



**MUNICIPALITY OF MIDDLESEX CENTRE
BY-LAW 2019-089**

Being a by-law relating to the use, protection and regulation of public parks and recreation areas in the Municipality of Middlesex Centre

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

AND WHEREAS Section 425 of the *Municipal Act*, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS Section 426 of the *Municipal Act*, provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under the *Municipal Act* or under a by-law passed under the *Municipal Act*;

AND WHEREAS Section 35 of the *Liquor Licence Act*, R.S.O. 1990 c. L-19, as amended, provides that the council of a municipality may by by-law designating a recreational area within the municipality that is owned or controlled by the municipality as a place where the possession of liquor is prohibited;

AND WHEREAS Section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended, provides that a municipal council may appoint municipal by-law enforcement officers to enforce the by-laws of a municipality;

AND WHEREAS Section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, provides that except where otherwise provided by law, every person who is convicted of an offence under a municipal by-law is liable to a fine of not more than \$5,000;

AND WHEREAS Section 2 of the *Trespass to Property Act*, R.S.O. 1990, c. T.21, provides that every person who engages in an activity on a premise when the activity is prohibited or does not leave the premise immediately after he or she is directed to do so by the occupier of the premise or a person authorized by the occupier may be found guilty of an offence and liable to a fine of not more than \$10,000;

AND WHEREAS the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, Section 7(1)1(a)(b), as amended, provides that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires, and regulating the setting of open air fires, including the establishment of times during which open air fires may or may not be set;

AND WHEREAS all parks and recreation areas under the authority of the Municipality of Middlesex Centre are for the use, benefit, and enjoyment of the public;

AND WHEREAS the Council of the Municipality of Middlesex Centre deems it desirable to pass a by-law to provide for the use, protection and regulation of public *parks and recreation areas* in the Municipality of Middlesex Centre;

NOW THEREFORE the Council of the Municipality of Middlesex Centre enacts as follows:

SHORT TITLE
PARKS AND RECREATION AREA BY-LAW

PART 1
INTERPRETATION

1 Definitions

In this by-law:

"Authorized parking area" means an area of a *park* or *recreation area* that has been *designated*, set aside for, or established by the Municipality for the parking of *motor vehicles*, and may have posted regulations with respect to the use of the designated authorized parking area.

"Bicycle" includes a unicycle and a tricycle but does not include a *power-assisted bicycle* or motor assisted cycle of any type.

"Bulk feed" means the depositing of a quantity of food greater than 250ml for the purpose or intention of feeding wildlife, including, but not limited to, deer, geese, ducks, squirrels and/or groundhogs.

"Change room" means any permanent or temporary structure or portion of a structure designed by the Municipality to accommodate persons for the purpose of changing their clothing. A *change room* may or may not include *washroom* facilities.

"Control" includes and refers to care and custody.

"Designated" means an area defined or constructed for a specific use by the Municipality and may include posted conditions.

"Director" means the Director of Community Services and their designate and any employee acting under their direction.

"Hiking trail" means that part of a *park* that has been marked, posted or blazed for the purpose of hiking, cross country skiing or running by the public and is not pavement or concrete and on which the use of in-line skates, skateboards, *bicycles*, *power-assisted bicycles*, *motor vehicles*, *motorized snow vehicles* or *off-road vehicles* are prohibited. Note that *Hiking trails* may or may not be accessible to motorized wheelchairs depending on topographic restrictions.

"Liquor" shall have the same meaning as defined in the *Liquor Licence Act*, R.S.O. 1990, c. L-19, as amended.

"Motorized snow vehicle" means a self-propelled vehicle designed to be driven primarily on snow including but not limited to snowmobiles.

"Motor vehicle" has the meaning attributed to it in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended.

"Municipality" means the Municipality of Middlesex Centre.

"Multi-use pathway" means that part of a *park* that has been improved with a hard surface and intended for a variety of uses including pedestrians, in-line skating and vehicles, any may exclude some vehicles including but not limited to *motor vehicles*, *off-road vehicles*, horses and horse drawn carriages or other conveyances of any sort and *motorized snow vehicles*.

"Natural Environment Area" means those areas delineated as a *Natural Environment Area*, and or Natural Heritage Enhancement Area on a Map and/or Schedule of the Official Plan for the *Municipality* as may be amended from time to time, and which are under the control or management or joint management of the Municipality.

"Natural Park Area" means an area which may be an entire *park* or part of a *park*, preserved in its natural or near natural state or an area created to remain thereafter in a natural state as open space and available for use by the public. For the purposes of this definition, natural shall mean those areas established by nature or a selection process favouring survival of organisms best adapted to their environment, including but not limited to those areas identified as Significant Woodlands with on a Map and/or Schedule of the Official Plan for the *Municipality* as may be amended from time to time.

"Officer" means a police officer, conservation officer, peace officer, or by-law enforcement officer appointed by the Council of the *Municipality*.

"Off-road vehicle" has the meaning attributed to it in the *Off-Road Vehicle Act*, R.S.O. 1990, c. O.4, as amended.

"Park" means land and land covered by water and all portions thereof under the *control* or management or joint management of the *Municipality*, that is or may be established, dedicated, set apart, or made available for use as public open space, including but not limited to a *Natural Park Area* and an *Natural Environment Area* as defined in this by-law, including but not limited to any buildings, structures, facilities, stormwater management ponds, erections and improvements located in or on such land.

"Permit" shall mean a document issued by the Municipality to a sports group organization individual authorizing participants and spectators associated with an event to use a recreation area on a specific day commencing and ending at a certain time and shall include a license or rental agreement.

"Power-assisted bicycle" has the meaning attributed to it in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and is commonly referred to as an electric *bicycle* or e-bike, and for greater certainty, has affixed to it pedals that are operable, and for greater certainty an e-bike and an e-scooter are defined as follows:

"e-bike" shall mean a "power-assisted bicycle" that has the appearance of a *bicycle*; and

"e-scooter" shall mean a "power-assisted bicycle" that has the appearance of a scooter;

"Public meeting or gathering" means a picnic, organized gathering or organized event of more than twenty five persons.

"Refuse" means any article, thing, that appears to be waste material and is discarded as waste including but not limited to the following classes of waste material:

- (a) grass clippings, tree cuttings, brush, leaves and garden *refuse*;
- (b) paper, cardboard, clothing;
- (c) all kitchen and table waste, of animal or vegetable origin resulting from the preparation or consumption of food except any acceptable material placed in a container;
- (d) cans, glass, plastic containers, dishes;
- (e) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
- (f) refrigerators, freezers, stoves or other appliances and furniture;
- (g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (h) unlicensed motor vehicle, inoperative motor vehicle, vehicle parts and accessories, vehicle tires mounted on rims or unmounted, mechanical equipment;
- (i) rubble, inert fill, fencing materials; and
- (j) other miscellaneous scrap metal item

"Recreation area" means an area, building or combination of both, under the *control* of the Municipality for the purpose of offering recreation to the public, and that is maintained and/or supervised by employees of the *Municipality* including but not limited to a tennis court, arena, skating rink, swimming pool, wading pool/spray pad, play area, community centre, skateboard facility, sports field, park, a building or portion of a building that is owned, leased or used by the Municipality, for the purpose of offering recreation to the public.

"Roadway" means that part of a *park* or *recreation area* that is improved, designed or ordinarily used by vehicles and motor vehicles.

"Run at large" means a domesticated animal found in any place other than the premises of the owner of the domesticated animal and that is not under the physical *control* of any person by means of a leash held by a person in control of the domesticated animal.

"Sexual activity" means any physical contact of a sexual nature involving genitalia, buttocks, or female breasts by one or more individuals.

"Trained service animal" includes a guide dog or other certified service animal often identifiable by a harness or vest and includes but is not limited to those trained service animals used to assist persons with sight or physical assistance, warning of seizures or other disabilities.

"Vehicle" includes a *motor vehicle*, *motorized snow vehicle*, *bicycle*, *power-assisted bicycle*, *e-bike*, *e-scooter*, *off-road vehicle*, and any vehicle drawn, propelled or driven by any kind of power including muscular power but excludes a child's wagon, a baby carriage, a child's stroller, a wheelchair or similar device (motorized or otherwise) used by an individual due to a disability.

"Washroom" means any permanent or temporary structure or portion of a structure that contains toilets, or urinals and wash basins and which is owned, leased or operated by the Municipality.

"Watercraft" means any device for the conveyance in or on water and includes but is not limited to boats, row boats, sail boats, canoes, paddle boat, kayak, paddleboat, canoe, dinghies, jet ski, sea-doo, or any *vehicle* propelled or driven by any kind of power including muscular power.

PART 2

BY-LAW APPLICATION AND ADMINISTRATION

2.1 By-law applicability - defined

This by-law applies to all *recreation areas*, *parks* and any premises that are under the *control* or management or joint management of the *Municipality* and includes the avenues, boulevards, drives, streets and approaches to these areas and any connections or system of recreation areas and/or parks.

2.2 Emergency - maintenance vehicles - excepted

Notwithstanding any provision of this by-law, *vehicles* operated on behalf of an ambulance service, fire department, police department, Hydro One and the *Municipality*, shall have full unrestricted access to all parts of a *park* and/or a *recreation area* at all times.

2.3 By-law administration

This by-law is administered by the Community Services Department.

2.4 In Line Skating and Skateboarding

The *Director* may prohibit in-line skating or skateboarding in any *park* or *recreation area*, and shall direct that signs be posted prohibiting such activity.

PART 3

GENERAL PROHIBITED ACTIVITIES

3.1. Activities - prohibited

In any *park* or *recreation area* within the *Municipality*, no person shall:

- (1) drive, ride or operate any *vehicle* or carry on in-line skating upon a *roadway* in any direction other than the direction indicated on signs posted by the *Director*;

- (2) drive, ride or operate a *vehicle* including skateboarding or carry on in-line skating in violation of posted signs;
- (3) operate any *vehicle* including skateboarding or carry on in-line skating at a rate of speed in excess of the posted speed limit or in excess of 20 kilometres per hour in unposted areas;
- (4) drive, ride or operate any *motor vehicle, power-assisted bicycle, e-bike, e-scooter, motorized snow vehicle, off-road vehicle* or horse drawn conveyance on a *multi-use pathway*;
- (5) drive, ride or operate a *bicycle, power-assisted bicycle, e-bike, e-scooter, motor vehicle, motorized snow vehicle, off-road vehicle* or skateboard or carry on in-line skating on a *hiking trail*;
- (6) operate a *motor vehicle* except on a *roadway* or in an *authorized parking area*;
- (7) park a *motor vehicle*:
 - i) in a place other than an *authorized parking area*;
 - ii) outside the limits defined by the parking stall pavement markings;
 - iii) in a manner or place blocking a driveway or gate; and
 - iv) for purposes other than accessing the *park or recreation area*
- (8) drive, operate, park, or leave unattended a *motor vehicle* in any part of a *park or recreation area* between 11:00 p.m. and 6 a.m. of the following day except at times where the *Director* has authorized use of the *park or recreation area* beyond 11:00 p.m.;
- (9) engage in unbecoming behaviour including but not limited to riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language, including:
 - i) making any verbal comments or physical gestures, about or toward anyone that could reasonably be considered to be unwarranted, offensive, derogatory or abusive;
 - ii) making noise likely to disturb any inhabitant or interfere with the enjoyment of the *park* of others through the use of electronic equipment or any other means;
 - iii) urinating or defecating except in a *designated washroom* facility;
- (10) engage in conduct that endangers the health and safety of himself, herself or others;
- (11) paint likenesses, take pictures, record video or record audio of any persons without the consent of the person, or, where the person is a minor, without consent of a parent or legal guardian;
- (12) engage in any *sexual activity*;
- (13) remain in a *recreation area or park* for the purpose of or appearance of loitering;
- (14) consume, serve, sell or possess *liquor* without proper approval and permit of the *Municipality* and/or the Alcohol and Gaming Commission of Ontario;
- (15) hold or take part in an unauthorized *public meeting or gathering*;
- (16) play or practice golf or strike any golf ball by any means whatsoever in an area not *designated* for such activities;
- (17) enter or remain in a *Recreation Area or park* between 11:00 p.m. and 6:00 a.m. of the following day, except that a person may enter or remain in a *park* during the times the *Director* has authorized use of the *recreation area or park* beyond 11:00 p.m.;

- (18) operate a *motorized snow vehicle* or *off-road vehicle*;
- (19) climb, break, peel bark from, cut, remove, burn, deface or otherwise damage any tree, shrub or bush, or pick, destroy or remove any flower, plant, roots, grass or rock;
- (20) cause or permit any animal under their *control* or ownership to damage any tree, shrub, bush, flower, plant or roots;
- (21) post any sign or poster on any tree, bush, shrub;
- (22) *remove, break, deface, or otherwise damage any Municipal equipment or property, including monument, display, cage, pen, gate, seat, bench, picnic table, fence, posted sign, lock, barrier or any other equipment.*
- (23) fail to deposit *refuse* in containers provided or if containers are not provided fail to remove *refuse* from *park* or *recreation area*;
- (24) fail to remove any utensils, equipment or articles taken into an area *designated* for picnics;
- (25) cause or permit any animal under their *control* or ownership to swim in or enter into any swimming or wading pool or spray pad;
- (26) walk on grass in area where a sign is posted prohibiting such activity;
- (27) fish;
- (28) remove or injure the nest or egg of any bird;
- (29) hinder or obstruct, or attempt to hinder or obstruct, any person exercising or performing a duty under this by-law;
- (30) let off or discharge any water so that it runs waste or useless from or out of any building, reservoir, pond, river, or lake located in a *park* or *recreation area*;
- (31) lay or cause to be laid any pipe, or conduit to communicate with any pipe or main belonging to the waterworks connected with any *park* or *recreation area* or in any way obtain water without the consent of the *Director*;
- (32) discharge or permit the discharge of any water from private properties, including pool water and water from a roof drainage system, onto, into or over any *park* or *recreation area*;
- (33) enter or use gender segregated facilities that do not correspond to their lived gender identity, in any *park* or facility, set apart for the opposite gender. This shall not apply to children who are 8 years of age or younger and who are, at the time, accompanied by a parent, guardian, caregiver or caretaker;
- (34) loiter in any *washroom* or *change room*, or engage in conduct that could reasonably be considered to be offensive;
- (35) encroach on municipally owned lands or erect fences on municipally owned lands without the written consent of the *Municipality* and any such object encroaching shall be removed by the abutting land owner forthwith at their expense;
- (36) permit a dog under their ownership or *control* to *run at large* except in a *designated* leash free area;
- (37) fail to remove and dispose of excrement of a dog under their ownership or control;

- (38) interfere with a picnic, organized gathering or special event authorized by a *Municipally* issued *permit*;
- (39) move *park* furniture from one area to another area to accommodate their picnic, organized gathering or special event;
- (40) drive, ride or operate *watercraft*;
- (41) drive, ride or operate an *e-bike* under motor power on any *hiking trail*;
- (42) ride or use a sled, where signs are in place prohibiting this activity;
- (43) ignite, start, possess a charcoal or brisket barbeque;
- (44) *bulk feeding* of wildlife;
- (45) be in possession of glass containers in areas where glass containers is prohibited, including in and around splash pads, swimming pools, skateboard facilities, tennis court or other *designated* areas;
- (46) possession of or use of any firearm, rocket, any type of air gun, bow and arrow, axe or offensive weapon of any kind;
- (47) use any building, structure or equipment for a purpose other than that for which it is obviously intended;
- (48) climb any building, structure or equipment, unless the equipment is designed for climbing;
- (49) swim, bath, wade, snorkel or use any other underwater breathing device in the water in a *park*;
- (50) light, ignite, or release a Chinese lantern or similar device;
- (51) remove safety equipment, fire extinguishers, or deliberator;
- (52) pull fire alarm or open emergency doors without emergency;
- (53) leave any truck, trailer or bus whatsoever except a vehicle that is being used for the purpose of making a delivery to a point within the limits of a *park or recreation area* while it is proceeding to or from such point of delivery;
- (54) operate, drive or ride a *vehicle* on any *roadway* within the *park* if the entrances to the *park* are closed by means of a barrier and or signs;

3.2 Wheel chairs excepted

Despite any regulation in this by-law restricting the use of motor vehicles in *parks*, and for greater certainty only, a wheelchair or similar device (motorized or otherwise) used by an individual due to a disability may be used in all areas of *parks* including but not limited to all *multi-use pathways* and the accessible portions of *hiking trails*.

PART 4

ACTIVITIES - SUBJECT TO APPROVAL

4.1 Activities prohibited - subject to approval

Unless authorized by the *Director* or permitted by a permit, no person shall engage in any of the following activities in a *park* or *Recreation Area*:

- (1) ignite, start or maintain a fire;
- (2) use a sports field for any game or practice by an organized group;

- (3) erect a tent or shelter, or park a trailer of any kind for overnight accommodation;
- (4) conduct commercial worm picking;
- (5) hold or take part in a *public meeting or gathering* without a permit;
- (6) hold or take part in a meeting or gathering that obstructs the free passage of vehicular traffic;
- (7) have exclusive use of any portion or all of a *park* or *Recreation Area*;
- (8) ride or lead a horse, pony, donkey, mule or other animal in an area not *designated* for such activity;
- (9) drive, lead or use a horse drawn wagon or sleigh;
- (10) post any sign or poster on any pole, planter, building, fence, bench, picnic table, electrical transmission unit, lamp standard, or Municipal property or Hydro equipment of any kind;
- (11) sell refreshments or other merchandise to the public;
- (12) operate any business, game, show or amusement for admission by the public;
- (13) operate or use a metal detector;
- (14) solicit funds for any charities, organizations or individuals of any kind without obtaining the necessary *permit*;
- (15) use a trained dog as a means of controlling waterfowl;
- (16) allow a dog or any other domesticated or wild vertebrate animal to enter a recreation area building, facility or *change room*, unless the animal is a *trained service animal*;
- (17) disturb, wound, kill, or injure any vertebrate or invertebrate animal, whether domesticated or wild, including but not limited to, birds, fish, molluscs, arthropods;
- (18) use a cellular phone, camera or any device for the purposes of recording images in *change rooms* or *washrooms*;
- (19) ignite, discharge or set off any fireworks;
- (20) cause to take place or participate in marriage ceremony except in a *designated* area;
- (21) operate powered models of aircraft, rockets or drones;
- (22) release any balloons filled with lighter than-air gases in a *park*;
- (23) skate, walk or be present on any frozen body of water in a *park*;
- (24) use a tennis court for any purpose other than tennis.

PART 5

SPECIAL PROHIBITIONS

5.1 Special prohibitions - applicability

The special prohibitions in this Part are in addition to any applicable general prohibitions in Part 3 of this by-law.

5.2 Natural Environment Areas (NEA) - prohibitions

The following special prohibitions shall apply to all persons entering into and using a *park* designated as a *Natural Environment Area* or as a *Natural Park Area*:

- (1) No person shall deposit, dump or leave waste and/or *refuse* of any kind;
- (2) No person shall operate a vehicle, bicycle, *power-assisted bicycle*, or *motorized snow vehicle* within the boundaries of an *NEA* or a *Natural Park Area* unless signs are posted specifically allowing such activity;
- (3) No person shall ride, lead or drive any animal within the boundaries of an *NEA* or a *Natural Park Area*, except for a dog which must be on a leash in accordance with the requirements of the Animal Control By-law;
- (4) Despite subsection 4.1(1), no person shall start or maintain a fire in an *NEA* or a *Natural Park Area* for any purpose except with the written authority of the *Director* who may impose specific conditions which shall be adhered to;
- (5) No person shall walk, run, jog, or ski other than on a *hiking trail*.

PART 6

PERMITS, LICENCES & FEES

6.1 Use without payment - prohibited

No person shall use a *park* or *recreation area* for the activities listed in Part 4 of this by-law without first having received a *permit* from the Municipality and paid the applicable fee, if any, established in the applicable fee and charges by-law, or having made the appropriate arrangements for the scheduled payment of fees according to the practices established by the *Director* and as established in the applicable fees and charges by-law.

6.2 Permits

- (1) *Permits* issued for activities contemplated by this by-law may include conditions as to time, location, area, equipment, number of participants, type of activities, release, indemnity, and insurance coverage.
- (2) The issuance of a *permit* pursuant to the by-law shall not relieve any person from the necessity of acquiring any other license or permit required for such activity by any governmental or public authority.
- (3) The authority to issue *permits* referred to in this by-law is delegated to the *Director* or his/her delegate.

PART 7

ENFORCEMENT

7.1 Enforcement – trespass

- (1) Where any person contravenes any provisions of this by-law, such person is subject to the provisions of the *Trespass to Property Act*, R.S.O. 1990, c. T.21.
- (2) Any *officer* or person under contract with the *Municipality* to enforce this by-law may enforce the provisions of this by-law.
- (3) Where any person contravenes any of the provisions of this by-law, the permission of such person to remain in that park or facility is revoked.
- (4) An *officer* or person under contract with the *Municipality* to enforce this by-law, or the *Director* may order a person believed to be in contravention of this by-law to:
 - (a) cease the activity that is in contravention of the by-law; and/or
 - (b) leave the park or facility.

7.2 Enforcement – Order to Discontinue Activity

- (1) If an *officer* or person under contract with the *Municipality* to enforce this by-law is satisfied that this by-law has been contravened, the *officer* may make an order, known as an Order to Discontinue Activity, requiring the person who contravened the by-law, or who caused or permitted the contravention, to discontinue the contravention.
- (2) An Order to Discontinue Activity shall set out:
 - (a) the address of the property or name of the park on which the contravention occurred;
 - (b) the date of the contravention;
 - (c) the reasonable particulars of the contravention of the by-law; and
 - (d) the date by which there must be compliance with the order.
- (3) The Order to Discontinue Activity may be served personally on the person to whom it is directed or by regular mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the corporate mailing address.
- (4) No person shall contravene an Order to Discontinue Activity.

7.3 Applicable Law

Park and recreation area users are subject to all applicable *Municipal* by-laws and all provincial and federal laws and regulations and all persons violating any by-law or law may be required to leave any *park* or *recreation area*.

7.4 Permit Holders

Holders of *permits* for the use of *parks* and/or *recreation areas* shall be responsible to ensure that all applicable provisions of this by-law are upheld.

7.5 Continuation – repetition of offence – prohibited

The court in which the conviction has been entered and any other court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed by the court on the person convicted.

PART 8 PENALTY

8.1 Contravention of By-Law

Every person who contravenes any provision of this By-law is guilty of an offence under the provisions of the *Provincial Offences Act, R.S.O. 1990, c P.33*, as amended, and is liable on conviction to a penalty not exceeding \$5,000, exclusive of costs, subject to the provisions of the Act.

8.2 Set Fines

Every person who contravenes any of the provisions of this By-law is guilty of an offence and liable upon conviction to a penalty as prescribed under the *Provincial Offences Act* or as set out in Schedule A “Set Fines” to this By-law.

8.3 Continuing Offences

Every Person who contravenes any of the provisions of this By-law is guilty of an offence and, pursuant to Section 429 of the *Municipal Act, 2001, c. 25*, as amended, all contraventions of this by-law are continuing offences.

PART 9
MISCELLANEOUS

9.1 By-law reference on signs - deemed to conform

On a sign posted by the *Municipality* in a *Park* or recreation area, references to By-law 2019-089 shall be deemed to be references to this by-law.

9.2 Short Title

This by-law may be referred to as The *Parks* and Recreation Area By-Law.

9.3 Validity


It is declared that notwithstanding that any Part or Parts of this by-law, or sections thereof, may be found by any court of law to be bad or illegal or beyond the power of the Council to enact, such Part or Parts or sections thereof shall be deemed to be severable and that all other Parts or sections of this by-law are separate and independent therefrom and enacted as such.

9.4 Coming into Force

This by-law comes into force and effect on the date it is passed.

Passed this 11th day of September, 2019.


Aina DeViet, Mayor

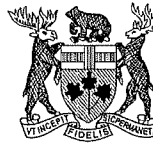

Ann Wright, Clerk

SCHEDULE "A"
TO BY-LAW NO.2019-089

Set fines will be added once approved by the Ontario Ministry of the Attorney General.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
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December 12, 2019

Ann Wright, Clerk
Municipality of Middlesex Centre
10227 Ilderton Road, R. R. #2
Ilderton, ON N0M 2A0

RECEIVED

JAN 02 2020

MIDDLESEX CENTRE

Dear Ms. Wright:

**Re: Set Fines - Provincial Offences Act - Part I and II
By-law Number 2019-089, of the Municipality of Middlesex Centre**

Enclosed herewith are the original Orders, and an original schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

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

I have forwarded the copies of the Orders and the schedules of set fines to the Provincial Offences Court in London together with a copy of the By-law.

Yours truly,

A handwritten signature in black ink, appearing to read 'J. LeRoy', written over the printed name and title.

Jeanine E. LeRoy
Regional Senior Justice
West Region

encl.
/mg

ONTARIO COURT OF JUSTICE

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 schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2019-089, of the Municipality of Middlesex Centre, attached hereto are the set fines for those offences. This Order is to take effect December 12, 2019.

Dated at London this 12th Day of December, 2019.


Jeanine E. LeRoy
Regional Senior Justice
West Region

ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART II

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 schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2019-089, of the Municipality of Middlesex Centre, attached hereto are the set fines for those offences. This Order is to take effect December 12, 2019.

Dated at London this 12th Day of December, 2019.


Jeanine E. LeRoy
Regional Senior Justice
West Region

Part 1: Provincial Offences Act

Municipality of Middlesex Centre BY-LAW 2019- 089

TITLE: The parks and Recreation Area By-law

| ITEM | COLUMN 1 | COLUMN 2 | COLUMN 3 |
|------|---|--|----------|
| | Short Form Wording | Provision Creating or Defining Offence | Set Fine |
| 1. | (drive/ ride/ operate) vehicle upon roadway in direction other than indicated on signs | 3.1(1) | \$100 |
| 2. | carry on in-line skating upon roadway in direction other than indicated on signs | 3.1(1) | \$100 |
| 3. | (drive/ ride/ operate) vehicle in violation of posted signs | 3.1(2) | \$100 |
| 4. | (skateboard carry/ on in-line skating) in violation of posted signs | 3.1(2) | \$100 |
| 5. | operate vehicle (in excess of posted speed limit / in excess of 20 km/hr) | 3.1(3) | \$100 |
| 6. | (skateboard/ carry on in-line skating) (in excess of posted speed limit / in excess of 20 km/hr) | 3.1 (3) | \$100 |
| 7. | drive (motor vehicle /e-scooter /power-assisted bicycle/ e-bike, e-scooter/motorized snow vehicle/ off-road vehicle/ horse-drawn conveyance) on multi-use pathway | 3.1(4) | \$100 |
| 8. | ride (motor vehicle / e-scooter / power-assisted bicycle/ e-bike/ e-scooter/ motorized snow vehicle/ off-road vehicle/ horse-drawn conveyance) on multi-use pathway | 3.1(4) | \$100 |
| 9. | operate (motor vehicle / e-scooter / power-assisted bicycle/ e-bike, e- scooter/ motorized snow vehicle/ off-road vehicle/ horse-drawn conveyance) on multi-use pathway | 3.1(4) | \$100 |
| 10. | drive (bicycle/ power-assisted bicycle / e-bike/ e-scooter/ motor vehicle/ motorized snow vehicle/ off-road vehicle/ skateboard) on hiking trail | 3.1(5) | \$180 |
| 11. | ride (bicycle/ power-assisted bicycle / e-bike/ e-scooter/ motor vehicle/ motorized snow vehicle/ off-road vehicle/ skateboard) on hiking trail | 3.1(5) | \$180 |

Part 1: Provincial Offences Act

Municipality of Middlesex Centre BY-LAW 2019- 089

TITLE: The parks and Recreation Area By-law

| ITEM | COLUMN 1 | COLUMN 2 | COLUMN 3 |
|------|---|--|----------|
| | Short Form Wording | Provision Creating or Defining Offence | Set Fine |
| 12. | operate (bicycle/ power-assisted bicycle / e-bike/ e-scooter/ motor vehicle/ motorized snow vehicle/ off-road vehicle/ skateboard/carry on in-line) on hiking trail | 3.1(5) | \$180 |
| 13. | operate motor vehicle except (on roadway / in authorized parking area) | 3.1(6) | \$180 |
| 14. | (drive/ operate) motor vehicle in (park / recreation area) between 11 pm and 6 am | 3.1(8) | \$100 |
| 15. | leave unattended motor vehicle in (park / recreation area) between 11 pm and 6 am | 3.1(8) | \$100 |
| 16. | engage in (riotous / boisterous / violent / threatening / illegal) conduct | 3.1(9) | \$180 |
| 17. | use (profane / abusive) language | 3.1(9) | \$180 |
| 18. | engage in conduct that endangers health and safety of (himself / herself / others) | 3.1(10) | \$100 |
| 19. | engage in sexual activity | 3.1(12) | \$180 |
| 20. | remain in (recreation area / park) for (purpose of/ appearance of) loitering | 3.1(13) | \$100 |
| 21. | (hold/ take part) unauthorized public meeting or gathering | 3.1(15) | \$100 |
| 22. | strike golf ball in area not designated | 3.1(16) | \$100 |
| 23. | (enter/ remain in) (recreation area / park) between 11 pm and 6 am | 3.1(17) | \$100 |
| 24. | operate (motorized snow vehicle / off-road vehicle) | 3.1(18) | \$180 |
| 25. | (climb / peel bark/ break / remove/ burn/ deface/ damage) (tree / shrub / bush) | 3.1(19) | \$180 |
| 26. | (pick/ destroy/ remove) (flower / plant / roots / grass / rock) | 3.1(19) | \$180 |
| 27. | (cause/ permit) animal to damage (tree / shrub / bush / flower / plant / roots) | 3.1(20) | \$180 |
| 28. | post (sign / poster) on (tree / bush / shrub) | 3.1(21) | \$100 |

Part 1: Provincial Offences Act

Municipality of Middlesex Centre BY-LAW 2019- 089

TITLE: The parks and Recreation Area By-law

| ITEM | COLUMN 1 | COLUMN 2 | COLUMN 3 |
|------|--|--|----------|
| | Short Form Wording | Provision Creating or Defining Offence | Set Fine |
| 29. | (remove/ break/ deface/ damage) municipal equipment or property | 3.1(22) | \$180 |
| 30. | fail to (deposit refuse in container / remove refuse) | 3.1(23) | \$100 |
| 31. | fail to remove (utensils / equipment / articles) from area designated for picnics | 3.1(24) | \$50 |
| 32. | cause animal to (swim in/ enter into) (swimming pool / wading pool / spray pad) | 3.1(25) | \$100 |
| 33. | permit animal to (swim in / enter into) (swimming pool / wading pool / spray pad) | 3.1(25) | \$100 |
| 34. | walk on grass where sign prohibits activity | 3.1(26) | \$100 |
| 35. | fish | 3.1(27) | \$100 |
| 36. | (remove/ injure) (nest / egg) of bird | 3.1(28) | \$100 |
| 37. | (hinder/ obstruct) person performing a duty | 3.1 (29) | \$350 |
| 38. | discharge water so that it runs waste from (reservoir/ pond / river / lake) in (park / recreation area) | 3.1(30) | \$120 |
| 39. | lay (pipe / conduit) to communicate with waterworks | 3.1(31) | \$180 |
| 40. | (discharge/ permit) water from private property | 3.1(32) | \$180 |
| 41. | (enter/ use) gender segregated facilities that do not correspond to gender identity | 3.1(33) | \$100 |
| 42. | loiter in (washroom / change room) | 3.1(34) | \$100 |
| 43. | engage in conduct that could reasonably be considered offensive | 3.1(34) | \$100 |
| 44. | encroach on municipally owned lands | 3.1(35) | \$180 |
| 45. | erect fence on municipally owned lands | 3.1(35) | \$180 |

Part 1: Provincial Offences Act

Municipality of Middlesex Centre

BY-LAW 2019- 089

TITLE: The parks and Recreation Area By-law

| ITEM | COLUMN 1 | COLUMN 2 | COLUMN 3 |
|------|--|--|----------|
| | Short Form Wording | Provision Creating or Defining Offence | Set Fine |
| 46. | permit dog to run at large | 3.1(36) | \$100 |
| 47. | fail to (remove / dispose) dog excrement | 3.1(37) | \$100 |
| 48. | interfere with (picnic / organized gathering / special event) authorized by permit | 3.1(38) | \$150 |
| 49. | move park furniture to accommodate (picnic/ organized gathering / special event) | 3.1(39) | \$50 |
| 50. | (drive/ride/ operate) motorized boat | 3.1(40) | \$180 |
| 51. | (drive/ ride/ operate) e-bike under motor power | 3.1(41) | \$100 |
| 52. | (ride/ use) a sled | 3.1(42) | \$50 |
| 53. | (ignite/ start/ possess) (brisket / charcoal) barbeque | 3.1 (43) | \$180 |
| 54. | bulk feeding of wildlife | 3.1(44) | \$100 |
| 55. | possess glass container where prohibited | 3.1(45) | \$100 |
| 56. | (possess/ use) (firearm/ rocket / air gun / bow & arrow/axe /offensive weapon) | 3.1(46) | \$180 |
| 57. | use (building / structure / equipment) for purpose not intended | 3.1(47) | \$100 |
| 58. | climb (building / structure / equipment) not designed for climbing | 3.1(48) | \$100 |
| 59. | (swim / bathe/ wade/ snorkel) in park | 3.1(49) | \$100 |
| 60. | use underwater breathing device in water in park | 3.1(49) | \$180 |
| 61. | (light/ ignite/ release) Chinese lantern | 3.1(50) | \$180 |
| 62. | remove (safety equipment / fire extinguisher/ defibrillator) | 3.1(51) | \$300 |
| 63. | (pull fire alarm/ open emergency door) without emergency | 3.1(52) | \$300 |

Part 1: Provincial Offences Act

Municipality of Middlesex Centre BY-LAW 2019- 089

TITLE: The parks and Recreation Area By-law

| ITEM | COLUMN 1 | COLUMN 2 | COLUMN 3 |
|------|---|--|----------|
| | Short Form Wording | Provision Creating or Defining Offence | Set Fine |
| 64. | leave (truck / trailer / bus) in (park/ recreation area) | 3.1(53) | \$100 |
| 65. | (operate/ drive / ride) vehicle in closed park | 3.1(54) | \$100 |
| 66. | (start / maintain) fire | 4.1(1) | \$150 |
| 67. | use sports field without authority | 4.1(2) | \$100 |
| 68. | erect (tent / shelter) for overnight accommodation | 4.1(3) | \$100 |
| 69. | (take part, conduct) in commercial worm picking | 4.1(4) | \$100 |
| 70. | (hold/ take part in) (picnic / organized gathering / event) of more than 25 person | 4.1 (5) | \$180 |
| 71. | (hold/ take part in) (meeting / gathering) that obstructs free passage of vehicular traffic | 4.1(6) | \$100 |
| 72. | have exclusive use of (park/ recreation area) | 4.1 (7) | \$100 |
| 73. | (ride/ lead) (horse / pony / donkey / mule) in area not designated for activity | 4.1(8) | \$100 |
| 74. | (drive/ lead/ use) horse drawn (wagon / sleigh) | 4.1 (9) | \$180 |
| 75. | post (sign / poster) where prohibited | 4.1(10) | \$100 |
| 76. | (sell refreshments / merchandise) to public | 4.1(11) | \$500 |
| 77. | operate (business / game / show / amusement) for admission by public | 4.1(12) | \$500 |
| 78. | (operate / use) metal detector | 4.1(13) | \$100 |
| 79. | solicit funds for (charities / organizations / individuals) without permit | 4.1(14) | \$100 |
| 80. | use trained dog to control waterfowl | 4.1(15) | \$100 |
| 81. | (disturb/wound/ kill/injure) animal | 4.1(17) | \$300 |

Part 1: Provincial Offences Act

Municipality of Middlesex Centre BY-LAW 2019- 089

TITLE: The parks and Recreation Area By-law

| ITEM | COLUMN 1 | COLUMN 2 | COLUMN 3 |
|------|--|--|----------|
| | Short Form Wording | Provision Creating or Defining Offence | Set Fine |
| 82. | use (cellular phone / camera / device capable of recording images) in (change room / washroom) | 4.1(18) | \$180 |
| 83. | (ignite/ discharge/ set off) fireworks | 4.1(19) | \$180 |
| 84. | (cause to take place/ participate) marriage ceremony in prohibited area | 4.1(20) | \$180 |
| 85. | operate (powered models of aircraft / rockets / drones) | 4.1(21) | \$100 |
| 86. | release balloons filled with lighter than air gases in park | 4.1(22) | \$500 |
| 87. | (skate/ walk/ be present) on frozen body of water in park | 4.1(23) | \$100 |
| 88. | use tennis court for purpose other than tennis | 4.1(24) | \$100 |
| 89. | (deposit/ dump/ leave) (waste / refuse) in (natural environment area/ natural park) | 5.2(1) | \$180 |
| 90. | operate (vehicle / bicycle / power-assisted bicycle / motorized snow vehicle) in (natural environment area / natural park area) where no signs posted | 5.2(2) | \$180 |
| 91. | (ride/ lead/ drive) animal within (natural environment area / natural park area) | 5.2(3) | \$180 |
| 92. | (start fire/ maintain) in (natural environment area / natural park area) | 5.2(4) | \$180 |
| 93. | (walk/ run/ jog/ ski) other than on hiking trail | 5.2(5) | \$50 |
| 94. | use (park / recreation area) without a permit | 6.1 | \$180 |

Note: The penalty provisions for the offences cited above is section 8.2 of By-law 2019-089, a certified copy of which has been filed.

Schedule A

Part 2: Provincial Offences Act

Municipality of Middlesex Centre

By-law 2019-089

TITLE: The Parks and Recreation Area By-law

| ITEM | COLUMN 1 | COLUMN 2 | COLUMN 3 |
|------|---|--|----------|
| | Short Form Wording | Provision Creating or Defining Offence | Set Fine |
| 1. | park motor vehicle in place other than authorized parking area | 3.1(7)(i) | \$55.00 |
| 2. | park motor vehicle outside pavement markings | 3.1(7)(ii) | \$55.00 |
| 3. | park motor vehicle in a manner blocking driveway | 3.1(7)(iii) | \$55.00 |
| 4. | park motor vehicle in a manner blocking gate | 3.1(7)(iii) | \$55.00 |
| 5. | park motor vehicle in a place blocking driveway | 3.1(7)(iii) | \$55.00 |
| 6. | park motor vehicle in a place blocking gate | 3.1(7)(iii) | \$55.00 |
| 7. | park motor vehicle for purpose other than accessing park | 3.1(7) (iv) | \$55.00 |
| 8. | park motor vehicle for purpose other than accessing recreation area | 3.1(7)(iv) | \$55.00 |
| 9. | park motor vehicle in park between 11 pm and 6 am | 3.1(8) | \$55.00 |
| 10. | park motor vehicle in recreation area between 11 pm and 6 am | 3.1(8) | \$55.00 |
| 11. | park trailer for overnight accommodation | 4.1(3) | \$75.00 |

Note: The general penalty provisions for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

Schedule A

Part 2: Provincial Offences Act

Municipality of Middlesex Centre

By-law 2019-089

TITLE: The Parks and Recreation Area By-law

| ITEM | COLUMN 1 | COLUMN 2 | COLUMN 3 |
|------|---|--|----------|
| | Short Form Wording | Provision Creating or Defining Offence | Set Fine |
| 1. | park motor vehicle in place other than authorized parking area | 3.1(7)(i) | \$ |
| 2. | park motor vehicle outside pavement markings | 3.1(7)(ii) | \$ |
| 3. | park motor vehicle in a manner blocking driveway | 3.1(7)(iii) | \$ |
| 4. | park motor vehicle in a manner blocking gate | 3.1(7)(iii) | \$ |
| 5. | park motor vehicle in a place blocking driveway | 3.1(7)(iii) | \$ |
| 6. | park motor vehicle in a place blocking gate | 3.1(7)(iii) | \$ |
| 7. | park motor vehicle for purpose other than accessing park | 3.1(7) (iv) | \$ |
| 8. | park motor vehicle for purpose other than accessing recreation area | 3.1(7)(iv) | \$ |
| 9. | park motor vehicle in park between 11 pm and 6 am | 3.1(8) | \$ |
| 10. | park motor vehicle in recreation area between 11 pm and 6 am | 3.1(8) | \$ |
| 11. | park trailer for overnight accommodation | 4.1(3) | \$ |

Note: The general penalty provisions for the offences indicated above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.