

BY-LAW NUMBER 131-2019

A BY-LAW FOR THE USE, REGULATION, AND PROTECTION OF PARKS

Passed the 16th day of December, 2019.

WHEREAS Section 94 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended authorizes that, despite section 19, a municipality may, if one of the purposes for so acting is for its own purposes, exercise its powers under subsection 10 (1), or 11 (1), paragraph 7 of subsection 10 (2), paragraph 7 of subsection 11 (2) or paragraph 5 of subsection 11 (3), in relation to culture, Parks, recreation and heritage in the municipality, in another municipality or in unorganized territory.

AND WHEREAS Section 35 of the *Liquor Licence Act*, R.S.O. 1990, c. L.19, as amended, provides that the Council of a municipality may by By-law, designate recreational areas within the municipality owned or controlled by the municipality as places where possession of liquor is prohibited;

AND WHEREAS it is desirable to regulate, protect and govern the use of Parks, and public open space within the City of Windsor;

AND WHEREAS it is desirable to repeal By-law 200-2002 and the amendments thereto;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

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SECTION 1 - TITLE

1.1 This By-law may be referred to as the Parks By-law.

SECTION 2 - DEFINITIONS

2.1 In this By-law:

- (a) **BICYCLE** includes a tricycle and unicycle but does not include an E-bike, or other wheeled conveyance;
- (b) **CENTRE LINE** means a longitudinal division of a Multi - Use Trail, whether or not the division is indicated on the surface of the Multi - Use Trail;
- (c) **CONTROL** means care and custody;
- (d) **CORPORATION** means The Corporation of the City of Windsor;
- (e) **COUNCIL** means the Council of the Corporation;
- (f) **DESIGNATED AREA** means an area within a Park designated by the Executive Director for a specific use or purpose either permanently or for a specific time, duration or occasion, which may include Posted conditions;
- (g) **E-BIKE (Electric Bicycle)** means a power-assisted Bicycle, or E□ bike, as defined by the Ontario Ministry of Transportation, as amended from time to time. For the full definition, please see subsection 2(1) of the Motor Vehicle Safety Regulations under the Motor Vehicle Safety Act;
- (h) **ENVIRONMENTALLY SIGNIFICANT AREA (ESA)** means an area designated as an Environmentally Significant Area or an Environmentally Sensitive Area in the Corporation's Official Plan;
- (i) **EXECUTIVE DIRECTOR** means the Department Head of either Parks or Recreation & Culture, or his or her designate;
- o) **HAZARDOUS MATERIALS** means any materials made of metal, wire, piano wire, fishing line or any type of nylon that can be or is chemically treated or contains glass fragments;
- (k) **LEASH FREE ZONE** means a Designated Area (such as a dog park), where a Person(s) owning or in Control of a licensed dog(s) are permitted to allow such animals to be unleashed;
- (l) **LIQUOR** means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter;
- (m) **MOTORIZED VEHICLE** means a Motor Vehicle as defined in the Highway Traffic Act, R.S.O. 1990, c.H-8, as may be amended from time to time.
- (n) **MOTORIZED RECREATIONAL VEHICLES** includes, but is not limited to an automobile, motorcycle, E-bike, snowmobile, go-cart,

trail bike, mini bike, all terrain vehicle, or similar vehicle, propelled by an internal combustion engine, or electric motor;

- (o) **MULTI - USE TRAIL** means a recreational pathway on City of Windsor property intended for use by pedestrians, bicyclists and Persons using Wheeled Conveyances, which is improved by asphalt, concrete, brick or any other surface, whether or not it is located in a Park, and includes any bridge or structure with which it is contiguous;
- (p) **MUNICIPALITY** means The Corporation of the City of Windsor;
- (q) **ORGANIZED ACTIVITY** means an activity pre-planned by a group or organization whether or not formally constituted, including but not limited to sports and games whether or not the Persons wear uniforms;
- (r) **PARK** means any (i) land established by Council as a public Park, (ii) community centre, (iii) arena, (iv) pool, or (v) other lands maintained by the Department of Parks, and includes any body of water in connection therewith, or adjacent thereto, owned or operated by the Corporation;
- (s) **PARK ROADWAY** means, a road in a Park, which is set aside specifically for use by Motorized Vehicles, Bicycles and E-bikes, including parking lots designated and intended for the parking of Motorized Vehicles;
- (t) **PERMISSION or PERMIT** means the express prior written permission of the Executive Director in accordance with the rules and conditions set out in a permit issued by the Executive Director, as Posted in the Park, or as otherwise expressly permitted in writing by the Municipality;
- (u) **PERSON** means an individual person or any association, corporation or partnership but does not include any person charged with the maintenance of public order or the maintenance or supervision of a Park;
- (v) **POST or POSTED** refers to the erection or presence of permissive, regulatory, restrictive, warning or prohibitive signs and **POSTED AREA** means an area where such signs are erected;
- (w) **SERVICE ANIMAL** includes a guide dog or other trained service animal identifiable by a harness and used principally to assist Persons with a visual, hearing or other disability or impediment;
- (x) **SPLASH / SPRAY PAD** means an unsupervised area for water play that has no standing water and can include engaging water features such as shower heads and spray jets;
- (y) **SPORTS COURT** means a specially marked paved area within a Park within which a game is designated to be played, including, but not limited to, basketball, squash, or tennis;
- (z) **SPORTS FIELD** means a special area, made of natural or artificial turf, within a Park within which a game is designated to be played, including, but not limited to, soccer, or baseball;
- (aa) **SWIM ATTIRE** means attire that is clean and worn specifically for swimming; it must not restrict movement or create a safety hazard,

and cannot be clothing worn from the street into the pool. This includes a bathing suit, swim trunks, "board shorts", attire worn for scuba diving or surfing such as a rash guard or wet suit, short or long-sleeved shirts and/or tights and/or shorts made of synthetic material such as "Lycra" or "Spandex".

- (bb) **WATERCRAFT** means any device for the conveyance in or on water and includes but is not limited to boats, row boats, sail boards, canoes, kayaks, or dinghies;
- (cc) **WHEELED CONVEYANCE** means every manner of conveyance which has one or more wheels, including but not limited to, roller skates, in-line-skates, roller skis, skateboards, scooters, carriage, wagon or sleigh; but excludes a wheelchair or similar device (powered or otherwise) used by an individual due to a disability, a Motorized Vehicle, Bicycle or E-bike, baby carriage or cart, child's wagon, child's stroller, child's sleigh, or other conveyance of like nature.

SECTION 3 - SCOPE, CONDITIONS OF ENTRY, and UNIVERSAL RULES

3.1 Scope

This By-law shall apply to Parks in the Municipality.

3.2 Exclusions and Exemptions

This By-law shall not apply to:

- (1) The drivers, operators, or other personnel of ambulances, police or fire department Motorized Vehicles while responding to an emergency.
- (2) Employees or agents of the Municipality while engaged in works or services undertaken for or on behalf of the Municipality.
- (3) Cemeteries as defined by the *Funeral, Burial and Cremation Services Act, 2002*.

3.3 Conditions of Entry

- (1) All persons entering a Park do so at their own risk;
- (2) All persons have an obligation and responsibility to themselves, as well as to other users of the Park, to conduct themselves in a safe manner;
- (3) Using the Park is deemed acceptance of these conditions of use and requirements of this by-law.

3.4 Universal Rules

- (1) Any action or inaction which is permitted by Permit is allowed under the terms and conditions of the Permit, notwithstanding the terms and conditions of this bylaw.
- (2) Save and except as may be allowed by Permit, all Persons in a Park must comply with any Posted rules or conditions, as they may be amended from time to time.

- (3) All Persons in a Park must, at all times, comply with all governing legislation, regulations, bylaws, guidelines, rules, or other governing power, right, or mandate, whether federal, provincial, municipal, or other lawful authority.

SECTION 4 - CONDUCT

4.1 Conduct

While in a Park, or Environmentally Significant Area (ESA) no Person shall:

- (1) Indulge in any riotous, boisterous, violent, threatening or illegal conduct or use profane or abusive language;
- (2) Create a nuisance or in any way interfere with the use and enjoyment of the Park by other Persons.

4.2 Restricted Areas

While in a Park, no Person shall enter into an area in a Park where it is Posted to prohibit or restrict admission to the public.

4.3 Destruction or Abuse of Property and Equipment

While in a Park no Person shall:

- (1) Deface, alter, write upon, destroy, damage or remove in any way, real or personal property or equipment of other Persons or of any person charged with the maintenance of public order or the maintenance or supervision of a Park;
- (2) Open or otherwise tamper with an emergency life preserver enclosure except in an emergency situation requiring the use of the emergency life preserver.

4.4 Destruction or Abuse of Trees, Plants, Flowers, Shrubs, Grass and other areas

While in a Park, no Person shall:

- (1) Destroy, disturb, burn or in any way damage or remove any tree, Sports Court, Sports Field, landscape feature, flower, shrub, plant, sod, grass or other vegetation, soil, sand, gravel or wood, except by Permit;
- (2) Construct upon or alter the grade of any property except by Permit for special use (i.e. Community Gardens).
- (3) Plant any tree or vegetation, add mulch, or remove invasive plants or trees, except by permit.

4.5 Littering, Polluting, Dumping

No Person shall in any Park:

- (1) Dispose or dump garbage, litter, tree trimmings or like refuse; except that which is generated through the normal use of the Park and is deposited in receptacles provided for such purpose;

- (2) Dispose or dump garden, household or commercial refuse in any Park receptacle or in any other area of the Park;
- (3) Dump, drain or discharge onto any soils, or into any waters within any Park (including pools and bathing areas, fountains, or any tributary, pond, lake, brook, stream, sewer or drain flowing into any waters, or watercourse of any kind), any substance, liquid or solid, toxic or otherwise, which may have the effect of polluting the Park or said watercourse(s).

4.6 Restrictions on Glass Containers

Unless otherwise Permitted, no Person shall, in any Park, consume from or use glass containers unless in Designated Areas and during designated times.

4.7 Explosives, Firearms and Weapons

While in a Park, no Person shall:

- (1) Unless authorized by Permit, be in possession of or use any weapon of any kind, including but not limited to a firearm, torpedo, rocket of any type, air gun, bow and arrow, axe or knife;
- (2) Throw or propel stones;
- (3) Ignite, discharge or set off any fireworks, firecrackers, sky lanterns, etc., except as a fireworks display authorized by Permit and in compliance with all federal, provincial and municipal laws and bylaws.

4.8 Disorderly Behaviour

No Person shall in any Park:

- (1) Enter or leave any Park except by designated entrance ways or exits, or enter or attempt to enter any facility, area or building sealed, locked or otherwise restricted from public access;
- (2) Use any buildings, structure or equipment for any purpose other than that for which it is obviously intended;
- (3) Remove or change the location of or in any way disturb the setting of playground or any other equipment or chattels or of any part or portion thereof;
- (4) Climb any building, structure or equipment, unless it is equipment designed for climbing;
- (5) Cause to take place or participate in a marriage ceremony except in a Designated Area and with Permission;
- (6) Use a metal detector unless authorized by a Permit issued by the Municipality.

4.9 Alcohol

While in a Park, no Person shall possess, consume, serve or sell Liquor unless authorized by a Permit issued by the Municipality and with the

approval of the Alcohol and Gaming Commission of Ontario, as applicable.

4.10 Smoking

All Persons entering into and using a park must comply with By-law 113-2006 which prohibits smoking in City Parks, conservation areas, marinas and recreation facilities, as well as any associated parking lot or walkway, except for temporary designated smoking areas for events obtained by permit or through an agreement with the City. Prohibited smoking products include cigarettes, cigars, pipes, e-cigarettes, hookahs, water pipes and any other lighted or heated equipment used to smoke or vaporize any tobacco or non-tobacco product.

4.11 Protection of Wildlife

- (1) While in a Park, no Person shall feed, kill, attempt to kill, trap, hunt, fish, pursue or in any manner disturb any animal, bird, waterfowl, fish, worms, or other wildlife, unless Posted otherwise;
- (2) "Feed" or "Feeding" in this section shall mean furnishing or making food available to animals including leaving food outdoors in such a manner as to attract or be accessible to an animal, wild animal, wildlife, feral or stray domestic animal in a park.
- (3) "Food" in this section shall mean anything that can be consumed by an animal for sustenance or any substance that could be reasonably expected to attract wildlife, a wild animal or animals or does attract wildlife, wild animals, strays, feral or abandoned animals.

"Food" does not include:

vegetation or insects that are part of the natural environment (i.e. grass, insects),

compost that is kept in accordance with all applicable by-laws, statutes or regulations,

food grown for human consumption on private property and not removed from that private property by any Person,

food grown for human consumption in a community garden or similar area in a Park whereby the community garden or similar area is kept in accordance with all applicable by-laws, statutes or regulations, and

landscaping materials used for landscaping purposes.

- (4) Designated wild bird feeding stations at Ojibway Park as Posted are exempt from this section of the by-law.

4.12 Encroachment

Unless authorized by the Municipality (by Permit or otherwise), no Person shall encroach upon any Park by any means whatsoever, including but not limited to, the construction, installation or maintenance of any fence or structure, the dumping or storage of any materials or plantings, or the planting, cultivating, grooming or landscaping thereon.

4.13 Environmentally Significant Areas (ESA) - Prohibitions

The following special prohibitions shall apply to all Persons entering into and using a Park which is an Environmentally Significant Area:

- (1) No Person shall cut or remove any plant, aquatic vegetation, wood, turf, grass, soil, rock, sand or gravel unless Permitted;
- (2) No Person shall carry out any scientific investigation or study unless Permitted;
- (3) No Person shall cause or permit any animal under their Control to enter into or foul any of the waters of a Park including any pond, stream or river;
- (4) No Person shall swim in, bathe in, or pollute in any way the waters of any pond, stream or river;
- (5) No Person shall camp, set up a tent, park a trailer or hold a picnic, except in a Designated Area;
- (6) No Person shall deposit, dump or leave waste and/or refuse of any kind;
- (7) No Person shall operate a Motorized Vehicle, Bicycle, E-Bike or Wheeled Conveyance within the boundaries of an ESA unless signs are Posted specifically allowing such activity;
- (8) No Person shall ride, lead or drive any animal within the boundaries of an ESA, except for a dog which must be on a leash in accordance with the requirements of all municipal bylaws;
- (9) No Person shall start or maintain a fire in an ESA for any purpose without Permission.

SECTION 5 - PARK USE

5.1 Campfires and Barbeques

While in a Park, no Person shall:

- (1) Light, build, or stoke a fire or bonfire unless authorized by Permit or in a Designated Area;
- (2) Use a portable barbeque unless it is authorized by Permit or in a Designated Area and the following criteria are met:
 - (a) Charcoal, briquettes or propane tanks must be no larger than 16 ounces, and
 - (b) All debris must be removed from the Park;
- (3) Use fuel other than charcoal or briquettes in a barbeque provided by the Municipality;
- (4) Leave a fire unattended or leave the site of the fire before the fire is completely extinguished.

5.2 Organized Gatherings and Picnics

While in a Park, no Person shall:

- (1) Hold a picnic, Organized Activity or other event for more than twenty-five Persons without Permission;
- (2) Interfere with a picnic, Organized Activity or other event which is authorized by Permit.

5.3 Amplifiers and Loud Speakers

- (1) Unless authorized by Permit, no Person shall operate loud speakers or sound amplification equipment while in a Park;
- (2) While in a Park no Person shall operate, or use, any radio, tape player, compact disc player, car radio, or any other sound reproducing system in a manner which disturbs or interferes with other Persons in or near the Park.

5.4 Camping and Lodging

Unless authorized by Permit, no Person shall dwell, camp, or lodge in a Park.

5.5 Tents and Structures

Unless authorized by Permit, no Person shall place, install, erect or park any temporary or permanent tent, shelter, structure, or trailer in any Park.

5.6 Swimming

All persons swimming in a Park shall comply with the Posted rules. No Person shall in any Park:

- (1) Enter any public swimming pool, except at times designated for swimming;
- (2) Enter any public swimming pool while infected with a communicable disease or with open sores on their body;
- (3) In or adjacent to any swimming pool, or other designated swimming area, fail to abide by Posted signs or to obey the instructions of any lifeguard or employee of the Corporation, falsely call for help or assistance, stand, sit or climb on a lifeguard station except in an emergency situation;
- (4) Dive into the water except in a Designated Area;
- (5) Swim, bathe, or wade in any fountain, pond, lake or stream, except in a Designated Area;
- (6) Take any inflatable device, swimming assist, snorkel, or other underwater breathing device into the water, other than a Canadian Standards Association (CSA) or Transport Canada approved personal flotation device, unless Posted or provided to the Person by the Corporation;
- (7) Swim, bathe or wade without being properly attired in Swim Attire;
- (8) Include as part of their Swim Attire: underwear, lingerie, clothing that has been cut off including jean shorts, jeans or sweatpants, attire with exposed metal zippers and/or rivets or clothing with offensive language and/or messaging. Persons who are not in

control of their bladder and bowels are required to wear reusable or disposable swim diapers or pants designed specifically for aquatic environments. Standard cloth or disposable diapers are not permitted.

- (9) Enter any public swimming pool without wearing an incontinence product that keeps fecal matter contained within the product if the Person is not in control of their bladder or bowels.

SECTION 6 - GAMES SPORTS AND ORGANIZED ACTIVITIES

6.1 Organized Sports or Activities

- (1) While in a Park, no Person shall:
 - a. Arrange or engage in an Organized Activity, except in a Designated Area such as a Sports Court or Sports Field;
 - b. Interfere with an Organized Activity occurring within a Designated Area;
 - c. Utilize a Designated Area without a Permit where same is Posted to prohibit or restrict such use; or
 - d. Utilize a Designated Area under unsafe field conditions including the ponding of water or the presence of lightning.

6.2 Golfing and Archery

While in a Park, no Person shall strike a golf ball or unleash an arrow, except in a Designated Area or by Permit.

6.3 Model Aircraft And Rockets

While in a Park, no Person shall operate powered models of aircraft, rockets, Watercraft, Motorized Vehicles, drones (whether model or otherwise, recreational or non-recreational), unmanned aerial vehicles, or other similar machines unless authorized by Permit, in a Designated Area or Posted Area. Permits shall only be issued at the discretion of the Executive Director.

Permits to operate such vehicles shall only be issued where the applicant can demonstrate compliance with all applicable federal and provincial legislation.

6.4 Skating, Skiing, Tobogganing and Sledding

No Person shall skate, ski, toboggan, snowboard, skibob or sled in any area in any Park except in Designated Areas where such activity is permitted or with Permission; and shall in such circumstances comply with any Posted Rules as applicable.

6.5 Roller Skates, Roller Blades and Skateboards

While in a Park, no Person shall:

- (1) Operate or utilize Wheeled Conveyances where Posted to prohibit or otherwise restrict the use of the same;

- (2) Obstruct, inconvenience or endanger other users of the Park while operating, or utilizing Wheeled Conveyances;
- (3) Use a skateboard except in Designated Areas.

6.6 Tennis

No Person shall enter, walk, or play in a Designated Area for tennis in any Park except in accordance with the Posted rules and regulations.

6.7 Kites

No Person shall in any Park:

- (1) Fly a kite with a string or other type of tethering material made of Hazardous Materials;
- (2) Fly a kite within 25 metres of any tree, building, light pole or hydro or other utility pole;
- (3) Fly a kite in or over Park Roadways;
- (4) Fly a kite for the purpose of competitive flying unless authorized by Permit;
- (5) Fly a kite where Posted to prohibit kite flying;
- (6) Leave in the Park any part of the kite, including the string or other type of tethering material, except in a waste disposal container.

SECTION 7 - VEHICLES

7.1 General Use

- (1) Unless otherwise authorized pursuant to this Bylaw, no Person in a Park shall use, drive, operate, pull, or ride:
 - a. A Bicycle except on a Multi - Use Trail, Park Roadway or in a Designated Area;
 - b. Any Wheeled Conveyance except on a Multi - Use Trail, or in a Designated Area;
 - c. An E-Bike except on a Park Roadway or by Permit;
 - d. A Motorized Vehicle except on a Park Roadway or by Permit.
- (2) It shall not be an offence to use or ride any Wheeled Conveyance to cross a Park Roadway where a Multi - Use Trail crosses that Park Roadway;
- (3) No Person shall ride a Bicycle, E-bike, use a Wheeled Conveyance or Motorized Vehicle on a Park Roadway or Multi - Use Trail which is closed, or where such use is prohibited;
- (4) Unless otherwise Posted no Person shall operate a Bicycle, E-bike, Wheeled Conveyance, or Motorized Vehicle in a Park at a speed greater than twenty (20) kilometres per hour;

7.2 Bicycles

While in any Park, no Person shall:

- (1) Ride, operate, or be in the possession of any Bicycle where Posted to prohibit same;
- (2) Obstruct, inconvenience or endanger other users of the Park while riding or operating a Bicycle.

7.3 Trucks and Commercial Motor Vehicles

No Person shall drive, operate, pull or ride in any Park without a Permit:

- (1) Heavy machinery or equipment of any description and whatever the mode of power;
- (2) Any truck, trailer, or bus whatsoever except a Motorized Vehicle that is being used for the purpose of making a delivery to a point within the limits of a Park while it is proceeding to or from such a point of delivery.

SECTION 8 - MULTI - USE TRAILS

8.1 Multi - Use Trail Rules

- (1) When entering onto a Multi - Use Trail from other than a Park Roadway, all Persons shall yield the right of way to users already on the Multi - Use Trail;
- (2) When approaching an uncontrolled intersection of a Multi - Use Trail, or between a Park Roadway and Multi - Use Trail, a Person shall:
 - a. When on a Multi - Use Trail, yield the right of way to users on a Park Roadway;
 - b. When on a Multi - Use Trail, approaching an uncontrolled intersection with another Multi - Use Trail, yield the right of way to the user on the right;
- (3) A Person using a Multi - Use Trail shall:
 - a. Exercise due care and attention to avoid colliding with any other user;
 - b. Exercise reasonable consideration for any other user;
 - c. Give an audible signal by voice, bell or other signalling device before overtaking another user;
 - d. Ensure they are visible to other users;
- (4) **No** Person using a Multi - Use Trail shall travel left of the Centre Line of a Multi - Use Trail except:
 - a. When overtaking another Person travelling in the same direction;
 - b. When the Multi - Use Trail to the right of the Centre Line is obstructed;

- c. When the Multi - Use Trail to the right of the Centre Line is closed to Multi - Use Trail users;
 - d. When turning left off the Multi - Use Trail;
- (5) No Person using a Multi - Use Trail shall pass or attempt to pass another Person travelling in the same direction when:
- a. It is unsafe to do so;
 - b. On a curve in the Multi - Use Trail, or when that Person's vision is otherwise obstructed;
 - c. Multi - Use Trail lanes are separated by double solid lines;
 - d. Passing beneath a bridge or through a tunnel of any kind;
- (6) No Person overtaking another Person on a Multi - Use Trail shall return to the right-side of the Centre Line of a Multi - Use Trail until it is safe to do so;
- (7) No Person shall operate a Bicycle or Wheeled Conveyance on a Multi - Use Trail in a manner that is unsafe;
- (8) No Person using a Multi - Use Trail shall use poles or other hand held aids while using a Bicycle or Wheeled Conveyance;
- (9) No Person riding a Bicycle or Wheeled Conveyance on a Multi - Use Trail shall use the Bicycle or Wheeled Conveyance to carry more Persons than the number for which it is designed and equipped;
- (10) No Person operating or riding as a passenger on a Bicycle or Wheeled Conveyance on a Park Roadway or Multi - Use Trail shall hold onto or be attached to any other Bicycle, E-bike, Wheeled Conveyance or Motorized Vehicle unless that Person is riding in a child or animal trailer designed for such use.
- (11) No Person using a Multi - Use Trail shall travel at a rate of speed that is unreasonable having regard to all the circumstances, but in any case no faster than 20 kilometres per hour, including but not limited to:
- a. The nature, condition and use of the Multi - Use Trail;
 - a. Any conditions, including weather, that may affect visibility;
 - b. The volume and type of traffic on the Multi - Use Trail regardless of whether that Person is travelling at the applicable speed limit.

8.2 Required Equipment

A Bicycle operated on a Multi - Use Trail shall be equipped with:

- (1) At least one (1) working brake;
- (2) A horn, bell or other signalling device;
- (3) If operated during the period beginning one half hour (30 minutes) after sunset and ending one half hour (30 minutes) before sunrise:

- a. At least one (1) functioning headlamp with a lens and bulb which are clear in colour;
- b. At least one (1) functioning red tail lamp which is capable of emitting a flashing or steady mode; and
- c. At least one (1) red reflector mounted at the rear.

8.3 Lights Required by Multi - Use Trail Users

- (1) No Person shall operate a Bicycle or Wheeled Conveyance on a Multi - Use Trail during the period commencing one half hour (30 minutes) after sunset and ending one half (30 minutes) hour before sunrise unless:
 - a. In the case of a Bicycle, the headlamp, tail-lamp and reflector required pursuant to Section 8.2 are activated;
 - b. In the case of a Person operating a Wheeled Conveyance, a device or devices which emit either a clear or red light, in either a flashing or steady mode, is affixed to the Person's body or clothing.

SECTION 9-PARK ROADWAYS

9.1 General

- (1) The Council, or where such authority has been delegated to the Executive Director or a Committee established by Council, is authorized to establish appropriate rules to regulate the use of Park Roadways;
- (2) No Person shall operate a Motorized Vehicle, E-Bike, Bicycle or Wheeled Conveyance on a Park Roadway in a manner that is unsafe to that Person or other people in the Park;
- (3) No Person operating a Motorized Vehicle, E-Bike, Bicycle or Wheeled Conveyance on a Park Roadway shall use the Motorized Vehicle, E-Bike, Bicycle or Wheeled Conveyance to carry more Persons than the number for which it is designed and equipped.

9.2 Parking

No Person shall, in any Park:

- (1) Park or leave a Motorized Vehicle, E-Bike, Bicycle, or Wheeled Conveyance except in a Designated Area for parking or where authorized by Permit;
- (2) Park or leave a Motorized Vehicle, E-Bike, Bicycle, or Wheeled Conveyance between the hours of 11:01 p.m. and 4:59 a.m., except in a Designated Area allowing for such overnight parking, or where authorized by Permit;
- (3) Stop or park a Motorized Vehicle, E-Bike, Bicycle, or Wheeled Conveyance in an accessible parking space, designated for people with disabilities, unless an accessible parking permit issued in accordance with the provisions of the *Highway Traffic Act*, R.S.O. 1990, c. H-8, as may be amended from time to time, is properly displayed on or in the Motorized Vehicle;

- (4) Use any parking space except while using the Park, unless authorized by Permit;
- (5) Park in a designated fire route.

9.3 Other Activities

No Person shall make use of any Park Roadway in any Park for:

- (1) Washing, cleaning, servicing, maintaining or, except in the event of an emergency, the repair of any Motorized Vehicle;
- (2) Instructing, teaching, or coaching any Person in the driving or operation of a Motorized Vehicle unless authorized by Permit; and
- (3) Playing of any games or sports or otherwise engaging in an Organized Activity or activity that is not pre-planned, unless authorized by Permit;

SECTION 10 - ANIMALS

10.1 Responsibility to Observe Registration, Licensing and Control of Dogs By-law 245-2004

- (1) The Registration, Licensing and Control of Dogs By-law 245-2004, is a By-law for the registration and licensing of dogs and for the Control of dogs generally within the City of Windsor;
- (2) Any Person as owner or Person having Control of a dog within a Park shall comply with By-law 245-2004, as updated and amended from time to time;
- (3) The provisions of this By-law shall not supersede those of By-law 245-2004.

10.2 Animals in Parks

Unless authorized by Permit, no Person shall bring any animal into any Park except a domesticated animal which includes but is not limited to a dog or a cat, but domesticated animal does not include a horse or pony.

10.3 Leash Free Zones

- (1) Council may establish areas within any Park as Leash Free Zones.
- (2) While in a Park, no Person as owner or Person having Control of any dog or cat or other domesticated animal shall:
 - a. Allow it to run at large, except in a Leash Free Zone;
 - b. Excluding Persons reliant upon a Service Animal, permit any dog, or cat, or other domesticated animal to enter any beach, pond, swimming area, garden, landscaped area, playground, Sports Field, Sports Court, or any other area Posted to prohibit same, or disturb any wildlife or damage any Park resources;
- (3) While in a Park, every Person as owner or Person having Control of any dog, or cat or other domesticated animal shall:
 - a. Ensure that it is on a leash or chain not exceeding 4.92 feet (1.5 metres) in length when not running at large in a Leash Free Zone;

- b. Pick-up and remove forthwith, excrement left by a dog, or cat, or other domesticated animal and dispose of it in a sanitary manner in a receptacle for litter or in some suitable container;
 - c. The provisions of subsection (3)(b) do not apply to a Person who has Control of a Service Animal where it is being used to aid a Person with a visual, hearing, or other impediment;
- (4) While a dog or cat or other domesticated animal is in an area designated as a Leash Free Zone, every Person as owner or Person having Control of a dog, cat or other domesticated animal shall:
- a. Carry with him/her a leash;
 - b. Immediately remove a dog, or cat or other domesticated animal that shows aggressiveness toward people or other dogs, or cats, or other domesticated animals or at the direction of a police officer, provincial offences officer, municipal law enforcement officer or employee of the Municipality designated by the Executive Director to administer this By-law;
 - c. Ensure that the dog, cat, or other domesticated animal does not leave the Designated Area while off his/her leash;
 - d. Ensure that the dog, cat or other domesticated animal while in the Designated Area is under voice command and within visual sight at all times.
 - d. Pick-up and remove forthwith, excrement left by a dog, or cat, or other domesticated animal and dispose of it in a sanitary manner in a receptacle for litter or in some suitable container.

10.4 Dangerous / Threatening Animals Prohibited

No Person as owner or Person having Control of a dog or cat or other domesticated animal shall bring in or permit such dog or cat or other domesticated animal to enter or remain in any Park if:

- (1) The dog or cat or other domesticated animal may or does constitute a danger to other Park users;
- (2) The dog or cat or other domesticated animal is reasonably likely to frighten other Park users;
- (3) The owner and/or the Person having Control of the dog or cat or other domesticated animal has previously been advised by a police officer, provincial offences officer, municipal law enforcement officer or employee of the Municipality designated by the Executive Director to administer this By-law not to bring the dog, or cat or other domesticated animal into a Park;
- (4) The owner and/or the Person having Control of the dog or cat or other domesticated animal has been convicted of an offence related to the conduct of the dog, or cat, or other domesticated animal under the Dog Owners Liability Act, R.S.O. 1990, c.D-16, or this By-law or any other municipal By-law.

10.5 Abandonment

No Person as owner, or Person having Control of a dog or cat or other domesticated animal, shall abandon or permit to be abandoned such dog or cat or other domesticated animal in any Park.

SECTION 11 - WATERCRAFT

11.1 Boating

No Person shall place, operate, drive or ride any Watercraft in any Park in violation of Posted rules or restrictions regarding the type and allowable uses of Watercraft.

11.2 Mooring/Launching

- (1) Unless authorized by Permit, no Person shall, subject to any right at law to do so, moor Watercraft in any Park:
 - a. Except in a Designated Area;
 - b. Contrary to Posted restrictions or prohibitions;
 - c. in any way that may or does endanger or inconvenience other users of the Park, other Watercraft or the use of other Watercraft;
- (2) No Person shall launch any Watercraft from any Park into any lake, or river without prior payment of the fee established by By-law and any launch shall be in a Designated Area;
- (3) Notwithstanding anything in this section, Watercraft are only allowed to launch from Lakeview Marina, Stop 26 Park, Sherfield Shores, McKee Park, or in any other location designated by the Executive Director and Posted as such.
- (4) Unless permitted by this section, Watercraft must be, at all times, at least 30 metres from the shoreline of any Park or swimming area.

SECTION 12 COMMERCIAL ENTERPRISES

12.1 Sale of Merchandise, Trade or Business

- (1) Unless authorized by Permit, no Person shall, while in a Park, sell or offer or display for sale:
 - a. Any food, drink or refreshment;
 - b. Any goods, wares, merchandise, or articles including promotional material souvenirs and novelties;
 - c. Any flowers, fruits or vegetables; or
 - d. Any art, skill, service, or work.
- (2) Unless authorized by Permit, no Person shall, while in a Park, practise, carry on, conduct or solicit for any trade, occupation, business, profession or charity.

12.2 Filming and Videotaping

While in a Park, no Person shall take or permit to be taken for remuneration, any film, photograph, videotape, or television broadcast unless;

- (1) Authorized by Permit; or
- (2) Otherwise Posted.

12.3 Circulars and Advertisements

- (1) Unless authorized by Permit, no Person shall:
 - a. While in any Park, distribute, discard, or display any handbill, notice or other circular, bill or advertisement;
 - b. Post, nail, attach, stencil, or otherwise fasten or erect any poster, sign, notice, placard, or other circular, bill, advertisement or paper to any Park property unless in compliance with The Windsor Sign By-law #250-2004, and all other By-laws of the Municipality.

SECTION 13 - HOURS

- 13.1 Except for Park Roadways specifically designated as metered, and Lakeview Marina Park, all Parks shall close at 11:00 p.m., local time, and shall remain closed until 5:00 a.m. local time the following morning unless otherwise Posted;
- 13.2 No Person shall be or remain in a Park after the closing hour or before the opening hour unless authorized by Permit.

SECTION 14 - REGULATION AND ENFORCEMENT

14.1 Permits and Licences

- (1) Permits issued for activities contemplated in this By-law may be subject to such fees as Council shall, from time to time, establish by By-law;
- (2) Permits issued for activities contemplated by this By-law may include, but are not limited to, conditions as to time, location, area, equipment, number of participants, type of activities, release, indemnity, and insurance coverage;
- (3) The issuance of a Permit pursuant to this By-law shall not relieve any Person from the necessity of acquiring any other license or Permit required for such activity by any governmental or public authority;
- (4) The authority to issue Permits referred to in this By-law is delegated to the Executive Director or his/her delegate.

14.2 Posting of Signage

The Executive Director is authorized to Post signage of Permission, regulation, restriction, warning, or prohibition with respect to uses of or activities in any Park in accordance with the provisions hereof.

14.3 Temporary Closure

The Executive Director is authorized to close off, for such temporary period as the Executive Director deems appropriate, any Park or parts thereof to relieve or prevent overcrowding or traffic congestion or in the interests of public safety, or as may be authorized by Council.

14.4 Enforcement

- (1) Any police officer, auxiliary police officer, provincial offences officer, municipal law enforcement officer or employee of the Municipality designated by the Executive Director to administer this By-law is authorized to inform any Person of the provisions of this By-law and to request compliance therewith;
- (2) Any police officer, auxiliary police officer, provincial offences officer, municipal law enforcement officer or employee of the Municipality designated by the Executive Director to administer this By-law is authorized to direct any Person believed by such officer or employee to be contravening or to have contravened any provision of this By-law:
 - a. To stop the activity constituting or contributing to such contravention;
 - b. To remove from the Park any animal or thing owned by or in the Control of such Person which the officer or employee believes is or was involved in such contravention; and/or
 - c. To leave the Park;
- (3) Any police officer, provincial offences officer, municipal law enforcement officer, or employee of the Municipality designated by the Executive Director to administer this By-law may enforce the provisions of this By-law;
- (4) Where any Person (i) has been issued a Permit or license, or (ii) is in a group to which a Permit or licence has been issued:
 - a. Contravenes this By-law;
 - b. Contravenes the conditions of the Permit or license; or
 - c. Fails to comply with direction pursuant to s. 14.4(2);

The Park Permit and/or licence of such Person or group shall be deemed to be immediately revoked.

14.5 Penalties

Any Person contravening any provision of this By-law is guilty of an offence and on conviction is liable to such penalty as is provided for under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended from time to time.

14.6 Severability

If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law. The impugned section or part of a section shall be severed and it is hereby declared that the remainder of the By-law shall be valid and shall remain in full force and effect.

14.7 Interpretation

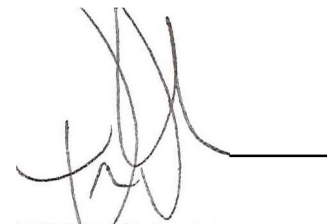
Any reference in this by-law to all or any part of any manual, statute, regulation, by-law or Council resolution, unless otherwise stated, is a reference to that manual, statute, regulation, by-law, Council resolution, or the relevant part thereof, as amended, substituted, replaced or re-enacted from time to time.

14.8 Repeal and Transition

- (1) By-law 200-2002, as amended, shall be repealed upon this By-law coming into force and effect;
- (2) Notwithstanding subsection (1), all Permits heretofore issued pursuant to By-law 200-2002, as amended, shall, during the period for which the same have been issued remain in full force and effect unless a permit is terminated, suspended, forfeited or revoked; and in such case the provisions of this By-law shall apply to all such Permits;
- (3) Any penalty incurred, any investigation, legal proceeding or remedy issued or commenced under By-law 200-2002, as amended, while it was still in effect, may be continued or enforced as if the said By-law 200-2002, as amended, had not been repealed;
- (4) Any sign Posted by the Municipality in a Park, referencing By-law 200-2002 shall be deemed to be a reference to this By-law.

14.9 Effective Date

This By-law shall come into force and take effect upon the day following the final passing thereof by Council.



DREW DILKENS, MAYOR



CITY CLERK

First Reading - December 16, 2019
Second Reading- December 16, 2019
Third Reading - December 16, 2019