

**BY-LAW No. 2021-XXX  
OF THE  
CORPORATION OF THE TOWN OF COLLINGWOOD**



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

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**WHEREAS** subsection 8 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“Municipal Act, 2001”) provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

**AND WHEREAS** section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the under this or any other Act;

**AND WHEREAS** subsection 11 (2) of the *Municipal Act, 2001*, provides that a lower-tier municipality may pass by-laws respecting, among other things, public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act; economic, social and environmental well-being of the municipality, including respecting climate change, health, safety and well-being of persons; and protection of persons and property, including consumer protection;

**AND WHEREAS** Council considers it appropriate to protect, maintain and enhance its parks, open spaces and other publicly owned land and related facilities for the safety and shared enjoyment of members of the public and to protect and enhance the natural environment.

**NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD  
ENACTS AS FOLLOWS:**

**1. SHORT TITLE**

This By-law may be cited as the “Park and Facilities By-law”

**2. DEFINITIONS**

**“Alcoholic beverage”** means spirits, liquor, beer, wine or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage alone or in combination with any other substance.

**“Barbecue”** means a portable or fixed device designed and intended solely for the cooking of food in the open air, but does not include outdoor fireplaces and campfires.

**“Boat”** includes a canoe, rowboat, punt, sailboat, outboard and inboard motorboat, and personal watercraft.

**“Camp”** means to erect a structure, hut or tent for the purpose of providing shelter.

**“Director”** means the Director of Parks and Recreation of the Town of Collingwood or authorized designates, unless otherwise specified.

**“Facility”** means any area, pool, building or structure in a park under the jurisdiction of the Parks and Recreation Department of the Town of Collingwood.

**“Officer”** means a person appointed by Council as a Municipal Law Enforcement Officer, or a Police Officer, or other individual duly appointed to enforce this By-law.

**“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, recreation centre, community building, facility, square, garden, water, pedestrian walkway or any other area owned, leased or used by the Town and devoted to active or passive recreation and includes any trail, lane, walkway, or public parking area leading thereto.

**“Permit”** means parks access agreement, lease, licence, letter of authorization, parking permit or any other written document issued by the Town which authorizes or permits a business, event or activity to operate within a public park and shall include but not be limited to, training, teaching, coaching, educating, lessons, filming, photographing, special events, community events or gatherings, corporate events or gatherings, religious celebrations or gatherings, concession stands, midways, auctions, craft sales or displays, plant or produce sales or displays, festivals, social, cultural or sporting events or displays, equipment rentals or displays of any kind.

**“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.

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

**“Swimming pool”** means any swimming or wading pool or spray pad under the jurisdiction of the Town of Collingwood.

**“Town”** means the municipal corporation of the Town of Collingwood or the geographic area of the Town of Collingwood as the context requires.

**“Vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a bicycle or motorized snow vehicle.

**“Washroom”** any permanent or temporary structure or portion of a structure typically containing toilets, urinals and wash basins and which is owned, leased or operated by the Town.

**“Waste”** means paper, bottles, broken glass, cans, rags, garbage, rubbish, debris or refuse of any kind.

### **3. INTERPRETATION**

- (1) In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
- (2) A reference to any statute, regulation or by-law refers to that enactment as it may be amended or replaced from time to time.

- (3) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal, or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

#### **4. HOURS OF OPERATION**

- (1) No person shall:
- a) remain or enter into any park between the hours of 11 o'clock in the afternoon (11:00 p.m.) and 5 o'clock in the forenoon (5:00 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 o'clock in the afternoon (11:00 p.m.) and 5 o'clock in the forenoon (5:00 a.m.); or
  - c) enter any place where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted.

#### **5. SPORTS AND ACTIVITIES**

- (1) No person shall participate in or play baseball, softball, basketball, volleyball, football, soccer, rugby, tennis, croquet, cricket, badminton, ultimate frisbee, disk golf, skateboarding or any other sport or activity in a park except in an area designated by the Director for such respective purpose and in accordance with subsection (2).
- (2) No person shall:
- a) use a ball diamond on any day between the 15th day of October and the 30th day of April of any year;
  - b) use a sports field on any day between the 15th day of October and the 30th day of April of any year.
- (3) Despite subsection (2), the Director may, at his or her discretion, amend the dates on which a ball diamond and sports field may be used, on the basis of the ground conditions of the ball diamond or sports field.
- (4) Despite subsection (2), the Director may, at his or her discretion, restrict or permit access at any time and to any one ball diamond or sports field on the basis of the ground conditions of the ball diamond or sports field.
- (5) Despite clause (b) of subsection (2), no person shall access or use sports fields for winter sports during the winter months unless,
- a) the ground is snow covered;
  - b) the site is not altered; and
  - c) there is no damage to the field.
- (6) No person shall play golf, drive a golf ball, use golf clubs or other like equipment or drive a golf cart in a park except in an area designated by the Director for that purpose.

#### **6. BARBEQUE**

- (1) No person shall use a barbecue in a park except in areas designated by the Director for that purpose.

(2) No person, while in any park, shall:

- a) leave a barbecue without extinguishing the barbecue and ensuring that any remaining embers are cold;
- b) dispose of charcoal or embers in any area at the park except in a receptacle provided for that purpose; or,
- c) have any type of open flame under a tent pop-up structure.

## **7. CYCLING, SKATEBOARDING, ROLLERBLADING, VEHICLES**

- (1) The Director may designate a park or part thereof as a place in which the riding of bicycles is prohibited and shall provide signage to indicate the park or part thereof to which the designation applies.
- (2) No person shall ride a bicycle or participate in skateboarding or rollerblading in a park, or part thereof, designated by the Director as prohibiting cycling, skateboarding or rollerblading.
- (3) No person shall park or stop a vehicle in a park except in areas designated for that purpose.
- (4) No person shall park a vehicle in any park between the hours of 11 o'clock in the afternoon (11:00 p.m.) and 5 o'clock in the forenoon (5:00 a.m.) except as may be approved by the Director.
- (5) No person shall drive a vehicle in a park or facility except in areas designated for that purpose.
- (6) A police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of this by-law, upon discovery of any vehicle parked or standing in contravention of this part, 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*.

## **8. PERMITS**

- (1) No person shall, in a park and without a permit issued by the Director:
  - a) sell, or offer, expose or advertise for sale any:
    - i) food or drink,
    - ii) newspaper, magazine or publication,
    - iii) goods, wares or merchandise,
    - iv) art, skill or service;
  - b) practise, 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 or procession;
  - 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) possess any alcoholic beverage;
  - g) ignite, discharge or set off any fireworks;
  - h) light any open air fire in any park;
  - i) camp in any park;
  - j) play any organized team sport;

- k) ski, toboggan, snowboard, skibob or sled in an area where it is prohibited;
- l) build, construct, or assemble any ramp, jump or similar equipment;
- m) install, erect, or construct any tent that is larger than 10' x 10';
- n) use a public address system or other device or equipment for amplifying sounds in a park; or
- o) allow a hot air balloon to land or take off from a park, except in emergency situations only.

- (2) Every person carrying on, conducting, operating, maintaining, keeping or engaging in any business, event or activity within a park, where a permit or authorization is required by way of a by-law, special event policy or other Town policy, as amended from time to time, shall be required to obtain a permit or authorization prior to the commencement of any such activity.
- (3) No person without a permit shall refuse to vacate a park, or portion of a park, in the event that a holder of a permit for that park, or portion of the park, wishes to access the area in accordance with the terms and conditions of his or her permit.
- (4) No person shall fail to adhere to or comply with any conditions or restrictions set out in the permit or authorization.
- (5) No person shall fail to display or keep visible their permit or authorization to conduct the event, business or activity within the park.
- (6) The permit holder shall comply at all times with all other applicable municipal by-laws and provincial and federal laws.
- (7) A permit issued by the Director is valid on the date or dates shown on the permit.
- (8) The Director may attach such additional conditions to a permit as deemed necessary to ensure public safety, protect Town property or maintain the enjoyment of the park for the public.

## **9. APPLICATION FOR PERMIT**

- (1) Any person required to obtain a permit pursuant to this by-law, special events policy or other Town policy, shall apply in writing or on the appropriate application form as provided by the Town and shall deposit, at the time of application, all required fees as set out in the Town of Collingwood Fee's By-law for each business, event or activity as well as submit any required approvals, inspections or documentation required or as deemed necessary by the corporation.
- (2) Upon being satisfied that the applicant is entitled to obtain a permit or authorization under the applicable provisions, the issuer shall prepare and issue the appropriate documentation to the said applicant.
- (3) Permits or authorizations are not transferable.

## **10. ENCROACHMENT**

- (1) No person, being the owner or tenant of land adjacent to a park, shall cause, permit, or continue any activity or thing on such land that encroaches onto or into the park including:
  - a) planting of any hedge, tree, shrub or garden;
  - b) construction of any fence, storage shed, retaining wall or other structure of any kind;
  - c) keeping of any composting receptacle or pile; or
  - d) placing of any string, wire, chain, rope or similar material, on park property.

## **11. ASSET PROTECTION**

- (1) No person shall, in a park, cut, climb, break, injure, deface, disturb or remove any property including:
  - a) a tree, shrub, bush, flower, plant, grass, wood, soil, sand, rock or gravel;
  - b) lifesaving equipment, barriers, or warning devices;
  - c) a building, cage, pen or monument.
- (2) No person shall, in a park, mark or write upon, damage or otherwise injure any property of the Town including:
  - a) any part of the interior or exterior of a building;
  - b) any monument, fence, bench or other structure.
- (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 consumed by any animal in a park unless authorized to do so by the Director.
- (4) No person shall, in a park:
  - a) leave or deposit any waste, except in a receptacle provided for that purpose;
  - b) deposit or leave any paint, grease, oil, offal or any dangerous matter that has an odour or appearance found to be offensive by users of the park;
  - c) scatter any paper, cardboard or any other material; or
  - d) undertake any maintenance activities or alter existing grounds or facilities unless authorized to do so by the Director.
- (5) No person shall discharge, dump or leave any construction material, earth, dirt, rock, snow, stone or any other materials in a park, or in any ravine, slope or other land access way to a park, except with the written consent of the Director.
- (6) No person shall use a park or any part thereof for the purpose of washing, cleaning, polishing, servicing, maintaining or, with the exception of any emergency, repairing any vehicle.
- (7) No person shall transport across, launch or beach a boat in any park except on a portion of land specified for such purposes or where there is a sign permitting the activity.

## **12. SKATING**

- (1) No person using a skating rink in a park shall:
  - a) race or speed so as to endanger or interfere with any other person using the rink;
  - b) carry a cane, stick or any other object that is, or is likely to be, dangerous to other persons on a rink, except such equipment as may be required for any sport or activity approved by the Director;
  - c) use the rink during the preparation period; or
  - d) fail to obey the instructions of a rink attendant employed by the Town of Collingwood or any other person appointed by the Director to oversee the operation and use of skating rinks.

## **13. SWIMMING**

- (1) No person shall:

- a) enter a swimming pool, except with the permission of the Director and subject to the conditions associated with such permission and only at the times designated for swimming;
- b) fail to obey the instructions of a lifeguard or any other person appointed by the Director to oversee the facility;
- c) swim, bathe, wade in or enter the waters of a fountain, pond, lake, river or stream in a park, except in an area or at a time designated by the Director for such purposes;
- d) 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;
- e) throw any article in any pool, fountain, pond, lake or stream that is likely to endanger any person or wildlife or to pollute the waters; or
- f) bring into or possess in a bathing area or swimming area of a park any bottles, glassware, metal or other material which may cause injury.

#### **14. GENERAL**

- (1) No person shall use a tent or sunshade within a park unless such tent or sunshade is solely supported by no more than one pole and having no more than one wall or side or unless authorized to do so.
- (2) No person shall engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behaviour in a park.
- (3) No person shall urinate or defecate in a park except in a designated washroom facility.
- (4) No person shall engage in any activity so as to interfere with or become a nuisance to the general public using the park.
- (5) No person shall throw a stone or other object that may cause injury or damage to any person or to property.
- (6) The Director may, at any time and at his or her discretion, temporarily or permanently close to the public a park, a portion of a park or a building in a park due to inclement weather or other circumstances deemed appropriate by the Director.
- (7) Where the Director has temporarily or permanently closed to the public a park, a portion of a park or a building in a park pursuant to subsection (6), no person shall remain in or enter the closed area.

#### **15. INDEMNIFICATION**

- (1) The applicant for a permit to access any park shall indemnify and save harmless the Town of Collingwood from any and all claims, demands, causes of action, losses, costs or damages that the Town of Collingwood may suffer, incur or be liable for resulting from the use of the park whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

#### **16. REVOCATION**

- (1) Permits issued to a permit holder under this by-law may be revoked by the Director if, in the opinion of the Director, the permit holder fails to comply with the requirements of the permit or any other provisions of this by-law.

#### **17. EXEMPTIONS**

- (1) The provisions of this by-law shall not apply to the Town of Collingwood or its agents, employees or contractors during the course of performing their duties in relation to park construction, maintenance or other necessary activities.
- (2) The provisions of this by-law shall not apply to the Ontario Provincial Police Service or other *bona fide* emergency service providers.
- (3) The Director or other individual declared by Council Motion may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

## **18. ENFORCEMENT**

- (1) A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.
- (2) An officer who has reasonable grounds to believe that a person has contravened any provision of this by-law may require that person to provide their identification to the officer.
- (3) Every person who is required by an officer to provide identification under subsection (2) shall identify themselves to the officer. Giving their correct name, date of birth, and address shall constitute sufficient identification. Failure to provide sufficient identification shall constitute obstruction of the officer as set out in subsection (4).
- (4) No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

## **19. ORDER TO DISCONTINUE ACTIVITY**

- (1) If an officer is satisfied that this by-law has been contravened, the officer may make an order, requiring the person who contravened the By-law, or who caused or permitted the contravention, or the Owner of the land on which the contravention occurred, to discontinue the contravention.
- (2) An order made under subsection (1) of this By-law shall set out:
  - a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
  - b) the date by which there must be compliance with the order.
- (3) A person who contravenes an order made under subsection (1) of this By-law is guilty of an offence.

## **20. OFFENCES AND PENALTIES**

- (1) Every person who contravenes any provision of this by-law is guilty of an offence and liable on conviction to a penalty not exceeding \$5,000, exclusive of costs and the provisions of the *Provincial Offences Act*, R.S.O 1990, c P.33, as amended, shall apply to said fine.
- (2) Every person who contravenes any provision of this by-law, and every director or officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation, is guilty of an offence and upon conviction is liable to a fine as provided for by the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended.



(3) Any person convicted under this By-law is liable:

- a) upon a first conviction a maximum fine of \$25,000; or,
- b) upon a subsequent conviction a maximum fine of \$50,000.

(4) Notwithstanding subsection (2), where the person convicted is a corporation, the corporation is liable:

- a) upon a first conviction a maximum fine of not more than \$50,000; or,
- b) upon any subsequent conviction a maximum fine of not more than \$100,000.

(5) Where a person has been convicted of an offence under this by-law, the Ontario Court of Justice, or 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.

(6) Every person who acts in contravention of this by-law so as to cause the Town to incur costs due to his or her actions shall, in addition to any penalty provided for herein, be liable to the Town 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.

## **21. REPEALS**

(1) The following by-laws are repealed:

## **22. EFFECTIVE DATE**

(1) This by-law shall come into full force and effect on the date of final passage hereof at which time all by-laws and/or resolutions that are inconsistent with the provisions of this by-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this by-law.

## **23. FORCE AND EFFECT**

**ENACTED AND PASSED** this XX day of, 2021.

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MAYOR

\_\_\_\_\_  
CLERK