

THE CORPORATION OF THE TOWN OF LINCOLN  
BY-LAW NO. 2022-44  
A BY-LAW TO REGULATE THE USE OF MUNICIPAL PARKS  
AND REPEAL BY-LAW 08-66

WHEREAS Sections 9 to 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, (the "*Municipal Act, 2001*"), authorizes municipalities to pass By-laws regulating and prohibiting with respect to, among other things, parks;

AND WHEREAS subsection 11(3) 5. of the *Municipal Act, 2001* provides that a municipality may pass By-laws respecting culture, parks recreation and heritage;

AND WHEREAS Subsection 11(3) 1. and 8. of the *Municipal Act, 2001* provides that a municipality may pass By-laws with respect to highways, including parking and traffic on highways and parking except on highways;

AND WHEREAS Subsection 11(2) 5. of the *Municipal Act, 2001* provides that a municipality may pass By-laws respecting the health, safety and well-being of persons;

AND WHEREAS Subsection 434(1) of the *Municipal Act, 2001* provides that a municipality may require persons, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a By-law of the municipality;

AND WHEREAS Subsection 444 of the *Municipal Act, 2001* provides that a municipality may make and order to require a person to discontinue contravening a by-law and to do the work required to correct the contravention;

AND WHEREAS section 445 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do the work to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act, 2001* provides that a municipality may proceed to do things at a persons expense which that person is otherwise require to do under a by-law but has failed to do and the cost incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS the Corporation of the Town of Lincoln deems it necessary and expedient to establish certain rules and regulations for the use of parks within the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN ENACTS AS FOLLOWS:

PART I: DEFINITIONS

1. In this By-law:
  - a) "Articles for Sale" means goods, wares, merchandise, products, refreshments, foodstuffs or flowers held by a person for subsequent sale to another person;
  - b) "Authorized Sign" means any sign, notice or other device placed or erected in or upon a Park by the municipality;
  - c) "Bicycle" means any cycle propelled or driven by muscular power, regardless of the number of wheels it has;
  - d) "Bicycle Trail" means a pathway, whether paved or unpaved, that is designed and posted to permit the use of bicycles, and does not include a roadway;

- e) "Commercial Vehicle" means a vehicle where goods and/or services are sold or offered for sale;
- f) "Commercial Photography" means a group of two or more people who are engaging in photography where such photography would disrupt park users or otherwise restrict use of the Park by park users and are collecting remuneration for such photography;
- g) "Contractor" means a person contracting with or employed directly by the owner or an agent of the owner to supply services or materials to an improvement and includes joint venture entered into for the purposes of an improvement or improvements;
- h) "Council" means the Council of the Corporation of the Town of Lincoln.
- i) "Designated Area" means an area defined or constructed for a specific use that may include posted conditions.
- j) "Director" means the Director of Community Services or his/her designate;
- k) "Drone" means a remotely piloted aircraft system (RPAS) that has a set of configurable elements consisting of a remotely piloted aircraft, its control station, the command and control links, and any other system elements required during flight operation, as defined by the Canadian Aviation Regulations;
- l) "Fence" means any physical barrier erected for the purpose of demarcation including a railing, wall, hedge, line of posts, shrubs, trees, wire, gate, boards, pickets or other similar substances;
- m) "Food Service Vehicle" means any vehicle from which refreshments are sold or offered for sale for consumption by the public and includes but is not limited to a cart, wagon, trailer, truck and bicycle, irrespective of the type of power employed to move the food service vehicle from one point to another;
- n) "Fireworks" means a pyrotechnic device or a substance that is made, manufactured or used to produce an explosion or detonation, including fireworks composition and manufactured fireworks as defined in the *Explosives Act*, R.S.C. 1985, c. E-17.
- o) "Motorized Recreational Vehicle" means a vehicle that is propelled or driven by an internal combustion engine and that is used for recreational purposes, including but not limited to a snowmobile, go-cart, trail bike, minibike, motorized scooters, or all-terrain vehicle;
- p) "Multi-Purpose Pad" means an asphalt or concrete surface area for non-motorized activities, such as – without limiting the generality thereof – basketball, skateboarding, rollerblading, and street hockey.
- q) "Multi-Use Recreational Trail" means a multi-purpose path whether paved or unpaved for use by pedestrians and non-motorized conveyances, except motorized wheelchairs;
- r) "Officer" means a Police Officer, Municipal Law Enforcement Officer, a provincial offences officer, an enforcement officer or any employee of the Town assigned the responsibility of enforcing this by-law;

- s) "Official Sign" means any sign, notice or other device placed or erected in or upon a park by the Town;
- t) "Organized Sport or Activity" means a sport, game or activity that has been pre-planned and that involves more than one player;
- u) "Park" means the land, including any body of water, buildings, parking areas or structures located therein, that is owned by or made available to the Town by lease, agreement, or otherwise, and that is established, dedicated, set apart or made available for use as public open space; but does not include a marina, golf course, or cemetery;
- v) "Park Amenity" means any asset including but not limited to monuments, fountains, bridges, walls, seats , benches, structures or articles of Park equipment or apparatus.
- w) "Parking Area" means a part of a park that is designated for the parking of motor vehicles;
- x) "Parks Staff" means any employee in the Community Services Department or Public Works Department of the Town.
- y) "Permit" means A Town-issued permit, parks access agreement, lease, licence, letter of authorization, parking permit or any other written authorization issued by the Town to allow for the use of any area located within the boundaries of a park, granted in accordance with this by-law
- z) "Person" means an individual, partnership, association, firm or corporation, and in the case of a minor, the person having custody of the minor;
  - a. "Roadway" means a road that has been improved and designed for vehicular traffic use but does not include a Bicycle Trail;
  - b. "Smoke or Smoking" - Includes the carrying of a lighted cigar, cigarette, electronic cigarette, vaping products, pipe or any other lighted smoking material.
  - c. "Special Event" –means an organized, one-time, annual or infrequently-occurring gathering or function involving 150 or more people, on
    - (i) private property,
    - (ii) public property not administered 'by 'the community services Department, or
    - (iii) a combination of both organized by an Event organizer which is not the Town, that celebrates a unique aspect of the community through one or more of the following themes: Harvest Agricultural: celebration/education about agriculture; cultural: celebration/education about heritage and culture; Theatrical: celebration/displays of theatre arts; Neighborhood: provides neighbourhoods with an opportunity to celebrate; commemorative: acknowledges significant dates or occurrences; Athletics: involves competition of an athletic nature; o Artistic: celebration/displays of creative and artistic works; o Commercial: events designed to generate revenue; . Agri-tourism: supports agricultural tourism, and/or Tourism drivers,  
*And* meets one or more of the following criteria:
      - (i) (i) pre-determined opening and closing date/time;

- (ii) (ii) consisting of several separate activities at multiple locations;
- (iii) (iii) available to the community at large; or
- (iv) (iv) involves amplified noise that requires approval of an exemption from the Town Noise By-law;

aa) "Splash Pad" means an unsupervised water play area, located outdoors in certain municipal parks within the Town. They often include water features such as shower heads and spray jets;

bb) "Town" means The Corporation of the Town of Lincoln as a municipal corporation or its geographic area, as the context requires;

cc) "Tree" means a tree, shrub or any form of vegetation;

dd) "Vehicle" Includes a motor vehicle as defined under the *Highway Traffic Act*, and any motor assisted bicycle, scooter, carriage, wagon, sleigh, or other vehicle or conveyance of every description, whatever the mode of power, but excludes a baby carriage or cart, child's wagon, child's stroller, child's sleigh, wheelchair or similar device (powered or otherwise) used by an individual;

ee) "Vendor" means a person who sells, offers to sell, displays products to consumers;

ff) "Watercraft" means any device for conveyance in or on water, including but is not limited to boats, row boats, sailboards, canoes, kayaks, and dinghies.

## PART II: ADMINISTRATION

2. The Director shall be responsible for the administration of this By-law and the Director may;

a) designate Designated Areas within a Park;

b) designate areas within a Park to be excluded from public access;

c) make regulations and impose conditions upon which a Designated Area shall be used;

d) make regulations and impose conditions for the orderly use of a Park and any Park facilities;

e) issue Permits for specific uses of a Park or parts of a Park;

f) impose conditions as a requirement of obtaining, continuing to hold or renewing a Permit, in addition to the requirements of this By-law, and such conditions may vary depending upon the type of Permit;

g) revoke a Permit as a result of a breach of a condition of the Permit or a provision of this By-law.

## PART III: EXEMPTIONS

3. This By-law shall not apply to:

a) employees or agents of ambulance, fire and police services acting in the scope of their duties to provide emergency services or enforcement activities within a Park;

- b) the Vehicles and other properties of ambulance, fire and police services used for the purpose of providing emergency services or engaging in enforcement activities within a Park;
  - c) the Town, its Vehicles, and its employees or agents acting within the scope of their duties as employees or agents of the Town.
4. The Director may, in writing, exempt Persons from all or part of the requirements and prohibitions of this By-law from time to time if such exemption is required for the beneficial administration of a Park.

#### PART IV: PERMITS

5. An applicant for a Permit under this By-law shall:
- a) complete an application for the Permit on the forms as provided by the Director.
  - b) submit a completed application together with an application processing fee may be established by Council from time to time; and
  - c) provide any documentation and insurance certificates as required by the Director as prerequisites and requirements for the issuance of the Permit.
- 6.
- a) A Permit holder shall comply or ensure the compliance of all the provisions and conditions of the Permit and this By-law and, in addition to the application processing fee, shall pay all applicable fees and charges associated with a Permit as may be prescribed by Council from time to time.
  - b) In addition to any other enforcement proceedings against the Permit holder as permitted by law, failure to comply with any provision or condition of a Permit or this By-law may result in the revocation of the Permit by the Director.
  - c) The Permit holder of a revoked Permit shall immediately cease or ensure the immediate cessation of all the activities for which a Permit has been issued upon revocation of the Permit under subsection (b).
7. The issuance of a Permit under this By-law does not relieve any Person from the necessity of acquiring any other license or permit required for carrying on an activity in a Park under any other applicable laws, By-laws, regulations and requirements of any governmental authority.
8. A Permit is the property of the Town and is not transferable.

#### PART V: HOURS

9. All Parks shall close at 11:00 p.m. and shall remain closed until 7:00 a.m. the following day, unless otherwise provided for by this By-law.
10. Notwithstanding Section 9, the Director may close a Park or a portion of a Park for longer or shorter period of time should she/he/they deem it necessary for the beneficial administration of the Park or to carry out the functions as authorized by a Permit for use of a Park or part of a Park:

- a) To maintain the safety or security of the Park; or
- b) To conduct an investigation; or
- c) To allow the Director or Officer to adequately administer and enforce this by-law; or
- d) For the beneficial administration of the Park or to carry out the functions as authorized by a Permit for use of the Park or part of the Park.
- e) The Director shall not close a Park or a portion of a Park for a different period of time as provided in Section 9 for more than 6 consecutive months without Council approval.

## PART VI: GENERAL PROHIBITIONS

### PARK ENTRY

#### 11. No Person shall:

- a) enter or remain in a Park after it has closed, except if that person is participant or spectator of any event or function authorized by Council or permitted by the By-law wherein such participant or spectator shall promptly leave the Park upon the completion of such event or function;
- b) enter or remain in an area of a Park where admission is prohibited or restricted without a Permit; or
- c) enter or access through a Park for the purpose of conducting any work on private property without a Permit.

### GENERAL CONDUCT

#### 12. While in a Park, no Person shall:

- a) engage in riotous, boisterous, violent, threatening, indecent, or illegal activity or use profane or abusive language;
- b) engage in any activity that creates a public nuisance including but not limited to being in an intoxicated condition or by loitering, spying, frightening, annoying or otherwise interfering with the use and enjoyment of the Park by any other Person;
- c) engage in any activity that may cause injury or damage to any Person, animal, Tree or property;
- d) carry or discharge any firearm as defined by Town of Lincoln By-law No. 08-39;
- e) be in possession of or use an air gun, cross bow, bow and arrow, axe, paintball guns, or any similar weapons of any kind unless authorized by a Permit;
- f) disobey an Official Sign;
- g) carry or discharge any Fireworks as defined by Town of Lincoln By-law No. 07-77, without a Permit;
- h) release any balloons without a Permit;

- i) operate any remote controlled or other power devices, including but not limited to, a Drone, model version of aircraft, Unmanned Aircraft System (UAS), Remote Piloted Aircraft System (RPAS), rockets, watercraft and vehicles, other than in a designated area unless authorized by a Permit;
- j) use a skateboard other than in a Designated Area;
- k) use rollerblades anywhere in a Park other than in a Designated Area, a Multi-Use Recreational Trail or a Multi-Purpose Pad;
- l) play or practice golf or strike a golf ball other than in a Designated Area;
- m) erect, place, install or cause the erection, placing or installation of any permanent or temporary structure, tent or booth without a Permit;
- n) camp, erect or place a tent for shelter or temporary abode of any kind;
- o) operate any motor vehicle or any other form of motorized conveyance on a Multi-Purpose Pad or Multi-Use Recreational Trail or Bicycle Trail;
- p) skate, walk or engage in any activity or access through snow or ice-covered ponds, lakes, streams, rivers or any other snow or ice-covered body of water;
- q) ski, toboggan, snowboard, skibob or sled other than in a Designated Area;
- r) engage in Commercial Photography in a designated Park, except as authorized by a Permit;
- s) arrange or engage in a team game or Organized Sport or Activity, except in those areas set aside by the Town for such purposes;
- t) interfere with an authorized team game or Organized Sport or Activity, except in those areas set aside by the Town for such purposes;
- u) consume, possess or use any alcoholic beverage without a Permit;
- v) engage in the shooting of a slingshot or a projectile of any nature;
- w) activate, remove any emergency alarms or devices, or use any emergency telephone except in situations of emergency;
- x) cause to take place or participate in a marriage ceremony except in a Designated Area unless authorized by a Permit;
- y) enter or attempt to enter any area locked or otherwise restricted from public access;
- z) engage in any form of sexual behaviour, or be nude;
  - a. remove, disturb, relocate, damage or destroy protective fencing, lifesaving equipment, barriers and warning signage put in place for protection of the public;
  - b. encroach upon or take possession of any portion of a Park by any means whatsoever, including the construction, installation or maintenance of a fence or structure, the dumping or storage of materials or plantings, or planting, cultivating, grooming or landscaping; or

- c. cause or permit the discharge of water or waste water from sewage, any roof drainage system, hot tub, swimming pool or pond into or onto a Park.

13. No Person shall dump, deposit, drain, or otherwise dispose of:

- a) any household waste anywhere in a Park, except waste generated from the use of the Park which shall be placed wholly into receptacles provided in the Park for such purposes;
- b) any construction materials, debris, fill, snow or soil, or construction materials in a Park without a Permit;
- c) any material into any pool, pond, lake, stream, fountain, watercourse, or any other body of water in a Park; or
- d) any material into any soils in a Park.

14. No Person shall bury, scatter or otherwise dispose of any cremated remains in a Park unless authorized by Permit.

#### DAMAGE TO PROPERTY

15. While in a Park, no Person shall:

- a) damage, deface, destroy, injure, plant, prune or remove any plant, shrub, flower, flowerbed, bush, sod, grass, or any vegetation unless otherwise authorized in writing by the Director.
- b) climb, damage, deface, destroy, injure, plant, prune or remove any Tree;
- c) climb, damage, deface, destroy or remove any bench, fence, fixture, fountain, monument, seat, sign or table;
- d) climb any building, structure or equipment, unless the structure or equipment is designed for climbing;
- e) damage or deface any building, structure or equipment
- f) damage or disturb in any manner any of the grounds of the Park, including any grounds prepared for planting; or
- g) remove any soil, sand, gravel, stone, rocks, wood, or any other material located in the Park.

#### PART VII: SPECIFIC PARK USES FIRE AND BARBEQUES

16. While in a Park, no Person shall:

- a) light, build, use or stoke an open fire, bonfire, bake oven or tandoor oven unless authorized by a Permit;
- b) light a fire or make use of any fire unless in a properly constructed barbeque or in a fire pit designated for the purpose by the Municipality and as approved by the Director and an open-air burn permit has been obtained from Fire Services;



- c) use a portable barbeque in an area other than a Designated Area or unless authorized by a Permit;
- d) violate any provisions of the Open-Air Burning By-law No. 2017-110;
- e) use a fuel-fired barbeque other than those that are listed and meet the requirements of the *Technical Standards and Safety Act*, S.O. 2000 c.16,;
- f) use a solid fueled portable barbeque in an area other than a Designated Area or without a Permit;
- g) leave a barbeque, campfire, bake oven or tandoor oven unattended without extinguishing the fire and ensuring the embers are cold;
- h) Light, build, use or stoke an open fire, bonfire, bake oven, fixed or portable barbecue without having in their possession a sufficient amount of an appropriate extinguishing medium to extinguish any flame when required;
- i) use fuel other than charcoal or briquettes in a barbeque provided by the Town, unless authorized by Permit.

#### SPECIAL EVENT, ORGANIZED GATHERINGS AND PICNICS

17. While in a Park, no Person shall:

- a) hold a picnic, organized gathering or event for more than fifty persons without a Permit;
- b) interfere with a picnic, organized gathering or event authorized by Permit;
- c) move Park furniture from an area to another area to accommodate their picnic, organized gathering or special event; or
- d) engage in cooking except in Designated Areas or as otherwise provided for in this By-law.

18. Notwithstanding Section 17, if the organized gathering or event is an Organized Sport Activity, no Person shall arrange or engage in such a sport activity or event except in a Designated Area and with a valid Permit, where one is required.

#### AMPLIFIERS AND SPEAKERS

19. While in a Park, no Person shall:

- a) without a Permit, operate or use any sound amplifying equipment, including but not limited to a radio, tape player, compact disc player, public address system and car radio in a manner that, in the opinion of Park Staff or a Municipal Law Enforcement Officer, disturbs or interferes with other Persons in or near the Park; or
- b) operate or use any sound amplifying equipment contrary to the provisions of the Noise Control By-law No. 2019-44.

#### WATERCRAFT

20. While in a Park, no Person shall:

- a) launch a Watercraft anywhere in a Park except from a Designated Area; or
- b) moor or dock a Watercraft anywhere in a Park except in a Designated Area.

21. No Person shall fuel or refuel a Watercraft;

- a) from any Vehicle or other equipment on land, including piers or docks, except in a Designated Area; or
- b) from another Watercraft.

#### BATHING AND SWIMMING

22. While in a Park, no Person shall:

- a) enter any public swimming pool or splash pad area except at times designated for swimming and provided that there is a lifeguard present and on duty;
- b) disobey posted Official Signs or the instructions of any lifeguard, Parks staff or Municipal Law Enforcement Officer in or adjacent to any swimming pool, or splash pad;
- c) swim, bathe or wade in any fountain, pond, lake, stream, or any body of water except in Designated Areas;
- d) take any inflatable device, swimming assistive device, snorkel, or other underwater breathing device into any body of water unless otherwise permitted; or
- e) misuse or damage the Town's lifesaving equipment.

#### WASHROOMS AND CHANGE ROOMS

23. While in a Park, no Person shall:

- a) use the restroom or change-room in a Park other than for the gender identity or gender expression with which they are most comfortable, save and except for the Town's Parks Staff or Contractors retained for the purpose of servicing the washroom or change room. or
- b) activate, operate, turn on or use any photographic device, including any camera, video equipment or cellular phone with video or photographic functions, in a washroom, bathhouse, or change-room.

#### COMMERCIAL ACTIVITIES

24. While in a Park, no Person shall:

- a) Unless authorized by Permit, sell, offer to sell, or display for sale;
  - (i) any flowers, food, including fruits and vegetables, drinks or refreshments;
  - (ii) any goods, wares, merchandise, or articles, including promotional materials, souvenirs and novelties; or
  - (iii) any art, skill, service or work.
- b) Unless authorized by Permit, practice, carry on, conduct, or solicit for any trade, occupation, business, profession, or charity.

25. While in a Park, no Person shall:

- a) Engage in Commercial Photography or Videography except as authorized by a Permit issued by the Director.
- b) film, photograph or videotape for remuneration without a Permit; or
- c) make any television broadcast without a Permit, except if the broadcast is made by the news media.

#### CIRCULARS AND ADVERTISEMENTS

26. While in a Park, no Person shall:

- a) distribute or display any handbill, notice, or any other type of circular, bill, advertisement, or any form of promotional item or sample without a Permit; or
- b) erect, display, alter or allow the erection, display or alteration of any sign unless in compliance with By-law No. 02-24.

#### PART VIII: ANIMALS

##### DEFINITIONS

27. In this Part,

- a) "Animal" means any member of the animal kingdom or living beings, including mammal birds and reptiles but excluding fish;
- b) "At Large" means not being under the control of its Owner and in the case of dogs, includes when a dog is not on a lead or leash held by a Person or not otherwise physically restrained or directed in its actions;
- c) "Dog" means a domesticated canine animal, male or female;
- d) "Leash" means a rope, chain or other restraining device for a dog which may not exceed two (2) metres in length;
- e) "Leash Free Zone" means a Designated Area officially recognized by the Town for the purpose of permitting a dog to be at large;
- f) "Owner" means a Person who keeps, harbours, or has temporary or permanent possession of an animal, and, in the case of a minor, "Owner" includes the Person responsible for the custody of the minor; and
- g) "Service Animal" an animal described in subsection 80.45(4) of O. Reg. 191/11 under the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11.

##### ANIMALS IN PARKS

28. No Owner shall:

- a) bring any animal other than a domesticated animal into a Park unless authorized by a Permit;
- b) allow an animal to be at large;
- c) allow a dog to be at large in other than a leash free zone;
- d) allow a dog to be at large in a leash free zone without the owner's supervision;

- e) allow an animal to enter any beach, pond, swimming area, splash pad, garden, landscaped area, playground or sports field, or any other area posted to prohibit animals;
- f) allow an animal to disturb any wildlife; or
- g) allow an animal to engage in any activity that is prohibited under Part VI of this Bylaw;
- h) permit an animal to enter into any area within the leash free zone where access is prohibited through signage from the Town;

29. Section 28, shall not apply to a Person who has control of a service animal where it is being used to aid a Person with visual, hearing or other impediment.

30. An Owner shall immediately remove his animal from the leash free zone:

- a) if it creates a nuisance or shows signs of aggressiveness towards another Person or animal, or
- b) at the request of a Parks Staff or a Municipal Law Enforcement Officer, if in the opinion of the staff the animal is showing signs of aggressiveness towards another Person or animal or creating a nuisance, or if the owner fails to supervise the animal and keep it under control while being at large.

#### PROTECTION OF WILDLIFE

31. While in a Park, no Person shall:

- a) hunt, injure, kill, attempt to kill, maim, trap or otherwise pursue or molest any animal in any manner so as to disturb its presence in the Park;
- b) touch, injure or remove a nest or egg without a Permit;
- c) feed or attempt to feed or deposit food for consumption by wildlife; or
- d) release into a Park pets, animals or domesticated species.

#### ANIMAL CARE AND CONTROL BY-LAW

32. In the event of a conflict between the By-law and the Town of Lincoln Animal Care and Control By-law No 2019-18, the Animal Care and Control By-law shall take precedence.

#### HORSES

33. Unless authorized by permit, no Person as owner or Person having control of a horse shall permit it to enter or remain in a Park unless:

- a) Within a Designated Area for use by horses; and
- b) It is well broken and wearing a bridle.

34. No Person riding or having control of a horse in a Park shall obstruct, inconvenience or endanger other users of the Park.

#### FISHING

35. While in a Park:

- a) No Person shall fish in an area posted to prohibit fishing;
- b) No Person shall store or leave any lures, bait, hooks, lines, poles or other equipment in the park in a location or manner that may injure other Persons or wildlife; and
- c) All permitted fishing must be carried out in compliance with all Ministry of Natural Resources Rules and Regulations.

PART IX: VEHICLES

GENERAL PROHIBITIONS

36. While in a Park, no Person shall:

- a) Unless specifically permitted, drive, operate, pull, or ride any Vehicle except on a roadway or in a designated Parking Area;
- b) park or leave any vehicle except in an area designated for parking;
- c) park or leave a vehicle between the hours of 11:00 p.m. and 7:00 a.m., unless approved by the Director or authorized by a Permit;
- d) park a vehicle in a Designated Area for parking, except in a proper parking space and in accordance with markings and posted conditions;
- e) park a vehicle in any area or parking space where signs have been erected  
to prohibit parking;
- f) park a vehicle in a signed parking space reserved for persons with an authorized Accessibility Parking Permit issued in accordance with the provisions of the *Highway Traffic Act*, is properly displayed on or in the vehicle;
- g) park a vehicle in any area or parking space except while actively using the park;
- h) park a vehicle in such a manner as to interfere with the use of any other area or parking space;
- i) park or stop a vehicle, or allow a vehicle to stand, contrary to the instructions of a Police Officer, a Municipal Law Enforcement Officer, or an employee of the Town; or
- j) drive, operate or park:
  - (i) any heavy equipment, machinery or vehicle of whatever mode of power;
  - (ii) any truck or trailer except for the purpose for making a delivery to a point within the limits of the Park;
  - (iii) any recreational vehicle, commonly known as "RV" which may provide living accommodations for persons; or

(iv) any Motorized Recreational Vehicle

k) Subsection (j) does not apply to an owner of a Food Service Vehicle who holds a valid Permit issued under this By-law for the purpose of operating a Food Service Vehicle in a Park.

37. No Person shall use a roadway or Parking Area in a Park for:

- a) cleaning, maintaining, repairing, servicing or washing a Vehicle;
- b) instructing, teaching, or coaching any Person in the driving or operation of Vehicle, except for a Bicycle; or
- c) games or sport activities, without a Permit.

38. While in a Park, no Person shall:

- a) without a Permit, park any vehicle on any landscaped area, turf grass area or other area not designated for parking;
- b) park any equipment, machinery, trailer or vehicle except while using the Park; or
- c) park any equipment, machinery, trailer or vehicle after the Park has been closed.
- d) No person shall park a bus in a Park except for the purpose of pick-up and drop-off, and in any event, no person shall park a bus for that purpose for more than 30 minutes.

#### BICYCLES

39. Notwithstanding Sections 34 and 36, a person may ride a Bicycle on a Bicycle Trail within a Park and a Person may park a Bicycle on turf grass areas of a Park.

40. While in a Park, No Person shall:

- a) Obstruct, inconvenience or endanger other users of the park while riding or operating a Bicycle.
- b) Construct or assemble any ramps, jumps, pathways or obstacle courses; or,
- c) Ride or operate a Bicycle in a manner which results in damage to trails, vegetation, trees, fauna or other natural features.

#### COMMERCIAL VEHICLES

41. No Person shall drive, operate, pull, ride, or park any Commercial Vehicle in a Park unless the Person;

- a) has a valid Permit issued by the Director to conduct commercial activities using the Vehicle in the Park;
- b) satisfies all licensing requirements as provided in other applicable laws, By-laws, regulations, and requirements of any governmental authority for the operation of such Commercial Vehicle in the Town; and

- c) complies with all the provisions in the Permit as issued by the Director.

#### FOOD SERVICE VEHICLES

42. In addition to Section 41, no Person shall drive, operate, pull, ride, or park any Food Service Vehicle in a Park unless the Person;

- a) has a valid Permit issued by the Director to conduct Food Service activities using the Vehicle in the Park;
- b) satisfies all licensing requirements as provided in other applicable laws, By-laws, regulations, and requirements of any governmental authority for the operation of such Food Service Vehicles in the Town; and
- c) complies with all the provisions in the Permit as issued by the Director.

#### SPEED

43. No person shall operate a Vehicle in a Park in excess of the posted speed limit.

#### FRIVOLOUS COMPLAINTS

44. No person shall make a meritless or vexatious complaint for non-compliance with this By-law.

#### PART X: ENFORCEMENT

45. Any officer is authorized to inform a person of the provisions of this by-law and require compliance with it. A Municipal Law Enforcement Officer or Parks Staff or Police Officer may order any person believed to be contravening or have contravened any provision of this By-law to:

- a) immediately cease and desist the activity constituting or contributing to such contravention;
  - b) immediately remove from the Park any animal or thing owned by or in the control of such Person which is involved in such contravention; or
  - c) leave the Park immediately.
- d) No person shall hinder or obstruct an officer investigating an offence under this By-law;

46. While in a Park, every Person shall obey every order of:

- a) employees or agents of fire and police services acting in the scope of their duties to provide emergency or enforcement services;
- b) any Municipal Law Enforcement Officer acting in the scope of their duties to provide emergency or enforcement services; and
- c) any Parks Staff acting in the scope of their duties.

#### PENALTY

47. For the purpose of this By-law:

a.) Every Person who contravenes any provision of this By-law or an Order issued pursuant to this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for pursuant to *the Provincial Offences Act*, R.S.O. 1990, c.P.33.

PART XI: VALIDITY

48. If a court of competent jurisdiction declares any section or part of a section of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force and effect.

PART XII: INTERPRETATION

49. For the purposes of this By-law, unless the context requires otherwise:

- a) Words imparting the singular number shall include the plural and words imparting the masculine gender shall include the feminine and vice versa.
- b) Where a form of words of expression are prescribed in the By-law, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.
- c) Where there is a reference to legislation or a by-law, the reference incorporates all amendments, regulations thereto and successor legislation or By-laws.

PART XIII: REPEAL

50. By-law No. 86-40, as amended, and 08-66, as amended, is hereby repealed.

PART XIV: SHORT TITLE

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

PART XV: ENACTMENT

52. This By-law shall come into force and take effect on the date of its final passing.

**PASSED AND ENACTED** on the 20th day of June 2022:

  
MAYOR: SANDRA EASTON

  
CLERK: JULIE KIRKELOS



**PROVINCIAL OFFENCES ACT**

**Part I**

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2022-44, for the Town of Lincoln, attached hereto is the set fine for that offence. This Order is to take effect July 11, 2022.

Dated at Hamilton, this 11<sup>th</sup> day of July, 2022.



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Paul R. Currie  
Regional Senior Justice  
Central West Region

Schedule A to By-law 2022-44  
Part 1 Provincial Offences Act

<b>Item #</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision Creating or Defining Offence</b>	<b>COLUMN 3 Set Fine</b>
1	Enter / remain in Park after hours.	Part VI s.11(a)	<del>\$250.00</del> \$150.00
2	Enter / remain in Park after hours without permit.	Part VI s.11(b)	<del>\$250.00</del> \$150.00
3	Engage in riotous/ boisterous/ violent/ threatening/indecent or illegal activity.	Part VI s.12(a)	<del>\$250.00</del> \$150.00
4	Engage in Public Nuisance by being intoxicated/ loitering/ spying/ frightening/ annoying.	Part VI s.12(b)	<del>\$500.00</del> \$300.00
5	Engage in activity that may cause injury or damage to any person, animal, tree or property.	Part VI s.12 (c)	<del>\$500.00</del> \$300.00
6	Carry/ discharge firearm in Park.	Part VI s.12(d)	\$300.00
7	Possess/ Use a weapon without permit.	Part VI s.12(e)	\$300.00
8	Disobey official sign.	Part VI s.12 (f)	<del>\$250.00</del> \$150.00
9	Possess/ use Fireworks without a permit.	Part VI s.12 (g)	\$250.00
10	Release balloon without a permit.	Part VI s.12(h)	\$125.00

Schedule A to By-law 2022-44  
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11	Operate Remote Piloted Aircraft System without permit.	Part VI s.12(i)	\$250.00
12	Use skateboard other than designated area.	Part VI s.12(j)	\$75.00
13	Use rollerblades other than designated area.	Part VI s.12(k)	\$75.00
14	Play or Practice golf in park.	Part VI s.12(l)	\$75.00
15	Erect/ install or place structure/ tent/ booth without a permit.	Part VI s.12 (c)	<del>\$500.00</del> \$300.00
16	Camp/ erect or place a tent for shelter or temporary abode.	Part VI s.12(n)	<del>\$500.00</del> \$300.00
17	Operate motor vehicle/ motorized conveyance off roadway.	Part VI s.12(o)	\$125.00
18	Skate/ walk on or through snow/ ice covered body of water.	Part VI s.12(p)	\$75.00
19	Ski/ toboggan/ snowboard/ sled not in designated area.	Part VI s.12(q)	\$75.00
20	Engage in commercial photography without permit.	Part VI s.12(r)	\$250.00
21	Play/ arrange or engage in organized sport not in designated area.	Part VI s.2(s)	\$125.00
22	Possess/ consume alcoholic beverage without permit.	Part VI s.12(u)	\$125.00
23	Shoot/ fire slingshot or projectile of any nature.	Part VI s.12(v)	\$75.00
24	Misuse/abuse emergency device.	Part VI s.12(w)	\$250.00

Schedule A to By-law 2022-44  
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25	Cause/ participate in marriage ceremony not in designated area/ without permit.	Part VI s.12(x)	\$250.00
26	Enter restricted/ prohibited area.	Part VI s.12(y)	<del>\$500.00</del> \$300.00
27	Engage in sexual behaviour or in nudity.	Part VI s.12(z)	<del>\$500.00</del> \$300.00
28	Damage/ remove protective equipment.	Part VI s.12(z)(a)	<del>\$500.00</del> \$300.00
29	Encroach/attempt to encroach on park lands.	Part VI s.12(z)(b)	<del>\$500.00</del> \$300.00
30	Discharge water or wastewater onto Park.	Part VI s.12(z)(c )	<del>\$500.00</del> \$300.00
31	Dump household waste in park.	Part VI s.13(a)	\$250.00
32	Dump construction materials/ debris/ fill/ snow onto Park without permit.	Part VI s.13(b)	<del>\$500.00</del> \$300.00
33	Dump any material into a pool/ pond/ lake/ stream/ fountain/ watercourse.	Part VI s.(c)	<del>\$500.00</del> \$300.00
34	Dispose/ bury/ scatter remains in Park without permit.	Part VI s.14	\$300.00
35	Damage/ deface/ injure/ prune or remove plant/ sod/ bush/ vegetation in Park.	Part VI s.15(a)	\$300.00
36	Climb/ damage/ deface or remove any tree.	Part VI s.15(b)	<del>\$500.00</del> \$300.00
37	Climb/ damage/ deface or remove any bench/ fence/fixture/fountain/monument/ seat or other property.	Part VI s.15(c)	<del>\$500.00</del> \$300.00
38	Climb any building/ structure not designated for climbing.	Part VI s.15(d)	\$125.00

Schedule A to By-law 2022-44  
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39	Damage or deface building/ structure/ equipment.	Part VI s.15(e)	<del>\$500.00</del> \$300.00
40	Remove any soil/sand/gravel stone/rocks/ wood or other material from Park.	Part VI s.15(g)	\$300.00
41	Have open fire/ bake oven/ tandoor oven without permit.	Part VI s.16(a)	\$125.00
42	Have fire/ barbecue not in designated area or without permit	Part VI s.16(b)(c)	\$125.00
43	Operate prohibited fuel fired barbecue.	Part VI s.16(e)	\$125.00
44	Operate solid fueled barbecue without permit.	Part VI s.16(f)	\$125.00
45	Leave fire/ barbecue/ bake oven/ Tandoor oven unattended.	Part VI s.16(g)	\$125.00
46	Have fire/ barbecue/bake oven/ tandoor oven without extinguishing medium	Part VI s.16(h)	\$125.00
47	Use improper fuel in barbecue.	Part VI s.16(i)	\$125.00
48	Hold organized gathering/ event with more than 50 persons without permit	Part VI s.17(a)	\$250.00
49	Interfere with organized gathering/ event authorized by permit.	Part VI s.17(b)	\$125.00
50	Move Park furniture/ structures.	Part VI s.17(c)	\$125.00
51	Cooking not in designated area.	Part VI s.17(d)	\$125.00

Schedule A to By-law 2022-44  
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52	Operate sound amplifying equipment that interferes/ disturbs other persons.	Part VI s.19(a)	\$250.00
53	Launch watercraft not in designated area.	Part VI s.20(a)	<del>\$300.00</del> \$250.00
54	Moor/ dock a watercraft not in a designated area.	Part VI s.20(b)	\$250.00
55	Refuel a watercraft on land from vehicle or other equipment not in designated area.	Part VI s.21(a)	<del>\$300.00</del> \$250.00
56	Enter public swimming pool when closed/ prohibited.	Part VI s.22(a)	\$125.00
58	Disobey instructions of lifeguard.	Part VI s.22(b)	\$75.00
59	Swim/ bathe/ wade not in designated area.	Part VI s.22(c)	\$75.00
60	Use device in pool or body of water not permitted.	Part VI s.22(d)	\$75.00
61	Misuse/ damage lifesaving equipment.	Part VI s.22(e)	\$250.00
62	Improper use of restroom or change-room.	Part VI s.23 (a)	\$250.00
63	Operate photographic equipment/device/ electronic recording device in restroom/ change-room.	Part VI s.23(b)	<del>\$500.00</del> \$300.00
64	Sell/ offer to sell/ display for sale without permit.	Part VI s.24(a)	\$250.00
65	Solicit for trade or occupation/business or charity without permit.	Part VI s.24(b)	\$250.00
66	Engage in commercial photography without permit.	Part VI s.25(a)	\$250.00
67	Photograph/ film or video for remuneration without permit.	Part VI s.25(b)	\$250.00

Schedule A to By-law 2022-44  
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68	Broadcast without permit.	Part VI s.25(c)	\$250.00
69	Distribute notice/handbill/ circular/bill/ advertisement without permit.	Part VI s.26(a)	\$125.00
70	Erect/ display any sign.	Part VI s.26(b)	\$125.00
71	Bring non-domesticated animal in park without permit.	Part VI s.28(a)	\$75.00
72	Allow animal to be at large.	Part VI s.28(b)	\$75.00
73	Allow dog to be at large other than designated area	Part VI s.28(c)	<del>Blank</del> \$75.00
74	Allow dog to be at large and unsupervised in leash free zone	Part VI s.28(d)	\$75.00
75	Permit animal to enter beach/ pond/swimming area/ splash pad or other area prohibited to animals.	Part VI s.28(e)	\$75.00
76	Permit animal to disturb wildlife.	Part VI s.28(f)	\$75.00
77	Permit animal to engage in prohibited activity.	Part VI s.28(g)	\$75.00
78	Permit animal to enter leash free zone when prohibited.	Part VI s.28(h)	\$125.00
79	Fail to remove animal from leash free zone when directed.	Part VI s.30	\$125.00
80	Hunt/ injure/ kill/ maim any animal.	Part VI s.31(a)	<del>\$500.00</del> \$300.00
81	Remove/ injure any nest or eggs without permit.	Part VI s.31(b)	\$125.00
82	Feed wildlife	Part VI s.31(c)	\$75.00

Schedule A to By-law 2022-44  
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83	Release domesticated animals in Park	Part VI s.31(d)	\$125.00
84	Permit or have control of horse in Park not in designated area.	Part VI s.33(a)	\$125.00
85	Fish in prohibited area.	Part VI s. 35(a)	\$125.00
86	Operate vehicle not on roadway or designated area	Part IX s.36(a)	\$250.00
87	Leave vehicle not in designated parking area.	Part IX s.36(b)	\$125.00
88	Leave vehicle after hours of operation of park.	Part IX s.36(c)	\$125.00
89	Operate heavy equipment/trailer/motor vehicle/RV/ Motorized Recreational Vehicle in Park-not authorized	Part IX s.36 (j)	\$125.00
90	Ride bicycle-interfere or endanger others in Park	Part IX s.40(a)	\$125.00
91	Ride bicycle-construct ramps/jumps/ obstacles unauthorized.	Part IX s. 40(b)	\$125.00
92	Operate Commercial Vehicle in Park- not authorized	Part IX s.41 (a)	\$125.00
93	Operate Food Service Vehicle in Park-not authorized	Part IX s.42 (a)	\$125.00
94	Hinder or Obstruct Municipal Law Enforcement Officer/ Peace Officer	Part X s.45(d)	\$250.00
95	Fail to leave Park when directed by Officer	Part X s.45 (c)	\$250.00



Schedule A to By-law 2022-44  
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NOTE: The penalty provision for the offences indicated above is Part X section 47 of By-law No 2022-44, a certified copy of which has been filed.