

The Township of Cavan Monaghan

By-Law Number 2011-49

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 publicly owned parkland.

The Council for the Township of Cavan Monaghan Hereby Enacts as a by-law of the Township as follows:

1. In this By-law:
 - (a) "C.A.O." means the Chief Administrative Officer for the Township of Cavan Monaghan or his or her designate unless otherwise stated.
 - (b) "Parkland" means land and land covered by water and all portions thereof owned by or made available by lease, agreement, or otherwise to the Township that is or hereafter may be established, dedicated, set apart or made available for use as public open space or golf course, and that has been or hereafter may be placed under the jurisdiction of the Corporate Administrator including any and all buildings, structures, facilities, erections, and improvements located in or on such land, save and except where such land is governed by other by-laws of the Township.
 - (c) "Permit" means any permit 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 Uses" 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 to be 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 permit issued pursuant to the Location Filming By-law for the Township of Cavan Monaghan.
3. All parks and parkland with the exception of year round walking and hiking trails such as the Millbrook Valley Trails and Whitfield Landing shall be considered non-operational from October 31st every year to Victoria Day of every year. Whitfield Landing will be considered non-operational from the 3rd weekend in November every year to Victoria Day of every year. During these periods, the Township of Cavan Monaghan will perform no maintenance or necessary inspection practises. During this period, parks should have signs erected at the entrances indicating that the parkland is "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. Unauthorised motor vehicles will not be permitted on greenspace within parks or upon trail corridors that are posted with a "No Motorized Vehicles" sign.

6. Activities that are known to have a great deal of risk associated with them such as “Paintball War Games” are strictly prohibited.
7. Authorised Motor Vehicles are permitted on parkland property where designated parking facilities have been provided. In addition, Motorised Vehicles will be permitted on parkland and green-space in circumstances whereby Council for the Township of Cavan Monaghan has passed a motion or in cases where maintenance personnel carries on regular duties and work within the park facilities and the utilisation of a motorised vehicle is required to perform the task at hand. Uses that may be permitted by Municipal Council may include snowmobile trails, handicapped scooter paths, etc.
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 this By-law. It is clearly understood that the availability for parkland use is a privilege and not a right.
9. All persons utilising Township parkland shall comply with all Township of Cavan Monaghan By-laws as they may pertain to the activities in which the individual(s) are engaged in.
10. All persons will adhere to the Township of Cavan Monaghan’s Zero Tolerance Policy as it pertains to municipal parks and facilities. The Zero Tolerance Policy includes the following:

Zero Tolerance Policy

This and all other facilities within the Township of Cavan Monaghan have a Zero Tolerance Policy in effect. This policy will be adhered to by all users of this facility and will be strictly enforced by facility personnel and/or the Ontario Provincial Police. The guidelines of this policy are as follows:

- ✓ No Illegal Substances Permitted
- ✓ No Profanity
- ✓ No Violence
- ✓ No Illegal Alcohol
- ✓ No Smoking in Prohibited Areas
- ✓ Show Respect to all Players, Team Personnel, Officials, Facility Personnel and all other visitors to this Facility

This policy applies to all users of this facility to ensure that everyone has a safe and enjoyable experience in a controlled environment.

Anyone not adhering to, or abiding by this policy will be subject to expulsion from this facility and/or all Municipal Properties for an undetermined period of time, and may be subject to charges being laid.

Be Respectful to Each Other and Have A Great Time!

Play Hard – Play Fair – Play Safe

11. 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. Dogs that are of a breed that is considered to be more susceptible to aggressive behaviour should be outfitted with a muzzle that will protect persons and animals from harm or injury.
12. It should be explicitly understood that the owner/handler of any animal will be held responsible and personally liable for any damage caused, or effected by any animal in their charge.
13. Any person(s) that contravene any prohibiting definitions as contained within this By-law may be guilty of an offence.

14. A fine not exceeding \$500.00 may be levied against any individual(s) that contravene any stipulations within this By-Law. Council for the Township of Cavan Monaghan will designate officers who will be responsible for the enforcement of this By-Law.
15. 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".
16. That By-law 2001-55 is hereby repealed in its entirety.
17. That this By-law shall be effective immediately upon the passing thereof.

Read a first, second, and third time and finally passed in open Council this 4th day of July, 2011.

Mayor

Clerk