

THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS

BY-LAW NO. 2026-06

A By-law to adopt and enact rules and regulations with specific provisions within open parklands within the Municipality of South Dundas including the penalties for offences.

WHEREAS the *Municipal Act, 2001*, as amended, provides that the powers of the Municipality shall be exercised by By-law;

AND WHEREAS the *Municipal Act, 2001*, as amended, authorizes a Municipality to pass By-laws respecting matters within the sphere of public utilities;

AND WHEREAS the Council of the Municipality of South Dundas deems it expedient to enact a by-law to regulate and govern the use of and activities permitted within Municipality parks and open space;

NOW THEREFORE the Council of the Corporation of the Municipality of South Dundas enacts as follows:

1. That Schedule "A" shall come into force and effect upon passing of this by-law.

READ and passed in open Council, signed and sealed this 21st day of January, 2026.


MAYOR


CLERK





ಶಿಕ್ಷಣ, ವಿಜ್ಞಾನ ಮತ್ತು ತಂತ್ರಜ್ಞಾನ ಇಲಾಖೆ, ಕರ್ನಾಟಕ ಸರ್ಕಾರ, ಬೆಂಗಳೂರು.

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SCHEDULE "A"

1. DEFINITIONS

- 1.1 'Amplifying Sound System' – means any electronic or mechanical device used for the purpose of reproducing sound of any kind.
- 1.2 'Animal' - means any non-human vertebrate or invertebrate, and includes but is not limited to reptiles, arachnids, domestic animal including but not limited to canines and felines, domestic fowl, an animal raised for commercial purposes, an animal kept as a working animal or for hobby purposes such as breeding, showing or sporting, a household pet, an exotic animal, livestock, pigeons, wild animals and birds, but excludes ducks, geese, or other animals that naturally inhabit a park or open space
- 1.3 'Barbeques or Cooking Appliances' - means an appliance or device intended for the cooking of food and fueled by any solid, liquid or gas fuel including but not limited to charcoal, briquette, propane, or kerosene.
- 1.4 'Bicycle' - means and includes a bicycle, tricycle, unicycle and e-bike as defined by the Highway Traffic Act but does not include a motor assisted bicycle.
- 1.5 'Business' - means a trade, business or occupation and includes the sale, offer for sale or hire of goods, products or services on an intermittent or one-time basis, the showing for the purpose of sale, offer for sale or hire of samples, patterns or specimens of any goods, products or service and any Commercial activity or thing the Municipality may deem appropriate including but not limited to fitness gatherings, boot camps, lessons or teachings of any kind regardless of where the funds are exchanged.
- 1.6 'Camping' - means to camp or lodge therein with one or more person, shall include but not be limited to Recreational Vehicles (RV), portable tents, shelters etc.
- 1.7 'Fire Chief' means the Director of Fire & Emergency Services as appointed by Council to act as Fire Chief for the Corporation and is ultimately responsible to Council as defined in the FPPA or his/her designate.
- 1.8 'Corporation/Municipality' means The Corporation of the Municipality of South Dundas.
- 1.9 'Council' means the Council of the Municipality of South Dundas.
- 1.10 'Damage' - means to cut, break, injure, deface or otherwise disturb an area, item, thing or structure.
- 1.11 'Disorderly conduct' - means to indulge in riotous, boisterous, threatening, indecent conduct or abusive, threatening profane language which disturbed another person or persons or is likely to disturb another person or persons.
- 1.12 'Emergency Services Personal' – shall mean members of a Police Services, Fire Department or Land Ambulance provider.
- 1.13 'Event or Activity' – Means any organized or scheduled occurrence within a public park and shall include, but not be limited to:
- Educational and Instructional Services: Training, teaching, coaching, educating, or lessons of any kind.
 - Media and Production: Filming or photographing.
 - Gatherings: Special events, community events or gatherings, corporate events or gatherings, or religious celebrations or gatherings.

THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS
BY-LAW 2026-06

- Commercial and Sales Displays: Concession stands, midways, auctions, craft sales or displays, and plant or produce sales or displays.
 - Recreational and Cultural Displays: Festivals, social, cultural or sporting events or displays, and equipment rentals or displays of any kind.
- 1.14 'Film or Photography' – means to carry on, conduct, cause to carry on or permit the carrying on of obtaining film or photographs of persons or locations within a park including but not limited to individuals, natural settings, buildings, ornamental or decorative features or structures
- 1.15 'Firearm' - means a barreled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and for the purpose of this by-law shall also include an air gun, pellet gun, BB gun, paint ball marker, cross bow, long bow, traditional bow and compound bow or anything that can be adapted for use as a firearm.
- 1.16 'Fireworks' – means the setting off, ignition, show or display of fireworks or pyrotechnics shall include but not be limited to handheld sparklers, Christmas crackers or caps utilized for the purpose of toy guns but shall not include pyrotechnic distress signals or life saving devices.
- 1.17 'License' - means a License, permit or authorization issued or authorized by the Municipality of South Dundas.
- 1.18 'Licensee' - means a person who has been issued a license, permit or authorization pursuant to a by-law or policy either in the current calendar year or in a previous calendar year and shall include but not be limited to an Applicant, representative or owner.
- 1.19 'Motor Vehicle' - means any vehicle drawn, propelled or driven by any kind of power which includes but is not limited to a motor vehicle, trailer, traction engine, farm tractor, all-terrain vehicle or motorized snow vehicle but does not include a bicycle, wheelchair or motor assisted device used for mobility assistance.
- 1.20 MUNICIPAL LAW ENFORCEMENT OFFICER - means a person appointed under the authority of the Police Services Act for the purpose of enforcing Municipal by-laws.
- 1.21 'Municipal Reservoir' - means a reservoir, lake, pond or other receptacle or water storage area connected with any park, open space or environmentally protected land.
- 1.22 'Nuisance' - means any activity or action which disturbs or offends or is likely to disturb or offend any individual.
- 1.23 'Open space' - means land in which has been designed as open space such as parks, sports fields and plaza green space.
- 1.24 OFFICER – means a Municipal Law Enforcement Officer or other law enforcement officer as appointed by the Council of The Corporation of the Municipality of South Dundas, or a Provincial Offences Officer.
- 1.25 'Operate' – means to manage, work, control, maintain, put or keep in a functional state any business.
- 1.26 'Owner' – means the registered owner of the lands or premises or the person or his authorized agent in lawful control of the land, premises or building or has occupancy of the land, premises or building and who permits the operation or maintenance of any business.

THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS
BY-LAW 2026-06

- 1.27 'Park or Parking' – means the standing or stopping of a vehicle whether occupied or not.
- 1.28 'Person' - means and includes any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organizations and shall include the plural wherein the context requires. Wherever the word he or him is used, it shall mean and include the feminine or neuter gender wherever the context so requires.
- 1.29 'Permit or Authorization' – means a document issued by the Municipality which authorizes or permits a business, event or activity to operate within a public park and shall include but not be limited to, training, teaching, coaching, educating, lessons, filming, photographing, special events, community events or gatherings, corporate events or gatherings, religious celebrations or gatherings, concession stands, midways, auctions, craft sales or displays, plant or produce sales or displays, festivals, social, cultural or sporting events or displays, equipment rentals or displays of any kind.
- 1.30 'Premise' - means land, including any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of the business or activity.
- 1.31 'Public Park(s)' - means all lands owned or operated by or belonging to the Municipality which may be designated as Open Space and used by the public for active or passive recreational use including sporting activities and games, or as gathering places such as urban or village squares, or which may be left in their natural state for environmental reasons. Shall include but not be limited to inland parks, waterfront parks, Dog Parks or other such areas as designated from time to time.
- 1.32 'Service Vehicle' - means any municipal owned or operated vehicle used in the maintenance of a park or enforcement matters and shall include authorized contractors operating on behalf of the Municipality.
- 1.33 'Tent or Sunshade Structure' - means a shelter or structure supported by two or more poles covered by a roof and two or more walls or sides but shall not include an umbrella or similar device or shelter supported by no more than one pole and having no more than one wall or side.
- 1.34 'Shall' – is mandatory and not directory; words in the singular include the plural; words in the plural include the singular; words in the present tense include future or past tense.
- 1.35 'Vehicle' – includes a motor vehicle, trailer, traction engine, farm tractor, roadbuilding machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a mobility assistive device.

2. AUTHORITY

- 2.1 Except as specifically noted otherwise in this By-law, Council is responsible for the administration of all provisions of this By-law.

3. REQUIREMENT FOR A PERMIT OR AUTHORIZATION

- 3.1 Every person carrying on, conducting, operating, maintaining, keeping or engaging in any business, event or activity within a park, where a permit or authorization is required by way of a by-law or written approval or other Municipality Policy, as amended from time to time, shall be required to obtain a permit or authorization prior to the commencement of any such activity

THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS
BY-LAW 2026-06

- 3.2 No person shall carry on, conduct, operate, maintain, keep or engage in any business, event or activity within a park without a permit and/or written authorization to do so.
- 3.3 Such permit or authorization shall be obtained prior to the commencement of any such event, business or activity held within a park.
- 3.4 The person for which the permit or authorization was issued shall ensure that such permit or authorization is displayed and visible at all times.
- 3.5 No person shall fail to display or keep visible their permit or authorization to conduct the event, business or activity within the park.
- 3.6 No person shall fail to adhere to or comply with any conditions or restrictions set out in the permit or authorization.

4. APPLICATION FOR PERMIT OR AUTHORIZATION

- 4.1 Any person required to obtain a permit or authorization pursuant to this by-law, or other Municipality Policy, shall apply in writing or on the appropriate application form as provided by the corporation and shall deposit, at the time of application, all required Fees as set out in the Municipality of South Dundas Fee's By-law for each business, event or activity as well as submit any required approvals, inspections or documentation required or as deemed necessary by the corporation.
- 4.2 Upon being satisfied that the applicant is entitled to obtain a permit or authorization under the applicable provisions, the Issuer shall prepare and issue the appropriate documentation to the said applicant.
- 4.3 Permits or authorizations are not transferable.

5. NUISANCE ABATEMENT

- 5.1 Every person required to obtain a permit or authorization under any provision set out by the Corporation, in addition to any other provisions or requirements expressed elsewhere in this by-law or policy, shall:
 - a) at all times maintain and keep safe and clean and in good condition and repair any object, amusement, vehicle, place, public park or premise for which the permit or authorization is issued;
 - b) not breach or violate or cause, suffer, or permit any breach or violation of any by-law of the Corporation or of any Local Board, thereof, or of any statute, Order-in-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon, or in connection with the business, event or activity for, or in relation to which such permit or authorization was issued;
 - c) not cause, suffer or commit any nuisance to arise in, on, or in connection with the object, amusement, vehicle, place or activity for which the permit or authorization was issued;
 - d) not cause, suffer or permit any shouting, noise or other disturbance on, in or in connection with the object, amusement, vehicle, place or activity for which the permit or authorization was issued, which is unnecessary, unreasonable or contrary to any municipal by-law prohibiting the same; and if any such shouting, noise or other disturbance occurs, the permit holder or authorized person shall immediately take steps to cause the same to be abated;

THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS
BY-LAW 2026-06

- e) not cause, suffer, or permit any obstruction on any highway, lane or public place in front of, or adjoining the place or premise for which the permit or authorization was issued; or,
- f) not cause, suffer or permit any profane, offensive or abusive language or disorderly conduct in, on, or in connection with any vehicle, place or activity for which the permit or authorization was issued.

5.2 Every person who acquires a permit or authorization that is issued under any provision set out by the Corporation is responsible for the due performance and observance of all the provisions of this by-law or policy by himself and by his employees and all other persons in or upon the location which is permitted or authorized.

6. ENFORCEMENT

6.1 A Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.

6.2 No person shall obstruct, hinder, or otherwise interfere with a Municipal Law Enforcement Officer, Provincial Offences Officer, Police Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.

7. SCOPE AND AUTHORITY

7.1 Where a matter is subject to provincial regulation, any provision of this by-law is without effect to the extent that it prohibits or regulates the matter in substantially the same way as or in a more restrictive way than the provincial regulation.

8. SEVERABILITY

8.1 Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

9. EXEMPTIONS

9.1 The Clerk of The Corporation of the Municipality of South Dundas or other individual declared by Council Motion may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law.

10. GENERAL PROVISIONS

The general provisions set out in this by-law shall apply to all public parks and open space owned or operated by the Municipality of South Dundas as defined in this by-law and located within the geographical boundaries of the Municipality.

10.1 No person shall cut, break, injure, deface, disturb, or remove any tree, shrub, plant, rock, gravel, grass, soil, or sand from any public park.

10.2 No person shall break, deface, disturb, damage or remove any monument, fountain, bridge, wall, seat, bench, structure, fence, apparatuses or article within a public park.

10.3 No person shall enter, lead or let loose any animal of any kind within a public park except where designated for such purpose by the Municipality.

THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS
BY-LAW 2026-06

- 10.4 No person shall operate any motor vehicle within a public park unless authorized to do so or unless such vehicle is owned or operated by the Municipality or authorized by the Municipality for the purpose of maintenance of such park or the enforcement of by-laws.
- 10.5 No person shall swim, bathe, wade in or pollute the waters of any fountain, pond, lake, stream or watercourse except where designated for such purpose by the Municipality.
- 10.6 No person shall kindle, set or permit the kindling or setting of any fire within a public park, except where designated for such purpose or authorized to do so.
- 10.7 No person shall discharge any firearm as defined by this by-law within a public park unless authorized to do so.
- 10.8 No person shall set off or discharge any firework within a public park unless authorized to do so.
- 10.9 No person shall display, set up, sell or offer for sale any good, product, service, activity or literature within a public park unless authorized to do so.
- 10.10 No person shall post, erect or place any sign, distribute or post or provide any handbills, circulars, notice, paper or advertising device within a public park unless they have written permission from the Municipality of South Dundas.
- 10.11 No person shall disturb, molest, wound, attempt to kill or kill any bird, fowl or animal within a public park except where authorized to do so by the Municipality or other governing Federal or Provincial legislation.
- 10.12 No person shall provide food, feed, attempt to feed or deposit food for consumption by any animal within a public park unless authorized to do so.
- 10.13 No person shall stop, stand or park a vehicle in any part of a public park for the purpose of hire, or solicit passengers for any vehicle for hire within a public park unless authorized to do so.
- 10.14 No person shall indulge in riotous, boisterous, threatening, or indecent conduct or use abusive, threatening or profane language within a public park.
- 10.15 No person shall create a nuisance within a public park.
- 10.16 No person shall provide, possess, consume, serve, sell or offer for sale alcoholic beverages within a public park unless authorized to do so.
- 10.17 No person shall strike, hit or otherwise propel a golf ball within a public park.
- 10.18 No person shall operate a bicycle as defined in this by-law except on designated bicycle paths and such bicycle shall be provided with:
 - a) a bell or horn so arranged that it shall be under the complete control of the rider;
 - b) a front white light and in the rear a red light while in motion after dark.
- 10.19 No person shall operate or use any apparatus, mechanism or device for the amplification of the human voice, music or sound within a public park unless authorized to do so.

11. WATERFRONT PARKS

- 11.1 For the purpose of this section only the following shall apply:

THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS
BY-LAW 2026-06

11.2 DEFINITION:

- 11.3 'Beach Area' – means an area of a public park whereby the landscaping or ground cover is made up of sand or other similar material in a defined area including but not limited to such areas that may be designed for the purpose of swimming.
- 11.4 'Boat or Marine Apparatus' – means a boat or craft designed for use in or on a body of water whether operated under muscular power or by a motorized device.
- 11.5 'Waterfront Park' – means a public park or open space which connects, surrounds or is abutting the St Lawrence or any other such body of water as amended from time to time.
- 11.6 For the purpose of this section, sections 10.0 through to 10.19 (General Provisions) shall also apply to all Waterfront Parks
- 11.7 Every person engaging in or wishing to engage in fishing or angling of any kind within a waterfront park shall comply with all municipal, provincial or federal regulations.
- 11.8 No person shall fish, permit fishing, cause fishing or allow fishing from land, dock, pier or other similar location where signs are posted to prohibit such activity.
- 11.9 No person shall store, leave or deposit lures, bait, hooks, lines, poles or other equipment used for the purpose of fishing in a location or manner that may injure or cause the injury of a person or animal.
- 11.10 No person shall access, launch or place a boat or other marine apparatus in any body of water from a public park where signs are posted to prohibit such activity.
- 11.11 No person shall dock, moor, attach or adhere any boat or other marine apparatus to any area within a public park where signs are posted to prohibit such activity.
- 11.12 No person shall disturb, interfere, move or damage any lifesaving or emergency equipment, device, sign or notice erected or installed that addresses or provides public safety.
- 11.13 No person shall allow an animal to enter, remain or occupy a beach area within a public park.
- 11.14 No person shall operate, permit the operation or cause to be operated or use a barbeque or other cooking appliance within a waterfront park unless authorized to do so, whether lighted or not.
- 11.15 Notwithstanding Section 11.14, the use of designated community use barbeques erected or installed by the Municipality shall be permitted.
- a) No person shall dispose of or deposit community use barbeque coals in any waste container or any other location other than those designated for their safe disposal.
- b) No person shall dispose of or deposit community use barbeque coals in any waste container or any other location other than those designated for their safe disposal.
- 11.16 No person shall use a tent or sunshade within a beach area.

12. PENALTIES

- 12.1 Every person who contravenes any provision of this by-law is guilty of an offence

THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS
BY-LAW 2026-06

and liable on conviction to a penalty not exceeding \$350, exclusive of costs and the provisions of the Provincial Offences Act, R.S.O 1990, c P.33, as amended, shall apply to said fine.

- 12.2 Every person who contravenes provision 6.2 of this by-law is guilty of an offence and liable on conviction to a penalty not exceeding \$500, exclusive of costs and the provisions of the Provincial Offences Act, R.S.O 1990, c P.33, as amended, shall apply to said fine.