

THE CORPORATION OF THE TOWN OF HANOVER

BY-LAW NO. 2298-00

(CONSOLIDATED AS OF JANUARY 26TH, 2004)

BEING a by-law to regulate the use of public parks in the Town of Hanover.

WHEREAS Hanover Council desires to pass a by-law to regulate the use of public parks in the Town of Hanover.

NOW THEREFORE the Council of the Corporation of the Town of Hanover hereby enacts as follows:

PART 1 - INTERPRETATION

1.1 In this by-law:

Authorized parking area - defined

“authorized parking area” means an area of a park or recreation area designated, set aside for or established, for the parking of motor vehicles, which may have posted regulations with respect to the use of the area.

Bicycle - defined

“Bicycle” includes a unicycle and a tricycle but does not include a motor assisted cycle of any type.

Control - defined

“Control” includes care and custody.

Council - defined

“Council” means the Council of the Corporation of the Town of Hanover

Designated - defined

“Designated” means an area defined or constructed for a specific use which may include posted conditions.

Director - defined

“Director” means the Director of Parks and Recreation, his/her designate and any Town employee acting under his/her direction.

Environmentally Significant Area - defined

“Environmentally Significant Area (ESA)” means an area as designated in the Official Plan for the Town of Hanover and which is under public ownership and/or management, containing features and/or attributes of environmental and natural significance that warrant their retention in a natural state.

Motor Vehicle - defined

“Motor vehicle” has the meaning attributed to it in the *Highway Traffic Act*.

Natural Park Area - defined

“Natural park area” means an area which may be an entire park or part of a park, preserved in its natural or near natural state or an area created to remain thereafter in a natural state as open space and available for use by the public. For the purposes of this definition, natural shall mean established by nature or a selection process favouring survival of organisms best adapted to their environment.

Park - defined

“Park” means land and land covered by water and all portions thereof owned or made available by lease, agreement or otherwise to the Town that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a cemetery, trail system, natural park area and an environmentally significant area as defined in this by-law, that has been or hereafter may be placed under the jurisdiction of the Town including any 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 Town.

Refuse - defined

“Refuse” includes but is not limited to paper wrappers, food containers, discarded food, disposable eating utensils, newspapers, drink containers of all kinds, disposable diapers, broken glass, grass clippings and inert fill of any kind.

Recreation area - defined

“Recreation area” means an area or building or combination of both, under the control of the Town which is maintained and supervised by employees of the Town and includes arena, skating rink, swimming pool, play area, sports field, ball park, designated area of a park, a building or portion of a building which is owned, leased or used by the Town, including a school and school grounds, for the purpose of offering recreation to the public.

Roadway - defined

“Roadway” means that part of a park or recreation area that is improved, designed or ordinarily used by vehicles.

Town - defined

“Town” means the Corporation of the Town of Hanover.

Trail System - defined

“Trail System” means that part of a park that has been marked, posted or blazed for the purpose of hiking by the public, and which the use of motor vehicles and motorized snow vehicles is prohibited, excluding motorized scooters operated by physically challenged persons.

Vehicle - defined

“Vehicle” includes a motor vehicle and any vehicle drawn, propelled or driven by any kind of power including muscular power but excludes a child’s wagon, a baby carriage and motorized snow vehicle.

PART 2 - BY-LAW APPLICATION AND ADMINISTRATION

- 2.1 By-law applicability - defined
This by-law applies to any Recreation Area, Park, Trail System and any premises located therein which are under the control and management of the Town.
- 2.2 Emergency and/or Maintenance vehicles - excepted
Notwithstanding any provision of this by-law, vehicles operated on behalf of an ambulance service, fire department, police department, Hydro and the Town shall have full access to all parts of a park, recreation area and/or trail system at all times.
- 2.3 By-law administration
This by-law is administered by the Department of Parks & Recreation.

PART 3 - GENERALLY PROHIBITED ACTIVITIES

- 3.1 Activities - prohibited
In any park, recreation area or trail system within the Town, no person(s) shall:
 - 3.1.1 Drive, ride or operate any vehicle or carry on in-line skating upon a roadway in any direction other than the direction indicated on signs posted.
 - 3.1.2 Drive, ride or operate a vehicle or carry on other activities in violation of posted signs;

- 3.1.3 Operate any vehicle or carry on in-line skating or skateboarding at a rate of speed in excess of the posted speed limit or in excess of 30 kilometres per hour in unposted areas.
- 3.1.4 Drive, ride or operate any motor vehicle, horse or horse drawn conveyance on a trail system pathway;
- 3.1.5 Operate a motor vehicle except on a roadway or in an authorized parking area;
- 3.1.6 Park a motor vehicle in a place other than an authorized parking area;
- 3.1.7 Drive, operate, park or leave unattended, a motor vehicle in any part of a park or recreation area between 11:00 p.m. and 5:00 a.m. of the following day;
- 3.1.8 Allow dogs to run loose in park areas; and lead or let loose animals in any park except by the authority of the Council of the Corporation of the Town of Hanover and maintaining dogs on a leash not exceeding twenty feet. While having control of or being the owner of a dog in a park, allow such dog to foul any area of the park, unless cleanup and disposal occurs forthwith;
- 3.1.9 Make or kindle an open fire for any purpose in any such park except in such places provided therefore;
- 3.1.10 Carry or discharge fireworks, firearms and arrows in any such park without the written authority of the Council of the Corporation of the Town of Hanover;
- 3.1.11 Conduct themselves in a boisterous or unseemly manner, as to disturb any inhabitant or interfere with the enjoyment of the park or recreation area by any member of the public;
- 3.1.12 Hold or take part in an unauthorized public meeting or gathering;
- 3.1.13 Play or practice golf or strike any golf ball by any means whatsoever in any park area;
- 3.1.14 Remain in an unlighted park, recreation area or part of the trail system between the hours of 10:00 p.m. and 5:00 a.m. of the following day;
- 3.1.15 Operate a motorized snow vehicle;
- 3.1.16 Climb, break, peel bark from, cut, remove, deface or otherwise damage any tree, shrub or bush, or pick, destroy or remove any flower, plant roots, grass or rock;
- 3.1.17 Cause or permit any animal under their control or ownership to damage any trees, shrubs, bushes, flowers, plants or roots;
- 3.1.18 Post signs or posters on trees, bushes, shrubs, walls or posts.
- 3.1.19 Remove, break, deface, or otherwise damage any monument, gate, seat, bench, picnic table, fence, lock, barrier or any other equipment of the Town located therein;
- 3.1.20 Fail to deposit refuse in containers provided or if containers are not provided fail to remove refuse from a park, recreation area or trail system;
- 3.1.21 Fail to remove any utensils, equipment or articles taken into an area designated for picnics;
- 3.1.22 Cause or permit any animal under their control or ownership to swim or enter into or foul any constructed water feature;
- 3.1.23 Walk on grass in area where signs are posted prohibiting such activity;
- 3.1.24 Disturb, wound, kill, injure: any bird, fowl or animal, whether domesticated or wild;
- 3.1.25 Utilize any park or recreation area due to unsuitable turf conditions as posted;
- 3.1.26 Remove or injure the nests or eggs of any bird or fowl;
- 3.1.27 Willfully or maliciously hinder, or interrupt, or cause to be hindered or interrupted, the Director, all employees acting under his/her direction, any agent of the Town, their workers or employees in the exercise of their powers and duties;
- 3.1.28 Willfully or maliciously let off or discharge any water so that it runs waste or useless from or out of any reservoir, pond, river or creek located in a park, recreation area or trail system;
- 3.1.29 Discharge or permit the discharge of any water from private properties, including pool water and water from a roof drainage system, onto, into or over any park.

3.2 Motorized wheel chairs excepted.

Despite any regulation in this by-law restricting the use of motor vehicles in parks, motorized wheel chairs may use all multi-use pathways and hiking trails.

PART 4 - ACTIVITIES - SUBJECT TO APPROVAL

4.1 Activities prohibited - subject to approval(s):

Unless authorized by the Director, no person shall engage in any of the following activities in a park, recreation area or trail system.

- 4.1.1 Cook food, unless any fire required to do so, is in a fireplace or barbecue;
- 4.1.2 Use a sports field for any game or practice;

- 4.1.3 Erect a tent or shelter, or park a trailer of any kind for overnight accommodation;
 - 4.1.4 Take part in or conduct commercial worm picking;
 - 4.1.5 Hold or take part in a public meeting or gathering or deliver any public speech;
 - 4.1.6 Hold or take part in a meeting or gathering that obstructs the free passage of vehicular traffic;
 - 4.1.7 Have exclusive use of any portion or all of a park or recreation area;
 - 4.1.8 Ride or lead a horse, pony or like animal in an area not designated for such activity;
 - 4.1.9 Post signs or posters on poles, planters, buildings, fences, benches, picnic tables, lamp standards or Town of Hanover equipment of any kind.
 - 4.1.10 Sell refreshments or other merchandise to the public;
 - 4.1.11 Operate any business, game, show or amusement for admission by the public;
 - 4.1.12 Operate or use a metal detector.
- 4.2 Public Gatherings – location:
The location made available for approved public meetings, gatherings or public speeches shall be determined by the Director upon the receipt of a written application for the use of a park or recreation area for such meeting, gathering or public speech.

PART 5 - SPECIAL PROHIBITIONS

- 5.1 Special prohibitions – applicability:
The special prohibitions in this Part are in addition to any applicable general prohibitions in Part 3 of this by-law.
- 5.2 Hanover Park
The following special prohibitions shall apply to the use of Hanover Park.
- 5.2.1 No person shall operate, drive or ride a vehicle on any roadway within the Park if the entrances to the Park are closed by means of a barrier and/or signs.
 - 5.2.2 Notwithstanding any other provision of this by-law, motor vehicles may be parked in the authorized parking areas located in Hanover Park, except between the hours of 11:00 p.m. and 5:00 a.m. of the following day.
- 5.3 Environmentally Significant Areas (ESA) - Prohibitions
The following special prohibitions shall apply to all persons entering into and using a park designated as an Environmentally Significant Areas or as a natural park area.
- 5.3.1 No person shall cut or remove any plant, aquatic vegetation, wood, turf, grass, soil, rock, sand or gravel without the express authority of the Director.
 - 5.3.2 No person shall carry out any scientific investigation or study without the express authority of the Director who may impose specific conditions which shall be adhered to.
 - 5.3.3 No person shall cause or permit any animal under their ownership or control to defecate any of the waters of any stream or river.
 - 5.3.4 No person shall bathe in or pollute in any way, the waters of any fountain, pond or stream.
 - 5.3.5 No person shall camp, set up a tent, park a trailer or hold a picnic, unless the area is specifically designated for such purpose; as approved by the Director.
 - 5.3.6 No person shall deposit, dump or leave waste and/or refuse of any kind.
 - 5.3.7 No person shall operate a vehicle, bicycle or motorized snow vehicle within the boundaries of an ESA or a natural park area unless signs are posted specifically allowing such activity.
 - 5.3.8 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 this bylaw.
- Amended by By-law No. 2422-04
- 5.4 Hanover Heritage Square
The following special prohibitions shall apply to the use of Heritage Square:
- 5.4.1 No person shall drive or install stakes or similar objects into the ground or other surfaces.
 - 5.4.2 No person operating an informal or formal event utilizing “show or exhibition” animals or reptiles shall permit said animals or reptiles within Heritage Square without written authorization from the Director.
 - 5.4.3 No person shall operate amplified sound equipment prior to 9:00 a.m. or after 11:00 p.m. daily.

- 5.4.4 No person shall ice skate in such a manner as to interfere or endanger other persons, or utilize any form of equipment or skating aids not in accordance with posted regulations.
- 5.4.5 No person shall operate a bicycle, skateboard, roller blades, roller skates or manual scooter within Heritage Square other than for means of direct route transportation on surfaces at street grade; meaning exclusive of the amphitheatre, music garden, and/or above street grade amenities.

PART 6 - FEES

6.1 Use without payment - prohibited

No person shall use a park or recreation area without first having paid any applicable fees or having formally booked the said facilities and can display the issued facility use booking permit.

PART 7 - ENFORCEMENT

7.1 Applicable law

Parks and recreation area users are subject to all applicable Municipal by-laws and all provincial and federal laws and regulations and all persons violating any by-law or law may be evicted from any park or recreation area.

7.2 Penalty

Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction, shall be liable to a fine as provided for under the *Provincial Offences Act*, c.P. 33, R.S.O. 1990, as amended.

7.3 Continuation - repetition of offence - prohibited

The court in which the conviction has been entered and any other court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed by the court on the person convicted.

PART 8 - MISCELLANEOUS

8.1 By-law reference on signs - deemed to conform

On a sign posted by the Town in a park, recreation area or trail system references to a by-law number shall be deemed to be a reference to this by-law.

8.2 Validity

It is declared that notwithstanding that any Part or Parts of this by-law, or sections thereof, may be found by any court of law to be invalid or illegal or beyond the power of the Council to enact, such Part or Parts or sections thereof shall be deemed to be severable and that all other Parts or sections of this by-law are separate and independent there from and enacted as such.

8.3 Effective date

This by-law shall come into force and effect on the day of its final reading.

READ A FIRST, SECOND and THIRD TIME and FINALLY PASSED this 18th day of March, 2002.

Bob White
Mayor

William Roberts
Chief Administrative Officer & Clerk