



OFFICE CONSOLIDATION

PARKS BY-LAW

BY-LAW NUMBER 5495/99

Passed by Council on May 17, 1999

Amendments:

None date passed section amended

THE CORPORATION OF THE TOWN OF PICKERING

BY-LAW NO. 5495/99

Being a by-law to regulate, protect and control all public parks in the Town of Pickering.

WHEREAS the Council of The Corporation of The Town of Pickering, pursuant to the provisions of Section 102 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, has the authority to enact this by-law;

AND WHEREAS the Council of The Corporation of The Town of Pickering find it necessary to enact a by-law to regulate, and control all public parks in the Town of Pickering and to protect these lands on behalf of the public interest; and

AND WHEREAS Section 320 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that by-law of the Council passed under the authority of the Municipal Act is guilty of an offense.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PICKERING HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. For the purpose of this by-law,
 - (a) **“authorized sign”** means any sign, notice, or other device placed or erected in or upon a park, under the authority of this by-law;
 - b) **“Committee”** means the Executive Committee of the Council of the Town of Pickering;
 - (c) **“Council”** means the Council of The Corporation of the Town of Pickering;

- (d) **“designated area”** means an area defined or constructed for a specific use which may include posted conditions;
- (e) **“Director”** means the Director of Parks and Facilities of the Town of Pickering;
- (f) **“liquor”** means liquor as defined by the Liquor Control Act;
- (g) **“motor vehicle”** means a motor vehicle within the meaning of the Highway Traffic Act, R.S.O. 1990, c.H.8 as may be amended from time to time;
- (h) **“motorized recreational vehicle”** includes a snowmobile, go-cart, trail bike, mini bike, all-terrain vehicle, or similar vehicle, propelled or driven by an internal combustion engine;
- (i) **“park”** means land and land covered by water and all portions thereof owned or made available by lease, agreement, or otherwise to the Town, that is or hereafter may be established, dedicated, set apart or made available for use as woodlot, ravine, recreation centre, square, garden, water or any other area in the Town, devoted to active or passive recreation;
- (j) **“parking lot”** means any area or a tract of land designated for the parking of vehicles;
- (k) **“parking space”** means a portion of the surface of a parking lot designated by suitable markings for the purpose of parking a vehicle, exclusive of aisles;
- (l) **“permit”** means any written authorization of Council, a Committee established by Council, or the Director where such authority has been delegated;
- (m) **“Town”** means the Town of Pickering;
- (n) **“vehicle”** includes a motor vehicle as defined under the Highway Traffic Act, R.S.O. 1990, c.H.8, as may be amended from time to time, and any bicycle, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power, but excludes wheelchair or similar device (powered or otherwise) used by an individual due to a disability, baby carriage or cart, child’s wagon, child’s stroller, child’s sleigh or other conveyance of like nature.

PART I – HOURS OF OPERATION

- 2. a) Except as otherwise expressly provided by this by-law:
 - (i) All parks shall be closed by 12:00 o’clock midnight to 7:00 o’clock a.m. during the period from April 1st to September 30th inclusive.
 - (ii) All parks shall be closed from 10:30 o’clock in the evening to 7:00 o’clock a.m. during the period from October 1st to March 31st inclusive.
 - (iii) Notwithstanding the foregoing, the parks may be opened at any time upon permission of the Director.
 - (iv) During any period when a park is closed, no vehicle shall remain on park property.
 - (v) During the time a park is closed, as hereinbefore provided, no person except a Police Officer or a Town of Pickering employee, while on duty, shall enter or remain on park property and, during such period, no person shall leave a vehicle owned or operated by him/her on park property.

PART II CONDUCT

3. Conduct

No person or persons shall, within the limits or boundaries of any park within the Town:

- (a) indulge in any riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language;
- (b) cast, throw, or in any way propel any object in such a manner as may, or does, endanger or cause injury or damage to any person or property;
- (c) create a nuisance by loitering, spying, accosting, frightening, annoying or otherwise disturbing other persons; or
- (d) create a nuisance or in any way interfere with the use and enjoyment of the park by other persons.

4. Firearms and Offensive Weapons

While in any park, no person shall be in possession of or use any firearm, air gun, bow and arrow, axe or offensive weapon of any kind unless authorized by permit.

5. Fireworks

While in any park, no person shall ignite, discharge or set off any firecrackers, rockets or other fireworks except as a fireworks display authorized by permit.

6. Injury and Damage

No person shall in any park:

- (a) climb any building, structure or equipment, unless it is equipment designed for climbing;
- (b) break, injure, deface, move or remove the whole or any part of any flowers, plant material, trees or other vegetation or any building, structure, equipment or other property of the municipality;
- (c) unless authorized by permit, climb, move or remove the whole or any part of rocks, boulders, rock faces or remove any soil, sand or wood;
- (d) in any manner, disturb ground which is under repair, prepared for planting, has been newly seeded or sodded or is in an area posted to that effect; or
- (e) drive, park or walk in an area posted to prohibit same.

7. Waste and Pollution

No person shall in any park:

- (a) dispose or dump garbage, litter, tree trimmings, or any other refuse, except that which is generated through the normal use of the park and shall only deposit same in receptacles provided for such purpose;
- (b) dispose of or dump garden refuse except in a designated area therefor;

- (c) unless authorized by permit, dump or deposit snow, fill, soil, building or construction materials; or
- (d) dump or drain onto any soils or into the waters of any pool, pond, lake, stream, fountain or watercourse of any kind any material, toxic or otherwise, which may have the effect of polluting same.

8. Protection of Wildlife

No person shall in any park:

- (a) kill, attempt to kill, maim, injure, trap or disturb any animal, bird, waterfowl, fish worms, or other wildlife; or
- (b) touch, injure or remove any nest or egg therefrom.

9. Encroachment

Unless authorized by permit or agreement, no person shall encroach upon or take possession of any park by any means whatsoever, including the construction, installation or maintenance of any fence or structure, the dumping or storage of any materials or plantings, or planting, cultivating, grooming or landscaping, thereon.

10. Alcohol

While in any park, no person shall consume, serve or sell alcoholic beverages unless authorized by permit and with the approval of the Liquor Licence Control Board of Ontario.

PART III – PARK USE

11. Campfires and Barbecues

While in any park, no person shall:

- (a) light, build or stoke an open fire or bonfire unless authorized by permit;
- (b) use charcoal or solid fueled portable barbecues unless authorized by permit or where posted to allow same;
- (c) use fuel other than charcoal or briquettes in stationary barbecues; or
- (d) leave a barbecue or campfire without extinguishing the fire and ensuring that the embers are cold.

12. Organized Gatherings and Picnics

While in any park, no person shall:

- (a) unless authorized by permit, hold a picnic, organized gathering or event for more than twenty-five persons; or
- (b) interfere with a picnic, organized gathering or event authorized by permit.

13. **Amplifiers and Loud Speakers**

Unless authorized by permit, no person shall operate loud speakers or amplifying equipment in any park.

14. **Camping and Lodging**

Unless authorized by permit, no person shall dwell, camp or lodge in any park.

15. **Tents and Structures**

Unless authorized by permit, no person shall place, install or erect any temporary or permanent tent or structure in any park.

16. **Bathing, Swimming, and Sun Bathing**

No person shall:

- (a) enter any public swimming pool, except at times designated for swimming;
- (b) fail to abide by posted signs in or adjacent to any swimming pool, or to obey the instructions of any lifeguard or other authorized person; or
- (c) swim, bathe or wade in any fountain, pond, lake or stream, except in a designated area.

17. **Use of Wash and Change Rooms**

No person shall enter any portion or any washroom, bathhouse, or changeroom in any park set apart for the opposite sex.

PART IV – GAMES, SPORTS AND ORGANIZED ACTIVITIES

18. **Organized Sports or Activities**

- 1. While in any park, no person shall:
 - (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.
- 2. In addition to the prohibitions set out in subsection (1), while in any park no person shall utilize a designated area without a permit where same is posted to prohibit or restrict such use.

19. **Fishing**

No person shall fish in an area posted to prohibit same, in any park.

20. **Golfing**

While in any park, no person shall play or practice golf or strike a golf ball.

21. **Model Aircraft and Rockets**

While in any park, no person shall operate any powered models of aircraft, rockets, watercraft or vehicles unless authorized by permit.

22. **Gliders and Hot Air Balloons**

Unless authorized by permit, no person shall tether, launch or land any hot air balloon, hang glider, ultra light aircraft or similar conveyance in any park.

23. **Skating**

On any natural or artificial ice surface located in any park, no person shall:

- (a) use speed skates unless authorized by permit or in a posted area in accordance with posted conditions;
- (b) skate or act in such a manner as to interfere with and/or endanger any other person using the surface; or
- (c) use a stick of any kind except in accordance with posted conditions.

24. **Skiing**

No person shall ski, toboggan, snowboard, or sled in any area in any park posted to prohibit same.

25. **Roller Skates and Skate Boards**

While in any park, no person shall:

- (a) operate or utilize roller skates, skate boards, linear skates or like conveyances where posted to prohibit or otherwise restrict the use of the same; or
- (b) obstruct, inconvenience or endanger other users of the park while operating or utilizing traditional or in-line roller skates, skate boards utilizing traditional or in-line roller skates, skate boards or like conveyances.

26. **Tennis**

No person shall enter, walk, or play upon a designated area for tennis in any park, except in accordance with the posted rules and regulations.

PART V - VEHICLES

27. **Roadways**

- 1. The Council or, where such authority has been delegated, the Director or Committee established by Council, is authorized to establish appropriate regulations to regulate the use of park roadways.
- 2. Unless authorized by permit, and except as provided in section 30 with respect to bicycles, no person shall, while in any park, drive, operate, pull or ride any vehicle except on a roadway or parking area.

28. **Parking**

While in any park, no person shall:

- (a) park or leave a vehicle except in a designated area for parking;
- (b) park or leave a vehicle between the hours of 12 o'clock midnight and 5:59 a.m., except in a designated area allowing for such overnight parking, or where authorized by permit;
- (c) stop or park a vehicle in a designated area for parking, except in a parking space and in accordance with posted conditions;
- (d) stop or park a vehicle in a designated disabled parking space, unless a disabled person parking permit issued in accordance with the provisions of the Highway Traffic Act, R.S.O. 1990, c.H.8, as may be amended from time to time, is properly displayed on or in the vehicle; or
- (e) use any parking space except while using the park.

29. **Other Activities**

No person shall make use of any roadway or parking lot in any park for:

- (a) washing, cleaning, servicing, maintaining or, except in the vent of an emergency, the repair of any vehicle; or
- (b) instructing, teaching or coaching any person in the driving or operation of a motor vehicle.

30. **Bicycles**

While in any park, no person shall:

- (a) ride, operate or be in possession of any bicycle where posted to prohibit same; or
- (b) obstruct, inconvenience or endanger other users of the park while riding or operating a bicycle.

31. **Motorized Recreational Vehicles**

No person shall ride, drive, park or be in possession or control of a motorized recreational vehicle in any park except in a designated area.

32. **Trucks and Commercial Vehicles**

No person shall drive, operate, pull or ride in any park:

- (a) any heavy machinery or equipment of any description and whatever the mode of power; or
- (b) any truck, trailer or bus whatsoever except a vehicle that is,
 - (i) being used for the purpose of making a delivery to a point within the limits of the park while it is proceeding to or from such point of delivery, or
 - (ii) operated for personal, recreational, or non-commercial use.

33. Speed

Unless authorized by permit, while in any park no person shall operate:

- (a) any vehicle on a roadway at a speed in excess of the posted limit; or
- (b) a bicycle other than on a roadway at a speed in excess of 20 kilometers per hour.

PART VI – ANIMALS

34. Dogs

1. While in any park, no person as owner or person having control of any dog shall:

- (a) allow it to run at large, except in a designated area;
- (b) permit any dog to enter any beach, pond, swimming area, farm area, garden, landscaped area, playground or sports field, or any other area posted to prohibit same, excluding blind persons reliant upon a guide dog.

2. While in any park, every person as owner or person having control of any dog shall:

- (a) ensure that it is on a leash or chain not exceeding 2.4 meters in length when not running at large in a designated area; and
- (b) excluding disabled persons, pick up and remove forthwith excrement left by the dog and dispose of it in a sanitary manner in a receptacle for litter or in some other suitable container.
- (c) not trim or groom a dog except in a designated area.

35. Dangerous Animals

No person as owner or person having the control of any animal shall bring into or permit such animal to enter any park if it may or does constitute a danger to other park users or is reasonably likely to frighten other park users.

PART VII - COMMERCIAL ENTERPRISES

36. Sale of Merchandise, Trade or Business

1. Unless authorized by permit, no person shall, while in any park, sell or offer or display for sale:

- (a) any food, drink or refreshment;
- (b) any goods, wares, merchandise or articles including promotional material, souvenirs and novelties; or
- (c) any art, skill, service or work.

2. While in any park, no person shall practice, carry on, conduct or solicit for any trade, occupation, business or profession.

37. Circulars and Advertisements

1. Unless authorized by permit, no person shall:
 - (a) while in any park distribute, discard, or display any handbill, notice, or other circular, bill or advertisement; or
 - (b) post, nail, attach, stencil or otherwise fasten or erect any poster, sign, notice, placard or other circular, bill, advertisement or paper to any park property.
2. Notwithstanding subsection (1), any person may affix a non-commercial notice not larger than 21.5 centimeters by 35.5 centimeters to any notice board or kiosk provided therefor in any park.

PART VIII – REGULATION AND ENFORCEMENT

38. Permits and Licences

1. Permits issued for activities contemplated in this by-law may be subject to such fees as Council shall from time to time establish.
2. Permits issued for activities contemplated in this by-law may include conditions as to time, location, area, equipment, number of participants, type of activities, release, indemnity and insurance coverage.
3. The issuance of a permit pursuant to this by-law shall not relieve any person from the necessity of acquiring any other licence or permit required for such activity by any governmental or public authority.
4. No permit contemplated by this by-law shall be issued if same would result in the contravention of other applicable law.

39. Posting of Signage

The Director is authorized to post signage of permission, regulation, restriction, warning or prohibition with respect to uses of or activities in any park in accordance with the provisions hereof.

40. Temporary Closure

1. The Director is authorized to close off for such temporary periods as the Director deems appropriate any park or part or parts thereof to relieve or prevent overcrowding or traffic congestion, or in the interests of public safety, or as may otherwise be authorized by Council.
2. The Town may at any time when it is deemed advisable to do so, close to the public any park or any portion of any park, or any building in any park, and may require the payment of a fee by any person desiring to enter any such park or building and no person shall enter any park or any portion of any park, or any building in any park, so closed, without first paying the fee for admission, to a person duly authorized by the Town for the collection of such fee. Nothing in this by-law prevents any Town of Pickering employee or servant from performing his duties as an employee or servant.
3. The Director is authorized to post signage of permission, regulation, restriction, warning or prohibition with respect to uses of or activities in any park in accordance with the provisions hereof.

41. Exclusions and Exemptions

1. This by-law shall not apply to:
 - (a) the drivers, operators or other personnel of ambulances, police or fire department vehicles, or the riders or attendants of police department horses, while engaged in the performance of their duties;
 - (b) employees or agents of the municipality while engaged in works or services undertaken for or on behalf of the municipality; or
 - (c) a park, property or building that is now or hereafter under the jurisdiction of a board established by the Council or by statute, the members of which are appointed by Council.
2. This by-law shall be subject to provisions of contracts and agreements now or hereafter entered into by the municipality covering works or services to be performed in any park.

42. Enforcement

1. Any police officer, provincial offences officer or employee of the municipality designated by the Director is authorized to inform any person of the provisions of this by-law and to request compliance therewith.
2. Any police officer, provincial offences officer or employee of the municipality whose duties include the enforcement of this municipal by-law, is authorized to order any person believed by such officer or employee to be contravening or who has contravened any provision of this by-law,
 - a) to desist from the activity constituting or contributing to such contravention;
 - b) to remove from the park any animal or thing owned by or in the control of such person which the officer or employee believes is or was involved in such contravention; or
 - c) to leave the park.
3. Any police officer or provincial offences officer may enforce the provisions of this by-law.
4. Where any person contravenes any of the provisions of this by-law, or fails to comply with any order referred to in subsection (2) hereof, the permission and licence of such person to remain in the park is revoked.

43. Penalties

1. Any person contravening any of the provisions of this by-law, other than clause 33(a) resulting from the operation of a motor vehicle, is guilty of an offence and on conviction is liable to a fine in such amount provided for by the Provincial Offences Act, R.S.O. 1990. c.P.33. as may be amended from time to time.
2. Any person contravening the provision contained in clause 33(a) of this by-law, resulting from the operation of a motor vehicle, is guilty of an offence under the Highway Traffic Act, R.S.O. 1990, c.H.8, and, pursuant to the provision thereof, on conviction is liable to a fine in such amount provided for by the Highway Traffic Act. R.S.O. 1990, c.H.8, as may be amended from time to time.

3. The owner of a motor vehicle that is parked or left in contravention of section 28 of this by-law is guilty of an offence and on conviction is subject to the provisions of this section, unless at the time of the offence the motor vehicle was in the possession of another person without the owner's consent.

44. **Removal of Vehicles**

A police officer or provincial offences officer upon discovery of any vehicle parked or standing in contravention of section 28 of this by-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle which may be enforced in the manner provided by the Repair and Storage Liens Act, R.S.O. 1990, c.R.25, as may be amended from time to time, or any successor acts thereto.

45. **Severability**

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in full force and effect.

46. **Repeal**

By-law number 3803-70 is hereby repealed.

BY-LAW read a first, second and third time and finally passed this 17th day of May, 1999.

(signed) Wayne Arthurs
Wayne Arthurs, Mayor

(signed) Bruce Taylor
Bruce Taylor, Clerk