

**THE CORPORATION OF THE
TOWNSHIP OF ZORRA**



BY-LAW NO. 40-20

**BEING A BY-LAW TO REGULATE AND PROHIBIT THE
USE OF MOTORIZED VEHICLES IN MUNICIPAL PARKS
AND RECREATION AREAS WITHIN THE TOWNSHIP OF
ZORRA AND TO REPEAL BY-LAW 18-90 AND AMENDING
BY-LAW 14-13.**

WHEREAS Section 11 of the *Municipal Act 2001*, S.O. 2001, c. 25, as amended (the "Act") authorizes a municipality to pass by-laws respecting matters within the spheres of jurisdiction set out therein including culture, parks, recreation and heritage;

AND WHEREAS Section 429 of the Act authorizes a municipality to establish a system of fines for offences under a By-law of the municipality passed under the Act;

AND WHEREAS the Council of the Corporation of the Township of Zorra deems it necessary to enact a by-law to regulate and prohibit the use of motor vehicles in municipal parks and public places within the Township of Zorra;

AND WHEREAS the Council of the Corporation of the Township of Zorra desires to repeal and replace the Township of Zorra By-law No. 18-90, as amended and amending By-law 14-13 with this By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ZORRA ENACTS AS FOLLOWS:

1. Short Title

1.1. This By-law shall be known and referred to as the "Township of Zorra Motorized Vehicles in Parks and Public Places By-law".

2. Definitions:

- (a) **"Authorized parking area"** means an area of a municipal park, recreation area or public place 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.
- (b) **"Community events"** means events on Township of Zorra property that are not hosted by the Corporation of the Township of Zorra in any capacity. These events are hosted by community organizations, groups and/or individuals and include, but are not limited to, the following: the Caledonian Society, the Calithumpian Weekend Committee, and the Embro-Zorra Agricultural Society.
- (c) **"Council"** means the Council of the Corporation of the Township of Zorra;
- (d) **"Motorized recreational vehicle"** shall mean any vehicle propelled by a power other than muscular power being used for recreational purposes and,

without limiting the generality hereof, shall include motorized snow mobiles, off-road vehicles, recreational all-terrain vehicles and golf carts.

- (e) **“Motorized vehicle”** shall mean any vehicle propelled by a power other than muscular power and, without limiting the generality hereof, shall include automobiles, motorcycles, a motor-assisted bicycle and moped, trucks, tractors, and motorized recreational vehicles.
- (f) **“Municipal Park”** means any and all land owned by, or made available by lease, agreement or otherwise to the Township of Zorra that has been or hereafter may be set apart, designated, dedicated or established by the Township of Zorra as public parkland or walkway or trail and includes any buildings, structures, facilities, erections and improvements located in or on such land.
- (g) **“Operate”** means to drive, ride, or be in possession or control of a recreational motorized vehicle.
- (h) **“Recreation area”** means an area or building or combination of both, under the control of the Township of Zorra which is maintained and/or supervised by employees of the Township. The building or portion of the building as the case may be and may be owned, leased or used by the Township.
- (i) **“Recreational purpose”** means the operation of a vehicle for pleasure, enjoyment or any other purpose that is not required for the care or maintenance of property.
- (j) **"Township"** means the Corporation of the Township of Zorra.
- (k) **“Vehicle(s)”** shall have the same meaning as “motorized vehicle”.

3. Applicability

- 3.1. This by-law applies to all recreation areas, municipal parks, and any premises located therein which are under the control or management or joint management of the Township.

4. Exemptions

- 4.1. Notwithstanding any provision of this by-law, vehicles operated on behalf of an ambulance service, fire department, police department and the Township of Zorra, shall always have full access to all parts of a municipal park where such access is possible.
 - 4.1.1. Vehicles lawfully operating on behalf of the Township of Zorra shall have full access to all parts of a municipal park and/or recreation area and shall include those normally used in the proper care and grooming of lawns and municipal park lands and shall include such items as lawn mowers, lawn rollers, and any other such vehicles and equipment needed to properly maintain the municipal park facilities.
- 4.2. Vehicles and equipment operating on Township of Zorra property for community events that are accessory to the functions of the event shall have access to the parts of a municipal park, and/or recreation area, for which the event is being held, at the discretion of the Recreation and Facilities Manager and pursuant to the approval of an applicable events permit and/or the issuance of a rental agreement between the host of the community event and the Township .
- 4.3. Despite any regulation in this by-law restricting the use of motor vehicles in municipal 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 municipal parks.

- 4.4. Other exemptions may be granted at the discretion of the Township of Zorra Recreation and Facilities Manager, where circumstances would dictate or warrant, and made on written request therefor.

5. Offences

- 5.1. In any municipal park or recreation area within the Township, no person shall, except upon roadways, authorized parking areas or any other areas designated for use by motorized vehicles:

(a) Operate any type or kind of motorized vehicle, including motorized recreational vehicles, within any designated municipal park or recreation area within the Township of Zorra, as designated in Schedule "A" attached hereto and forming part of this by-law.

- 5.2. No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this by-law.

6. Conflict and Severability

- 6.1. In the event of any conflict between any provision set forth in this by-law and any other Township regulation, the competing provisions shall be harmonized to the fullest extent possible so as to facilitate the intent and proper effect of the separate areas of regulation.

- 6.2. In any section or portion thereof be declared by a court of competent jurisdictions to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the Ordinance. The remainder of the ordinance shall remain in full force and effect.

7. Penalty

- 7.1. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended (see Schedule "B").

8. Repeal – Enactment

- 7.2. That By-law 18-90 and amending By-law 14-13 are hereby repealed in entirety.

- 7.3. This By-law shall come into force and take effect from and after the date of final passing thereof.

READ A FIRST AND SECOND TIME THIS 15 day of JULY, 2020.

READ A THIRD TIME AND FINALLY PASSED TIME THIS 15 day of JULY, 2020.

**MAYOR
MARCUS RYAN**

**CLERK
DONNA WILSON**

SCHEDULE "A"

**TOWNSHIP OF ZORRA
VEHICLES IN PARKS AND PUBLIC PLACES
PROHIBITED PLACES BY-LAW 40-20**

Community	Facility	Address	Specifications
EMBRO	Embryo-Zorra Community Centre	355644 35th Line, Embro, ON, N0J 1J0	The entire park and playing field area save and except the driveway immediately inside the northerly property line.
EMBRO	Wallace Park	Elgin St Embro ON, N0J 1J0	The entire park.
EMBRO	Matheson Park	140 Argyle Street, Embro ON, N0J 1J0	The entire park and playing-field area.
EMBRO	Memorial Park	119 St Andrew St Embro ON, N0J 1J0	The entire park.
HARRINGTON	Harrington Community Park	963626 County Rd 28 Harrington ON, N0J 1J0	The entire park and playing-field area.
THAMESFORD	Grace Patterson Park	Allen St, Thamesford, ON N0M 2M0	The entire park save and exempt laneway parking area.
THAMESFORD	Dr. Kosmal Park	NE corner of 2 and 19 Thamesford, ON N0M 2M0	The entire park.
THAMESFORD	Lions River Park	194933-194947 19 Line, Thamesford, ON N0M 2M0	The entire park save and exempt laneway parking area.
THAMESFORD	North Park	221 George St, Thamesford, ON N0M 2M0	The entire park and playing-field area.
THAMESFORD	Thamesford & District Recreation Centre	85 Middleton St, Thamesford, ON N0M 2M0	The entire park and playing-field area.
THAMESFORD	Lions South Park	242 Seldon St Thamesford, ON N0M 2M0	The entire park and playing-field area.
THAMESFORD	Terry Fox Park	85 Middleton St Thamesford, ON N0M 2M0	The entire park.
THAMESFORD	Robert Fisher Soccer Field	85 Middleton St Thamesford, ON N0M 2M0	The entire park and playing-field area.

SCHEDULE "B"
TOWNSHIP OF ZORRA
VEHICLES IN PARKS AND PUBLIC PLACES BY-LAW 40-20
FINES

Part I Provincial Offences Act

Item	Short Form Wording	Provision Creating or Defining Offence	Set Fine
1	Unlawful use of a motorized vehicle in a prohibited area.	5.1.(a)	\$200.00
2	Obstructing an officer in his/her duties.	5.2.	\$200.00

"Note: The general penalty provision for the offences listed above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33."