

CORPORATION OF THE MUNICIPALITY OF TRENT HILLS

BY-LAW 2009-58

being a by-law to Establish Hours For Public Use of Municipal Owned Lands in the Municipality of Trent Hills

WHEREAS the Municipal Act, S.O. 2001, Section 11 (2) as amended, grants authority to municipal councils to pass by-laws respecting the health, safety and well being of persons and for the protection of persons and property, including consumer protection;

AND WHEREAS the Municipal Act, S.O. 2001 Section 121 (1) as amended, provides that by-laws may be passed by municipal councils for prohibiting and abating public nuisances;

AND WHEREAS the Corporation of the Municipality of Trent Hills is the owner of public lands in the Municipality of Trent Hills (hereinafter called the Municipality);

AND WHEREAS the Municipality has received complaints from residents, organizations and the police concerning certain after hour activities within or on municipal lands;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF TRENT HILLS ENACTS AS FOLLOWS:

1.0 DEFINITIONS

- 1.1 **“Council”** shall mean the Council of the Corporation of the Municipality of Trent Hill;
- 1.2 **“Parking area”** shall mean a part of a park and/or municipal owned lands that are designated and intended to park motor vehicles;
- 1.3 **“Permit”** shall mean any written authorization of Council or a Committee established by Council where such power has been delegated;
- 1.4 **“Police Officer”** shall mean an officer with the Ontario Provincial Police (OPP), or such other police force as may provide police services within the municipality from time to time;
- 1.5 **“Post” or “Posted”** shall refer to the erection or presence of permissive, regulatory, restrictive warning or prohibitive signs and **“Posted Area”** means an area where such signs are erected;
- 1.6 **“Municipality”** shall mean the Corporation of the Municipality of Trent Hills;
- 1.7 **“Municipal Employee”** shall mean any person employed by the Municipality of Trent Hills for the purposes of park maintenance or municipal law enforcement, including persons hired under contract;
- 1.8 **“Municipal Owned Lands”** shall mean any parkland owned by the Municipality of Trent Hills that is or hereafter established, dedicated, set apart or made available for the purposes of recreational facilities, including but not limited to amphitheatres, ball fields, bicycle paths, outdoor ice rinks, pavilions, picnic areas, playgrounds, multi-purpose trail, open space, soccer fields, tennis courts, toboggan hills, walking trails and such other recreational uses as may be established from time to time and shall include any parking lot provided in conjunction with a public park;

- 1.9 **“Vehicle”** shall mean a motor vehicle as defined under the Highway Traffic Act, R.S.O. 1990, Ch. 8, as may be amended from time to time, and any bicycle, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power, and includes in-line roller skates and skateboards, a wheelchair or similar device (powered or otherwise) used by an individual due to a disability, baby carriage or cart, child’s wagon, child’s stroller, child’s sleigh or other conveyance of like nature.

2.0 HOURS

- 2.1 All Municipal owned lands shall close at eleven (11) o’clock p.m. and shall remain closed until six (6) o’clock a.m. the following morning unless otherwise posted.
- 2.2 No person shall be or remain in or on municipal owned lands after the closing hour or before the opening hour.
- 2.3 Any person remaining in or on Municipal owned lands during the time period when the Municipal lands are closed shall be subject to the Trespass to Property Act. This prohibition includes any person in or on a vehicle within the Municipal owned lands, including the parking area.
- 2.4 This section shall not apply to a Police Officer or Municipal Employee while on active duty.
- 2.5 This section shall not apply where and when an approved permit has been issued by the Municipality for use of the subject lands.

3.0 SEVERABILITY

- 3.1 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, it 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.

4.0 SHORT TITLE

This by-law shall be referred to as the “Hours for use of Municipal Lands by-law”

5.0 FORCE AND EFFECT

This by-law shall come into force and effect on the date it is enacted by Council.

By-law 2009-58 be introduced and deemed to be read a first, second and third time, passed and properly signed and sealed this 11th day of May, 2009.

Original Signed

Hector Macmillan (Mayor)

Margaret Montgomery (Clerk)