

TOWN OF MIDLAND
BY-LAW 98-56

A By-law to regulate and control the use of public parks and park buildings.

WHEREAS, Subsection 207(52) of the Municipal Act, R.S.O., 1990, c. M.45, as amended, provides that by-laws may be passed by the councils of local municipalities for acquiring land for and establishing and laying out public parks in the municipality and, in respect of land acquired for any such purpose that is not under the general management, regulation and control of a board of park management, for exercising all or any of the powers that are conferred on boards of park management by the Public Parks Act;

AND WHEREAS, The Council of The Corporation of the Town of Midland considers it appropriate to pass such a by-law to regulate and control the use of public parks and park buildings;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND ENACTS AND BE IT ENACTED AS FOLLOWS:

1. **DEFINITIONS**

In the interpretation of this by-law, the following definitions shall apply:

- (a) “Director” means the Director of Community Services of The Corporation of the Town of Midland or his or her designate;
- (b) “fireworks” means devices containing combustible chemicals that cause explosions or spectacular effects;
- (c) “hunt” includes chase, pursue, follow after or on the trail of, search for, shoot at, stalk or lie in wait for, worry, molest, take or destroy any animal or bird, whether or not the animal or bird be then or subsequently captured, injured or killed;
- (d) “park” includes playgrounds, sportsfields, memorial squares, gardens, waters, marinas, boat launches, and any other area or areas owned and used by The Corporation of the Town of Midland for active or passive recreational purposes or for any purpose ancillary thereto;
- (e) “park building” includes recreation centres, arenas, indoor swimming pools and any other building owned and used by The Corporation of the Town of Midland for active or passive recreational purposes or for any purpose ancillary thereto;
- (f) “person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply accordingly to law;
- (g) “shelter” a tent or structure used for camping outdoors or as a temporary building;
- (h) “structure” means any construction or any production or piece of work artificially built up or composed of parts joined together in some definite manner and without limiting the generality of the foregoing includes a wading pool, monument, fountain, bridge, fence, wall, gate, pavement, sidewalk, walk, swing, slide, playground apparatus, table, seat, bench, shelter, barbecue, sign, vase and recreational equipment;
- (i) “Town” means The Corporation of the Town of Midland;
- (j) “vegetation” includes trees, flowers, flower beds, bushes, shrubs, plants, sod and grass, and;

2. **GENERAL**

No person, except a person acting under the authority of a permit issued by the Director, shall:

- (a) enter into or remain in a park between the hours of 11:30 p.m. local time in the afternoon and 5:00 a.m. local time in the forenoon from the First day of April to the Thirtieth day of September, inclusive, in any calendar year;
- (b) enter into or remain in a park between the hours of 10:00 p.m. local time in the afternoon and 5:00 a.m. local time in the forenoon from the First day of October to the Thirty-first day of March, inclusive, in any calendar year;
- (c) set off fireworks in a park;
- (d) damage, deface or remove any vegetation, building or equipment in a park, or a park building;
- (e) pollute any stream, drainage ditch, lake or pond in a park;
- (f) erect a shelter of any kind in a park;
- (g) possess liquor in a park;
- (h) hunt, kill, injure or disturb any wildlife in a park;

3. **PERMITS**

The Director may issue a permit to a person for the use of all or a portion of a park or park building subject to such terms and conditions as the Director may consider reasonable, desirable and appropriate.

4. **EXCEPTIONS**

The provisions contained in Section 2 of this by-law do not apply to:

- (a) an employee of the Town while engaged in the performance of his or her municipal duties; and,
- (b) a member of a police service while engaged in the performance of his or her police duties.

5. **ENFORCEMENT**

This by-law shall be enforced by a Police Officer, Animal Control Officer, Municipal Law Enforcement Officer or Peace Officer, duly appointed for the purposes of enforcing the Municipality's by-laws.

6. **PENALTIES FOR OFFENCES**

Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for by the Provincial Offences Act.

7. This by-law may be referred to as the Parks By-law.

8. Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be

invalid.

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9. This by-law shall come into force and take effect upon the final passing thereof.

BY-LAW read a first, second and third time and finally passed at a meeting of Council on the Twenty-seventh day of July, 1998.

G. J. MacDonald (Signed)
Mayor

F. G. Flood (Signed)
Clerk