

**THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW NO. 12-096**

BEING A BY-LAW TO REGULATE PUBLIC PARKS

WHEREAS pursuant to *Section 11 of the Municipal Act, S.O. 2001, c. 25*, as amended, a municipality may pass by-laws respecting matters within the spheres of jurisdiction, namely culture, parks, recreation and heritage;

AND WHEREAS pursuant to *Section 63(1) of the Municipal Act, S.O. 2001, c. 25, as amended, and Section 170 (15) of the Highway Traffic Act, R.S.O. 1990, c.H.* a municipality may upon discovery of any vehicle parked or standing in contravention of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removal, care and storage of the vehicle, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act R.S.O. 1990 c. R.25.* as amended;

AND WHEREAS pursuant to *Section 119 of the Municipal Act, S.O. 2001, c. 25*, as amended, a municipality is authorized 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 pursuant to *Section 127 of the Municipal Act, S.O. 2001, c. 25*, as amended, a municipality may prohibit the depositing of refuse or debris from the land without the consent of the owner or occupant of the land;

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

AND WHEREAS pursuant to *Section 425 of the Municipal Act, S.O. 2001, c. 25*, as amended, provides that any person who contravenes any by-law of a municipality passed under the authority of the Municipal Act is guilty of an offence;

AND WHEREAS pursuant to *Section 2 of the Trespass to Property Act, R.S.O. 1990, c. T.21*, as amended, 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 rest on the defendant, enters on premises when entry is prohibited under the Act or engages in an activity on the premises when the activity is prohibited under the Act or does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier;

AND WHEREAS pursuant to *Section 5 of the Trespass to Property Act, R.S.O. 1990, c. T.21*, as amended, allows a municipality as "occupier" to post signs, prohibiting activities within an area;

AND WHEREAS the Council of the Corporation of the Township of Lake of Bays finds it necessary to enact a by-law to regulate public parks in the municipality and to protect these lands on behalf of the public interest;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS ENACTS AS FOLLOWS:

1. Schedules

The following schedules are included as part of this by-law:

- (a) Schedule "A"
 - Definitions
- (b) Schedule "B"
 - Classification of Parks

- (c) Schedule “C”
 - Designated Parking Areas – Norway Point
- (d) Schedule “D”
 - Designated Parking Areas – Rabbit Bay
- (e) Schedule “E”
 - Set Fines

2. Statutory References

Any reference in this by-law to a statutory provision is a reference to the statute of that name in effect in the Province of Ontario as amended from time to time.

3. General Provisions

- (a) This by-law applies to every park within the Township, together with the avenues, streets, boulevards, drives and approaches leading directly into a park, except to any portion of a park which is a building maintained and operated as a community recreation centre pursuant to the *Community Recreation Centres Act, R.S.O. 1990 c. C22* as amended.
- (b) Nothing in this by-law prevents the use or operation in a park of a wheelchair or similar assistive device, a baby carriage, a child’s wagon or other conveyance of like nature.
- (c) Nothing in this by-law prevents the passage along the Park-to-Park Trail, or any other recreation trail so designated by the Township, of any bicycle or horse, within that area of the park which forms part of such trail, but not in the remainder of the park which is outside the boundaries of such trail.
- (d) Nothing in this by-law prohibits the access of emergency, government vehicles or boats to any part of the park for the purpose of carrying out their required functions.
- (e) Nothing in this by-law prohibits the use in any park of any vehicle or boat owned by the Township, or owned by a person under contract with the Township to provide services in respect of that park, when the vehicle or boat is engaged in repair, maintenance, garbage collection and similar activities for the benefit of the administration of the park or operators of ambulances, police or fire department vehicles while engaged in the duties of their employment
- (f) Council may delegate to a Township staff member by resolution, any power to authorize an activity and any decision to exercise a power under Sections 7(f) and 8(g), in this by-law.
- (g) All park classifications on Schedule “B” are deemed to be “day use” only excepting “Remote Landings” and designated area(s) for long-term parking in “Waterfront Landings” as illustrated on Schedules “C” and “D”.

4. Firearms, Fireworks and Projectiles

- (a) No person shall fire or discharge any firearm, air gun, bow and arrow, crossbow, catapult or similar mechanism in a park unless authorized in writing by Council.
- (b) No person shall carry any firearm, air gun, bow and arrow, crossbow, catapult or similar mechanism in a park except during legal hunting season.

- (c) No person shall set off firecrackers, rockets, torpedoes or any type of fireworks in a park unless authorized in writing by Council.

5. Personal Activities

- (a) No person shall drop refuse in a park.
- (b) No person shall leave or deposit any waste of any kind whatsoever except in the receptacles provided by the municipality for such purpose..
- (c) No person shall erect a temporary or permanent building or structure or tent within a park unless authorized in writing by Council.
- (d) No person shall contravene any rules or regulations posted at a park, relating to the use of the lands, beaches or facilities at the park.
- (e) No person shall cut, destroy, remove, damage, deposit or plant any tree, flower, plant, plant material, shrub or flowerbed unless authorized in writing by Council. Nothing in this section applies to the digging of sand on a public beach..
- (f) No person shall willfully damage any property within a park.
- (g) No person shall permit any animal to run free or unleashed in any park and any feces from an animal must be picked up and removed immediately.

6. Signage and Emergency Equipment

- (a) No person shall remove or deface any signs or notices erected in a park by the Township.
- (b) No person shall interfere with or misuse any lifesaving, fire prevention or other emergency equipment situated in a park.
- (c) No person shall interfere with any person engaged in providing emergency services or with any emergency vehicle in a park.
- (d) All persons must adhere to all municipal signage posted within a park.

7. Vehicles

- (a) All park classifications on Schedule "B" are deemed to be "day use" only excepting "Remote Landings". and designated area(s) for long-term parking in "Waterfront Landings" as illustrated on Schedules "C" and "D".
- (b) No person shall locate or operate a commercial vehicle within a park unless authorized by Council.
- (c) No person shall park or operate a vehicle in any park except in parking areas designated for such use (i.e. no encroachment beyond designated parking areas).
- (d) No person shall park a trailer in "Waterfront Landing" designated areas for long-term parking (refer Schedules "C" and "D") during the period from May 1 to October 31 annually.
- (e) No person shall operate a motorized snow vehicle or an all-terrain vehicle in a park excepting that motorized snow vehicles and all-terrain vehicles are permitted in parking areas of parks which have boat ramps in the winter months. These vehicles must use the boat ramps as access point to the lake.

- (f) Any vehicle parked within a park contrary to this by-law, may be removed by the Township of Lake of Bays or a person contracted on its behalf for the purpose, and shall be subject to the lien provisions, storage and disposal requirements set out in the *Repair and Storage Liens Act*.
- (g) No person shall service or wash a vehicle in a park.

8. Boats

- (a) All park classifications on Schedule "B" are deemed to be "day use" only excepting "Remote Landings".
- (b) No person shall use a dock, wharf, boat launching facility or other structures in a park for commercial use or as a loading or unloading zone of a commercial nature unless authorized by Council.
- (c) No person shall store a boat in any park except at "Remote Landings".
- (d) Storage of a boat is permitted at "Remote Landings" during the period from May 1 to October 31 annually.
- (e) No person shall service or wash a boat in a park.
- (f) No person shall use any part of a park for boat launching except at boat launching facilities designated for that purpose.
- (g) Any boat docked, moored or left unattended, contrary to this by-law within a park may be removed by the Township or a person contracted on its behalf for the purpose, and shall be subject to the lien provisions, storage and disposal requirements set out in the *Repair and Storage Liens Act*.

9. Commercial Activities

- (a) All park classifications on Schedule "B" are deemed to be "day use" only, excepting "Remote Landings" and designated areas for long-term parking in "Waterfront Landings" as illustrated on Schedules "C" and "D".
- (b) No person shall engage in the sale of food, beverages or refreshments at a park unless authorized by Council and after having obtained all necessary licences or permits.
- (c) No person shall engage in the sale of goods, wares or merchandise at a park unless authorized by Council.
- (d) No person shall rent, offer to rent or keep for renting, any chattels of whatsoever nature and kind in any park. Without in any way limiting the generality of the word "chattels", the word shall include pedal boats, canoes, rowboats, personal watercraft, beach chairs, beach lounges, towels, etc.
- (e) No person shall distribute or display any pamphlet, notice, bill or advertisement or post, stencil or otherwise affix any such document or any other paper to any tree, bush, shrub, fence, post, building or structure without having first received authorization by Council.
- (f) No person shall affix any advertisement or post or stencil any advertising or notice within a park.

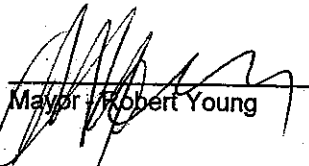
10. Enforcement

- (a) Every person who contravenes any provision of this by-law is guilty of an offence and is subject to the penalties set out in the *Provincial Offences Act R.S.O. 1990*, as amended.
- (b) Every person who is guilty of an offence under this by-law may, if permitted under the *Provincial Offences Act*, pay a set fine as approved by the appropriate Justice of the Ontario Court of Justice in accordance with the Schedule attached to this by-law.
- (c) Should any boat, vehicle or other equipment cause or potentially cause any environmental hazard or concern within a park, the Township may remove the boat, vehicle or equipment and authorize required cleanup with all costs to be at the owner's expense.
- (d) Where anything required to be done in accordance with this by-law is not done, a person or persons designated by the municipality may recover the cost of so doing by adding the cost to the tax roll and collecting them in the same manner and with the same priority as municipal taxes.
- (e) No part of this by-law shall come into force and take effect until Schedule "E" is approved and filed by the Regional Senior Justice, pursuant to *Provincial Offences Act Part 1*. A copy of this approval is attached and hereto forms a part of this by-law.

11. Repeal

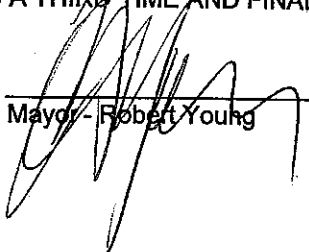
By-law 12-047A and any other by-laws or provisions in other by-laws found to be inconsistent with this new by-law are hereby deemed to be repealed.

READ A FIRST AND SECOND TIME this 13th day of November, 2012.


Mayor - Robert Young


Clerk - Michelle Percival

READ A THIRD TIME AND FINALLY PASSED this 13th day of November, 2012.


Mayor - Robert Young


Clerk - Michelle Percival

**The Corporation of the Township of Lake of Bays
BY-LAW 12-096 – REGULATION OF PUBLIC PARKS**

SCHEDULE “A” - DEFINITIONS

- (a) “**Animal**” means any live non-human vertebrate or invertebrate, and without limiting the generality of the foregoing, includes any domestic animal, animal raised for commercial purposes, animal kept as a working animal, animal kept for breeding, showing, sporting, or a household pet; but does not include any animal naturally inhabiting the park in which it is found.
- (b) “**Boat**” means a craft, whether powered or not powered, which is designed for carrying persons or chattels over water, and includes a ship under the jurisdiction of the Parliament of Canada pursuant to the *Constitution Act*, including personal watercraft.
- (c) “**Commercial vehicle**” means any motor vehicle carrying a commercial motor vehicle licence under the *Highway Traffic Act*, which exceeds one-half ton in capacity, and includes emergency vehicles, buses, tractors used for hauling trailers on the highway, and any vehicle from which anything is sold.
- (d) “**Council**” means the Council of the Corporation of the Township of Lake of Bays.
- (e) “**Day Use**” means the time between 5:00 a.m. to 11:00 p.m.
- (f) “**Docking or mooring**” means to fasten, affix, tie, or anchor a boat to a structure or to municipal land.
- (g) “**Emergency and government vehicle or boat**” means a vehicle or boat providing ambulance, fire, police, public service or similar services for the benefit and safety of the general public and includes federal, provincial and municipal agencies.
- (h) “**Motorized snow vehicle**” means a motorized snow vehicle as defined by the *Motorized Snow Vehicles Act*.
- (i) “**Occupier**” means a person who is in physical possession of premises, or a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises as defined in the *Trespass to Property Act*.
- (j) “**Park**” means property owned by the Township, or made available to the Township by lease, agreement or otherwise for park purposes including any water lot and any area adjacent to parkland, any easements appurtenant thereto and including all buildings, structures, facilities, erections and improvements located in or on such property. Parks may include parking area(s), docking or mooring facilities, wharf(s) and/or boat ramps.
- (k) “**Parking**” means the parking of a vehicle within a parking area.
- (l) “**Parking area**” means a parking lot(s)/space(s) for vehicle(s), trailer(s) or equipment.
- (m) “**Parkland**” means land, whether or not covered by water which lies within a park.
- (n) “**Refuse**” means discarded or rejected items or materials, trash or rubbish.
- (o) “**Township**” means the Corporation of the Township of Lake of Bays; and

- (p) “**Vehicle**” means any bicycle, farm tractor, mobile home, motorcycle, road building machine, self-propelled implement of husbandry, trailer, truck, motor vehicle, all-terrain vehicle, mini-bike, carriage, wagon, sleigh, motorized snow vehicle, commercial vehicle, emergency vehicle, motor vehicle as defined by the *Highway Traffic Act, R.S.O. 1990*, as may be amended from time to time, or any other conveyance of persons or things on land.

**The Corporation of the Township of Lake of Bays
BY-LAW 12-096 – REGULATION OF PUBLIC PARKS**

SCHEDULE “B”- Classification of Parks

Community Parks

Franklin

- Dwight Beach
- Gouldie
- Dwight Rink
- South Portage

Sinclair

- Hillside

Ridout

- Chimney
- Cedar Narrows
- Dorset school site
- Colebridge
- Dorset Central

McLean

- Arena Beach
- Arena Park
- Centennial
- Dam
- Grist Mill
- Heney Lake Road
- Riverfront
- Robertson
- Van Seters
- East Dock
- West Dock

Neighbourhood

- Glenmount
- Marion White
- Oxtongue Rapids
- Wolf Bay

Waterfront Landings

- Norway Point
- Rabbit Bay

Remote Landings

- Camp Lake
- Moot Lake

Water Access Point

- Dickie Lake
- Old North Road
- Paint Lake
- Port Cunnington
- Ril Lake
- Shoe Lake
- South Tasso Lake
- Walker Lake

Trails

- Bellwood Acres (covered bridge)
- Dorset
- Dwight Beach
- Hillside
- Ronville
- Oxtongue Rapids
- Seabreeze
- Van Seters

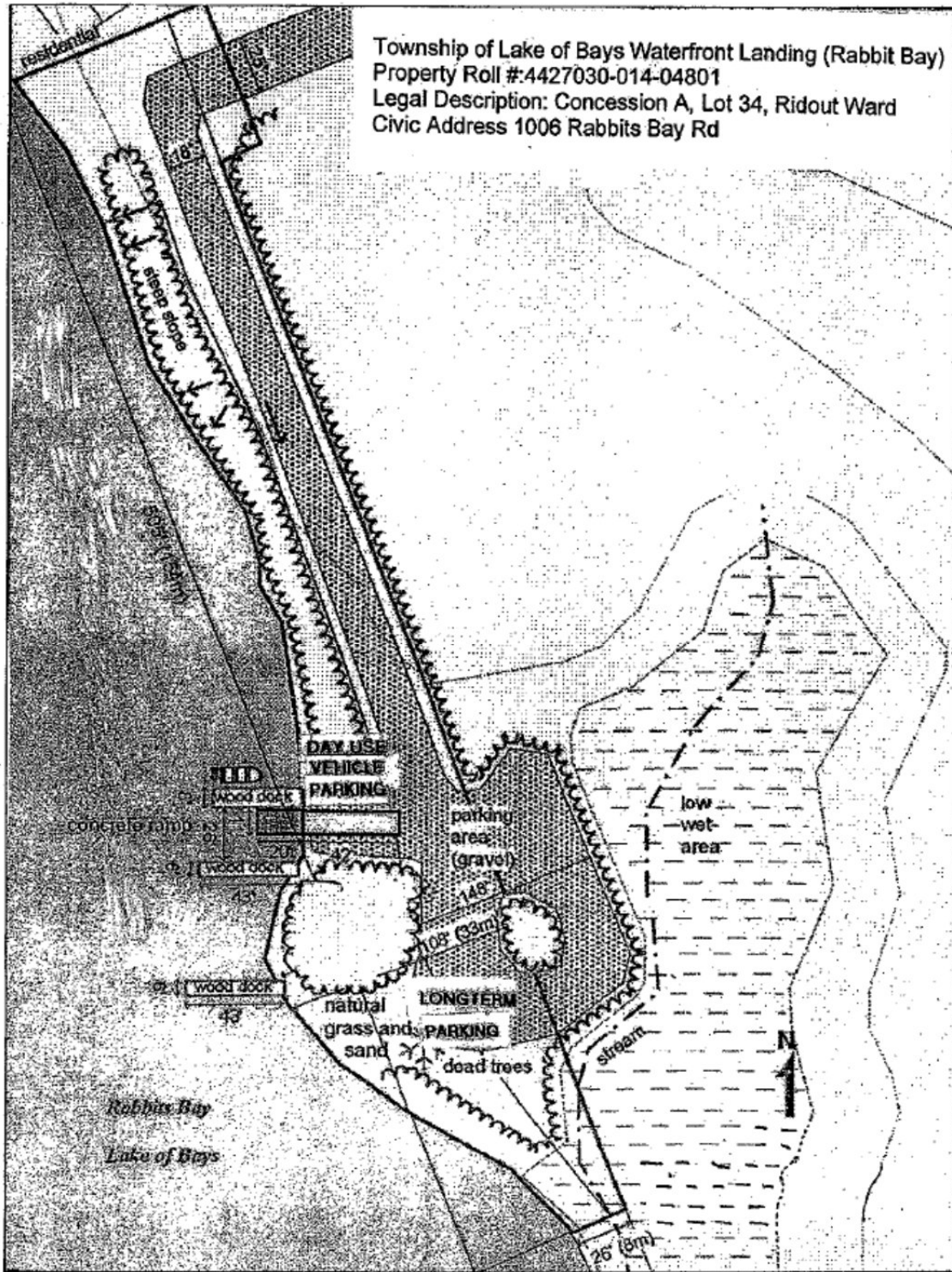
Undeveloped Lands

Original Road Allowance (ORA)

- Burlmarie Road
- Fairy Falls
- Fieldale Road
- Seabreeze Road

The Corporation of the Township of Lake of Bays
BY-LAW 12-096 – REGULATION OF PUBLIC PARKS

SCHEDULE “D” - Designated Parking Area – Rabbit Bay



**The Corporation of the Township of Lake of Bays
BY-LAW 12-096 – REGULATION OF PUBLIC PARKS**

SCHEDULE “E” - Set Fines Schedule Part 1 Provincial Offences Act

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	<u>SET FINE</u>
1	Fire or discharge any firearm, air gun, bow and arrow, crossbow, catapult or similar mechanism in a park	4 (a)	\$255.00
2	Carry any firearm, air gun, bow and arrow, crossbow, catapult or similar mechanism in a park	4 (b)	\$255.00
3	Set off firecrackers, rockets, torpedoes or any type of fireworks in a park	4 (c)	\$255.00
4	Litter in a park	5 (a)	\$255.00
5	Deposit garbage, garden refuse, or other waste in a park	5 (b)	\$255.00
6	Erect a temporary or permanent building or structure or tent within a park	5 (c)	\$255.00
7	Disturb, cut or dig up any tree, shrub, soil or rock within a park	5 (e)	\$305.00
8	Remove any signs or notices erected in a park	6 (a)	\$305.00
9	Locate or operate a commercial vehicle within a park	7 (b)	\$305.00
10	Operate vehicle in a park	7 (c)	\$255.00
11	Operate motorized snow vehicle or all-terrain vehicle in a park	7 (e)	\$305.00
12	Service or wash a vehicle in a park	7 (g)	\$305.00
13	Use a dock, wharf or other structures in a park for commercial use	8 (b)	\$305.00
14	Use a dock, wharf or other structures in park as a loading zone	8(b)	\$305.00
15	Service or wash a boat in a park	8 (e)	\$305.00
16	Launch boat in other than designated areas	8 (f)	\$305.00
17	Rent, offer to rent or keep for renting, any chattels of whatsoever nature and kind in any Township park	9 (d)	\$305.00
18	Engage in advertising or the distribution of any commercial material in a park	9 (e)	\$305.00
19	Affix any commercial advertisement or post or stencil any advertising or notice within a park	9 (f)	\$255.00

NOTE: The general penalty provision for the offences listed above is Section 10 of By-law 12-096, a certified copy of which has been filed.

THE HONOURABLE GREGORY REGIS
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
CENTRAL EAST REGION

50 EAGLE STREET WEST
NEWMARKET, ONTARIO L3Y 6B1



L'HONORABLE GREGORY REGIS
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU CENTRE-EST

50, RUE EAGLE OUEST
NEWMARKET (ONTARIO) L3Y 6B1

TELEPHONE/TÉLÉPHONE (905) 853-4890
FAX/TÉLÉCOPIEUR (905) 853-4891

January 15th, 2013.

RECEIVED FEB 06 2013

Township of Lake of Bays
RR#1, 1012 Dwight Beach Rd. Dwight
Muskoka, Ontario
POA 1H0

Attention: Carrie Sykes
Deputy Clerk

Dear Ms. Sykes:

Re: Set Fines – Part I
The Corporation of the Township of Lake of Bays

Enclosed herewith please find a copy of the Order and a copy of the Schedule of set fines for the By-law No. 12-096.

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

I have forwarded a copy of the Order and the Schedule of the set fines to the POA Court in Bracebridge, together with a certified copy of the By-law.

Yours truly,


Gregory Regis
Regional Senior Justice
Central East Region

/clm

Enclosures

CERTIFIED A TRUE COPY OF
POA - Set Fines - Part I
3 pages
Deputy Clerk: *Carrie Sykes*
TOWNSHIP OF LAKE OF BAYS
FEB 7, 2013

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 attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 12-096, for the Corporation of the Township of Lake of Bays, attached hereto is the set fine for those offences. This Order is to take effect January 15th, 2013.

DATED at Newmarket this 15th
day of January, 2013.



Gregory Regis
Regional Senior Justice
Central East Region

**The Corporation of the Township of Lake of Bays
BY-LAW 12-096 – REGULATION OF PUBLIC PARKS**

SCHEDULE "E" - Set Fines Schedule Part 1 Provincial Offences Act

ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1	Fire or discharge any firearm, air gun, bow and arrow, crossbow, catapult or similar mechanism in a park	4 (a)	\$255.00
2	Carry any firearm, air gun, bow and arrow, crossbow, catapult or similar mechanism in a park	4 (b)	\$255.00
3	Set off firecrackers, rockets, torpedoes or any type of fireworks in a park	4 (c)	\$255.00
4	Litter in a park	5 (a)	\$255.00
5	Deposit garbage, garden refuse, or other waste in a park	5 (b)	\$255.00
6	Erect a temporary or permanent building or structure or tent within a park	5 (c)	\$255.00
7	Disturb, cut or dig up any tree, shrub, soil or rock within a park	5 (e)	\$305.00
8	Remove any signs or notices erected in a park	6 (a)	\$305.00
9	Locate or operate a commercial vehicle within a park	7 (b)	\$305.00
10	Operate vehicle in a park	7 (c)	\$255.00
11	Operate motorized snow vehicle or all-terrain vehicle in a park	7 (e)	\$305.00
12	Service or wash a vehicle in a park	7 (g)	\$305.00
13	Use a dock, wharf or other structures in a park for commercial use	8 (b)	\$305.00
14	Use a dock, wharf or other structures in park as a loading zone	8(b)	\$305.00
15	Service or wash a boat in a park	8 (e)	\$305.00
16	Launch boat in other than designated areas	8 (f)	\$305.00
17	Rent, offer to rent or keep for renting, any chattels of whatsoever nature and kind in any Township park	9 (d)	\$305.00
18	Engage in advertising or the distribution of any commercial material in a park	9 (e)	\$305.00
19	Affix any commercial advertisement or post or stencil any advertising or notice within a park	9 (f)	\$255.00

NOTE: The general penalty provision for the offences listed above is Section 10 of By-law 12-096, a certified copy of which has been filed.