
TO: GENERAL COMMITTEE

SUBJECT: NEW PARKS REGULATIONS AND TO REPEAL CURRENT PARKS USE BY-LAW 2010-033

WARD: ALL

PREPARED BY AND KEY CONTACT: T. BANTING, MANAGER OF ENFORCEMENT SERVICES, EXT. 4336

SUBMITTED BY: W. COOKE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES

GENERAL MANAGER APPROVAL: D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That By-law 2010-033 to regulate activities and the use of parks be repealed and replaced with a by-law generally in accordance with the draft attached as Appendix "A" to Staff Report LCS012-19.
2. That staff in the Legislative and Court Services be authorized to make application to the Ministry of the Attorney General for set fines ranging from \$100.00 to \$1,000.00 based on the nature of the offence.
3. That staff in the Roads, Parks and Fleet Department in consultation with the Legislative and Court Services Department (Enforcement Services Branch) prepare and install new signage or replace existing signage where required that depicts the new regulations in all parks and the installation of such signage be completed as operational time permits, and with a focus on high utilization locations as a priority.
4. That By-law 2010-035 a by-law to regulate animals be amended by deleting section 5.5.0.0.0 and replacing it with the following:
 - a) "Section 5.5.0.0.0 – No person shall allow a dog to enter, remain or use a beach area as defined in the Parks Use By-law.
5. That By-law 2010-035 be further amended by deleting section 5.6.0.0.0 in its entirety.

PURPOSE & BACKGROUND

Report Overview

6. This Staff Report will outline some significant changes to our parks regulations. In consultation with various departments, staff within Enforcement Services have reviewed and updated the regulations to incorporate the new design of the waterfront, specific uses of Meridian Place / Memorial Square and the overall general provisions for all parks both inland and waterfront.

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7. The new layout of the Parks Use By-law provides for area specific regulations which differ from those set out in the remaining sections of the by-law. It is designed to allow for enhanced activities in specific areas while maintaining the overall standards set out City wide.

Background

By-law 2010-033 Parks Use By-law

8. The current Parks Use By-law came into effect February 22, 2010. This By-law replaced previous regulations set out in the Municipal Code By-law 88-260. This by-law regulates the overall use and activities within public parks.
9. The current regulations set out standards for all parks both inland and waterfront and provide general regulations related to their use, activities permitted and overall allowances within the parks.

ANALYSIS

Overview

10. In consultation with various departments, Enforcement Services staff began a review of the current parks regulations contained within the by-law and how they addressed current activities or use of the parks both inland and waterfront locations.
11. Staff have found that over the years the use and activities in the parks have changed. Citizens that are utilizing our parks have not only continued to use them as a general gathering place but they have also begun using the various parks for family events, community gatherings and in some cases to enhance various commercial type activities.
12. While the goal of all parties is to encourage the use of our parks, staff recognize the need for a continual review of our regulations to meet the demands of the public as well as maintain the overall aesthetics and beauty of our parks.
13. The City has put forward great efforts to rebuild and further beautify our parks and has been honoured for its efforts in developing beautiful inviting locations for all to gather and enjoy. Continuing with that goal, staff have reviewed the regulations to improve not only the use of the parks for all members of the public, but also to further augment the controls to ensure enjoyment of our parks for all.

Public Survey

14. As part of the review and based on previous comments from members of the public, staff conducted a general survey to obtain feedback from the to what regulations the public would like to see related to Dogs in both the inland and waterfront parks. The survey questions and responses are noted below. There were 1283 responses received in total.
 - a) Currently, Dogs must be leashed in public parks with the exception of dog off leash areas. Are you satisfied, unsure or not satisfied with the current regulations?
 - 72.72% satisfied
 - 21.20% not satisfied
 - 6.08% unsure

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- b) Currently, Dogs are not permitted in any waterfront parks except on designated walking paths within Heritage Park, Centennial Park or Allandale Station Parks. Are you satisfied, unsure or not satisfied with the current regulations?
- 36.46% satisfied
 - 57.43% not satisfied
 - 6.10% unsure
- c) How much access do you believe dogs should have in waterfront parks? No access, Some access or Full access
- 13.80% - full access no restrictions
 - 72.64% - some access, some restrictions, on leashes
 - 13.56% - no access, no dogs at any time
15. Some general comments were received related to the above noted questions. Some examples are noted below:
- “Small children that are nervous or scared around dogs would be negatively impacted by the dogs being allowed to play alongside them”.
 - “There should be access spots for dogs to cool off in summer – they make less of a mess than people do”.
 - “This issue has less to do with the dogs and more to do with owner’s not being responsible enough to keep their dogs from defecating in the sand that children play in. Perhaps scoop your poop bag stations could be provided where dogs (on or off leash) are permitted”.
 - “Dogs not allowed in the water – especially on weekends”.
 - “Designate an area for dogs at the waterfront”.
 - “I do not believe there should be a dog run on the waterfront park at all”.
 - “Please don’t let dogs (well their owners) ruin our waterfront. Think of the safety first and children. Parks are for people”.
 - “Not the dogs that are the problem, people clean out their garbage in parking lots and just leave it even when garbage cans are in front of them”.
 - “I live backing onto Wilkin’s Walk and there is a chronic problem with dog’s off leash and dog poop not being picked up and disposed of properly”.
 - “Dogs should have less restrictions but leashed. Owners must clean up after their dogs as well”.
 - “Dog owners have no respect for the current laws, you see them now in areas they can’t be. Who will be available to enforce this?”

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- “Barrie is outdated on their current policies with dogs and the waterfront. A huge step forward in building more community and tourism would start with adapting a dog friendly / beach with limited or stricter rules”.
 - “Dogs love the water too, why not let them enjoy it with their responsible pet parents”.
 - “Dogs should be allowed at the beaches & parks as long as they are not aggressive towards other dogs & people and are being picked up after”.
 - “Leave Centennial Beach dog free but allow them at less popular beaches”.
16. Based on the general survey conducted and the opinions of staff, staff are recommending that dogs be permitted in all Waterfront Parks while on a leash however, shall remain prohibited from entering or remaining in all beach areas.
 17. Staff believe this to be a reasonable compromise to both the concerns noted and opinions submitted from members of the community and staff. Owners would continue to be responsible to keep their dogs on a leash no longer than 6 feet in length at all times, however would have access to all parks equally. The only remaining prohibition which was previously discussed relates to the actual beach areas as defined in the attached draft by-law.
 18. If Committee was to consider the recommendations, amendments will also be required to by-law 2010-035, the Animal Control By-law to remove the current prohibition from that by-law as well. This amendment has been outlined in the recommendation contained in this report.

Staff Findings

19. In consultation with the Roads, Parks and Fleet as well as Creative Economy Departments, Enforcement Services staff have developed the attached draft by-law with the goal of addressing their concerns.
20. Comments received from staff in the Roads, Parks and Fleet Department, Parks Operations section included such items as the their concerns associated with the use of barbeques, damage to playground/parks equipment, park patrons riding their bicycles on the boardwalks etc., and the operation of commercial activities within the parks that in some cases have interfered with the general use of the park.
21. In terms of comments received from Creative Economy Department, most of their concerns related to events taking place in the parks. They also noted other activities that have taken place in the parks that are not currently captured in the Special Events Policy but in some cases take on a greater need for monitoring than a simple family gathering. These included film or photography sessions, commercial / business “boot camps” and many community gatherings for various social groups that utilize space within the parks.
22. Enforcement Services staff gathered the overall concerns and reviewed other municipal regulations to look at similar concerns or enhancements that could be incorporated into Barrie’s regulations while keeping in line with the corporate goals for the use of our parks.
23. Overall the existing Parks Use By-law met most needs identified by other Departments but some further clarification and enhancements are required.

24. Notable changes in the draft by-law reflected in Appendix “A” to Staff Report LCS012-19 are as follows:

New or Enhanced Regulation
Creation of several new definitions for clarification including Beach Area, Film or Photography. Permit or Authorization.
Creation of a Permit or Authorization section that reflects current practice through Creative Economy but also allows for expansion in the future.
Creation of a requirement for permit or authorization holders to be held to certain standards.
Clarified sections related to the use of ice rinks, roller skates, skateboards or blades which would prohibit the use or activity where signs are posted to prohibit.
Enhanced sections related to damage, debris or interference with parks landscaping or equipment.
Enhanced regulations associated with commercial activities or the operation of businesses within the parks, this will further control or regulate the “boot camps”, paddle board lessons etc. which are currently operating within the parks but the exchange of monies is taking place elsewhere. This change was requested by Creative Economy and Parks Operations.
Establish a prohibition for the use of bicycles on the boardwalks within a park
Establish new allowances for animals to be within the waterfront parks but continue to prohibit them from entering or remaining in the beach areas. This will effectively allow dogs or other legally owned pets in all waterfront parks.

25. In addition to the above noted items that are being clarified or enhanced in the proposed new By-law, area specific sections are being proposed within the draft by-law that speak to Meridian Place / Memorial Square, Waterfront Parks and Dog Off Leash Recreational Areas. In these new sections, the overall general provisions of the by-law will still apply, however each of these sections now have specific regulations that will only apply to those areas.

Waterfront Parks

26. Concerns were raised by staff in the various Departments specifically related to the waterfront area. that included persons fishing, launching or mooring marine apparatus such as boats and the interference with lifesaving or emergency equipment.
27. Included in the draft by-law attached as Appendix “A” to Staff Report LCS012-19, the following new regulations are being recommended:
- Persons would only be permitted to fish from authorized locations as determined by the City from time to time. All other areas would be posted to prohibit fishing.

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- Leaving or depositing lures, bait, hooks etc. in a manner or location that may injure or cause injury to a person or animal would be prohibited.
 - Persons would not be permitted to access, launch or place a boat or marine apparatus unless such area is designated for such purposes.
 - Persons would not be permitted to interfere, move or damage lifesaving or emergency equipment or devices.
 - Persons would not be permitted to allow an animal to enter, remain or use a “beach area” within a public park. This would allow dogs or other legally owned pets, to be in all waterfront parks while on a leash however prohibited from using or entering the beach areas.

Dogs Off Leash Recreational Areas (DOLRA):

28. The Dog Off Leash Recreational Areas throughout the City are used by many individuals and their pets daily. While they are generally designed to be used at the pet owner’s risk, staff recognized that some concerns have been raised.
29. Those concerns relate to dogs who are known to show aggression or act aggressively towards another person or animal utilizing the parks; persons using the parks who may not have had their animals vaccinated with anti-rabies vaccines or those who do not possess a valid pet registration from the City or other surrounding municipality.
30. The following new regulations are included in the draft by-law attached as Appendix “A”:
 - Clarification on using the dog off leash areas at your own risk.
 - Persons shall not be permitted to enter, use or remain in the DOLRA if the dog is aggressive, shows aggression or acts aggressively towards another person or animal.
 - Persons utilizing the DOLRA must maintain valid anti-rabies vaccines.
 - Persons utilizing the DOLRA must have a valid pet registration from the City of Barrie or surrounding municipality.

Meridian Place / Memorial Square:

31. Concerns were raised specifically related to the use of Meridian Place and Memorial Square, as that area is currently being planned into a vibrant Urban Square and will be utilized in several different ways which will vary significantly from other parks within the community. Therefore a specific section is being provided for in the new Parks Use by-law where continued enhancements can be made as activities and events evolve while still keeping the overall parks provisions or controls in place so that members of the community can be ensured they have a pleasant and consistent visit to any park space.
32. The use provisions (ie. Sales in Meridian Place for pop up retail) would be able to be permitted if an appropriate permit, licence or other authorization was obtained. The wording prohibiting skateboarding in all City parks including Meridian has been enhanced in the proposed by-law.

Enforcement Practice

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33. Below is a summary of current enforcement practices normally conducted in all parks and specifically waterfront parks:
- General patrols of all parks are conducted regularly by all enforcement staff as time and other calls for service permit.
 - Respond to complaints or concerns related to any violations of set provisions between 7:30 am and 11:00 pm, 7 days a week.
 - From early June to late August, two enforcement summer staff are hired to patrol waterfront parks by bicycle for all violations. Those patrols are conducted between 8 am and 8 pm, 7 days a week. The patrol area focuses on the waterfront and encompasses all parkland from Johnson's Beach through to Minet's Point Park.
 - The DOLRA's are patrolled by enforcement staff assigned to conduct animal control duties on a regular basis. As such, they will ensure that dogs found on site are licensed or registered by the City or a surrounding municipality and investigate any concerns related to aggressive dogs at the time of their patrol.

ENVIRONMENTAL MATTERS

34. There are no environmental matters related to the recommendation to repeal the two by-laws and replace them with a single comprehensive by-law and install the necessary signage.

ALTERNATIVES

35. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could receive this report for information purposes only and take no further action.

Although this alternative is available, it is not recommended. Choosing to take no further action would not address the recent concerns noted by staff in this report.

Alternative #2

General Committee could alter the proposed recommendations by directing staff to amend the draft by-law to:

- allow such items as the use of barbeques,
- continue to prohibit dogs from all waterfront parks
- allow dogs to access beach area; and/or
- allow businesses to continue to enhance their operations by providing classes / boot camps etc. within the parks without obtaining a permit

or further amend the draft by-law as deemed appropriate.

Although this alternative is available, it is not recommended. Based on staff's findings and the public survey, the recommendations included in the draft by-law generally meet the needs of the community and further address concerns which have been brought forward.

FINANCIAL

36. There are no financial implications held within this report.
37. The replacement of signs within the parks as noted in the recommendation will be undertaken as a matter of normal business by Roads, Parks and Fleet staff within Parks Operations as operational time permits. General sign replacement is captured as a general operational cost.

LINKAGE TO 2018-2022 STRATEGIC PLAN

38. The recommendation(s) included in this Staff Report support the following goals identified in the 2018-2022 Strategic Plan:

- Fostering a Safe and Healthy City

The provisions contained with the proposed updates to the Parks Use By-law are intended to enhance the public's enjoyment of our parks and ensuring that they are a safe environment.

APPENDIX "A"

Draft New Parks Use Regulations

BY-LAW NUMBER 2019-

A By-law of The Corporation of the City of Barrie to regulate and govern the use of and activities permitted within City parks, environmentally protected land, and open space.

WHEREAS Section 8 of the *Municipal Act, 2001* provides that Sections 8 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 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 Act;

AND WHEREAS Section 10 of the *Municipal Act, 2001* provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS by resolution XX-G-XXX, the Council of The Corporation of the City of Barrie deems it expedient to enact a by-law to regulate and govern the use of and activities permitted within City parks, environmentally protected land, and open space;

NOW THEREFORE, the Council of The Corporation of the City of Barrie enacts as follows:

1.0.0.0.0 **DEFINITIONS**

1.1.0.0.0 For the purpose of this by-law:

1.1.1.0.0 **AMPLIFYING SOUND SYSTEM** – means any electronic or mechanical device used for the purpose of reproducing sound of any kind.

1.1.2.0.0 **ANIMAL** - means any non-human vertebrate or invertebrate, and includes but is not limited to reptiles, arachnids, domestic animal including but not limited to canines and felines, domestic fowl, an animal raised for commercial purposes, an animal kept as a working animal or for hobby purposes such as breeding, showing or sporting, a household pet, an exotic animal, livestock, pigeons, wild animals and birds, but excludes ducks, geese, swans or other animals that naturally inhabit a park, environmentally protected land or open space.

1.1.3.0.0 **BICYCLE** - means and includes a bicycle, tricycle, unicycle and e-bike as defined by the *Highway Traffic Act* but does not include a motor assisted bicycle.

1.1.4.0.0 **BUSINESS** - means a trade, business or occupation and includes the sale, offer for sale or hire of goods, products or services on an intermittent or one-time basis, the showing for the purpose of sale, offer for sale or hire of samples, patterns or specimens of any goods, products or service and any commercial activity or thing a local municipality may deem appropriate including but not limited to fitness gatherings, boot camps, lessons or teachings of any kind regardless of where the funds are exchanged.

1.1.5.0.0 **BY-LAW** – means any by-law passed by Council of The Corporation of the City of Barrie.

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- 1.1.6.0.0 **CAMPING** - means to camp or lodge therein with one or more person, shall include but not be limited to Recreational Vehicles (RV), portable tents, shelters etc.
- 1.1.7.0.0 **CHIEF FIRE OFFICIAL** - means the person who may, from time to time, be appointed by Council to the position of Chief of the Barrie Fire and Emergency Service or his/her designate.
- 1.1.8.0.0 **CHIEF OF POLICE** - means the person who may from time to time, be appointed by the Barrie Police Services Board to the position of Chief of Police of the Barrie Police Service or his/her designate.
- 1.1.9.0.0 **CITY** – means The Corporation of the City of Barrie
- 1.1.10.0.0 **CITY EMPLOYEE** – means an officer, servant or other employee of the City, but does not include:
- a) a member of Council;
 - b) a Council appointee to a local board and whose remuneration from the City results from his/her membership on such local board or other body;
 - c) an employee of a local board or other body; or,
 - d) a municipal auditor.
- 1.1.11.0.0 **CITY SOLICITOR** - means the Solicitor for the City.
- 1.1.12.0.0 **DAMAGE** - means to cut, break, injure, deface or otherwise disturb an area, item, thing or structure.
- 1.1.13.0.0 **DISORDERLY CONDUCT** - means to indulge in riotous, boisterous, threatening, or indecent conduct or abusive, threatening profane language which disturbed another person or persons or is likely to disturb another person or persons.
- 1.1.14.0.0 **EMERGENCY SERVICES PERSONNEL** – shall mean members of a Police Services, Fire Department or Land Ambulance provider.
- 1.1.15.0.0 **ENVIRONMENTALLY PROTECTED LAND** - means land in which has been designed as protected and shall remain untouched by persons or business.
- 1.1.16.0.0 **FILM OR PHOTOGRAPHY** – means to carry on, conduct, cause to carry on or permit the carrying on of obtaining film or photographs of persons or locations within a park including but not limited to individuals, natural settings, buildings or structures.
- 1.1.17.0.0 **FIREARM** - means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and for the purpose of this by-law shall also include an air gun, pellet gun, BB gun, paint ball marker, cross bow, long bow, traditional bow and compound bow or anything that can be adapted for use as a firearm.

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- 1.1.18.0.0 **FIREWORKS** – means the setting off, ignition, show or display of fireworks or pyrotechnics defined as pyrotechnics under the Explosives Act and shall include but not be limited to hand held sparklers, Christmas crackers or caps utilized for the purpose of toy guns but shall not include pyrotechnic distress signals or life saving devices.
- 1.1.19.0.0 **GAMBLING** - means play or bet at or against any game conducted dealt or carried on with cards, dice or other device for money, chips, shells, credit or any other representative of value, or maintain or exhibit any gambling table or other instrument for gambling or gaming
- 1.1.20.0.0 **LICENCE** - means a Licence or permit issued or authorized by the City of Barrie.
- 1.1.21.0.0 **LICENSEE** - means a person who has been issued a licence or permit pursuant to a by-law or policy either in the current calendar year or in a previous calendar year and shall include an Applicant
- 1.1.22.0.0 **MATCHED GAME** - means the playing of any baseball, cricket, shinny, football, soccer, rugby, tennis, croquet, or any other game with a ball, bat or similar equipment and shall include but not be limited to include foot races, horse or animal races.
- 1.1.23.0.0 **MOTOR VEHICLE** - means any vehicle drawn, propelled or driven by any kind of power which includes but is not limited to a motor vehicle, trailer, traction engine, farm tractor, all-terrain vehicle or motorized snow vehicle but does not include a bicycle, wheelchair or motor assisted device used for mobility assistance.
- 1.1.24.0.0 **MUNICIPAL LAW ENFORCEMENT OFFICER** - means a person appointed under the authority of the Police Services Act for the purpose of enforcing City by-laws.
- 1.1.25.0.0 **MUNICIPAL RESERVOIRS** - means a reservoir, lake, pond or other receptacle or water storage area connected with any park, open space or environmentally protected land.
- 1.1.26.0.0 **NUISANCE** - means any activity or action which disturbs or offends or is likely to disturb or offend any individual.
- 1.1.27.0.0 **OPEN SPACE** - means land in which has been designed as open space such as parks, sports fields and urban squares.
- 1.1.28.0.0 **OFFICER** – means a Municipal Law Enforcement Officer or other law enforcement officer as appointed by The Corporation of the City of Barrie, the Barrie Board of Police, or a Provincial Offences Officer.
- 1.1.29.0.0 **OPERATE** – means to manage, work, control, maintain, put or keep in a functional state any business.
- 1.1.30.0.0 **OWNER** – means the registered owner of the lands and premises or the person or his authorized agent in lawful control of the premises, building or occupancy and who permits the operation or maintenance of any business.
- 1.1.31.0.0 **PARK OR PARKING** – means the standing or stopping of a vehicle whether occupied or not.

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- 1.1.32.0.0 **PERSON** - means and includes any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organizations and shall include the plural wherein the context requires. Wherever the word he or him is used, it shall mean and include the feminine or neuter gender wherever the context so requires.
- 1.1.33.0.0 **PERMIT OR AUTHORIZATION** – means a document issued by the City which authorizes or permits a business, event or activity to operate within a public park and shall include but not be limited to, special events, community events or gatherings, corporate events, religious celebrations or gatherings, concession stands, midways, auctions, craft sales, plant or produce sales, festivals, social, cultural or sporting events, equipment rentals or displays of any kind.
- 1.1.34.0.0 **PREMISE** - means land, including any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of the business or activity.
- 1.1.35.0.0 **PUBLIC PARK (PARKS)** - means all lands owned or operated by or belonging to the City or other public body such as school boards, Allandale Community Development Corporation or conservation authority which may be designated as Open Space or Environmental Protection Area and used by the public for active or passive recreational use including sporting activities and games, or as gathering places such as urban or village squares, or which may be left in their natural state for environmental reasons. Shall include but not be limited to Inland parks, waterfront parks, Dog off Leash Recreational Areas or other such areas as designated from time to time.
- 1.1.36.0.0 **SERVICE VEHICLE** - means any municipal owned or operated vehicle used in the maintenance of a park and shall include authorized contractors operating on behalf of the City. .
- 1.1.37.0.0 **SHALL** – is mandatory and not directory; words in the singular include the plural; words in the plural include the singular; words in the present tense include future or past tense.
- 1.1.38.0.0 **VEHICLE** – includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a mobility assistive device.
- 2.0.0.0.0 **REQUIREMENT FOR A PERMIT OR AUTHORIZATION**
- 2.1.0.0.0 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 the Special Event Policy or other City Policy, as amended from time to time, shall be required to obtain a permit or authorization prior to the commencement of any such activity.
- 2.1.1.0.0 No person shall carry on, conduct, operate, maintain, keep or engage in any business, event or activity within a park without a permit or authorization to do so.
- 2.1.2.0.0 Such permit or authorization shall be obtained prior to the commencement of any such event, business or activity held within a park.
- 2.1.3.0.0 The person for which the permit or authorization was issued shall ensure that such permit or authorization is displayed and visible at all times.

2.1.4.0.0 No person shall fail to display or keep visible their permit or authorization to conduct the event, business or activity within the park.

3.0.0.0.0 **APPLICATION FOR PERMIT OR AUTHORIZATION**

3.1.0.0.0 Any person required to obtain a permit or authorization pursuant to this by-law, Special Events Policy or other City Policy, shall apply in writing or on the appropriate application form as provided by the Corporation and shall deposit, at the time of application, all required Fees as set out in the City of Barrie 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.

3.1.1.0.0 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.

3.1.2.0.0 Every permit or authorization shall note the dates and times for which the permit or authorization is considered to be valid for such business, event or activity taking place within the park.

3.1.3.0.0 Permits or authorizations are not transferable.

4.0.0.0.0 **NUISANCE ABATEMENT**

4.1.0.0.0 Every person required to obtain a permit or authorization under any provision set out by the Corporation, in addition to any other provisions or requirements expressed elsewhere in this by-law or policy, shall:

- a) at all times maintain and keep safe and clean and in good condition and repair any object, amusement, vehicle, place, public park or premise for which the permit or authorization is issued;
- b) not breach or violate or cause, suffer, or permit any breach or violation of any by-law of the Corporation or of any Local Board, thereof, or of any statute, Order-in-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon, or in connection with the business, event or activity for, or in relation to which such permit or authorization was issued;
- c) not cause, suffer or commit any nuisance to arise in, on, or in connection with the object, amusement, vehicle, place or activity for which the permit or authorization was issued;
- d) not cause, suffer or permit any shouting, noise or other disturbance on, in or in connection with the object, amusement, vehicle, place or activity for which the permit or authorization was issued, which is unnecessary, unreasonable or contrary to any municipal by-law prohibiting the same; and if any such shouting, noise or other disturbance occurs, the permit holder or authorized person shall immediately take steps to cause the same to be abated;
- e) not cause, suffer, or permit any obstruction on any highway, lane or public place in front of, or adjoining the place or premise for which the permit or authorization was issued; or,

- f) not cause, suffer or permit any profane, offensive or abusive language or disorderly conduct in, on, or in connection with any vehicle, place or activity for which the permit or authorization was issued.

4.1.1.0.0 Every person who acquires a permit or authorization that is issued under any provision set out by the Corporation is responsible for the due performance and observance of all the provisions of this by-law or policy by himself and by his employees and all other persons in or upon the location which is permitted or authorized.

5.0.0.0.0 **INSPECTION**

5.1.0.0.0 The Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual may at all reasonable times, inspect or cause to be inspected the premise, facilities, equipment, vehicles, and other property used or kept for hire in connection with the carrying on of a business, event or activity which is permitted or authorized pursuant to the applicable provisions, policies or by-law.

6.0.0.0.0 **ENFORCEMENT**

6.1.0.0.0 A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.

6.2.0.0.0 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.

7.0.0.0.0 **SCOPE AND AUTHORITY**

7.1.0.0.0 Where a matter is subject to provincial regulation, any provision of this by-law is without effect to the extent that it prohibits or regulates the matter in substantially the same way as or in a more restrictive way than the provincial regulation.

8.0.0.0.0 **SEVERABILITY**

8.1.0.0.0 Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

9.0.0.0.0 **EXEMPTIONS**

9.1.0.0.0 The Clerk of The Corporation of the City of Barrie 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.

10.0.0.0.0 **GENERAL PROVISIONS**

The general provisions set out in this by-law shall apply to all public parks, environmentally protected land and open space owned or operated by the City of Barrie and located within the geographical boundaries of the City.

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- 10.1.0.0.0 No person shall cut, break, injure, deface, disturb, or remove any tree, shrub, plant, rock, gravel, grass, soil, or sand from any public park.
 - 10.2.0.0.0 No person shall break, deface, disturb, damage or remove any monument, fountain, bridge, wall, seat, bench, structure, fence, apparatuses or article within a public park.
 - 10.3.0.0.0 No person shall lead or let loose any animal of any kind within a public park except where designated for such purpose by the City.
 - 10.4.0.0.0 No person shall operate any motor vehicle within a public park unless authorized to do so or unless such vehicle is owned or operated by the City or authorized by the City for the purpose of maintenance of such park or the enforcement of by-laws.
 - 10.5.0.0.0 No person shall swim, bathe, wade in or pollute the waters of any fountain, pond, lake, stream or watercourse except where designated for such purpose by the City.
 - 10.6.0.0.0 No person shall willfully or maliciously let off, release or discharge any water so that it runs waste or useless from or out of any reservoir, pond, lake or other receptacle for water connected with any such public park.
 - 10.7.0.0.0 No person shall kindle, set or permit the kindling or setting of any fire within a public park, except where designated for such purpose or authorized by the City.
 - 10.8.0.0.0 No person shall discharge any firearm as defined by this by-law within a public park unless authorized to do so by the City.
 - 10.9.0.0.0 No person shall set off or discharge any firework within a public park unless authorized to do so by the City.
 - 10.10.0.0.0 No person shall camp within a public park unless authorized to do so by the City.
 - 10.11.0.0.0 No person shall enter, use or remain within a public park for the purpose of overnight sleeping between the hours of 11:00 pm of one day and 5:00 am of the following day.
 - 10.12.0.0.0 No person shall display, set up, sell or offer for sale any good, product, service, activity or literature within a public park unless authorized to do so by the City.
 - 10.13.0.0.0 No person shall gamble within a public park.
 - 10.14.0.0.0 No person shall post, erect or place any sign, distribute or post or provide any handbills, circulars, notice, paper or advertising device within a public park unless such sign, notice, bill or paper, or advertising device is posted in accordance with the City of Barrie Sign By-law.
 - 10.15.0.0.0 No person shall disturb, molest, wound, attempt to kill or kill any bird, fowl or animal within a public park except where authorized to do so by the City or other governing Federal or Provincial legislation.
 - 10.16.0.0.0 No person shall provide food, feed, attempt to feed or deposit food for consumption by any animal within a public park unless authorized to do so by the City.
 - 10.17.0.0.0 No person shall enter or remain in any public park, place, area or location within a public park where a "No Admittance" sign has been erected.

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- 10.18.0.0.0 No person shall stop, stand or park a vehicle in any part of a public park for the purpose of hire, or solicit passengers for any vehicle for hire within a public park unless authorized to do so by the City.
- 10.19.0.0.0 No person shall indulge in riotous, boisterous, threatening, or indecent conduct or abusive, threatening or profane language within a public park.
- 10.20.0.0.0 No person shall create a nuisance within a public park.
- 10.21.0.0.0 No person shall provide, possess, consume, serve, sell or offer for sale alcoholic beverages within a public park unless authorized to do so by the City.
- 10.22.0.0.0 No person shall engage in a matched game within a public park unless authorized to do so by the City.
- 10.23.0.0.0 No person shall strike, hit or otherwise propel a golf ball within a public park.
- 10.24.0.0.0 No person shall operate a bicycle as defined in this by-law except on designated bicycle paths and such bicycle shall be provided with:
- a) a bell or horn so arranged that it shall be under the complete control of the rider;
 - b) a front white light and in the rear a red light while in motion after dark.
- 10.25.0.0.0 No person shall operate more than two bicycles abreast at any time on any designated path and such operation shall not impede the pedestrian traffic in any public park.
- 10.26.0.0.0 Notwithstanding section 10.25.0.0.0 and 10.26.0.0.0, no person shall operate or ride a bicycle on any boardwalk within a public park.
- 10.27.0.0.0 No person shall use a long nosed racing skate on any natural ice surface in a public park unless the same is protected by a toe guard.
- 10.28.0.0.0 No person shall while using a natural ice surface in a public park, engage in racing or speeding so as to endanger or interfere with any other person using the surface.
- 10.29.0.0.0 No person shall carry a cane or stick of any kind while on the ice surface in a public park except where such surface has been designated for the playing of hockey.
- 10.30.0.0.0 No person shall use roller skates or blades, in-line roller skates or blades, any type of skateboard or other similar conveyance where signs are posted to prohibit such activity.
- 10.31.0.0.0 No person shall operate or use any apparatus, mechanism or device for the amplification of the human voice, music or sound within a public park unless authorized to do so by the City.
- 11.0.0.0.0 **WATERFRONT PARKS**
- 11.1.0.0.0 For the purpose of this section the following shall apply:

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- 11.2.0.0.0 **DEFINITION:**
- 11.3.0.0.0 **BEACH AREA** – means an area of a public park whereby the landscaping or ground cover is made up of sand or other similar material in a defined area including but not limited to such areas that may be designed for the purpose of swimming.
- 11.4.0.0.0 **BOAT OR MARINE APPARATUS** – means a boat or craft designed for use in or on a body of water whether operated under muscular power or by a motorized device.
- 11.5.0.0.0 **WATERFRONT PARK** – means a public park, open space or environmentally protected land which connects, surrounds or is abutting Lake Simcoe, Kempenfelt Bay, Little Lake or any other such body of water as amended from time to time.
- 11.6.0.0.0 Every person engaging in or wishing to engage in fishing or angling of any kind within a waterfront park shall comply with all municipal, provincial or federal regulations.
- 11.7.0.0.0 No person shall fish, permit fishing, cause fishing or allow fishing from land, dock, pier or other similar location where signs are posted to prohibit such activity.
- 11.8.0.0.0 No person shall store, leave or deposit lures, bait, hooks, lines, poles or other equipment used for the purpose of fishing in a location or manner that may injure or cause the injury of a person or animal.
- 11.9.0.0.0 No person shall access, launch or place a boat or other marine apparatus in any body of water from a public park unless such area is designated for such purpose by the City.
- 11.10.0.0.0 No person shall dock, moor, attach or adhere any boat or other marine apparatus to any area within a public park unless such area is designated for such use by the City.
- 11.11.0.0.0 No person shall disturb, interfere, move or damage any lifesaving or emergency equipment, device, sign or notice erected or installed that addresses public safety.
- 11.12.0.0.0 No person shall allow an animal to enter, remain or use a beach area within a public park.
- 12.0.0.0.0 **DOG OFF LEASH RECREATIONAL AREAS (DOLRA)**
- 12.1.0.0.0 For the purpose of this section, the following shall apply:
- 12.2.0.0.0 **DEFINITIONS**
- 12.2.1.0.0 **DOG OFF LEASH RECREATIONAL AREAS** – means an area designated by the City for the purpose of allowing dogs to be exercised by means of playing, running or other activity while not restrained by a leash or other means of control. Such area shall be fenced and clearly delineated for such purpose.
- 12.3.0.0.0 Every person entering, using or remaining in a designated dog off leash area shall do so at their own risk.
- 12.4.0.0.0 Every person entering, using or remaining in a designated dog off leash area with a Pitbull type dog shall restrain such dog by leash and muzzle at all times in accordance with the Dog Owners Liability Act.

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- 12.4.0.0.0 No person shall enter, use or remain in a dog off leash recreational area if his dog is aggressive, shows aggression or acts aggressively towards another person or animal.
- 12.5.0.0.0 No person shall enter, use or remain in a dog off leash recreational area if his dog does not hold valid or up to date anti-rabies vaccines.
- 12.6.0.0.0 No person shall enter, use or remain in a dog off leash recreational area if they do not hold or possess a valid pet registration or licence from the City or other jurisdiction.
- 13.0.0.0.0 **MERIDIAN SQUARE / MEMORIAL SQUARE**
- 13.1.0.0.0 **DEFINITIONS**
- 13.1.1.0.0 **MERIDIAN PLACE / MEMORIAL SQUARE** – means the land, urban square or gathering point surrounded by Simcoe Street to the south, Dunlop Street East to the north, Chase McEachern to the west and Fred Grant Square to the east. .
- 13.2.0.0.0 For the purpose of this section, sections 10.0.0.0.0 through to 10.32.0.0.0 (General Provisions) shall apply to Meridian Place / Memorial Square.
- 13.3.0.0.0 Notwithstanding section 13.2.0.0.0, permits, authorizations or exemptions may be granted from any general provision set out in this by-law by the Clerk of the Corporation or those persons designated by a Motion of Council to do so.
- 14.0.0.0.0 **PENALTIES**
- 14.1.0.0.0 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.
- 14.2.0.0.0 Every person who contravenes the provisions of any section of this By-law and every Director or Officer of a Corporation, who knowingly concurs in the contravention by the Corporation, is guilty of an offence under the provisions of the *Municipal Act, S.O. 2001, c.25*.
- 14.3.0.0.0 Every person who contravenes the provisions of any section of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contraventions by the Corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act, S.O. 2001, c. 25*.
- 14.4.0.0.0 For the purpose of continuous offences, 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 a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25*.
- 14.5.0.0.0 Despite paragraph 14.4.0.0.0 and the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25*, the total of all daily fines for the offence is not limited to \$100,000.



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- 14.6.0.0.0 For the purpose of multiple offences, 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 a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001, S.O. 2001*.
- 14.7.0.0.0 Despite paragraph 14.6.0.0.0 and the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25*, the total of all daily fines for the offence is not limited to \$100,000.
- 15.0.0.0.0 **REPEAL**
- 15.1.0.0.0 That By-law 2010-033 regarding Parks Use be repealed.
- 16.0.0.0.0 **ENACTMENT**
- 16.1.0.0.0 This By-law shall come into force and have effect immediately upon passing.

READ a first and second time this XX day of June, 2019.

READ a third time and finally passed this XX day of June, 2019.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J. LEHMAN

CLERK – WENDY A. COOKE