

The Township of Cavan Monaghan

By-law No. 2013-63

Being a by-law to regulate the use of Township parkland

Whereas the Council of the Township of Cavan Monaghan deems it necessary to identify uses that will be permitted upon municipally owned parkland and regulate and prohibit uses that are deemed inappropriate in publically owned parkland.

Now Therefore the Council for the Township of Cavan Monaghan hereby enacts as follows:

1. In this By-law:
 - a) "C.A.O." means the Chief Administrative Officer for the Township of Cavan Monaghan or his/her designate unless otherwise stated.
 - b) "Parkland" means any municipal property that is or hereafter may be established, dedicated, set apart or made available for use and includes playgrounds, sports fields, memorial squares, trails, gardens, waters, marinas boat launches and any other area used for active or passive recreational purposes or for any purpose ancillary thereto;
 - c) "Contract" means any contract issued in accordance with the provisions of this by-law.
 - d) "Property" means any real property owned, leased, or under the control or jurisdiction of the Township of Cavan Monaghan.
 - e) "Permitted Use" refers to uses that are deemed to be appropriate and/or acceptable by the Township of Cavan Monaghan.
 - f) "Prohibited Use" refers to uses that are deemed inappropriate and/or unacceptable by the Township of Cavan Monaghan.
2. No person shall occupy any portion of a highway, property, or parkland under the jurisdiction of the Township of Cavan Monaghan for filming purposes except in accordance with a valid contract issued pursuant to the Location Filming By-law for the Township of Cavan Monaghan.
3. All parks, parkland and trails, with the exception of Whitfield Landing shall be considered non-operational from Thanksgiving Monday of each year, until the Friday prior to Victoria Day of each subsequent year. Whitfield Landing will be considered non-operational from the Monday following the

- 3rd weekend in November, each year to the Friday prior to Victoria Day each subsequent year. During these periods, the Township of Cavan Monaghan will perform no maintenance and only complete minimal inspections. Parks, parkland and trails will have signs erected indicating open season and clearly stating that there is no maintenance when closed. This measure must be taken to protect the safety of persons using park facilities and equipment during a time when environmental conditions may promote or increase the potential for personal injury.
4. Parkland is to be used for the purpose it was intended. Misuse of park facilities and equipment may cause personal injury or damage to park facilities and equipment.
 5. Unauthorized motor vehicles are prohibited on green-space within parks or upon trail corridors.
 6. Authorized motor vehicles are permitted on parkland property where designated parking facilities have been provided. In addition, motorized vehicles will be permitted on parkland and green-space in circumstances whereby Council for the Township of Cavan Monaghan has passed a motion to permit. Maintenance personnel performing regular duties and work within the park facilities are permitted at all times.
 7. Activities that are known to have a great deal of risk associated with them such as "Paintball War Games" are strictly prohibited.
 8. All residents of and visitors to the Township of Cavan Monaghan shall be entitled to the privilege of using Township owned and/or operated parkland provided that they adhere to the provisions set forth in the by-law. It is clearly understood that the availability for parkland use is a privilege and not a right.
 9. Park users who have a current/valid contract for facility use will have priority for park/field usage.
 10. Contracts for use can be obtained through the Township of Cavan Monaghan Economic and Community Development Department. Contracts may be issued at a fee that has been pre-determined by the Council of the Township of Cavan Monaghan as part of the User Fees and Charges By-law, following approval of contracts.
 11. While in any park, no person shall:
 - a) Unless authorized by contract hold a picnic, organized gathering or event for more than 25 persons ;or
 - b) Interfere with a picnic, organized gathering or event authorized by contract.

12. Unless authorized by contract, no person shall place, install, or erect any temporary or permanent structure in any park.
13. Unless authorized by contract no person shall dwell, camp or lodge in any park.
14. All persons utilizing Township parkland shall comply with all current Township of Cavan Monaghan by-laws and policies as they may pertain to the activities in which the individuals are engaged. These include, but are not limited to:
 - a) Zero Tolerance Policy
 - b) Municipal Alcohol Policy
 - c) User Fees and Charges By-law
 - d) Smoking in Certain Public Spaces By-law
 - e) Poop & Scoop By-law
 - f) Location Filming By-law
15. It should be explicitly understood that the owner/handler of any animal will be held responsible and personally liable for any damage caused, or affected by any animal in their charge. All persons shall leash their animals when on municipal property and adhere to all animal control by-laws as set forth by the Township of Cavan Monaghan. In addition, animals should be in the care and control of their owner/handler at all times.
16. Any person(s) found in contravention of this By-law may be guilty of an offence.
17. A fine not exceeding \$500.00 may be levied against any individual(s) that contravene any stipulations within this by-law. The Council for the Township of Cavan Monaghan will designate the By-law Enforcement Officer as responsible for the enforcement of this By-law. Economic and Community Development Department Staff are authorized to inform any person of the provisions of this By-law and to request compliance.
18. Where extenuating circumstances exist, personnel for the Township of Cavan Monaghan may ask an individual(s) to immediately vacate a park property. If the individual(s) refuses to voluntarily abide by direction(s) administered by Corporate Personnel, the governing law enforcement agency will be contacted and charges may be laid pursuant to the "Trespass to Property Act".
19. That By-law 2011-49 is hereby repealed in its entirety.
20. That this By-law shall be effective immediately upon the passing thereof.

Read a first, second and third time and passed this 18th day of November, 2013.

John Fallis
Mayor

Elana Arthurs
Clerk