

PARKS - RECREATION

**CHAPTER 785
PARKS REGULATION**

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Article 1 SHORT TITLE

785.1.1 Short Title

This Chapter shall have the short title of "Parks Chapter". In the text of the Chapter, it is referred to as "this Chapter."

Article 2 INTERPRETATION

785.2.1 Aggregate - defined

"Aggregate" shall mean soil, sand, gravel and rocks.

785.2.2 Animal - defined

"Animal" shall mean any member of the animal kingdom, other than human.

785.2.3 Building - defined

"Building" shall mean any and all buildings as defined by the Ontario Building Code, owned or made available by lease agreement or otherwise to the City that may be placed or erected on parkland.

785.2.4 Capable person - defined

"Capable person" shall mean a person of sufficient size and stature that is able to control and restrain an animal to such an extent that the physical well being of any person or animal is not threatened.

785.2.5 City - defined

"City" shall mean the Corporation of the City of Orillia.

785.2.6 Control - defined

"Control" shall mean secured by a leash not exceeding 1.8 meters (six feet) in length and under the supervision of a capable person.

785.2.7 Council - defined

"Council" shall mean the Council of The Corporation of the City of Orillia.

785.2.8 Damage - defined

"Damage" includes to cut, break, destroy, injure, deface, tear-up, burn, dig, disturb, or mark.

785.2.9 Maintain - defined

"Maintain" includes to wash, clean, polish, service, or repair.

785.2.10 Motorized snow vehicle - defined

"Motorized Snow Vehicle" shall mean a self-propelled vehicle designed to be driven primarily on snow.

785.2.11 Motor vehicle - defined

“Motor vehicle” includes an automobile, bus, motorcycle, motor assisted bicycle, all terrain vehicle and any other vehicle propelled by or driven otherwise than by muscular power, but does not include a motorized snow vehicle.

785.2.12 Parkland - defined

“Parkland” shall mean any and all lands owned by, or made available by lease, agreement or otherwise to the City that has been or hereafter may be set apart, designated, dedicated or established by Council as public parkland.

785.2.13 Run at large - defined

“Run at large” means an animal not under the control of a capable person.

785.2.14 Special Event - defined

“Special event” means a carnival, festival, fireworks display, organized sporting event, public meeting, speech, or lecture.

785.2.15 Structure - defined

“Structure” includes equipment, benches, walkways, tennis courts, outdoor rinks, outdoor pools, waste disposal containers, playground apparatus, skateboard park apparatus, shelters, fencing, lighting, boat ramps, decks, docks, wood, monuments, plaques, parking areas or other such structures that may be placed or erected on parkland.

785.2.16 Tent - defined

“Tent” means any portable shelter including but not limited to a camping tent, sunshade, or canopy.

785.2.17 Vegetation - defined

“Vegetation” includes trees, horticultural displays, shrubs, grass, turf, flowers, plants or fruit.

785.2.18 Vehicle - defined

“Vehicle” includes a motor vehicle, trailer, and vehicle drawn, propelled or driven by any kind of power including muscular power, but does not include a motorized snow vehicle.

785.2.19 Vessel - defined

“Vessel” includes every description of watercraft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water.

**Article 3
GENERAL PROHIBITION**

785.3.1 Motor vehicles - prohibited

No person shall operate a motor vehicle upon any parkland with the exception of an area posted, designed or intended for such purpose.

785.3.2 Motor vehicles - exempt

Notwithstanding section 785.3.1 wheelchairs and mobility devices shall be exempted.

785.3.3 Motorized snow vehicles - prohibited

No person shall operate a motorized snow vehicle except in accordance with Chapter 667 - Motorized Snow Vehicles.

785.3.4 General - prohibited

No person shall within any parkland, building or structure:

- (a) damage any building, structure, vegetation, or aggregate;
- (b) create a domicile;
- (c) discharge any pyrotechnics unless duly authorized by Council;
- (d) fail to remove forthwith and dispose of any excrement left by an animal brought into such property;
- (e) indulge in profane language;
- (f) discharge a firearm, catapult, sling shot, or other similar device except in accordance with Chapter 910 - Firearms.

785.3.5 General - exemption - authorization - issued

No person shall do any acts hereinafter specified within any parkland, building or structure, except a person acting under the authority of the General Manager of Corporate Services/City Solicitor, or designate:

- (a) conduct any special event, or other such event which involve a large number of people;
- (b) operate amusement or entertainment rides, hot air balloons or games of chance;
- (c) conduct or participate in any game or activity in an area not designed for that type of game or activity, or that may cause an element of danger to those people not involved in the game or activity;

- (d) operate or use any engine powered airplane or similar airborne apparatus or device;
- (e) operate or use any apparatus, mechanism or device for the amplification of the human voice, music or other sound that may impact others;
- (f) sell, or offer for sale, or expose any merchandise, article or anything for immediate or future delivery, or any art, skill, or service exercised or performed immediately or in the future;
- (g) conduct or solicit for any trade, occupation, business, or profession;
- (h) obstruct in any way a roadway or path;
- (i) erect, use, or leave a structure of any kind;
- (j) erect, use, or leave any tent on or within any building or structure;
- (k) erect, use, or leave any tent between the hours of 9:00 p.m. and 8:00 a.m.;
- (l) erect, use, or leave any tent that:
 - (i) is greater than 1.5 metres (5 feet) in height, or occupies or covers a space greater than 4.6 square metres (50 square feet), on or within any portion of a beach, or;
 - (ii) occupies or covers a space greater than 9.3 square metres (100 square feet), on or within any portion of parkland that is not a beach;
- (m) erect, use, or leave any tent without at least one side being completely open to public view;
- (n) encroach upon parkland or make exclusive use of any portion of any parkland;
- (o) set or permit any fire to burn;
- (p) hunt or kill, or attempt to hunt or kill any animal, or in any way injure, or disturb any animal;
- (q) damage or remove the nest, den or eggs of any animal;
- (r) use, ride, train, or race any horse;

- (s) permit any animal to enter/use a building, public beach or swim area, or children's play apparatus area;
- (t) permit any animal to run at large;
- (u) maintain any vehicle or vessel except in the case of repairing a vehicle or vessel in an emergency;
- (v) use an athletic field before the first of May each year;
- (w) feed any bird;
- (x) remove any vegetation or aggregate, except by City staff or approved contractors of the City as required in the alterations or maintenance of such property;
- (y) post or display any sign, banner or advertisement except in accordance with Chapter 832 - Signs.
- (z) use any cooking device or apparatus including, but not limited to a barbecue, camp stove, smoker, or griddle, whether portable or fixed.

Article 4 PERMITS

785.4.1 General Manager of Corporate Services/City Solicitor- permit - issue

The General Manager of Corporate Services/City Solicitor, or designate may issue a permit to a person for the exclusive use of all or a portion of a park or park building subject to such terms and conditions as the General Manager, or designate may consider reasonable, desirable and appropriate.

Article 5 FEES

785.5.1 Fees

The City may from time to time prescribe a fee or fees for the public use of a park or park building or a portion thereof and no person shall use such park or park building or portion thereof without having first paid the prescribed fee to the City.

Article 6 EXEMPTIONS

785.6.1 General - prohibited - exemptions

The provisions contained in Article 3 of this Chapter shall not apply to:

- (a) an employee of the City while engaged in the performance of his or her municipal duties; and
- (b) an employee of the police, fire, ambulance, rescue service, Ministry of Natural Resources and Ontario Society for Prevention of Cruelty to Animals while engaged in the performance of his or her duties.

785.6.2 Dog - designated off leash parkland - exempt

The provisions of Section 785.3.5(s) shall not apply to any dog within a designated off leash parkland area.

Article 7 ENFORCEMENT

785.7.1 Hinder or Obstruct

No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this Chapter, or any person lawfully acting in aid of such an Officer. Without limiting the generality of the meaning of “hinder” or “obstruct”, a person shall be deemed to have obstructed or hindered an Officer in the execution of their duties if he or she:

- (a) provides false information to an Officer; or
- (b) is alleged on reasonable and probable grounds to have contravened any of the provisions of this Chapter, and fails to identify themselves to an Officer upon request.

785.7.2 Fine - for contravention

- (a) any person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.
- (b) where a section of this Chapter has been contravened, a director or officer of a corporation who knowingly concurs in the contravention is guilty of an offence.

- (c) upon conviction, in addition to any other remedy and to any penalty imposed by this Chapter, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

785.7.3 Authority - enforcement

A Municipal By-law Enforcement Officer or Police Officer is hereby vested with the authority of enforcing the provisions of this Chapter.

785.7.4 Validity and Severability

Every provision of this Chapter is declared severable from the remainder and if any provision of this Chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder.

785.7.5 Rebuttable presumption - identification

In a prosecution for a contravention of this Chapter, evidence of identification shall be presumed to be correct and accurate, unless rebutted by evidence to the contrary.

Adopting By-law: By-law 2008-55, 21 April 2008.

By-law Amendments: By-law 2012-131, 1 October 2012; By-law 2017-14, 13 February 2017; By-law 2021-36, 19 April 2021; By-law 2021-97, 4 October 2021.