

The Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde

By-Law No. 2023-04

Being a By-Law to regulate and control Head Lake Park, including Rotary Beach under the Jurisdiction of the Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde.

Whereas Section 8 of the Municipal Act, 2001, S.O. 2001, c.25 (the Act) states that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

And Whereas Section 11 (3) of the Act authorizes both the upper-tier and lower-tier municipalities to pass a by-law respecting matters within the sphere of "culture, parks and heritage";

AND WHEREAS Section 425(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides that by-laws may be passed by a municipality to provide that a person who contravenes a by-law of the municipality passed under the Municipal Act, 2001 is guilty of an offence;

AND WHEREAS Section 429(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the Municipal Act, 2001;

Now Therefore, the Council of the Corporation of the United Townships of Dysart et al hereby enacts as follows:

1.0 Short Title:

1.1 The short title of this by-law is the "Head Lake Park By-Law".

2.0 Definitions:

2.1 **Committee** means the Parks and Recreation Department of the Municipality of Dysart et al.

2.2 **Council** means the Council of the Corporation of the United Townships of Dysart et al.

2.3 **Head Lake Park** shall mean the land used by the Municipality as indicated by Schedule A of this By-Law, including Rotary Beach, for public park purposes including all buildings, structures, facilities, erections, improvements and equipment of any nature or kind located in or on such land, for so long as the land is used for public park purposes.

2.4 **Liquor** has the same definition as The Liquor Licence Act.

2.5 **Municipality** means the Corporation of the United Townships of Dysart et al.

2.6 **Officer** means a member of the Ontario Provincial Police or a Municipal Law Enforcement Officer, authorized to enforce the provisions of this By-Law and includes other persons appointed as Provincial Offences Officers pursuant to the Provincial Offences Act, R.S.O. 1990, chapter P33:

2.7 **Parking Lot** means any area, or a tract of land designated for the parking of vehicles and enforced under Parking Control By-Law 2010-42.

2.8 **Vehicle** has the same definition as The Highway Traffic Act.

3.0 General Regulations

- 3.1 The Head Lake Park as indicated in Schedule A are for the benefit and pleasure of the public and every person shall, as to the use of the said park, be subject to the By-Laws, rules and regulations of the Municipality, except as otherwise provided in this By-Law.
- 3.2 Head Lake Park shall be closed from 12:00 midnight to 6:00 AM the following day, with the exemption of Municipal approved events.
- 3.3 During any period when a park is closed, no vehicle, including a motorized snow vehicle or any vehicle listed in the Off-Road Vehicles Act shall remain on the park property.
- 3.4 No Person shall have, bring into, or keep in Head Lake Park including Rotary Beach for whatever purpose, any open alcohol whatsoever nature and kind unless such person has received a licence so to do from the Alcohol Gaming Corporation of Ontario (AGCO), and approval of the Council of the Corporation of the United Township of Dysart et al.
- 3.5 No person shall dock a boat at Head Lake Park public docks for more than four (4) hours. Restrictions shall apply only where there are signs to that effect have been displayed.
- 3.6 No person shall distribute, or expose any kind of circular or advertisement, Post, stencil, or otherwise affix any notice, or other paper to any tree, bush, shrub, fence, building or structure.
- 3.7 No person shall use any part of Head Lake Park for the purpose of washing, cleaning, polishing, servicing, and maintaining any motor vehicle or, except in the event of any emergency, repairing any motor vehicle.
- 3.8 No person shall beg, publicly solicit subscriptions for any purpose, solicit passengers for any boat or vehicle for hire or keep or offer anything for sale except under the authority of a licence granted under the provisions of this By-Law or any other By-Law of the Municipality.
- 3.9 No person shall in any way damage or remove any tree, flower, flower bed, bush, shrub, plant or other vegetation or soil, sand, gravel or wood.
- 3.10 No person shall in any way damage:
- 1) Any swimming area, monument, fountain, bridge, fence, wall, gate, roadway pavement, parking area, sidewalk.
 - 2) Any building or other structure.
 - 3) Any swing, slide, playground apparatus, table, seat, bench, sign, vase, or other fixture, equipment or personal property or ornament or utility, located in or upon any part of, or forming part of Head Lake Park.
 - 4) Obstruct in any way a roadway or path.
 - 5) In any way pollute or foul any stream, river, lake or pond located in Head Lake¹ Park.
- 3.11 No person shall bring in or deposit any household garbage and/or recycling on or in the water or grounds of Head Lake Park. Garbage or recycling from the use of the park shall be placed in the proper receptacles. No household garbage or recycling is permitted to be deposited in park receptacles.

- 3.12 Any person owning, harbouring or possessing any animal shall be responsible for the sanitary removal and disposal of any excrement deposited on the grounds of the park by such animal, including within the fenced off leash free dog park.
- 3.13 No person shall bring any animal into any enclosed tennis courts or rinks in Head Lake Park or property owned by the Municipality.
- 3.14 No person shall erect any tent, shelter, or structure of any kind in any park and leave the same during a period when any park is closed.
- 3.15 No person or persons shall make exclusive use of any portion of any park under the control of the Municipality.
- 3.16 The Municipality at any time when it is deemed advisable to do so, may close Head Lake Park to the public or any portion of Head Lake Park, or any building in the park, and may require a "park user agreement" to be purchased from a person duly authorized by the Municipality.
- 3.17 No person shall operate any motorized snow vehicle in the park except where permitted as indicated by sign.
- 3.18 Nothing in this By-Law prevents any Municipal employee from performing their duties as an employee.

4.0 Parking Prohibitions

- 4.1 No Person shall stop, stand or park any vehicle in Head Lake Park except in a parking lot designated for that purpose and where designated.
- 4.2 No person shall leave a vehicle parked between the hours of 12:00 midnight to 6:00 AM except where permitted.
- 4.3 No person shall ride, and park or drive any motor vehicle, or trailer except on the roadways, or parking areas therein designated for public vehicular use, and where signs to that effect are posted, except where permitted through an agreement with the Municipality.
- 4.4 Nothing in this By-Law shall apply to municipal service vehicles or emergency vehicles.
- 4.5 Sections 4.1 to 4.4 shall be enforced through the Parking Control By-Law 2010-42.

5.0 Administration and Enforcement

- 5.1 This By-law shall be enforced by an Officer.
- 5.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, an Officer or other duly appointed person who is exercising a power or performing a duty under this By-law.

6.0 Offence & Penalties Provisions

- 6.1 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
- 6.2 If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

7.0 Amendment of Schedules

7.1 That Schedules may be amended from time to time by resolution of Council without an amendment to this By-Law

8.0 IMPLEMENTATION

8.1 This By-law shall come into full force and effect after adoption.

9.0 REPEAL

9.1 By-law No. 91-55 is hereby repealed.

READ a first, second and third time, passed, signed and the Corporate Seal attached hereto, this 24 day of January, 2023.

MAYOR: Murray Fearrey

CLERK: Mallory Bishop

**THE CORPORATION OF THE UNITED TOWNSHIPS OF DYSART, DUDLEY,
HARCOURT, GUILFORD, HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

PART 1 Provincial Offences Act

By-law 2023-04: Head Lake Park By-law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Possess or consume alcohol in park without a licence from AGCO and permission from Council	Section 3.4	\$150.00
2.	Dock boat over time limit	Section 3.5	\$100.00
3.	Damage or remove any tree, flower, flower bed, bush, shrub, plant or other vegetation or soil, sand, gravel or wood.	Section 3.9	\$100.00
4.	Damage any monument, fountain, bridge, fence, wall, gate, roadway pavement, parking area, sidewalk.	Section 3.10(1)	\$100.00
5.	Damage any building or other structure.	Section 3.10(2)	\$350.00
6.	Damage any swing, slide, playground apparatus, table, seat, bench, sign, vase, or other fixture, equipment or personal property or ornament or utility, located in or upon any part of, or forming part of Head Lake Park	Section 3.10(3)	\$350.00
7.	Deposit household garbage and/or recycling where prohibited.	Section 3.11	\$100.00
8.	Operate snow vehicle where prohibited	Section 3.17	\$150.00
9.	Hinder or obstruct any person exercising lawful power or duty under this By-Law	Section 5.2	\$150.00

NOTE: The penalty provision for the offences indicated above is section 6.1 of the By-law No. 2023-04, a certified copy of which has been filed.

**THE CORPORATION OF THE UNITED TOWNSHIPS OF DYSART, DUDLEY,
HARCOURT, GUILFORD, HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

Schedule A to By-Law 2023-04

(List of Parks, Beaches and Community Centres)

1. Head Lake Park – 127 Highland Street
2. Eagle Lake Park – 2661 Eagle Lake Rd
3. Glebe Park – 66 Museum Rd
4. Harmony Parquets – Hwy 118 (Across from Harmony Rd)
5. Sam Slick Park – County Rd 21 (Across from Haliburton Highlands High School)
6. West Guilford Community Centre – 1061 Kennisis Lake Rd
7. Harcourt Community Centre – 5004 Midway St
8. Haliburton Junction Skate Park – 728 Mountain St
9. A.J. LaRue Arena – 728 Mountain St
10. Rotary Beach – 2 Park St