



**THE CORPORATION OF THE TOWNSHIP OF ST. CLAIR  
BY-LAW NUMBER 32 OF 2024**

**"A By-Law Respecting Public Parks"**

**\*\* (Replacing By-law 29 of 2002) \*\***

**WHEREAS** it is deemed expedient to enact this By-Law with respect to the use, regulation, protection and governance of Public Parks under the jurisdiction of the Corporation of the Township of St. Clair;

**WHEREAS** this By-law shall be known as the Parks By-law;

**NOW THEREFORE** the Municipal Council of the Corporation of the Township of St. Clair enacts as follows:

**PART 1 - DEFINITIONS**

1. In this By-Law:
  - (a) "Township" means the Corporation of the Township of St. Clair;
  - (b) "camp" means erecting a tent, anchoring a recreational trailer of any type, occupying a recreational vehicle for the purposes of camping, or any other activity reasonably known to be a camping activity as determined by an Enforcement Officer;
  - (c) "Council" means the Municipal Council of the Township of St. Clair;
  - (d) "enforcement officer" means any employee of the Township of St. Clair authorized to enforce by-laws by appointment, or any other employee assigned by Council or the Clerk of the Township of St. Clair; and shall include contracted employees, and Police Officers;
  - (e) "homeless person" means any person who has neither a fixed address nor a predictable, reliable residence to return to on a daily basis;
  - (f) "park", when referring to a vehicle, means the standing still of a vehicle whether occupied or not;
  - (g) "parking area" means land that is physically laid out or improved for the parking of vehicles;
  - (h) "public park" means and includes all Public Parks and facilities therein, all avenues, boulevards and drives therein, under the control and management of the Township;
  - (i) "roadway" means a highway as defined in the *Highway Traffic Act*, and includes any travelled portion of a public park maintained, designed, intended for, or used by the general public for the passage of vehicles and, without limiting the generality of the foregoing, includes those areas maintained for parking of the vehicles of the general public.

- (j) "temporary shelter" means a lean-to or other form of shelter that is temporary and portable in nature that is constructed from nylon, plastic, cardboard or other similar non-rigid material.
- (k) "vehicle" means a truck, automobile, motorcycle, motor-scooter minibike, trailer, bicycle, carriage, wagon, sleigh, snowmobile, or any vehicle or conveyance of every description and whatever the motive power, except a baby carriage or cart, child's wagon or child's sleigh.

## **PART 2 - GENERAL**

- 2. No person may, within any park:
  - (a) Obstruct the free use and enjoyment of any park by any other person in any capacity;
  - (b) Violate any by-law, rule, regulation, posted notice, or command of the Council or a person in control of, or maintaining or supervising, any Public Park; or
  - (c) urinate or defecate in or on a Public Park except in a provided public or private toilet facility; and
  - (d) in addition to any other penalty under this Bylaw, any person who violates this Part may be removed from the Public Park.

## **PART 3 – ERECTING STRUCTURES**

- 3. (a) Subject to Part 3(b) no person may erect, construct, or build, or cause to be erected, constructed, or built, in or on any Public Park any tent, building, shelter, pavilion, or other construction whatsoever without the prior written permission of the Council. In determining whether to grant permission, Council may consider the matters set out in Part 4.
- (b) Notwithstanding Part 3(a) where there is no accessible shelter accommodation available in the Township, a Homeless Person may, without the prior written permission of the Council, as set out in Part 3(a), erect and occupy a Temporary Shelter in a Park between the hours of one hour (60 minutes) prior to one day's sunset and one hour (60 minutes) after the next day's sunrise, provided that the Homeless Person:
  - (i) Not erect the Temporary Shelter until prior to 5:00 pm on one day, regardless of sunset;
  - (ii) Take down and remove the Temporary Shelter from the park no later than 8:00am of the following day, regardless of the sunrise;
  - (iii) Comply with all other provisions of this By-law
  - (iv) Not erect the Temporary Shelter in, on or within:
    - A. 900 metres of any building;
    - B. 60 metres of Playgrounds, spray parks, splash pads, or pools;
    - C. 60 metres of Horticultural display areas or ornamental gardens;

- D. 60 metres of Skateboard parks, tennis courts, or other sport courts;
  - E. 60 metres of Sports fields;
  - F. 60 metres Stages or bleachers;
  - G. 60 metres of Washroom facilities, picnic shelters or gazebos;
  - H. 60 metres from a residential lot;
  - I. Areas of a park that have otherwise been issued a permit Pursuant to the Bylaw;
  - J. Recreation facilities including any building or pavilion;
  - K. Cemeteries;
  - L. Golf courses; or
  - M. Pathways, trails, docks, on or underneath bridges.
- (c) Council, or any other officer employee or agent of the Township, may, in addition to any other authority granted under this Bylaw, remove or cause to be removed from any Public Park any Temporary Shelter that is not in compliance with this Bylaw.

#### **PART 4 – PERMITTING CONSIDERATIONS**

4. The following factors shall be considered by Council in reviewing an application for a permit under this By-law:
- (a) Whether the proposed activity may damage the Public Park;
  - (b) Whether the proposed activity will or is likely to cause a hazardous or dangerous condition;
  - (c) The payment of applicable fees;
  - (d) The potential for conflicts with other observed or expected users of the Public Park.

Any person or group receiving any such permission is, at all times, subject to the conditions imposed and the provisions of this Bylaw in every respect; and the responsibility, at all times, is on the person or group receiving such permission to duly carry out all such conditions imposed, and to save harmless and protect the Township from and against any and all claims, demands, suits, or compensation of whatsoever kind arising either directly or indirectly out of the permission granted.

#### **PART 5 – VEHICLES**

5. No person shall:
- (a) drive any vehicle commonly used for the purpose of transporting merchandise or goods or any other chattels, whether loaded or empty, upon any of the roadways in any Public Park, other than a light "pick-up" type of vehicle when used for passenger use only, but nothing in this Part applies to vehicles transporting material for use in any Public Park;
  - (b) drive any vehicle in a Public Park other than on the designated roadways, or drive or ride or be in the care or control of any vehicle or animal on any area or roadway in any Public Park which is not intended to be used for such purpose, or which has any sign showing that such roadway is closed to traffic, or on any roadway intended to be used for vehicular traffic in any other direction than that indicated by the signs placed thereon by the Township.

- (c) drive in any Public Park at a speed greater than 25 kilometres per hour.

### **SNOWMOBILES**

- 6. No person shall use a snowmobile or an All-Terrain Vehicle in any Public Park or on the St. Clair River Trail.

### **PARKING**

- 7. No person shall:
  - (a) park any vehicle in the travelled portion of any roadway in any Public Park, except for the purpose of allowing persons to enter or to descend from such vehicle;
  - (b) park any vehicle in any Public Park, except in places designated for that purpose; and no person shall stop or park a vehicle in any parking area except within a designated parking space; and no person shall park any vehicle between 1:00 a.m. to 6:00 a.m. in any Public Park;
  - (c) without prejudice to the generality of clause 6(b), no persons except visitors to a Public Park and employees of the Township may park in any designated parking space;

### **GAMES IN PARKING AREAS**

- 8. No person shall play any games, including, without prejudice to the foregoing generality, ball games, skateboarding and frisbee-throwing, in any parking area in any Public Park or in the access lanes or thoroughfares within such parking area.

### **MAINTENANCE OF VEHICLES**

- 9. No person shall use any part of a Public Park for the purpose of washing, servicing, or maintaining any vehicle, nor, except in the event of an emergency, repairing any vehicle.

## **PART 5 - ANIMALS**

### **ANIMALS**

- 10. No Person shall:
  - (a) take any animal into a Public Park unless such animal is kept on a leash not more than Six (6) metres in length while in such Public Park;
  - (b) permit any animal to run at large in any Public Park;
  - (c) permit any animals to be on a beach in any Public Park unless on a leash;
  - (d) use any part of any Public Park for the training of any animal or animals for any purpose involving the attack or potential

- (e) attack of persons, and any person who, in the opinion of any Enforcement Officer, in so doing may be required to remove any such animal or animals from such Public Park forthwith; and
- (f) permit an animal to foul with feces any part of any Public Park, unless the owner or other person in charge of the animal forthwith removes the feces.

#### **WORM PICKING**

- 11. No person shall pick, collect or gather worms in any Public Park for commercial purposes.

#### **FIRES**

- 12. No person shall light or make use of any fire in or on any Public Park unless it is in a properly constructed barbecue, or in a fire-pit designated for the purpose and a permit for the use of such fire-pit has been obtained from the Fire Department of the Township.

#### **ALCOHOL**

- 13. No person shall have in his possession in any Public Park alcoholic beverages, whether for consumption or otherwise, and no alcoholic beverages may be carried into or taken into any Public Park for any purpose, except in connection with approved Special Occasion Permits.

#### **PARK MISUSE**

- 14. No person shall:

- (a) wilfully break, deface, or otherwise damage any of the gates, locks, bolts or fences or any of the seats or benches, buildings or other property or equipment or any other Township property in any Public Park;

##### **Destruction**

- (b) wilfully destroy, cut, mark, break, dig, tear up, burn, paint or write upon or in any way damage or deface any tree, flower bed, shrub, plant or sod, wading or swimming or spray pool, fountain, bridge, fence, wall, gate, roadway, pavement, parking area, sidewalk, walk or other facility, erection or improvement, or any building, or other structure or any appurtenance thereof or any swing, slide, playground apparatus, table, seat, bench, sign, vase or other fixture, equipment or personal property or ornament or utility located in or upon any part of or forming part of a Public Park;

##### **Pollute**

- (c) deposit or strew any refuse, waste paper, bottle, can, wrapper, container or garbage anywhere within any Public Park or into the waters abutting on any Public Park or waters within any Public Park, except in the receptacles provided for that purpose; or

##### **Posters**

- (d) post, nail, attach or otherwise fasten any poster, sign, notice, placard, circular, bill, advertisement or paper in, upon, or to any

- (e) part of a Public Park, except with the permission of the Township.

#### **ANIMAL CARE**

- 15. No person shall kill, maim or in any way injure, molest or disturb any animal, bird, water fowl, or fish that is an inhabitant in a Public Park;

##### **Animal Sanctuary**

- (a) All Public Parks shall be and are hereby declared to be a sanctuary for wild birds of all kinds and animals, and no person shall throw any missile at them or in any way molest them or cause them to be molested;

##### **Fishing**

- (b) No person shall fish in any body of water which abuts any Public Park from or in a location which may endanger the safety of any other person or in a manner which may endanger the safety of any other person.

#### **FIREARMS**

- 16. No person shall carry any firearms or discharge same in any Public Park, including BB guns, air ammo guns, paint ball guns, or similar weapons.

#### **LAW OFFICER**

- 17. Any Enforcement Officer may exclude from any Public Park any disorderly or drunken person, and may remove therefrom any person or persons violating any provision of this By-Law with respect to the care, maintenance, and use of any Public Park, or any person or persons whose conduct therein is disorderly.

#### **GOLF**

- 18. No person shall use, play at, or practice with any golf equipment in any Public Park at any time, with the exception of "miniature golf" in association with an event or picnic; or

#### **EXCLUSIVE USE**

- 19. No person shall make exclusive use of any portion of any Public Park without first having obtained a permit from the Township to do so.

#### **PERMITS**

- 20. (a) Any person desiring a permit for the exclusive use of any portion of any Public Park shall apply to the Township and, if the application is granted, pay to the Township such sum as the Township may from time to time determine for said permit, and

every such permit issued under the authority of this By-Law shall terminate on the date set out in the permit;

##### **Permit Proof**

- (b) Any person to whom such a permit shall be issued under the authority of this By-Law shall exhibit the same whenever required

to do so by the Township or any Enforcement Officer.

### **ARCHERY**

21. No person shall use archery equipment in a Public Park.

### **OFFICIAL SIGNS**

22. The Township is authorized to place or erect in any Public Park and to maintain such official signs as are required to give effect to the provisions of this By-Law, or as required to warn or guide the public for reasons of safety or maintenance.

### **PUBLIC ADDRESS SYSTEMS**

23. No person shall operate or use any apparatus, mechanism or device for the amplification of the human voice, music or sound in any Public Park without the permission of the Township;

### **CAMPING**

24. No person shall camp in any Public Park;

### **FIREWORKS**

25. No person shall ignite, discharge or set off any fireworks in a Public Park, except for a fireworks display held under a permit therefore issued by the Township with any other approvals required for such display; or

### **ICE RINKS**

26. No person shall skate on any natural or artificial ice surface in any Public Park in such a manner or at such a speed as to endanger or jostle any other person using such ice surface, or use racing or speed skates that are not properly equipped with manufactured toe-guards of a type in common use.
27. No person shall install a private ice surface in any Public Park.

### **CLOSURES**

28. All Township Parks are closed to the Public from 12:00 am to 6:00 am unless otherwise provided by approval of Council.
29. (a) The Council may, at any time when it is deemed advisable so to do, by Resolution;
- (i) order to be closed to the public any Public Park, or any portion of any Public Park, during such hours or for such period or periods of time as may be specified in the Resolution; and
  - (ii) require the payment of a fee by any person desiring to enter any Public Park or portion thereof so closed, and no person shall enter any Public Park or any portion of any Public Park so closed without first paying the fee for admission to a person duly authorized by the Township for the collection of such fee; and the amount of such fee shall be fixed from time to time by Resolution of the Council;

- (b) Public Parks are closed to the public daily between the hours of 12:00 midnight and 6:00 a.m., and no person shall be in those Public Parks, Township beaches and road ends during the said hours, excepted as exempted by Part 2(b).
30. No person shall hold or conduct any public, business or organizational meeting or gathering in or on any Public Park without the authority of the Township and at such times and places as may be approved by the Township and provided that all terms and conditions required by the Township governing the holding or conduct of such a meeting are complied with.

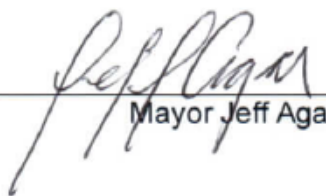
**BATHING**

31. No person shall:
- (a) loiter or conduct himself or herself in such manner as to be objectionable to other persons in or immediately adjacent to any bathing beach in any Public Park;
  - (b) bring to any bathing beach in any Public Park or the waters adjacent thereto any underwater spear or other shooting device.

**ENFORCEMENT**

32. Any person who contravenes any provision of this By-Law is guilty of an offence and is subject to the provisions of the *Provincial Offences Act*.
33. This By-Law shall be administered and enforced by the Township and its agents and officers, and the Ontario Provincial Police.
34. This By-Law comes into force and effect upon being finally passed.
35. This By-law repeals and replaces By-Law 29 of 2002.

**Read a first, second, third time and FINALLY PASSED** this 3<sup>rd</sup> day of September, 2024.

  
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Mayor Jeff Agar

  
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Clerk Jeff Baranek