

# The Corporation Of The Town Of Essex

## By-Law Number 983

### Being a by-law regarding the use, regulations and protection of public parks in the Corporation of the Town of Essex.

Whereas the Town of Essex Parks are for the use, benefit and pleasure of the residents and public of the Corporation.

And Whereas pursuant to Section 11(3) of the Municipal Act, 2001, S.O. 2001, c.25 and amendments thereto, Municipal Councils have the authority to enact By-Laws concerning the use, regulations and protection of Public Parks.

And Whereas the Council of the Town of Essex desires to pass such a By-Law for the use, regulation and protection of its Public Parks;

Now Therefore the Municipal Council of the Corporation of the Town of Essex enacts as follows:

1. In this By-Law:
  - a) **Council** shall mean the Municipal Council of the Corporation of the Town of Essex.
  - b) **Licensed Vehicle** means any self-propelled vehicle not owned or operated by the duly appointed employees, servants and agents of the Municipality.
  - c) **Municipality** shall mean The Corporation of the Town of Essex.
  - d) **Parks** means all lands, buildings, structures or equipment of any nature or kind used by the Municipality for park purposes.
  - e) **Unlicensed Vehicle** means any self-propelled vehicle designed to be driven on specific or all terrain and not operated by employees of the Municipality.
  - f) **Vehicle** shall include an unlicensed vehicle and a licensed vehicle.
2. Regular Hours of Operation:
  - a) That no person save and except as set out in Section 4b) shall be in any public park in the municipality on any day after the hour of 10:00 p.m. and before the hour of 6:00 a.m. (Eastern Standard Time), except on occasions when a special event is taking place at a particular park, which said event has been duly authorized by Council or the Parks and Recreation Department.
  - b) That the hours of closure including all exceptions be posted at all Municipal parks to provide enforceable guidelines (under the provisions of law) for police and help mitigate after hours activities without authorization.
  - c) That the regular hours expressed in 2(a) above, hereof shall not apply to events carried out in the municipality's arenas situated in the Essex Memorial Park and the Harrow Colchester South Community Park.
3. Games:
  - a) Games shall be played in areas specifically designated by the Municipality and the permission of the Municipality shall be obtained for such games. No person shall interfere with the conduct of such games while in progress.
  - b) No person shall engage in any game or sport related activity, such as golf, archery, baseball, football, tennis, lacrosse and large dart games, which involves the projection of any object through the air except in specific areas designated for such purposes.

4. Picnics and Camping:

- a) Picnics shall be held only at locations designated by the Municipality for such purposes. A reservation or permit shall be obtained through the Municipality for groups in excess of thirty (30) persons.
- b) No person shall camp or lodge in any Park, except in designated areas specifically provided by the Municipality.

5. No person shall light any fire or use any fire in any Park, except in designated areas specifically provided by the Municipality. Such fire shall be in approved containers designated for outdoor cooking.

6. Vehicles:

- a) Unauthorized use of unlicensed vehicles in Municipal Parks is prohibited.
- b) Licensed vehicles shall only be operated on the roads leading to vehicle parking lots situated in any Park and in the designated parking lots.
- c) No vehicle shall be operated in any Park at a speed in excess of 20 kilometers per hour.
- d) Vehicles shall not be parked or left standing in any place other than designated parking areas. Unauthorized overnight parking of vehicles in designated parking areas is prohibited.

6. Firearms, Fireworks, Offensive Weapons

No person shall bring into any Park, or carry, or discharge any firearm, air gun, bow and arrow, axe/hatchet, knife, slingshot, nor fireworks of any kind except as required for maintenance purposes and directed by the Municipality.

7. Sale of Merchandise or Trade or Business

No person shall sell or offer for sale, or expose any merchandise of any nature, for immediate or future delivery without the consent of the Municipality.

8. Protection of Property

No person shall climb, break, injure, deface, move or remove any building, structure or equipment, or any growing plant of any kind, or mark or write upon any building, equipment or structure without the permission of the Municipality.

9. General

The Town of Essex Parks and Recreation Department serves as the Agent for the Municipality in these matters under this By-Law.  
The duly appointed employees of the Municipality are hereby authorized to issue permits and grant permission wherever required under this By-Law.

10. Enforcement

Duly appointed employees of the Municipality, as well as any Municipal police officer, are authorized to carry out the provisions of this By-Law.

11. Penalty

- a) Every person who contravenes any provision of this By-Law is guilty of an offence and shall, upon conviction thereof, be liable to a fine of not more than \$5,000.00, recoverable under the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- b) The Court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the

continuation of repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

12. By-Law No. 483 of the Corporation of the Town of Essex is hereby repealed.
13. This By-Law shall become effective on the day and date of the final passing thereof.

Read a first, a second and a third time and finally passed this 2<sup>nd</sup> day of November, 2009.

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Mayor

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Clerk/Deputy-Treasurer

THE CORPORATION OF THE TOWN OF ESSEX  
PART 1 Provincial Offences Act  
BY-LAW NO. 983: USE, REGULATIONS AND PROTECTION OF PUBLIC PARKS

COLUMN 1		COLUMN 2	COLUMN 3
ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
1.	Being in a municipal park after 10:00 PM	2a	\$105.00
2.	Being in a municipal park before 6:00 AM	2a	\$105.00
3.	Playing games in a non-designated area	3a	\$105.00
4.	Interfering with a game in progress	3a	\$105.00
5.	Engaging in a game of golf in a non-designated area	3b	\$105.00
6.	Engaging in the sport of archery in a non-designated area	3b	\$105.00
7.	Engaging in the sport of baseball in a non-designated area	3b	\$105.00
8.	Engaging in the sport of football in a non-designated area	3b	\$105.00
9.	Engaging in the sport of tennis in a non-designated area	3b	\$105.00
11.	Engaging in a large dart game in a non-designated area	3b	\$105.00
10.	Engaging in the sport of lacrosse in a non-designated area	3b	\$105.00
12.	Picnics in a non-designated area	4a	\$105.00
13.	Camping in a non-designated area	4b	\$105.00
14.	Lighting a fire in a non-designated area	5	\$105.00
15.	Using a fire in a non-designated area	5	\$105.00
16.	Lighting a fire in a container not designed for outdoor cooking	5	\$105.00

"NOTE: The general penalty provision for the offences listed above is section 12 of By-Law No. 983, a certified copy of which has been filed".

THE CORPORATION OF THE TOWN OF ESSEX  
PART 1 Provincial Offences Act  
BY-LAW NO. 983: USE, REGULATIONS AND PROTECTION OF PUBLIC PARKS

COLUMN 1	COLUMN 2	COLUMN 3
ITEM SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
17. Using a fire in a container not designed for outdoor cooking	5	\$105.00
18. Operating an unlicensed vehicle in a municipal park	6a	\$105.00
19. Operating a licensed vehicle in a prohibited area	6b	\$105.00
20. Carrying a firearm in a Municipal Park	7	\$105.00
21. Discharging a firearm in a Municipal Park	7	\$105.00
22. Carrying an air gun in a Municipal Park	7	\$105.00
23. Discharging an air gun in a Municipal Park	7	\$105.00
24. Carrying a bow and arrow in a Municipal Park	7	\$105.00
25. Discharging a bow and arrow in a Municipal Park	7	\$105.00
26. Carrying an axe in a Municipal Park	7	\$105.00
27. Carrying a hatchet in a Municipal Park	7	\$105.00
28. Carrying a knife in a Municipal Park	7	\$105.00
29. Carrying a slingshot in a Municipal Park	7	\$105.00
30. Discharging a slingshot in a Municipal Park	7	\$105.00
31. Carrying fireworks in a Municipal Park	7	\$105.00
32. Discharging fireworks in a Municipal Park	7	\$105.00
33. Selling merchandise in a Municipal Park	8	\$105.00

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PART 1 Provincial Offences Act  
BY-LAW NO. 983: USE, REGULATIONS AND PROTECTION OF PUBLIC PARKS

COLUMN 1	COLUMN 2	COLUMN 3
ITEM SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
34. Offering merchandise for sale in a Municipal Park	8	\$105.00
35. Climbing a building in a Municipal Park	9	\$105.00
36. Climbing a structure in a Municipal Park	9	\$105.00
37. Climbing equipment in a Municipal Park	9	\$105.00
38. Climbing a growing plant in a Municipal Park	9	\$105.00
39. Breaking a building in a Municipal Park	9	\$105.00
40. Breaking a structure in a Municipal Park	9	\$105.00
41. Breaking equipment in a Municipal Park	9	\$105.00
42. Breaking a growing plant in a Municipal Park	9	\$105.00
43. Injuring a growing plant in a Municipal Park	9	\$105.00
44. Defacing a building in a Municipal Park	9	\$105.00
45. Defacing a structure in a Municipal Park	9	\$105.00
46. Defacing equipment in a Municipal Park	9	\$105.00
47. Defacing a growing plant in a Municipal Park	9	\$105.00
48. Moving a building in a Municipal Park	9	\$105.00
49. Moving a structure in a Municipal Park	9	\$105.00
50. Moving equipment in a Municipal Park	9	\$105.00

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 PART 1 Provincial Offences Act  
 BY-LAW NO. 983: USE, REGULATIONS AND PROTECTION OF PUBLIC PARKS

COLUMN 1		COLUMN 2	COLUMN 3
ITEM	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE
51.	Moving a growing plant in a Municipal Park	9	\$105.00
52.	Removing a building in a Municipal Park	9	\$105.00
53.	Removing a structure in a Municipal Park	9	\$105.00
54.	Removing equipment in a Municipal Park	9	\$105.00
55.	Removing a growing plant in a Municipal Park	9	\$105.00
56.	Marking a building in a Municipal Park	9	\$105.00
57.	Marking equipment in a Municipal Park	9	\$105.00
58.	Marking a structure in a Municipal Park	9	\$105.00
59.	Writing upon a building in a Municipal Park	9	\$105.00
60.	Writing upon equipment in a Municipal Park	9	\$105.00
61.	Writing upon a structure in a Municipal Park	9	\$105.00

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**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. 983, of the Town of Essex attached hereto are the set fines for those offences. This Order is to take effect November 19, 2009.

Dated at London this 19th day of November 2009



Kathleen E. McGowan  
Regional Senior Justice  
West Region