snow Vehicle Act, R.S.O. 1990, c. M.44.
- 4.2.6 Trail grooming machines operated by the Georgian Bay Snowriders.

## **SECTION 5.0 - EXEMPTIONS**

- 5.1 The Manager of Parks, Recreation and Facilities may grant an exemption to this by-law or any part thereof for any Special Event.
  - 5.1.1 For the purpose of Section 5.1, Special Events may include, but are not limited to:
    - Port-a-Rama
    - Canada Day Celebrations
    - Remembrance Day Celebrations
    - Santa Claus Parades

## **SECTION 6.0 - OFFENCES AND PENALTIES**

- 6.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this by-law. Any person who is alleged to have contravened any of the provision in this by-law shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in execution of their duties.
- 6.2 Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

## **SECTION 7.0 - ADMINISTRATION AND ENFORCEMENT**

- 7.1 An Officer is hereby vested with the authority of enforcing the provisions of this by-law.

## **SECTION 8.0 - TOWNSHIP NOT LIABLE**

- 8.1 The Township assumes no liability for property damage, damage to the animal or personal injury resulting from remedial action, remedial work and enforcement undertaken with respect to any person, animal or property that is subject of this by-law.

## **SECTION 9.0 - VALIDITY AND SEVERABILITY**

- 9.1 Should any section, subsection, clause, paragraph or provision of this bylaw be declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the enforceability of any other provision of this by-law, or of the by-law as a whole.

**SECTION 10 - SEPARATE OFFENCE**

**10.1** For the purpose of this by-law, each day of a continued offence shall be deemed to be a separate offence.

**SECTION 11 - SHORT TITLE**

**11.1** The short title of this by-law is the Public Parks and Trails By-law.

**SECTION 12 - REPEAL**

**12.1** That By-law No. 2001-40, as amended and By-law No. 2006-04, as amended, are hereby repealed.

**SECTION 13 - ENACTMENT**

**13.1** That this by-law shall take force and take effect immediately upon the final passage thereof.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26<sup>TH</sup> DAY OF JUNE, 2019.**

**THE CORPORATION OF THE TOWNSHIP OF TAY**

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**MAYOR, Ted Walker**

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**CLERK, Alison Gray**

**SCHEDULE "A" TO BY-LAW 2019-50**

**Land Designated As Municipal Parkland or Unopened Road Allowances**

**THE CORPORATION OF THE TOWNSHIP OF TAY**

**By-law 2019-50, Public Parks and Trails By-law**

<b>VILLAGE</b>	<b>ADDRESS</b>
<b><u>TOWNSHIP</u></b>	
Tay Shore Trail	Waubauskene to Midland
First Avenue Trail	Talbot Street to Woodlands Avenue
<b><u>VICTORIA HARBOUR</u></b>	
Oakwood Park	280 Park Street
Eplett Park	320 Waldie Avenue
Cenotaph Parkette	143 Richard Street
Albert Street Gazebo Park	91 Albert Street
Ellen Street Dock	50 Ellen Street
MacKenzie Park	6 Bergie Crescent
Reeves Cenotaph	2238 Reeves Road
Richards Beach	111-113 Maskinonge Road
Victoria Harbour Water Tower	205 Jephson Street
Town Hall	450 Park Street
Victoria Harbour Library	145 Albert Street
Anderson Park	77 Anderson Crescent
Sunset Park	255 Queen Street
Victoria Harbour Rangelight	283 William Street
<b><u>PORT MCNICOLL</u></b>	
Talbot Park	560 Calvert Street
Gazebo Park	769 Fourth Avenue
Lion's Parkette	501 Alberta Street
Patterson Park	180 Patterson Road
Magnus Beach	102 Grandview Road
Port McNicoll Library	714 Third Street
Port McNicoll Water Tower	464 Simcoe Avenue
Calvert Park	171 Woodlands Avenue
Midland Bay Woods Park Bayview	164 Bayview Avenue
Midland Bay Woods Park Sunset Court	106 Bayview Avenue
Port McNicoll Community Centre	560 Seventh Avenue
<b><u>WAUBAUSHENE</u></b>	
Bridgeview Park	4 Fallowfield Lane
Veterans Memorial Park	113 Pine Street
James Scott Memorial Gazebo Park	338 Pine Street
Rope Park	212 Ruta Road
Government Dock	4 Government Dock Road
Waubauskene Beach	3 Pine Street
Dalton Park	1965 Gervais Road
Waubauskene Water Tower	214 Brown's Line
Bayview Park	66 Forest Harbour Parkway
Waubauskene Library	17 Thiffault Street
Cherry Street Cemetery	313 Cherry Street
Tanners Beach	18 Acron Lane
Forest Harbour Park	100 Forest Harbour Parkway

<b><u>WAVERLEY</u></b>	
Waverley Community Park	1049 Truax Lane
Waverley Cenotaph Park	223 Darby Road
Corner Parkette	338 Henry Street



**SCHEDULE "B" TO BY-LAW 2019-50**

**PART 1 Provincial Offences Act - Set Fine Schedule**

**THE CORPORATION OF THE TOWNSHIP OF TAY**

**By-law No. 2019-50, Public Parks and Trails By-Law**

<b>Item</b>	<b>Column 1 Short Word Form Wording</b>	<b>Column 2 Provision Creating Defining Offence</b> or	<b>Column 3 Set Fine</b>
1	Use discriminatory/ abusive/ harassing/ insulting language or gestures within park	2.1.1	\$150.00
2	Make excessive noise within park	2.1.1	\$150.00
3	Disturb other persons within park	2.1.1	\$150.00
4	Willfully/ maliciously damage/ displace a tree/ shrub/ grass/ plant/ sand/ gravel/ soil/ rock within park	2.1.2	\$150.00
5	Willfully/ maliciously damage a building/ monument/ fence/ bench or any other structure within park	2.1.2	\$150.00
6	Plant/ cultivate/ groom/ landscape on municipal parkland without consent	2.1.3	\$150.00
7	Carry/ discharge any firearm/ firecrackers/ rockets/ torpedoes/ bows and arrows/ cross bows/ air guns/ catapults or fireworks within park	2.1.4	\$150.00
8	Conduct/ participate in game/ activity that may cause an element of danger within park	2.1.5	\$150.00
9	Operate device to amplify human voice/ music or sound within park	2.1.6	\$150.00
10	Disturb/ molest/ wound/ attempt to kill any bird/fowl/ animal within park	2.1.7	\$150.00
11	Litter/drop/ leave garbage/refuse not in garbage receptacle within parkland/Trail	2.1.8	\$150.00
12	Place/deposit household garbage within park/trail	2.1.9	\$300.00
13	Let loose animal within park	2.1.10	\$150.00
14	Swim/ bath/ wade in water of fountain/ storm water management facility	2.1.11	\$150.00
15	Launch motorized/trailer boat within park	2.1.12	\$150.00
16	Use park for purpose of camping/ overnight sleeping within park	2.1.13	\$150.00
17	Build/ set/ light/ stoke/ maintain fire or fire pit within park	2.1.14	\$150.00
18	Throw/deposit injurious/offensive matter into any body of water or on the ice within park	2.1.15	\$150.00
19	Foul any body of water within park	2.1.15	\$150.00
20	Commit unlawful damage/ injury to works/pipes/water within park	2.1.15	\$150.00
21	Play/ bet at or against a game within park	2.1.16	\$150.00

22	Maintain/ exhibit any gambling table or other instrument for gambling/ gaming within park	2.1.16	\$150.00
23	Enter place/ location where "No admittance" sign is erected	2.1.17	\$150.00
24	Create nuisance within park	2.1.18	\$150.00
25	Distribute handbills/ circulars within park	2.1.19	\$150.00
26	Post/ place/ erect any bills/ notice of paper/ advertising device within park	2.1.19	\$150.00
27	Sell/ offer for sale/ expose any merchandise/ article or anything for immediate or future delivery within park	2.1.20	\$150.00
28	Practice/ carry on/ conduct/ solicit any trade/ occupation/ business or profession within park	2.1.21	\$150.00
29	Hire or solicit passengers for any vehicle for hire in the parks	2.1.22	\$150.00
30	Willfully/ maliciously let off/ discharge any water from reservoir, pond, lake or other receptacle within park	2.1.23	\$150.00
31	Enter public beach area with dog	3.1	\$150.00
32	Operate motor vehicle within park/ municipal parkland/ Tay Shore Trail	4.1	\$250.00
33	Hinder or Obstruct an Officer	6.1	\$300.00

**Note:** The penalty provision(s) for the offences indicated above is Section 6 of By-Law #2019-50. A certified Copy of which has been filed.

**SCHEDULE "B" TO BY-LAW 2019-50**

**PART 1 Provincial Offences Act - Set Fine Schedule**

**THE CORPORATION OF THE TOWNSHIP OF TAY**

**By-law No. 2019-50, Public Parks and Trails By-law**

<b>Item</b>	<b>Column 1 Short Word Form Wording</b>	<b>Column 2 Provision Creating Defining Offence</b>	<b>Column 3 Set Fine</b>
1	Use discriminatory/ abusive/ harassing/ insulting language or gestures within park	2.1.1	
2	Make excessive noise within park	2.1.1	
3	Disturb other persons within park	2.1.1	
4	Willfully/ maliciously damage/ displace a tree/ shrub/ grass/ plant/ sand/ gravel/ soil/ rock within park	2.1.2	
5	Willfully/ maliciously damage a building/ monument/ fence/ bench or any other structure within park	2.1.2	
6	Plant/ cultivate/ groom/ landscape on municipal parkland without consent	2.1.3	
7	Carry/ discharge any firearm/ firecrackers/ rockets/ torpedoes/ bows and arrows/ cross bows/ air guns/ catapults or fireworks within park	2.1.4	
8	Conduct/ participate in game/ activity that may cause an element of danger within park	2.1.5	
9	Operate device to amplify human voice/ music or sound within park	2.1.6	
10	Disturb/ molest/ wound/ attempt to kill any bird/fowl/ animal within park	2.1.7	
11	Litter/ drop/ leave garbage/refuse not in garbage receptacle within parkland/Trail	2.1.8	
12	Place/ deposit household garbage within park/trail	2.1.9	
13	Let loose animal within park	2.1.10	
14	Swim/ bath/ wade in water of fountain/ storm water management facility	2.1.11	
15	Launch motorized/trailer boat within park	2.1.12	
16	Use park for purpose of camping/ overnight sleeping within park	2.1.13	
17	Build/ set/ light/ stoke/ maintain fire or fire pit within park	2.1.14	
18	Throw/deposit injurious/offensive matter into any body of water or on the ice within park	2.1.15	
19	Foul any body of water within park	2.1.15	
20	Commit unlawful damage/ injury to works/pipes/water within park	2.1.15	
21	Play/ bet at or against a game within park	2.1.16	

22	Maintain/ exhibit any gambling table or other instrument for gambling/ gaming within park	2.1.16	
23	Enter place/location where "No admittance" sign is erected	2.1.17	
24	Create nuisance within park	2.1.18	
25	Distribute handbills/ circulars within park	2.1.19	
26	Post/ place/ erect any bills/ notice of paper/ advertising device within park	2.1.19	
27	Sell/ offer for sale/ expose any merchandise/ article or anything for immediate or future delivery within park	2.1.20	
28	Practice/ carry on/ conduct/ solicit any trade/ occupation/ business or profession within park	2.1.21	
29	Hire or solicit passengers for any vehicle for hire in the parks	2.1.22	
30	Willfully/ maliciously let off/ discharge any water from reservoir, pond, lake or other receptacle within park	2.1.23	
31	Enter public beach area with dog	3.1	
32	Operate motor vehicle within park/ municipal parkland/ Tay Shore Trail	4.1	
33	Hinder or Obstruct an Officer	6.1	

**Note:** The penalty provision(s) for the offences indicated above is Section 6 of By-Law #2019-XX. A certified Copy of which has been filed.