



(As amended by By-laws 97-2004, 112-2006, 68-2014, 88-2015, 37-2017, 84-2018)
By-law 83-2000
of The Corporation of the City of Oshawa

Being a by-law to repeal and replace the by-laws that regulate Parks under the jurisdiction of the City.

Recitals:

1. City By-law Number 81-83 is the most recent by-law consolidating the previously existing by-laws that regulated Parks under the jurisdiction of the City.
2. Amending by-laws regulating Parks have since been enacted from time to time by Council.
3. In order to obtain greater efficiency in the administration of Park regulations, it is considered expedient to again consolidate all Park by-laws currently in effect. This by-law is intended to consolidate existing regulations and to repeal predecessor by-laws.

Therefore, it is enacted as a by-law of The Corporation of the City of Oshawa, through its Council, as follows:

Article 1.00: Interpretation and Definitions

- 1.01 Short Title: This by-law may be cited as the "Parks and Facilities By-law".
- 1.02 Deleted (88-2015)
- 1.03 Schedules: The Schedules referred to in this by-law form an integral part of it. Each entry in a column of a Schedule is to be read in conjunction with the entry or entries across from it.
- 1.04 Severability: If any provision or part of a provision of this by-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.
- 1.05 Time: Where any expression of time occurs, the time referred to is intended to be the system of time keeping in force in the municipality at the time of application of the by-law. For example, during the month of December, the time is expressed in standard time; however, during the month of July, the time is expressed in daylight savings time.

- 1.06 Gender: It is not the intention of this by-law to offend members of any gender group. Accordingly, an effort has been made to utilize the neuter gender wherever possible. However, all words and personal pronouns relating to words contained in this by-law must be read and construed as incorporating the correct gender of the Person referred to in each case.
- 1.07 Number: All words in this by-law must be read and construed as incorporating the singular or the plural in any case, as applicable.
- 1.08 Headings: Article, section and paragraph headings are inserted solely for ease of reference.
- 1.09 Legislation: Unless otherwise indicated, all references to Provincial Legislation in this By-law are references to the Revised Statutes of Ontario, 1990, as amended from time to time, including successor legislation. Titles of Provincial Statutes are printed in italics. All references to City by-laws in this by-law are references to those by-laws, as amended from time to time, including successor by-laws.
- 1.10 Entire or Partial References: References to nouns in this by-law may be interpreted as references to the entire thing or to any portion of it, as the context allows.
- 1.11 Definitions: Where the words listed in this section appear in this by-law printed in capital letters, they are used as defined in the lettered paragraph of this section. Words printed in regular case should be read in the context of their ordinary, everyday meanings.
- (a) “Authorized Sign” means any sign, notice, or other device which has been placed or erected in or upon a Park under the authority of this or other by-laws for the purpose of the general management, identification, control and regulation of activities within a Park.
- (a.1) “Barbeque” means a portable or fixed device, whether powered by coal, wood, propane or other fuel, or electricity, including a hibachi, a permanent structure designed and intended solely for the cooking of food in the open air.” (88-2015)
- (b) “City” means The Corporation of the City of Oshawa.
- (c) “Commissioner” means the Commissioner of the Community Services Department or his successor or designate.(88-2015)
- (d) “Council” means the elected Council of The Corporation of the City of Oshawa.
- (e) “Designated Area” means any area, approved by Council, defined, constructed or set aside for a specific use which may include Posted conditions.
- (f) “Firearm” means any barreled weapon from which any shot, bullet or other missile can be discharged and that is capable of causing serious bodily injury or death to a Person or animal, and includes any frame or receiver of such a barreled weapon and anything that can be adapted for use as a Firearm. It includes a device that propels a projectile by means of any explosion, compressed gas or spring and includes, without limitation, a rifle, handgun or spring gun, crossbow, longbow, air or pellet rifle.

- (g) “Fireworks” means devices containing combustible chemicals that cause explosions or spectacular effects.
- (h) “Hunting” includes chasing, pursuing, following after or on the trail of, searching for, shooting at, stalking or lying in wait for, worrying, molesting, taking or destroying any animal, whether or not the animal be then or subsequently captured, injured or killed, and Hunt”, “Hunted”, and “Hunter” have corresponding meanings.
- (i) “Liquor” means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter.
 - (ii) “Officer” means each of
 - (a) the Director, Municipal Law Enforcement and Licensing Services;
 - (b) the Manager, Municipal Law Enforcement and Licensing Services;
 - (c) a Municipal Law Enforcement Officer appointed by Council or by the Director to enforce this By-law; and
 - (d) a police officer employed by a municipal police force, by the Ontario Provincial Police or by the Royal Canadian Mounted Police.
- (j) “Organized Gathering” includes formally constituted picnics, events or gatherings of twenty (20) or more Persons. (88-2015)
- (k) “Organized Sport or Activity” means a sport, game or activity by a group or organization whether or not formally constituted and whether or not the players or members wear uniforms.
- (l) “Park” means any land, land covered by water and any portion thereof owned by or made available by lease, agreement or otherwise to the City, that is or may in the future be established, dedicated, set apart or devoted to ornament, embellishment, active or passive recreation. For the purposes of this by-law, Park includes any and all park buildings, recreation centres, structures, park trail systems, squares, gardens, woodlots, wetlands, improvements and other amenities located in or on the land.
- (m) “Permit” means any approved authorization of Council or the Commissioner, to whom such authority has been delegated by Council, pursuant to Section 2.01.
- (n) “Person” includes an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate and a natural person.
- (o) Deleted (88-2015)
- (p) “Public Parking Area or Parking Space” means any area of the Park designated by the City for the purpose of providing temporary parking of a licensed Vehicle. Public Parking Areas are indicated an Authorized Sign.
- (q) “Post, Posting or Posted” refers to the erection or presence of Authorized Signs and “Posted Area” means an area where Authorized Signs are erected or displayed.

(q.1) "Power-Assisted Bicycle" means a bicycle that,

- (a) is a power-assisted bicycle as defined in subsection 2 (1) of the Motor Vehicle Safety Regulations made under the Motor Vehicle Safety Act (Canada),
- (b) bears a label affixed by the manufacturer in compliance with the definition referred to in clause,
- (c) has affixed to it pedals that are operable, and
- (d) is capable of being propelled solely by muscular power; (68-2014)

(r) "Vehicle" includes an automobile, truck, motorcycle, motor-assisted bicycle, farm implement or equipment, motor home, motorized construction equipment, snowmobile, boat, recreational vehicle, aeroplane, trailer or any other device which is capable of being driven, propelled or drawn by any kind of combustible, battery, solar or electric power. For the purposes of this by-law, a Vehicle excludes a wheelchair or other similar device (powered or otherwise) used by an individual due to disability, as well as bicycles, a Power-Assisted Bicycle, wagons, carts, skateboards and roller/in-line skates. (68-2014)

(r.1) "Vehicle also includes a Mobile or Motorized Refreshment Vehicle pursuant to Schedule "L" of the Licensing By-law 120-2005, as amended."

(s) "Weapon" means any device or contrivance designed for use in causing injury or death to any Person or animal, or any device designed for threatening or intimidating any Person or animal. For the purposes of this by-law, Weapon includes any Firearm.

Section 2.00: Delegation of Approval Authority

2.01 Delegation of Authorizing Authority: The Council delegates to the Commissioner the authority to:

- (a) place and position Authorized Signs in a Park or establish a Posted Area in a Park, whether on a permanent or temporary basis, subject to Section 2.02;
- (b) review applications for Permits and issue Permits as required to give effect to the provisions of this by-law; subject to Section 2.03;
- (c) extend the open hours of a Park, as required to give effect to the provisions of this by-law, subject to Section 2.04; and
- (d) close a Park on a temporary basis to prevent overcrowding or traffic congestion, as required to give effect to the provisions of this by-law, subject to Section 2.05.

2.02 Approval Criteria for Placing Authorized Signs or Establishing Posted Areas: The Commissioner may approve and post an Authorized Sign which relates to uses or activities in a Park regulated under this by-law, the placement of which:

- (a) does not prejudice the safety of any member of the public;
- (b) will not result in the contravention of other applicable law; and
- (c) will be in accordance with an approved process, policy, plan or study and will improve, enhance or make safe the passive or active use of a Park.

- 2.03 Approval Criteria of Reviewing Permit Applications/Issuing Permits: Permit applications which meet the following criteria may be approved by the Commissioner:
- (a) compliance with Sections 3.01 (Application), 3.02 (Proper name), 3.03 (Fees paid) and 3.05 (Compliance with other regulatory authorities);
 - (b) the approval of the Permit application will not result in the contravention of other applicable law; and
 - (c) the approval of the Permit application will promote or facilitate the utilization of a Park for safe passive or active recreational purposes and the proposed activity for which the Permit is sought will not interfere unduly with the enjoyment of the Park by others.2.04
- 2.04 Approval Criteria of Temporarily Extending Park Hours: The Commissioner may temporarily extend the hours of Parks which meet the following criteria:
- (a) a special event, as defined in By-law 108-98, is held within a Park. For the purposes of this by-law, a special event shall include a statutory holiday celebration or a council approved event; or
 - (b) an Organized Gathering.
- 2.05 Approval Criteria of Temporarily Closing a Park: The Commissioner may temporarily close any Park which meets the following criteria:
- (a) ground conditions exist which may be a hazard or the use of which may result in damage to the grounds; or
 - (b) a special event is held within the Park as defined in By-law 108-98, an Organized Gathering or a council approved event.
- 2.06 Referral to the Operational Services Committee and Council: Any applicant for a Permit which, in the opinion of the Commissioner, failed to meet the criteria stipulated in Section 2.03, may apply for approval to the Operational Services Committee and Council.

Article 3.00: Permit Application, Fees and Issuance

- 3.01 Permit Application: Applications for a Permit required under the provisions of this by-law must be completed and submitted to the City in the form and content stipulated by the Commissioner from time to time, at least ten (10) working days in advance of the proposed use/activity.
- 3.02 Name of Applicant: An application for a Permit must be made in the name of the Person on whose behalf the activity/use is being undertaken and not in the name of any agent for that Person.
- 3.03 Permit Fees: Fees to be charged for applications and/or the issuance of a Permit pursuant to this by-law are prescribed within Council's approved Recreation Service Fee Policy and shall be paid by an applicant prior to the issuance of a Permit.
- 3.04 Retention of Permit: Permit recipients must keep their Permits with them. Where the Permit recipient is a corporation, partnership or association, the Permit shall remain at all times in the possession of a partner or principal officer, whichever the case may be.

- 3.05 Compliance with other Governmental/Public Authority Bodies: The issuance of a Permit shall not relieve any Person from the necessity of acquiring any other license or permit required for such activity by any governmental or public authority.
- 3.06 Municipality exempt from Fees: Any Permit issued to the City of Oshawa for municipal purposes, shall be exempt from payment of Fees prescribed pursuant to Section 3.03 of this by-law.

Article 4.00: Park Hours

- 4.01 Park Hours: All Parks shall be closed during the following hours:
- (a) from 10 p.m. of each day to 6 a.m. of the following day during the period April 1 to October 31 in each year; and
 - (b) from 6 p.m. of each day to 6 a.m. the following day during the period November 1 of each year to March 31 of the following year (112-2006)
- 4.02 For the buildings identified in Schedule "A" addressed in section 4.03 below, the area remaining open beyond normal hours of operations shall be limited to the building identified, 3 metres surrounding the outer perimeter of the parking lot adjacent to the building identified, and 3 metres surrounding the lighted area or walkway to and from the building
- 4.03 Extended Hours/Liquor License Exception: Notwithstanding sections 4.01, 4.02 and 4.04, extended hours are permitted in respect of those Parks containing buildings as listed in Schedule "A" provided such activities are contained within the building or for which a special occasion permit/license issued by the Alcohol and Gaming Commission of Ontario has been granted, if applicable. In that event, such facilities shall close no later than 2:00 o'clock in the morning.(97-2004, 112-2006)
- 4.04 No Entry After Hours: It shall constitute an offence for any Person, other than a police officer or a City employee carrying out his duties, to enter or remain in a Park during any period when a Park is closed, unless authorized by Permit.

Article 5.00: Park Conduct

- 5.01 Restricted Areas: It shall constitute an offence for any Person, while in any PARK, to enter into Designated Areas which are Posted under the authority of this By-law to prohibit or restrict admission of the public.
- 5.02 Liquor: It shall constitute an offence for any Person to bring into or keep in any Park, for any purpose, any Liquor unless such Person has received a license from the Alcohol and Gaming Commission of Ontario, as required, and a permit has been issued pursuant to Articles 6.02 or 7.01 of this by-law. This article does not apply to activities contained within community center buildings located in Parks as listed in Schedule "A" to this By-law. Nothing in this section relieves any person from the requirement to obtain a liquor license from the Alcohol and Gaming Commission of Ontario as required pursuant to the Liquor License Act.

- 5.03 Firearms and Weapons: It shall constitute an offence for any Person, while in any Park, to be in possession of or use any Firearm or other Weapon of any kind unless authorized by agreement with the City.
- 5.04 Fireworks: It shall constitute an offence for any Person, while in any Park, to ignite, discharge or set off any Fireworks, except as a controlled and supervised Fireworks display authorized by Permit.
- 5.05 Injury, Damage and Vandalism: It shall constitute an offence for any Person, while in any Park to:
- (a) climb any building, structure or equipment unless it was designed for climbing;
 - (b) break, injure, deface, vandalize, move or remove anything which is the property of the City, including without limitation: any flowers, vegetation, building, structure, swimming or wading pool, fountain, bridge, fence, wall, playground apparatus, bench, Authorized Sign, or equipment;
 - (c) move or remove rocks, boulders, rock faces or remove any soil, sand or wood; or
 - (d) in any manner, disturb ground which is under repair, prepared for planting, newly seeded or in an area Posted to that effect.
- 5.05.1 “The defacing of property described in paragraph 5.05(b) of this By-law does not include artwork, including graffiti, that is authorized pursuant to a program administered by the City’s Community Services Department.” (37-2017)
- 5.06 Waste: It shall constitute an offence for any Person to dump or deposit snow, fill, soil, building or construction materials, or any discarded or unused item in any Park, unless authorized by Permit.
- 5.07 Protection of Wildlife: It shall constitute an offence for any Person, while in any Park to Hunt, kill, attempt to kill, maim, injure, trap, collect, remove or disturb any animal, bird, nest, eggs, waterfowl, fish, worms, or other wildlife, unless authorized by an applicable governmental licensing body.
- 5.08 Encroachment: It shall constitute an offence for any Person to encroach upon or take possession of any Park by any means whatsoever, including, without limitation, the construction, installation or maintenance of any fence, gate, building, structure or equipment in or upon the Park, unless authorized by way of agreement with the City. For the purposes of this By-Law, the dumping or storage of any materials or the planting, grooming, landscaping or cultivating of Park property constitutes an encroachment prohibited by this Section.
- 5.09 Failure to Abide by Posted Conditions: It shall constitute an offence for any Person, while in any Park, to fail to abide by Posted conditions or Authorized Signs placed under the authority of this By-law in or upon a Park, which state conditions for use or conduct within the Park.
- 5.10 Use at Own Risk: The use by or presence of any Person in any Park for any activity or purpose shall be entirely at their own risk. Such uses include all passive or active recreational activities, including, without limitation, use of any natural or artificial ice surface, swimming and use of playground equipment. It is the responsibility of the parent or guardian of any minor to ensure that the minor is adequately supervised at all times while on or in any Park.

- 5.11 It shall constitute an offence for a Person operating a Bicycle or Power-Assisted Bicycle to fail to,
- (a) operate the Bicycle or Power-Assisted Bicycle in an area so designated,
 - (b) travel at safe speeds,
 - (c) obey signage,
 - (d) yield to pedestrians,
 - (e) keep right unless passing,
 - (f) use a bell, horn or verbal indication when passing,
 - (g) use caution around pedestrians,
 - (h) dismount when crossing streets, and
 - (i) operate the Bicycle or Power-Assisted Bicycle in a safe and prudent manner to the satisfaction of the Officer in his or her sole opinion. (68-2014)

Article 6.00: Park Use

- 6.01 Fires and Barbecues: It shall constitute an offence for any Person, while in any Park, to:
- (a) start, set or maintain an open air fire or permit to be started, set or maintained an open air fire except pursuant to By-law 73-2012, as may be amended from time to time; or
 - (b) operate a Barbeque in any Park except where authorized by the Commissioner. (88-2015)
- 6.02 Organized Gatherings: It shall constitute an offence for any Person, while in any Park, to:
- (a) hold, organize or permit an Organized Gathering, unless authorized by Permit; or
 - (b) interfere with an Organized Gathering authorized by Permit.
- 6.03 Amplifiers and Loud Speakers: It shall constitute an offence for any Person, while in any Park, to operate speakers loudly or operate amplifying equipment, unless authorized by Permit.
- 6.04 Camping and Lodging: It shall constitute an offence for any Person, while in any Park, to dwell, camp, lodge or to erect any tent, shelter or structure of any kind, unless authorized by Permit.
- 6.05 Bathing and Swimming: It shall constitute an offence for any Person, while in any Park, to:
- (a) fail to obey the instructions of any lifeguard or other authorized Person, while in or adjacent to any public swimming pool or natural body of water; or
 - (b) swim, bathe or wade in the waters of any fountain or ornamental pond.
- 6.06 Use of Wash and Change Rooms: It shall constitute an offence for any Person, while in any Park, to enter into any portion of any washroom, bathhouse or change room set apart for the opposite sex.

6.07 Wash and Change Rooms Exception: Notwithstanding Section 6.06, children five (5) years of age and under are permitted to access opposite sex change and washrooms while in the presence and care of a parent or guardian.

Article 7.00: Games, Sports and Organized Activities

- 7.01 Engaging in Organized Sport or Activity: It shall constitute an offence for any Person, while in any Park, to:
- (a) Arrange or engage in an Organized Sport or Activity, unless authorized by Permit; or
 - (b) interfere with an Organized Sport or Activity authorized by Permit.
- 7.02 Designated Areas for Participation: It shall constitute an offence for any Person, while in any Park, to take part or assist in any activity involving thrown or otherwise propelled objects such as balls, paintball guns, stones, arrows or javelins except in Designated Areas set apart for these forms of recreation.
- 7.03 Gambling and Wagering: It shall constitute an offence for any Person, while in any Park, to gamble or wager unless authorized by a City-issued lottery license or a license issued by the Alcohol and Gaming Commission.
- 7.04 Fishing: It shall constitute an offence for any Person, while in any Park, to fish in an area Posted to prohibit this activity.
- 7.05 Golfing: It shall constitute an offence for any Person, while in any Park, to practice golf or strike a golf ball.
- 7.06 Remote-Controlled or other Powered Devices: It shall constitute an offence for any Person, while in any Park, to operate any remote-controlled or other powered devices, including model versions of aircraft, boats, rockets and vehicles, unless permitted in a Designated Area or authorized by Permit.
- 7.07 Aircraft: It shall constitute an offence for any Person to tether, launch or land any fixed-wing aircraft, helicopter, hot air balloon, hang glider, ultralight aircraft or similar conveyance in any Park, unless authorized by Permit.
- 7.08 Skating: It shall constitute an offence for any Person, while on any natural or artificial ice surface located in any Park, to:
- (a) engage in speed skating unless authorized by Permit; or
 - (b) skate or act in such manner as to interfere with, endanger or disrupt any other Person, wildlife or vegetation.
- 7.09 Skiing, Tobogganing and Sledding: It shall constitute an offence for any Person, while in any Park, to cross-country or downhill ski, toboggan, snowboard, skibob, or sled in any areas Posted to prohibit these activities.

Article 8.00: Vehicles in Parks

- 8.01 Prohibited Activity: It shall constitute an offence for any Person:
- (a) while in any Public Parking Area or Parking Space to instruct, teach, or coach any Person in the driving or operation of a Vehicle; or

- (b) to Park, drive or operate any Vehicle in any Park, except in those areas designed for that use, which include Public Parking Areas, driveways or roadways or those areas designated by the Commissioner.

Article 9.00: Regulation and Enforcement

- 9.01 Park Fees: The City may from time to time prescribe fees for the use of a Park, or building/facility/amenity located in or upon it.
- 9.02 Exclusions and Exemptions: This by-law shall not apply to:
 - (a) the drivers, operators or other personnel of ambulances, police or fire department vehicles engaged in the performance of emergency duties;
 - (b) employees or agents of the City while engaged in works or services undertaken for or on behalf of the City in any Park.
- 9.04 Enforcement: The provisions of this By-law may be enforced by any Officer.
- 9.05 Staff authority: An Officer or any Oshawa municipal employee has authority, in the course of his/her assigned duties, without limitation, to:
 - (a) inform any Person of the provisions of this by-law and to request compliance with the by-law; or
 - (b) order any Person believed by the officer or employee to be contravening or to have contravened any provisions of this by-law to (i) remove from the Park any device or item owned by or in the control of the Person which the officer or employee believes is or was or is about to be involved in the contravention of this by-law; or
 - (ii) leave the Park.
- 9.06 Revocation of Permission/Permit: Where any Person contravenes any of the provisions of this by-law, or fails to comply with any order referred to in Subsection 9.04(b), the permission or Permit, whichever the case may be, of such Person to remain in the Park, may be revoked.
- 9.07 Offences Created: Each Person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine of:
 - (a) Not less than \$300 and not more than \$5,000;
 - (b) Not less than \$400 and not more than \$10,000 for a second conviction of the same offence; and
 - (c) not less than \$500 and not more than \$25,000 for a third or subsequent conviction of the same offence.” (88-2015)
- 9.08: “Prosecution under this by-law shall not preclude any other legal actions required to recover damages required to repair, replace or restore damaged real or personal property, as he case may be. (88-2015)
- 9.09 Administrative Monetary Penalties: Administrative Penalty Process By-law 63-2013 applies to each administrative penalty issued pursuant to this by-law. (88-2015)

- 9.10 Each Person who contravenes any provision of this by-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty Process By-law 63-2013, be liable to pay to the City an administrative penalty in the amount of \$125 for each day on which the contravention occurs or continues.” (88-2015)

Article 10.00: General

- 10.01 Repeal: By-law 81-83 and all amendments thereto are hereby repealed.
- 10.02 Effective Date: The by-law shall come into force and take effect upon its date of third and final reading.

By-approved this second day of October, 2000.

Schedule “A”

City of Oshawa Parks By-law 83-2000

Schedule of Community Center Buildings

Bathe Community Centre, 298 Eulalie Ave, Oshawa

Childrens Arena, 155 Arena St, Oshawa

Civic Auditorium, Centennial Pool & Civic Fields, 99 Thornton Rd S, Oshawa

Columbus Community Centre, 3365 Simcoe St N, Columbus, Oshawa

Connaught Community Centre, 435 Jarvis St, Oshawa

Cordova Valley Park, 811 Glen St., Oshawa (88-2015)

Donevan Recreation Complex, 171 Harmony Rd S, Oshawa

Fernhill/Nipigon Community Centre, 144 Fernhill Blvd, Oshawa

Glen Stewart Community Centre, 201 Cabot St, Oshawa

Harman Community Centre, 799 Douglas St, Oshawa

Harmon Park Arena, 829 Douglas St, Oshawa

Kingside Community Centre, 537 Tennyson Ave, Oshawa

Lake Vista Community Centre, 450 Emerald Ave, Oshawa

Lakefront West Park, Phillip Murray Ave, Oshawa

Lakeview Park, Lakeview Park Ave, Oshawa

Laval Community Centre, 475 Salisbury St, Oshawa

Legends Centre, 1661 Harmony Road, Oshawa

North Oshawa Park, 1139 Mary Street N, Oshawa (88-2015)

~~North Oshawa Arena 1199 Mary Street N~~ (88-2015)

Northview Community Centre, 150 Beatrice St E, Oshawa

Rundle Community Centre, 241 Park Rd S, Oshawa

South Oshawa Community Centre, 1455 Cedar Street, Oshawa

Southmead Community Centre, 103 Kawartha Ave, Oshawa

Storie Community Centre, 101 Mill St, Oshawa

Sunnyside Community Centre, 260 McKim St, Oshawa

Thornton Community Centre, 210 Thornton Rd N, Oshawa

Valleyview Community Centre, 81 Gladstone, Oshawa

Woodview Community Centre, 151 Cadillac Ave N, Oshawa

(112-2006)