

**CITY OF ST. THOMAS**

**BY-LAW NO. 105 - 2020**

A by-law to amend By-Law By-law 96-2019, being a by-law for the use, protection and regulation of Public Parks and Recreation Areas in the City of St. Thomas

THE COUNCIL OF THE CITY OF ST. THOMAS ENACTS AS FOLLOWS:

1. That Part 1 of By-Law 96-2019 be deleted and replaced with the following:

**“INTERPRETATION**

**1.1 Definitions**

Throughout this By-law, where the following words or phrases are commenced with capital letters they are read as having the respective meanings defined below.

In this By-law:

“Authorized Parking Area” means an area of a Recreation Area that has been 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 for parking.

“Authorized Person” means an individual employed by or otherwise authorized by the City of St. Thomas whose duties include the monitoring of a City owned property and ensuring that unauthorized activities are not permitted.

“Bicycle” includes a unicycle, a tricycle and a battery powered assisted bicycle as defined in Ontario Regulation 369/09 but does not include a motor assisted cycle of any other type.

“Boulevard” means any part of a municipal road allowance except for the travelled portion of the road, the shoulder of the road and the sidewalk.

“Cannabis” has the same meaning as in subsection 2(1) of the Cannabis Act, 2017, S.O. 2017, c.26, Sched.1.

“Change Room” means any permanent or temporary structure or portion of a structure designed to accommodate persons for the purpose of changing their clothing. A change room may or may not include Washroom facilities.

“City” means the Corporation of the City of St. Thomas.

“Control” includes care, custody and responsibility for supervision.

“Council” means the Municipal Council of the Corporation of the City of St. Thomas.

“Designated” means an area defined or constructed for a specific use which may include posted conditions and may exclude areas subject to posted restrictions and an area where a defined use or activity is permitted, prohibited or restricted with notice by posted signage.

“Director” means the person appointed from time to time by the Council of the Corporation of the City of St. Thomas as “Director of Parks, Recreation and Property Management” or his/her designated representative.

"Environmentally Significant Area" and ("ESA") mean an area in the City of St. Thomas which is under City ownership or operational management, containing features and/or attributes of environmental and natural significance that warrant their retention in a natural state, and is Designated as such through a notice posted on or immediately adjacent to the Designated property.

"Hiking Trail" means those parts of a Park, Environmentally Significant Area or City wide community trail system that consists of footpaths for the purpose of hiking by the public, and are not hard-surfaced.

"Leash Free Dog Park" means a Park or portion of a Park that is enclosed by a fence or other means and which is Designated to permit a dog to Run at Large.

"Motor Vehicle" has the meaning attributed to it in Section 1(1) of the Highway Traffic Act, R.S.O. 1990, c. H.8.

"Recreational Trail" means those parts of a Park or City wide community trail system that have been improved to serve as a multi-use pathway with a hard surface and intended to accommodate a variety of uses including pedestrians, inline skating, bicycling and Vehicles, excluding Motor Vehicles, motorized snow vehicles, horses and horse drawn conveyances of any sort.

"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 retain a natural state as open space and available for use by the public.

"Park" means land and land covered by water and all portions thereof owned or made available by lease, agreement, or otherwise, to the City, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a general purpose Park of any size, a 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 City, including any buildings, structures, facilities, erections and improvements located in or on such land.

"Playground Equipment" includes slides, swings and other equipment provided for the use of young children within a defined area delineated by sand or other cushioning material.

"Refuse" includes but is not limited to paper wrappers, discarded papers or cardboard items, food containers, discarded food, disposable eating utensils, newspapers, drink containers of all kinds, disposable diapers, broken glass, grass clippings, furniture, appliances, machinery, building materials, automotive components and inert fill of any kind.

"Recreation Area" means an outdoor area or building or combination of both, under the Control of the City which is maintained and/or supervised by employees of the City and includes all Parks (inclusive of Natural Park Areas and Environmentally Significant Areas), Hiking Trail(s), Recreational Trail(s) and every tennis court, arena, Stormwater Management Facility, skating rink, swimming pool, wading pool/spray pad, play area, community centre, skateboard facility, sports field, building or portion of a building which is owned, leased or used by the City, including a school and school grounds leased or used by the City, for purposes which include offering natural open space or recreation to the public.

"Roadway" means that part of a Recreation Area that is Designated for public use by Vehicles and Motor Vehicles.

"Run at Large" relating to an animal means to be found in any place other than the premises of the owner of the animal and not under the physical control of any person by means of a leash held by a person.

“Sexual Activity” means any physical contact of a sexual nature involving genitalia, buttocks, or female breasts by one or more individuals.

“Splash Pad” shall mean a concrete surface with no standing water depth and water sprinkler nozzle which, when operating, sprays water upwards and down on the concrete surface and is intended to have a cooling effect.

“Service Animal” means a Dog, Cat or other Animal for which a person with a disability, as defined by the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11, provides a letter from a regulated health professional listed in 80.45(4)(b) of Ontario Regulation 191/11 (as amended or succeeded by further regulations) which confirms that the person requires the Dog, Cat or Animal for reasons relating to the disability.

“Stormwater Management Facility” means an area owned by the City which contains a pond or catchment area designed and excavated to function as a reservoir for accumulation of precipitation sourced stormwater from surface run-off and external storm drains.

“Tree” means all trees, shrubs and saplings, the trunk of which at ground level is located 60% or more on City owned land comprising a Recreation Area as defined in this By-law.

“Vapour Product” means an electronic cigarette, waterpipe, an e-substance, or any component of an electronic cigarette or a pipe or similar device or substance the primary purpose of which is to, by heating or burning, produce vapour gas or smoke for a person to directly inhale.

“Vehicle” means a truck, automobile, motorcycle, motor scooter, minibike, trailer, all-terrain vehicle, motorized Bicycle, carriage, wagon, sleigh, snowmobile, or any Vehicle or conveyance of every description and whatever the motive power, except a Bicycle, baby carriage or cart, child’s wagon, child’s sleigh, wheelchair or motorized assistive devices for persons with mobility disabilities.

“Washroom” means any permanent or temporary structure or portion of a structure located in Recreational Area that contains toilets or urinals and wash basins.

“Watercraft” means a boat, raft or other floating or submersible device of any kind capable of conveying a person on or in water.”

2. That Part 2.3 of By-law 96-2019 be deleted and replaced with the following:


“2.3 Wheel chairs excepted Despite any regulation in this By-law restricting the use of Motor Vehicles and Vehicles in Parks, and for greater certainty only, a wheelchair or similar device (motorized or otherwise) used by an individual due to a disability may be used in all areas of Parks including all Recreational Trails and the accessible portions of Hiking Trails.”

3. This by-law shall come into effect on the day of passing.

READ a First and Second time this 10th day of August, 2020.

READ a Third time and Finally passed this 10th day of August, 2020.

  
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Maria Konefal, City Clerk

  
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Joe Preston, Mayor