

**THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES
BY-LAW 11 OF 2019**

**BEING A BY-LAW TO REGULATE AND TO PROMOTE RESPONSIBLE
ENJOYMENT AND USE OF PARKS AND FACILITIES**

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipality may pass by-laws respecting matters within the sphere of jurisdiction of culture, parks, recreation and heritage;

AND WHEREAS the Council of the Municipality of Lambton Shores considers it appropriate to pass such a by-law to regulate and control the use of public parks and facilities.

THEREFORE the Council of the Municipality of Lambton Shores enacts as follows:

1 DEFINITIONS

“Barbeque” means a portable or fixed device designed and intended solely for the cooking of food in the open air;

“Beach” means any municipally-owned beach, and includes the beach house, and all walkways, playgrounds, water parks and any other built environment or feature associated with the beach;

“Boat/vessel” means any craft or ship which is propelled on the water by any mechanical or manual means;

“Director” means the Director of Community Services of the Municipality of Lambton Shores or authorized designates, unless otherwise specified;

“Domestic animal” means any animal that is owned, harboured or kept by a person;

“Facility” means any area, building or structure in a park and any recreation centre and community building under the jurisdiction of the Community Services Department of the Municipality of Lambton Shores;

“Main Beach” means the beach area in Grand Bend including the sand area and all built structures between the pier and the water’s edge of Lake Huron, to the beginning of the built boardwalk on the North side of the condo building;

“Motorized vehicle” means an automobile, truck, motorcycle, all-terrain vehicle, snow machine, off road vehicle, e-bike or any other vehicle propelled or driven by means other than muscular power but does not include a wheelchair or device used to assist persons with disabilities or motorized vehicles operating pursuant to the approval of the Director;

“Municipality” means the Municipality of Lambton Shores or the geographic area of the Municipality of Lambton Shores as the context requires;

“Officer” means a person duly appointed by the Council of the Municipality of Lambton Shores as a Municipal Law Enforcement Officer;

“Organized team sport” means a team sport which operates under the auspices of a league, club or association and has a registration process with designated player rosters;

“Park” means a playground, playing field, ball diamond, sports field, beach including but

not limited to the area of the water under the control or supervision of the Municipality, and all built structures and features contained within the park, including but not limited to: washrooms, storage buildings, playgrounds, splash pads, gardens, pedestrian walkway or any other area owned, leased or used by the Municipality and devoted to active or passive recreation and includes any lane or walkway or public parking area leading thereto;

“Parking Lot” means municipally owned and/or operated parking lots;

“Permit” means an agreement between a person or group and the Municipality authorizing a use of or activity upon a park or facility as required under this by-law;

“Person” means any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law;

“Sand Beach Area” means the area of sand lying between the Pier, Lake Huron water’s edge and the municipally owned structures and or the constructed pathways of the Main Beach;

“Service animal” means an animal trained by a recognized school for service for a person with a disability. An animal is considered a service animal if it is readily apparent that the animal is used by a person for reasons relating to his or her disability, such as wearing a harness or vest;

“Smoke” or “smoking” or “vaping” includes holding lit tobacco or cannabis or related inhalation products in any form (including, but not limited to: hookahs, waterpipes, pipes, e-cigarettes, or any other devices), or vaping of any substance;

“Sports field” means an area in a park set aside for use in sports, such as baseball, football, soccer, rugby and cricket, requiring an open field space;

“Spray Pad” means any swimming or wading pool or spray pad under the jurisdiction of the Municipality of Lambton Shores;

“Swim Area” means the area designated and marked as a swim area;

“Tent” means any portable temporary shelter or dwelling that is designed using canvas, plastic, nylon or the like, supported by one or more poles of a frame and often secured in or to the ground;

“Umbrella Line” defines the sand beach area behind the lifeguard stands;

“Waste” shall be used interchangeably with the words rubbish, litter, trash and garbage.

2 INTERPRETATION

2.1 In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.

2.2 The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

3 HOURS OF OPERATION

3.1 No person shall:

- a) remain in or enter into any park between the hours of 11:00 p.m. and 6:00 a.m. except as a participant or spectator of a function approved by the Director;
- b) remain in the park upon completion of an activity as a participant or spectator of any function between the hours of 11:00 p.m. and 6:00 a.m.; or
- c) enter any place where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted.

4 ANIMALS

- 4.1 No person being the owner or having care and custody of a domestic animal shall permit such animal to run at large in any park or facility, except in a designated area.
- 4.2 No person being the owner or having care and custody of a domestic animal shall permit such animal to enter a designated swimming area, spray pad, garden, playground, sports field, baseball diamond, facility or any other area posted to prohibit same.
- 4.3 No person shall allow a domestic animal to be on the sand beach area of the Main Beach between May 1st and September 30th inclusive.
- 4.4 No person shall allow a domestic animal to be on any beach, other than the Main Beach, between the hours of 8:00 a.m. and 8:00 p.m. on any day between May 1st and September 30th inclusive.
- 4.5 No person being the owner or having care and custody of a domestic animal shall allow it to disturb the enjoyment of any person, or to cause injury or damage to any person, other animals or property.
- 4.6 No person shall ride a horse in a park in an area not designated for that purpose. Trail access points are excluded from this provision.
- 4.7 Subsections 4.2, 4.3 and 4.4 shall not apply to a person with a service animal.

5 SPORTS AND ACTIVITIES

- 5.1 No person shall use a sports field on any day between the 1st day of November and the 1st day of April of any year.
- 5.2 Despite subsection 5.1, the Director may, at his or her discretion, amend the dates on which a sports field may be used, on the basis of the ground conditions of the sports field.
- 5.3 Despite subsection 5.1, the Director may, at his or her discretion, restrict or permit access, at any time and to any one sports field, on the basis of weather conditions or the ground conditions of the sports field.
- 5.4 No person shall play golf, drive a golf ball or use golf clubs or other like equipment in a park except in an area designated by the Director for that purpose.

5.5 No person shall possess or discharge a weapon or object capable of discharging an object that can cause bodily harm, injury or damage to property in or into a park.

6 MOTORIZED VEHICLES

6.1 No person shall drive a motorized vehicle in a park or facility except in areas designated for that purpose.

6.2 No person shall park in any park except in areas authorized for parking purposes.

6.3 Overnight parking is prohibited in any park, except in parking lots designated for that purpose and where a permit has been obtained.

6.4 No person shall use any part of a park for the purpose of washing, cleaning, polishing, servicing or maintaining any vehicle except in the event of an emergency repair.

7 BATHING AND SWIMMING

7.1 No person shall:

- a) fail to obey the instructions of a lifeguard or any other person appointed by the Director to oversee the facility;
- b) swim, bathe, wade in or enter the waters of a fountain, pond, lake, river or stream in a park; or
- c) permit a child in his or her care, custody or charge to swim, bathe, wade in or enter into the waters of any ornamental pool or fountain.

8 PERMITS

8.1 A person desiring to use a park or facility for an activity or other use for which a permit is required under this by-law shall either possess a permit or apply for a permit by following the established booking procedure and submitting to the Director in advance of the proposed activity or use.

8.2 Every person shall comply with the conditions of a permit issued for use of a park or facility. The Director may revoke the permit of any person or group who fails to comply with the terms and conditions of that rental agreement or violates any provision of this by-law or other municipal by-law or policy or provincial or federal laws and regulations.

8.3 The issuance of a permit shall not relieve any person from complying with all applicable municipal, provincial and federal laws and regulations in force from time to time, including any requirement to possess an additional license or permit in respect of the activity upon or use of a park or facility permitted by the permit.

8.4 No person shall, in a park or parking lot and without a permit issued by the Director:

- a) sell, or offer, display, distribute or rent, expose or advertise for sale by retail any:
 - i. food or drink;

- ii. newspaper, magazine or publication;
- iii. goods, wares or merchandise;
- iv. art, skill or service;
- b) practice, carry on, conduct or solicit for any trade, calling, business or occupation;
- c) distribute any flyers or circulars, or post any bills, notices or advertising devices, including signs, of any kind;
- d) convene, conduct or participate in any parade, procession or special/community event;
- e) convene, conduct or hold a public meeting, or deliver a speech as a member of or to members of any group or to members of the general public;
- f) consume, sell or possess an alcoholic beverage without authorization;
- g) ignite, discharge or set off any fireworks;
- h) light any open air fire in any park;
- i) camp overnight in any park;
- j) play any organized team sport;
- k) use a public address system or other device or equipment for amplifying sounds in a park;
- l) allow a hot air balloon to land or take off from a park, except in emergency situations only;
- m) operate an unmanned aerial vehicle, helicopter, rocket or boat in, on or above an area not designated for that purpose; or
- n) use any type of barbeque or device for the purpose of cooking.

8.5 No holder of a permit issued by the Director shall access or use a park unless the permit holder:

- a) accesses or uses the area of the park designated by the Director for the permitted use;
- b) produces his or her permit upon being so directed by the Director or an Officer;
- c) complies with the conditions of the permit, including any additional conditions imposed by the Director pursuant to subsection 8.6.

8.6 The Director may attach such additional conditions to a permit as deemed necessary to ensure public safety, protect Municipal property or maintain the enjoyment of the park for the public.

9 ENCROACHMENT

9.1 No person, being the owner or tenant of land adjacent to a park, shall cause or permit on park property:

- a) planting of any hedge, tree, shrub or garden;

- b) keeping of any composting receptacle or pile; or
- c) placing of any string, wire, chain, fencing, rope or similar material.

10 ASSET PROTECTION

- 10.1 No person shall, in a park or facility, cut, climb, break, injure, deface, damage, disturb or remove any property including:
- a) a tree, shrub, bush, flower, plant, grass, wood, soil, sand, rock or gravel;
 - b) a building, cage, pen or monument;
 - c) any part of the interior or exterior of a building; or
 - d) any monument, fence, bench or other structure.
- 10.2 No person shall throw a stone or an object that may cause injury or damage to any person or to property in a park.
- 10.3 No person shall, in a park:
- a) disturb, injure, wound, hunt, trap, attempt to kill or kill any animal;
 - b) touch, interfere with, remove or injure any bird's nest, the eggs or the young birds contained therein; or
 - c) provide, cause to be provided, deposit or leave any food that may be used/consumed by wildlife in a park.
- 10.4 No person shall, in a park or facility:
- a) leave or deposit any waste, except in a receptacle provided for that purpose;
 - b) leave or deposit any household waste;
 - c) deposit or leave any paint, grease, oil or any dangerous matter that has an odour or appearance found to be offensive by users of the park;
 - d) undertake any maintenance activities or alter existing grounds or facilities unless authorized to do so by the Director.
- 10.5 No person shall discharge, dump or leave any construction material, earth, dirt, rock, snow, stone or any other materials in a park, facility, or in any ravine, slope, or other land access way to a park, except with the written consent of the Director.
- 10.6 No person shall transport across, launch or beach a boat/vessel in any park except on a portion of land specified for such purposes.
- 10.7 No person shall park, moor, anchor leave or operate a boat/vessel in a designated swim area.

11 GENERAL

- 11.1 No person shall engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behaviour in a park, facility or adjacent parking lot.

- 11.2 No person shall engage in any activity so as to interfere with or become a nuisance to the general public using the park or facility.
- 11.3 In addition to the prohibitions in *Smoke-Free Ontario Act, 2017* (SFOA, 2017), no person shall smoke, vape or hold lighted tobacco or cannabis or related inhalation products in any form in a park or facility.
- 11.4 In accordance with the *Smoke-Free Ontario Act, 2017*, exceptions can be made for the traditional, ceremonial use of tobacco by Aboriginal or First Nation persons in appropriately designated spaces.
- 11.5 No person shall use, possess or deposit glass containers or bottles in a park.

12 BEACH GENERAL

- 12.1 No person shall use any type of barbeque or device for the purpose of cooking on any beach, municipally-owned structure or parking lot adjacent to the beach.
- 12.2 No person shall use a generator or other such devices that are powered by gas, diesel, propane or any other fuel on the beach.
- 12.3 No person shall erect a tent or umbrella on the Main Beach so as to interfere or obscure a lifeguard's view of the water's edge or beyond:
 - a) Tents and umbrellas must be erected behind the umbrella line and be erected no less than ten feet apart;
 - b) Tents containing more than three opaque sides are not permitted at any time and must be no larger than 40 square feet, and no higher than 5 feet when assembled;
 - c) Umbrellas with a centre pole no greater than 7 feet 6 inches in height and a circular shade no greater than 9 feet in diameter are permitted;
 - d) Exceptions may be made to accommodate persons with accessibility needs;
 - e) Special events requiring the use of shade tents larger than the permitted size for event participants/attendees require a permit from the Director.

13 CLOSURE OF FACILITY

- 13.1 The Director may, at any time and at his or her discretion, temporarily or permanently close to the public a facility, park, a portion of a park or a building in a park due to inclement weather or other circumstances deemed appropriate by the Director.
- 13.2 Where the Director has temporarily or permanently closed to the public a facility, park, a portion of a park or a building in a park pursuant to subsection 13.1, no person shall remain in or enter the closed area.

14 EXEMPTIONS

- 14.1 The provisions of this by-law shall not apply to the Municipality of Lambton Shores or its agents, employees or contractors during the course of

performing their duties in relation to park construction, maintenance or other necessary activities.

14.2 The provisions of this by-law shall not apply to bona fide emergency service providers.

15 OFFENCES AND PENALTIES

15.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

15.2 Where a person has been convicted of an offence under this by-law,

- a) the Ontario Court of Justice, or
- b) any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offence.

16 Every person who acts in contravention of this by-law so as to cause the Municipality to incur costs due to his or her actions shall, in addition to any penalty provided for herein, be liable to the Municipality for all expenses incurred for the purpose of repairing or replacing damaged property or removing unauthorized materials, and such expenses may be recovered by court action or in a like manner as municipal taxes.

17 That By-Law 38-2009, By-Law 23-2010, By-Law 75-2013, By-Law 9-2017, By-law 3039-1982 and all other by-laws and resolutions inconsistent with this by-law are hereby repealed.

18 SHORT TITLE

This by-law may be referred to as the "Parks and Facilities By-law".

19 EFFECTIVE DATE

This by-law shall come into force on March 26th, 2019.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED this 26th day of March, 2019.

Original signed

MAYOR

Original signed

CLERK

**THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES
PART 1 PROVINCIAL OFFENCES ACT
BY-LAW 11 OF 2019 - PARKS AND FACILITIES BY-LAW**

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ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING or DEFINING OFFENCE	COLUMN 3 SET FINE
1.	Remain in or enter a park between 11:00 pm and 6:00 am	Section 3.1(a)	\$100.00
2.	Enter a park or facility where admission is prohibited or restricted	Section 3.1(c)	\$100.00
3.	Permit an animal to run at large except in a designated area	Section 4.1	\$100.00
4.	Permit an animal to enter a prohibited area	Section 4.2	\$100.00
5.	Allow a domestic animal on the Sand Beach area of main beach, when prohibited	Section 4.3	\$100.00
6.	Allow a dog on any beach, other than the main beach, when prohibited	Section 4.4	\$100.00
7.	Allow a domestic animal to disturb, injure or damage	Section 4.5	\$100.00
8.	Ride a horse in a park or prohibited area	Section 4.6	\$100.00
9.	Use a ball diamond or sport's field when prohibited	Section 5.1	\$100.00
10.	Play golf in a park	Section 5.4	\$100.00
11.	Possess weapon or discharge an object from a weapon capable of causing injury	Section 5.5	\$150.00
12.	Fail to obey Lifeguard's instructions	Section 7(a)	\$100.00
13.	Swim where prohibited	Section 7(b)	\$100.00
14.	Permit a child under your care to swim in prohibited area	Section 7(c)	\$100.00
15.	Fail to have or apply for permit for park or facility use	Section 8.1	\$150.00
16.	Fail to comply with conditions of permit	Section 8.4(a)	\$150.00
17.	Sell, display, distribute or rent goods or services on the beach	Section 8.4(a)	\$100.00
18.	Consume, sell, possess liquor without authorization	Section 8.4(f)	\$100.00
19.	Ignite or discharge fireworks	Section 8.4(g)	\$100.00
20.	Light an open air fire in a park	Section 8.4(h)	\$100.00

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING or DEFINING OFFENCE	COLUMN 3 SET FINE
21.	Use public address system or amplified sounds in park	Section 8.4(k)	\$100.00
22.	Owner or tenant of land adjacent to park, plant on park property	Section 9.1(a)	\$100.00
23.	Owner or tenant of land adjacent to park keep composting receptacle or pile	Section 9.1(b)	\$100.00
24.	Owner or tenant of land adjacent to park place prohibited material on park property	Section 9.1(c)	\$100.00
25.	Climb a tree, damage, destroy or remove vegetation or landscaping materials	Section 10.1(a)	\$150.00
26.	Damage, deface or remove any building, equipment or property of the Municipality	Section 10.1(b)	\$150.00
27.	Throw a stone or an object likely to cause damage or injury to any person or property	Section 10.2	\$150.00
28.	Interfere with an animal in a prohibited manner	Section 10.3(a)	\$150.00
29.	Interfere with a bird in prohibited manner	Section 10.3(b)	\$150.00
30.	Fail to deposit waste and food in a receptacle	Section 10.4(a)	\$150.00
31.	Deposit household waste in park	Section 10.4(b)	\$150.00
32.	Deposit, dump or discharge materials in a park or on an access way to park	Section 10.5	\$150.00
33.	Moor, anchor, or operate a boat in a designated swim area	Section 10.7	\$150.00
34.	Unlawfully engage in abusive or threatening language or disorderly conduct	Section 11.1	\$150.00
35.	Unlawfully engage in an activity interfering with general use of park	Section 11.2	\$150.00
36.	Smoke, vape or hold any lit tobacco or cannabis on Municipal property	Section 11.3	\$150.00
37.	Possess or deposit glass container or bottle in a park	Section 11.5	\$100.00
38.	Use a barbeque on Municipal property where prohibited	Section 12.1	\$100.00
39.	Use a generator or other such fuel powered device on a beach	Section 12.2	\$100.00

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING or DEFINING OFFENCE	COLUMN 3 SET FINE
40.	Erect a tent or umbrella on Main Beach obscuring lifeguards' view to water's edge	Section 12.3	\$100.00
41	Enter or remain in temporary or closed facility, park or building	Section 13.2	\$100.00

THE PENALTY PROVISION FOR THE OFFENCES CITED ABOVE IS SECTION 15 OF BY-LAW NUMBER 11-2019. A CERTIFIED COPY OF WHICH HAS BEEN FILED.