



THE CORPORATION OF THE CITY OF MISSISSAUGA GOLF COURSE BY-LAW 188-05

WHEREAS sections 9 to 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (“*Municipal Act*”) confer the power to a municipality to pass by-laws regulating and prohibiting with respect to culture, parks, recreation and heritage;

AND WHEREAS sections 9 to 11 of the *Municipal Act* confer the power to a municipality to pass by-laws regulating and prohibiting with respect to parking on municipal parking lots and structures;

AND WHEREAS section 9(3)(b) of the *Municipal Act* confer the power to a municipality, in exercising its powers to regulate and prohibit respecting a matter, to provide for a system of licenses, permits, approvals or registrations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a license, permit, approval or registration;

AND WHEREAS section 128(4) of the *Highway Traffic Act*, R.S.O. 1990, c. H-8, as amended, confers the power upon a municipality to pass by-laws prescribing the rate of speed for motor vehicles driven in a public park or exhibition ground;

NOW THEREFORE the Council of the Corporation of the City of Mississauga ENACTS as follows:

PART I: DEFINITIONS

1. In this By-law,

“authorized sign” means any sign, notice, or other device placed or erected in or upon a golf course by the Corporation;

“City” means the land located within the territorial boundaries of the City of Mississauga;

“commercial vehicle” means a vehicle where goods and/or services are sold or offered for sale;

“Commissioner” means the Commissioner of Community Services or his designate;

“Corporation” means the Corporation of the City of Mississauga;

“designated area” means an area of a golf course designated by the Commissioner for a specific purpose or use;

“enforcement officer” means a police officer or an employee of the Corporation who has been designated as a municipal law enforcement officer by by-law;

“fence” means any physical barrier erected for the purpose of demarcation, including a railing, wall, hedge, line of posts, shrubs, trees, wire, gate, boards, pickets or other similar substances;

“green fee” means the fee for the use of the golf course for the purpose of golfing as provided in the applicable City of Mississauga Fees and Charges By-law;

“golf course” means a golf course operated by the Corporation, including the golf course grounds, and all the buildings and structures located therein;

“golf course grounds” means the designated area on the golf course that is designed and created for the purpose of playing golf;

“golf season” means the time period between March 15th to November 30th of each year, inclusive;

“golf course staff” means the following employees of the Corporation:

- a) Director of Recreation and Parks;
- b) District Manager;
- c) Golf Course Manager;
- d) Assistant Golf Course Manager;
- e) Superintendent – Golf Course;
- f) Assistant Superintendent – Golf Course;
- g) Golf Course Marshall;

“permit” means a written authorization issued by the Commissioner under this By-law, including the document known as the “Facilities Rental Contract”;

“person” means an individual, partnership, association, firm or corporation, and in the case of a minor, the person having custody of the minor;

“service animal” means a guide dog or other trained service animal identifiable by a harness and used principally to assist persons with a visual, hearing, or other impediment; and

“vehicle” means an automobile, motorcycle, motor assisted bicycle, golf cart, trailer, traction engine, farm tractor, road-building machine, bicycle or any other vehicle propelled or driven by any kind of power, but does not include a wheelchair.

PART II: ADMINISTRATION

2. 1) The Commissioner shall be responsible for the administration and enforcement of this By-law.
- 2) As part of his responsibility to administer this By-law, the Commissioner may:
 - a) make regulations and impose conditions for the orderly use of a golf course and any golf course facilities;
 - b) rent golf equipment to persons who pay the rental rates for the equipment as specified in the applicable City of Mississauga Fees and Charges By-law and to collect such rental rates;
 - c) designate designated areas within a golf course;
 - d) designate areas within a golf course to be excluded from the public;
 - e) make regulations and impose conditions upon which a designated area shall be used;
 - f) issue permits for specific uses of a golf course or parts of a golf course;
 - g) impose conditions as a requirement of obtaining, continuing to hold or renewing a permit, in addition to the requirements under this By-law, and such conditions may vary depending on the type of permit; and
 - h) revoke a permit as a result of a breach of a condition of the permit or a provision of this By-law.

PART III: EXEMPTIONS

3. This By-law shall not apply to:
 - 1) employees or agents of ambulance and police services acting in the scope of their duties to provide emergency services or enforcement activities within a golf course;
 - 2) the vehicles and other properties of ambulance and police services used for the purpose of providing emergency services or engaging in enforcement activities within a golf course;
 - 3) the Corporation, its vehicles, and its employees or agents acting within the scope of their duties as employees or agents of the Corporation.
4. The Commissioner may exempt persons from all or part of the requirements and prohibitions of this By-law from time to time if such exemption is required for the beneficial administration of a golf course.

PART IV: PERMITS

5. An applicant for a permit under this By-law shall:
 - 1) complete an application for the permit on the forms as provided by the Commissioner;
 - 2) submit a completed application together with the fee as set out in the applicable City of Mississauga Fees and Charges By-law; and
 - 3) provide any documentation and insurance certificates as required by the Commissioner as prerequisites and requirements for the issuance of the permit.
6.
 - 1) A permit holder shall comply or ensure the compliance of all the provisions and conditions of the permit and this by-law.
 - 2) Failure to comply with any provision or condition of a permit or this By-law may result in the revocation of the permit by the Commissioner, in addition to any other enforcement proceedings against the permit holder as permitted by law.

- 3) The permit holder of a revoked permit shall immediately cease or ensure the immediate cessation of all the activities for which a permit has been issued upon revocation of the permit under subsection (2).

7. The issuance of a permit under this By-law does not relieve any person from the necessity of acquiring any other license or permit required for carrying on an activity in a golf course under any other applicable laws, by-laws, regulations, and requirements of other governmental authority.

8. A permit is the property of the Corporation and is not transferable.

PART V: HOURS

9.
 - 1) Golf courses, except for the golf course grounds, are closed daily between 1:00am to 6:00am, unless otherwise authorized by the Commissioner.
 - 2) Golf course grounds are open daily between 6:00 am to one hour after dusk during golf season.
 - 3) Golf course grounds are open only during golf season each year, unless in the opinion of the Commissioner, weather condition permits otherwise.

PART V: GENERAL PROHIBITION

Access and Entry

10. No person shall:
 - 1) enter or remain in a golf course after it has been closed, unless otherwise permitted; or
 - 2) enter or remain on the golf course grounds after it has been closed; or
 - 3) enter or remain on the golf course grounds without payment of the applicable green fees; or
 - 4) enter or remain on the golf course grounds not during golf season; or
 - 5) enter or remain in an area of a golf course where admission is prohibited or restricted without a permit; or

- 6) enter or access through a golf course for the purpose of conducting any work on private property without a permit; or
- 7) enter into any ponds, streams, rivers, or any other bodies of water located within a golf course.

General Conduct

11. While in a golf course, no person shall:
 - 1) engage in riotous, boisterous, violent, threatening, or illegal activity; or
 - 2) engage in any activity that creates a nuisance or that interferes with the use and enjoyment of the golf course by other persons; or
 - 3) engage in any activity that may cause injury or damage to any person, animal, tree, or property; or
 - 4) disobey a posted sign; or
 - 5) throw any golf balls or clubs; or
 - 6) fire or set off any fireworks; or
 - 7) release any balloons; or
 - 8) erect, place, install, or cause the erection, placing or installation of any permanent or temporary structure or tent without approval of the Commissioner; or
 - 9) swim or engage in any underwater activity; or
 - 10) operate any watercrafts, including but not limited to boats, dinghies; or
 - 11) operate any powered models of aircraft, watercraft or vehicles; or
 - 12) use a skateboard or roller-blades; or
 - 13) ride a bicycle except on a parking lot or other designated area; or
 - 14) engage in any outdoor winter sports or activities, including but not limited to skiing, tobogganing, snowshoeing; or
 - 15) light, build, or stoke a fire or bonfire without a permit; or

- 16) hold a barbeque without a permit; or
- 17) damage any plant, shrub, tree, flower, or any other form of vegetation; or
- 18) climb, remove, damage or deface any fence, bench, seat, table, monument, sign, building, structure or equipment; or
- 19) operate speakers or sound amplifying equipment without approval of the Commissioner; or
- 20) dump, deposit, drain, or otherwise dispose of any waste anywhere in the golf course, except waste generated from the use of the golf course and wholly into receptacles provided in the golf course for such purposes.

Golf Course Grounds

12. In addition to section 11, while on the golf course grounds, no person shall:
 - 1) hold a picnic; or
 - 2) use any carts with wheels or any motorized conveyances, except for wheelchairs; or
 - 3) operate a golf cart except in designated areas; or
 - 4) disobey the instructions of golf course staff on managing the pace of golf games.

Liability

13. In addition to any applicable enforcement proceedings initiated under this By-law, each user of the golf course shall be responsible for all damages that may be caused to any public or private property as a result of his use of the golf course, including the projection of golf balls onto such property.

Washrooms and Change-rooms

14. 1) No person shall enter into any washroom, bathhouse, or change-room set apart for the opposite sex, unless the person is six (6) years old or under and is accompanied by an adult.

- 2) No person shall use or operate or turn on any photographic devices, including cellular phones with video or photographic functions, video equipment, or camera in a washroom, bathhouse, or change-room.

Animals

15. No person shall bring an animal or allow his animal to be on the golf course, except for a service animal that is used by the person.

Commercial Activities

16. 1) Unless authorized by permit or otherwise approved by the Commissioner, no person shall, while in a golf course, sell, offer to sell, or display for sale:
 - a) any flowers, food, including fruits and vegetables, drink, or refreshment; or
 - b) any goods, wares, merchandise, or articles, including promotional material, souvenirs and novelties; or
 - c) any art, skill, service, or work.
 - 2) Unless authorized by permit, no person shall, while in a golf course, practice, carry on, conduct, or solicit for any trade, occupation, business, profession, or charity.
17. No person shall film, photograph, videotape, or make television broadcast for remuneration while in a golf course without a permit.
 18. No person shall:
 - 1) distribute or display any handbill, notice, or any other type of circulars, bills, advertisements, or any form of promotional item or samples in a golf course without a permit; or
 - 2) erect, display, alter or allow the erection, display, or alteration of any sign in a golf course.

PART VI: VEHICLES**General Prohibitions**

19.
 - 1) Unless otherwise permitted, no person shall drive, operate, pull, or ride any vehicle in a golf course except on a roadway or parking area.
 - 2) Subsection (1) does not apply to a golf cart.
 - 3) In addition to subsection (1), no person shall drive or operate or park in a golf course:
 - i) any heavy machinery or equipment of whatever mode of power; or
 - ii) any truck or trailer except for the purpose of making a delivery to a point within the limits of the golf course; or
 - iii) any recreational vehicles commonly known as “RV”s which may provide living accommodations for persons; or
 - iv) a snowmobile; or
 - v) a commercial vehicle; or
 - vi) a bus.
20. No person shall use a roadway or parking area in a golf course for:
 - 1) washing, cleaning, servicing, maintaining or the repair of a vehicle; or
 - 2) instructing, teaching, or coaching any person in the driving or operation of a vehicle, except for a golf cart; or
 - 3) games or sport activities.
21.
 - 1) No person shall park any vehicle in a parking space except while using the golf course.
 - 2) Unless authorized by the Commissioner, no person shall park a school bus in a golf course.

Golf Carts

22. No person shall operate a motorized golf cart in a golf course unless that person has a valid driver's license.

Speed

23. No person shall operate a motor vehicle on a roadway in excess of the posted limit.
24. All roadways in a golf course shall have a maximum speed limit of 20 kilometers per hour for all vehicles.

PART VII: ENFORCEMENT

25. 1) An enforcement officer or golf course staff may order any person believed to be contravening or have contravened any provision of this By-law or any policy established the Commissioner under this By-law:
- a) to immediately desist from the activity constituting or contributing to such contravention; or
 - b) to immediately remove from the golf course any animal or thing owned by or in the control of such person which is involved in such contravention; or
 - c) to leave the golf course immediately.
- 2) An enforcement officer or a golf course staff may order any person engaging in an activity that requires a permit under this by-law to provide the original copy of the permit for inspection.
- 3) An enforcement officer or a golf course staff may order any person on the golf course grounds to provide the original copy of the receipt of payment of the applicable green fees for inspection.
- 4) No person shall fail to comply with the order given by an enforcement officer or golf course staff in this section.
26. Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine and any other penalties imposed pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P-33, as amended.

PART VIII: VALIDITY

27. If a court of competent jurisdiction declares any section or part of a section of the By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

PART IX: INTERPRETATION

28. 1) Words importing the singular number or the masculine gender only include more persons, parties or things of the same kind than one, and females as well as males and the converse.
- 2) A word interpreted in the singular number has a corresponding meaning when used in the plural.

PART X: SHORT TITLE

29. This By-law may be referred to as the “Golf Course By-law”.

ENACTED and PASSED this 25th day of May, 2005.

Signed by: Hazel McCallion, Mayor and Crystal Greer, City Clerk