

**THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND**

**BY-LAW NO. 48-2008**

**BEING A BY-LAW TO ESTABLISH HOURS FOR PUBLIC USE OF MUNICIPALLY OWNED LANDS IN THE TOWNSHIP OF ALNWICK/HALDIMAND**

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**WHEREAS** Section 207 Paragraph 52 of the Municipal Act, R.S.O. 1990, as amended, provides that by-laws may be passed by the councils of all municipalities for acquiring land for and establishing and laying out public parks, squares, avenues, boulevards and drives in the municipality or in any adjoining local municipality and, in respect of land acquired for any of such purposes that are not under the general management, regulation and control of a board of park management, for exercising all or any of the powers that are conferred on boards of park management by the Public Parks Act;

**AND WHEREAS** the Public Parks Act, R.S.O. 1990, provides for the general management, regulation and control of all existing parks, avenues and lands;

**WHEREAS** Section 210 Paragraph 140 provides that by-laws may be passed by the councils of local municipalities for prohibiting and abating public nuisances;

**AND WHEREAS** The Corporation of the Township of Alnwick/Haldimand is the owner of public lands in the Township of Alnwick/Haldimand (hereinafter called the "Municipality");

**AND WHEREAS** the Municipality has received complaints from residents and the police concerning certain "after hours" activities within or on municipally owned lands;

**AND WHEREAS** the Council of The Corporation of the Township of Alnwick/Haldimand deems it expedient, necessary and desirable to enact a By-law to prohibit and/or restrict public use of municipally owned lands within the Municipality;

**NOW THEREFORE** the Council of the Corporation of the Township of Alnwick/Haldimand enacts as follows:

**1. DEFINITIONS**

For the purpose of this By-law:

- 1.1 "Council" means the Council of The Corporation of the Township of Alnwick/Haldimand;
- 1.2 "parking area" means a part of a park and/or municipally owned lands that are designated and intended to park motor vehicles;
- 1.3 "permit" means any written authorization of Council, a Committee established by Council where such power has been delegated;
- 1.4 "Police Officer" means an officer with the Ontario Provincial Police (O.P.P.), or such other police force as may provide police services within the Municipality from time to time;
- 1.5 "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;
- 1.6 "Municipality" shall mean the Township of Alnwick/Haldimand or The Corporation of the Township of Alnwick/Haldimand as the context provides.
- 1.7 "Municipal Employee" means any person employed by the Township of Alnwick/Haldimand for the purposes of park maintenance or municipal law enforcement, including persons hired under contract.

- 1.8 "Municipally owned lands" shall mean any parkland owned by the Township of Alnwick/Haldimand 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 path, 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" includes a motor vehicle as defined under the *Highway Traffic Act*, R.S.O. 1990, c.H.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. HOURS FOR TOWNSHIP PARKS**

- 2.1 All Municipally owned lands shall close at eleven (11) o'clock (p.m.) and shall remain closed until Five (5) o'clock (a.m.) the following morning unless otherwise posted.
- 2.2 No person shall be, or remain in, Municipally owned lands area after the closing hour (11 p.m.) or before the opening hour (5 a.m.).
- 2.3 Any person remaining in a Municipally owned lands area during the time period when the Municipally lands owned areas are closed shall be subject to the Trespass to Property Act. This prohibition includes any person in or on a vehicle within the Municipally owned lands, including the parking area.
- 2.4 This section shall not apply to a Police Officer or Municipal Employee while on duty and for the purpose of carrying out their duties.
- 2.5 This section shall not apply where and when an approved permit has been issued for use of a Municipally owned land area.

## **3. 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, 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. Short Title**

This By-law shall be referred to as the "Hours for Municipally Owned Lands By-Law".

## **5. Force and Effect**

THAT this By-Law shall take effect and be in force on the date of passing.

**THAT BY-LAW NO. 48-2008 BE READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 21<sup>st</sup> DAY OF MAY, 2008.**

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**Mayor, William Finley**

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**Deputy Clerk, Robin van de Moosdyk**