

The Corporation of the Municipality of Brockton



By-Law 2020-075

Being a By-Law to Amend the Restrict Public Access to Brockton Parks By-Law for the Municipality of Brockton.

Whereas the *Municipal Act, 2001, S.O. 2001, c. 25*, Section 5(1), as amended, provides that the powers of a municipal corporation are to be exercised by its council;

And Whereas the *Municipal Act, 2001, S.O. 2001, c.25*, Section 8, as amended, states that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act;

And Whereas the *Municipal Act, 2001, S.O. 2001, c.25*, Section 9, as amended, states that Section 8 of the Municipal Act shall be interpreted broadly so as to confer broad authority on municipalities,

- a) to enable them to govern their affairs as they consider appropriate; and
- b) to enhance their ability to respond to municipal issues;

And Whereas the *Trespass to Property Act, R.S.O. 1990, c. T.21*, Section 1, as amended, defines "occupier" to include,

- a) a person who is in physical possession of premises, or
- b) a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter premises,

and defines "premises" to mean lands and structures, or either of them;

And Whereas the *Trespass to Property Act, R.S.O. 1990, c. T.21*, Section 2, as amended, authorizes that every person who is not acting under a right or authority conferred by law and who,

- a) without the express permission of the occupier, the proof of which rests on the defendant,
 - i. enters on premises when entry is prohibited under this Act, or
 - ii. engages in an activity on premises when the activity is prohibited under this Act; or
- b) does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier,

is guilty of an offence and on conviction is liable to a fine of not more than \$2,000. R.S.O. 1990, c.T.21, s.2(1);

And Whereas it has been brought to the attention of the Council of the Corporation of the Municipality of Brockton that there has been continual and excessive damage due to vandalism in municipal park properties during the evening hours together with excessive noise from individuals congregating in many of these park properties during evening hours,

And Whereas the Council for The Corporation of the Municipality of Brockton deems it expedient to amend By-Law 2005-72 - Restrict Public Access to Brockton Parks By-Law;

Now Therefore the Council of the Corporation of the Municipality of Brockton **Enacts as Follows:**

- 1.0 That the Municipality of Brockton restrict public access to municipal properties commonly known as:
- Centennial Park
 - Cunningham Rotary Park
 - Central Park (Tot Lot)
 - Lions Park (By Former Walkerton Police Station)
 - Heritage Water Garden
 - Riverbend Park
 - War Memorial Park (Cenotaph)
 - Lobies Park (excluding campground)
 - Temporarily known as Durham Street Park
 - Saugeen River Trail

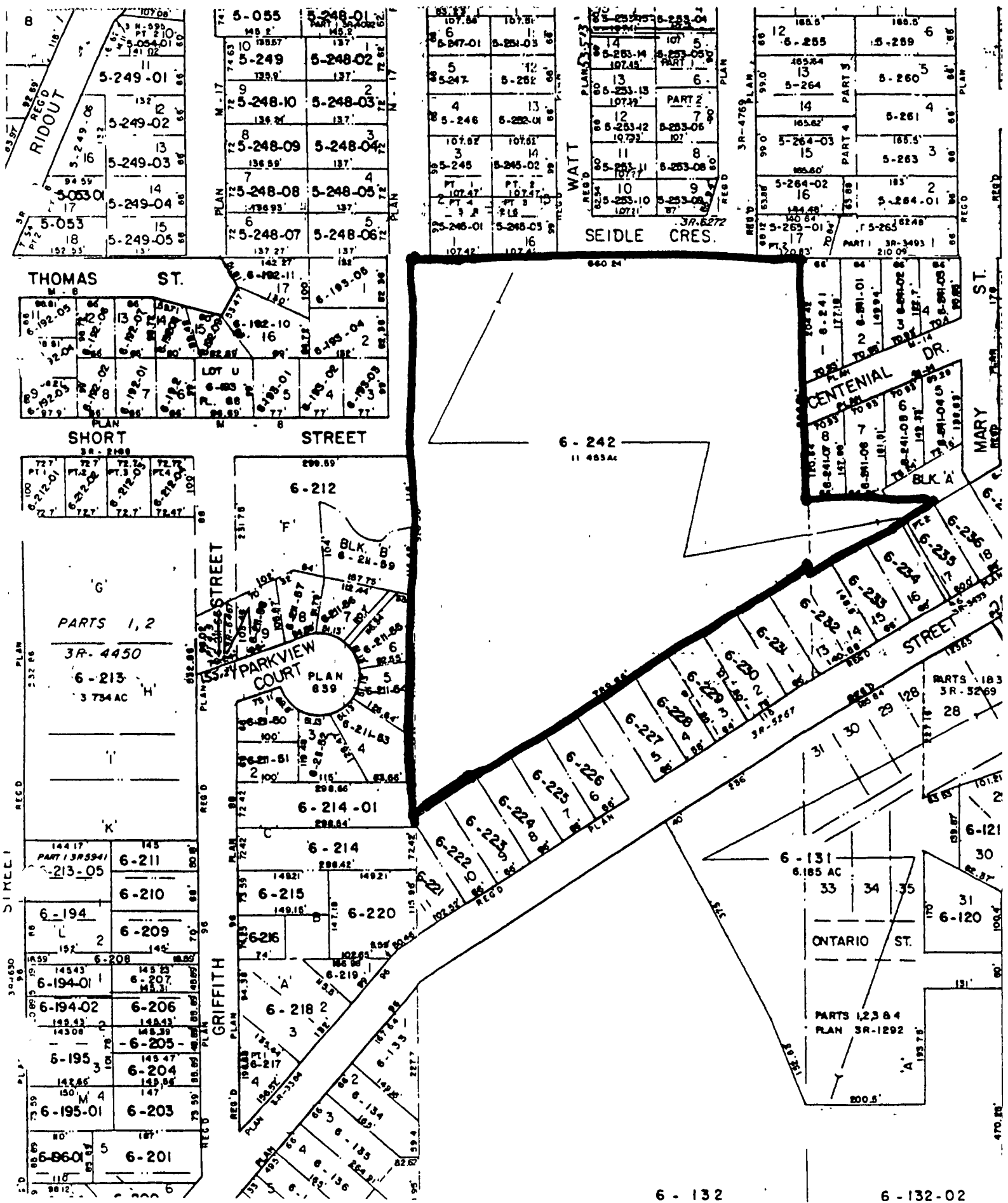
That public access is hereby denied to municipal properties known as Centennial Park, Cunningham Rotary Park, Central Park, Lion’s Park, Heritage Water Garden, Riverbend Park, War Memorial Park, Lobies Park (excluding campground), temporarily known as Durham Street Park, and Saugeen River Trail as described on Schedules “A” to “J” attached hereto and forming an integral part of this by-law, between the hours of 11:00 p.m. and 6:00 a.m., seven days a week, 12 months of the year.

- 2.0 That anyone located in the above mentioned parks between the hours of 11:00 p.m. and 6:00 a.m. that does not have written permission of the municipality to be there is deemed to be trespassing and in contravention of this by-law and may be arrested by a police officer or an officer of the municipality without warrant.
- 3.0 That By-Law 2005-72 be hereby amended.
- 4.0 That this By-Law shall come into effect upon final passage.
- 5.0 This By-Law may be cited as the “Amend Restrict Access to Brockton Parks By-Law”.

Read, Enacted, Signed and Sealed this 23rd day of June, 2020.

Mayor – Chris Peabody

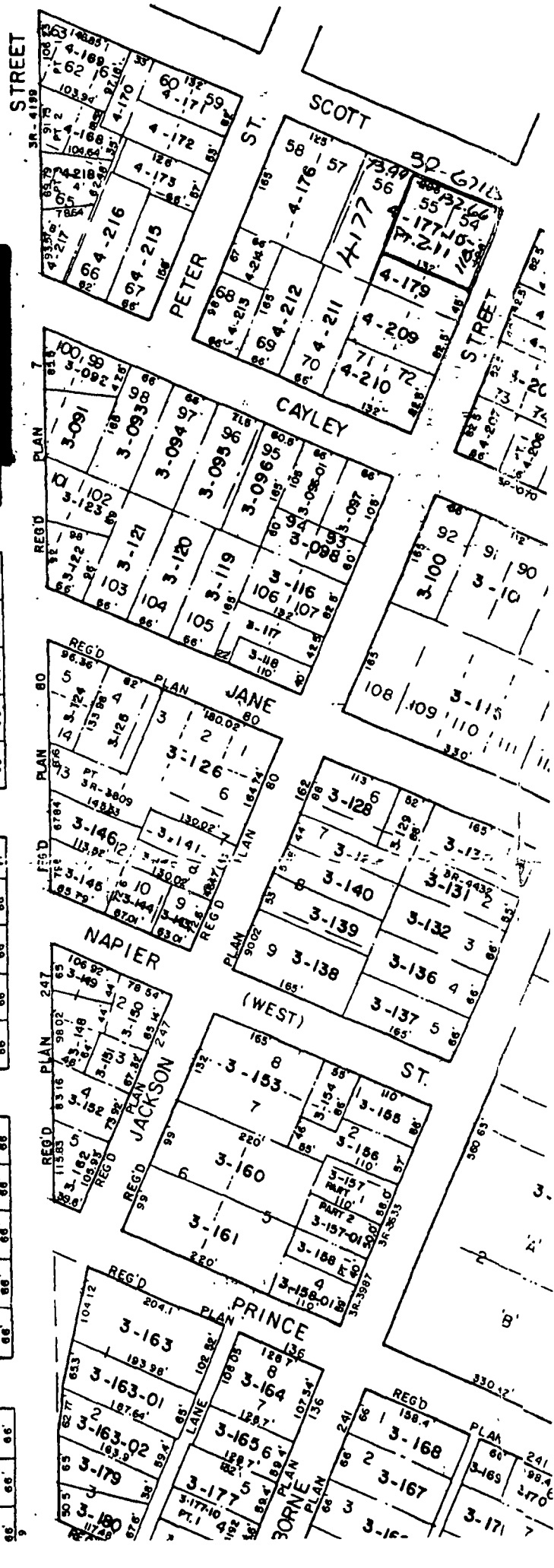
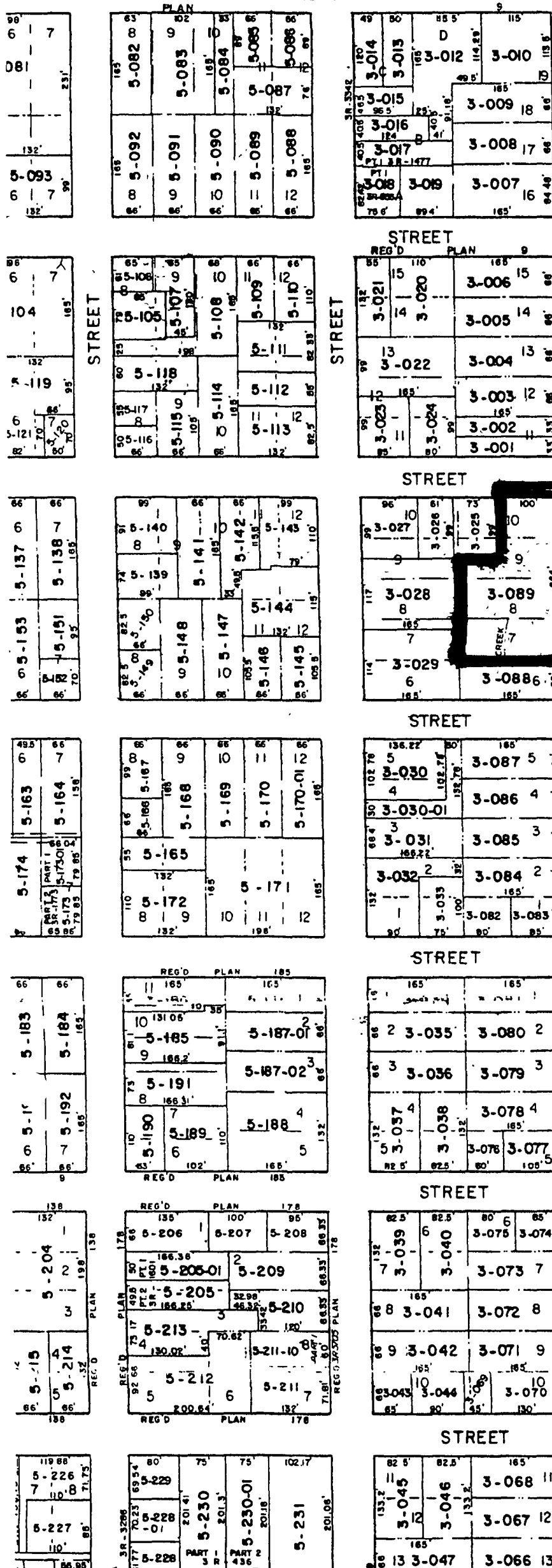
Clerk – Fiona Hamilton



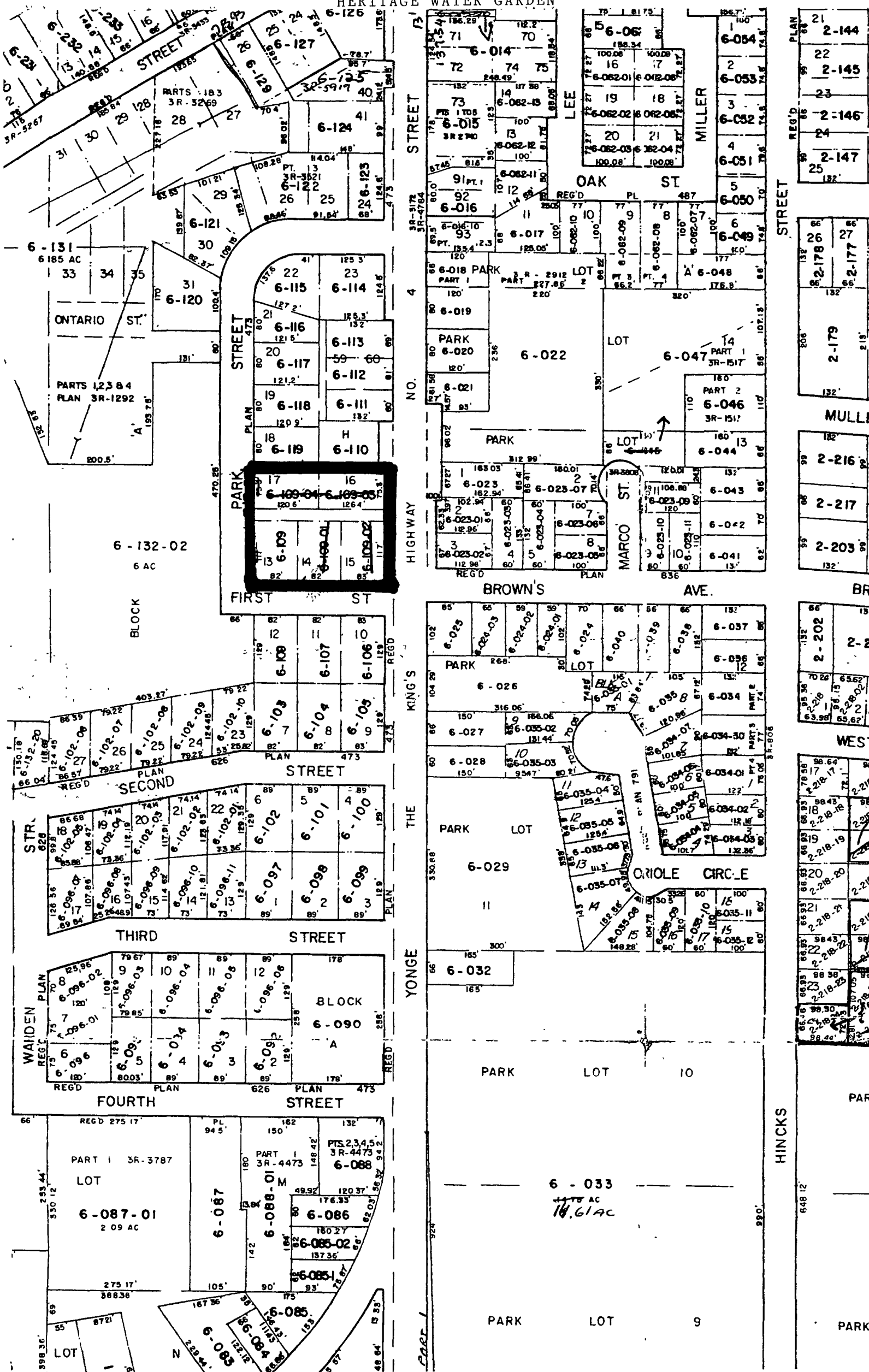
CENTENNIAL PARK - PLAN 176, LOT 12, PART LOT 17,
MCGIVERN ST. NORTH SIDE,
WALKERTON. COUNTY OF BRUCE

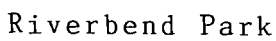
SCHEDULE "A" TO BY-LAW #2005-72

Central Park
(Tot Lot)



HERITAGE WATER GARDEN





War Memorial Park



Legend

- Rural Community point, labelled
- Ferry
- Provincial Highway
- County Road
- Municipal or Other Road
- OBM Building Location
- OBM Building Footprint
- Building Footprint
- Road Allowance/Right-of-way
 - Private Road Allowance
 - Right-of-Way
 - Road Allowance or Condo Road
 - Unopened Road Allowance
- Propane Facility Buffer
- Severance
 - Severed portion
 - Retained portion
- Subdivision
 - Draft Approved
 - Final Approved
- Body of Water
- Evaluated Wetland
- Watercourse
 - Permanent Stream
 - Intermittent Stream
- Conservation Authority Property boundary
- Provincial Park
- Fathom Five
- County Forest Boundary
- County Forest
- Wooded Area
- Conservation Authority Property
- Parkland
- Golf Course
- Wetland
- Body of Water
- Built-up area
- Adjacent Counties
- Lake Huron and Georgian Bay

1: 1,000



0.1 0 0.03 0.1 Kilometers

Notes

This map was automatically generated using Geocortex Essentials.

Schedule J to By-Law 2020-075

