

(Amended by 80-06, 133-06)

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* confers the power upon 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 park by the Corporation;
 - "bicycle" means any cycle propelled or driven by muscular power, regardless of the number of wheels it has;
 - "bicycle trail" means a pathway, whether paved or unpaved, that is designed and posted to permit the use of bicycles, and does not include a roadway;
 - "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, and includes a refreshment vehicle and ice cream truck;

- "Commissioner" means the Commissioner of Community Services or his designate;
- "Corporation" means The Corporation of the City of Mississauga;
- "Council" means the Council of the Corporation;
- "designated area" means an area of a park 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;
- "fireworks" means a pyrotechnic device or a substance that is made, manufactured or used to produce an explosion or detonation, including fireworks composition and manufactured fireworks as defined in the *Explosives Act*, R.S.C. 1985, c. E-17, as amended;
- "ice cream truck" means a motor vehicle from which ice cream, ice cream cones, iced milk or other iced confection, refreshments or foodstuffs are sold or offered for sale to the public;
- "Ice Cream Truck Park Permit" means a permit issued to an owner of an ice cream truck to operate an ice cream truck in the designated parks that are located in a designated ward of the City;
- "motorized recreational vehicle" means a vehicle that is propelled or driven by an internal combustion engine and that is used for recreational purposes, including but not limited to a snowmobile, go-cart, trail bike, mini bike, motorized scooters, or all terrain vehicle;
- "multi-purpose pad" means an asphalt or concrete surface area for non-motorized activities, such as without limiting the generality thereof basketball, skateboarding, roller-blade and street hockey;
- "multi-use recreational trail" means a multi-purpose path whether paved or unpaved for use by pedestrians and non-motorized conveyances, except motorized wheelchairs;
- "organized sport or activity" means a sport, game or activity that has been pre-planned and that involves more than one player;

"park" means the land, including any body of water, buildings or structures located therein, that is owned by or made available to the Corporation by lease, agreement, or otherwise, and that is established, dedicated, set apart or made available for use as public open space; but does not include a marina, golf course, or cemetery;

"parking area" means a part of a park that is designated for the parking of motor vehicles;

"Parks Staff" means any permanent full-time employee in the Recreation and Parks Division of the Corporation;

"permit" means a written authorization issued by the Commissioner under this By-law, including the document known as a "Facilities Rental Contract" issued for the use of park facilities:

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

"refreshment vehicle" means a vehicle from which food or drinks are sold or offered for sale to the public but does not include an ice cream truck;

"Refreshment Vehicle Park Permit" means a permit issued to an owner of a refreshment vehicle to operate a refreshment vehicle in the designated area as specified on the permit;

"roadway" means a road that has been improved and designed for vehicular traffic use but does not include a bicycle trail;

"tree" means a tree, shrub or any form of vegetation;

"vehicle" means an automobile, motorcycle, motor assisted bicycle, 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 motorized wheelchair;

"watercraft" means any device for conveyance in or on water, including but is not limited to boats, row boats, sailboards, canoes, kayaks, and dinghies; and

"woodland" means forested land covered with wooded vegetation.

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) designate designated areas within a park;
 - b) designate areas within a park to be excluded from the public;
 - c) make regulations and impose conditions upon which a designated area shall be used;
 - d) make regulations and impose conditions for the orderly use of a park and any park facilities;
 - e) issue permits for specific uses of a park or parts of a park;
 - f) 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
 - g) 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 park;
 - 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 park;
 - 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 park.

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 park 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. All parks shall close at 11:00 pm and shall remain closed until 7:00 am daily, unless otherwise specified in this Part or Schedule A of this By-law.
- 10. 1) Notwithstanding section 9, the Commissioner may close a park or a portion of a park for longer or shorter period of time should he deem necessary for the beneficial administration of the park or to carry out the functions as authorized by a permit for use of a park or part of a park.
 - 2) The Commissioner shall not close a park or a portion of a park for a different period of time as provided in section 9 for more than 6 consecutive months without Council approval.

PART VI: GENERAL PROHIBITION

Park Entry

- 11. No person shall:
 - 1) enter or remain in a park after it has been closed, unless otherwise permitted; or
 - 2) enter or remain in an area of a park where admission is prohibited or restricted without a permit; or
 - 3) enter or access through a park for the purpose of conducting any work on private property without a permit; or
 - 4) enter or access through a woodland between dusk and dawn.

General Conduct

- 12. While in a park, 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 park by other persons; or
 - 3) engage in any activity that may cause injury or damage to any person, animal, tree or property; or
 - 4) engage in archery; or
 - 5) engage in the shooting of a sling-shot or a projectile of any nature; or
 - 6) disobey an authorized sign; or
 - 7) fire or set off any fireworks without a valid permit issued under By-law 0293-2001, as amended, being a by-law respecting the setting off of Fireworks within the limits of the City of Mississauga; or
 - 8) release any balloons without a permit; or
 - 9) operate any powered models of aircraft, watercraft or vehicles other than in a designated area; or
 - 10) use a skateboard other than in a designated area; or

- use roller-blades anywhere in a park other than in a multi-use recreational trail or a multi-purpose pad; or
- 12) golf; or
- erect, place, install, or cause the erection, placing or installation of any permanent or temporary structure, tent or booth without a permit; or
- camp, erect or place a tent for shelter or temporary abode of any kind; or
- operate any motor vehicle or any other form of motorized conveyances on a multi-purpose pad or multi-use recreational trail or bicycle trail; or
- skate, walk, or engage in any activities or access through snow/ice-covered ponds, lakes, streams, rivers, or any other snow/ice-covered bodies of water; or
- ski, toboggan, snowboard, skibob, or sled except at designated areas in the parks listed in Schedule B of this By-law.
- 13. No person shall dump, deposit, drain, or otherwise dispose of:
 - any waste anywhere in the park, except waste generated from the use of the park and wholly into receptacles provided in the park for such purposes; or
 - 2) any snow, fill, soil, or construction materials in a park without a permit; or
 - 3) any material into any pool, pond, lake, stream, fountain, watercourse, or any other body of water in a park; or
 - 4) any material into any soils in a park.
- 14. No person shall bury, scatter, or otherwise dispose of any cremated remains in a park.

Damage to Property

- 15. While in a park, no person shall:
 - 1) plant, prune, remove or damage any plant, shrub, flower, flowerbed, bush, sod, grass, or any other vegetation unless otherwise authorized by the Commissioner; or (133-06)
 - 2) plant, prune, climb, remove, damage, or deface any tree; or
 - 3) climb, remove, damage, or deface any fence, bench, seat, table, monument, fountain, or sign; or

- 4) climb any building, structure or equipment, unless the structure or equipment is designed for climbing; or
- 5) damage or deface any building, structure or equipment; or
- 6) damage or disturb in any manner grounds prepared for planting; or
- 7) remove any soil, sand, gravel, stone, rocks, wood, or any other material located in the park.

PART VII: SPECIFIC PARK USES

Campfire and Barbeque

- 16. While in a park, no person shall:
 - 1) light, build or stoke a fire or bonfire without a permit; or
 - 2) use a solid fuelled portable barbecue in an area other than a designated area or without a permit; or
 - 3) use fuel other than charcoal or briquettes in a barbecue provided by the Corporation, unless authorized by permit; or
 - 4) violate any provisions of the Open Air Burning By-law 49-03, as amended.

Organized Gatherings and Picnics

- 17. No person shall in a park:
 - 1) hold a picnic, organized gathering or event for more than twenty-five persons without a permit; or
 - 2) interfere with a picnic, organized gathering or event authorized by permit; or
 - 3) engage in cooking except as otherwise provided in this part or in designated areas.
- 18. Notwithstanding section 17, if the organized gathering or event is an organized sport activity, no person shall arrange or engage in such a sport activity or event except in a designated area and with a valid permit where one is required.

Amplifiers and Speakers

- While in a park, no person shall operate or use any sound amplifying or equipment, including but not limited to a radio, tape player, compact disc player, and car radio in a manner that, in the opinion of a Park Staff or an enforcement officer, disturbs or interferes with other persons in or near the park.
 - 2) In addition to subsection (1), no person shall operate or use any sound amplifying equipment:
 - a) contrary to the provisions of the City of Mississauga Noise Control Bylaw 360-79, as amended; or
 - b) in Erindale Park without a permit; or
 - c) in Huron Park; or
 - d) in Jack Darling Park; or
 - e) in Meadowvale Conservation Park.

Group Photography

- 20. No person shall engage in group photography in the parks except on the days of the week as set out in Schedule C of this By-law and authorized by a permit.
- 21. Permits for group photography shall be issued based upon one and one-half (1 1/2) hour blocks of time being allotted to each permit and the number of groups permitted to be booked in each block of time as set out in Schedule C of this By-law.
- 22. In addition to any other conditions imposed by the Commissioner in the issuance of a permit for group photography as necessary for the proper administration of the park, every person or group to whom a permit for group photography has been issued shall:
 - 1) depart the park after the scheduled block of time as provided on the permit; and
- 2) not individually or collectively as a group use more than four (4) parking spaces in the park per permit issued.

Watercrafts

- 23. No person shall:
 - 1) launch a watercraft anywhere in a park except in a designated boat ramp; or
 - 2) moor or dock a watercraft anywhere in a park except in a designated area.
- 24. No person shall fuel a watercraft:
 - 1) from any vehicle or other equipment on land, including the piers or docks, except from a designated area and using the equipment as provided by the Corporation; or
 - 2) from another watercraft; or
 - 3) without a fuel attendant of the Corporation on duty and supervising the fuelling.

Bathing, Swimming

- 25. No person shall in a park:
 - 1) enter any public swimming pool except at times designated for swimming; or
 - 2) disobey posted signs or instructions of any lifeguard or enforcement officer in or adjacent to any swimming pool; or
 - 3) swim, bathe or wade in any fountain, pond, lake, stream, or any body of water except in designated areas; or
 - 4) take any inflatable device, swimming assist, snorkel, or other underwater breathing device into any body of water unless otherwise permitted; or
 - 5) misuse or damage the Corporation's life saving equipment.

Washrooms and Change-rooms

- No person shall enter into any washroom, bathhouse, or change-room in a park set apart for the opposite sex.
 - 2) No person shall use or operate or turn on any photographic devices, including cameras, video equipment, and cellular phones with video or photographic functions, in a washroom, bathhouse, or change-room in a park.

Commercial Activities

- 27. 1) Unless authorized by permit, no person shall, while in a park, 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 park, practice, carry on, conduct, or solicit for any trade, occupation, business, profession, or charity.
- 28. While in a park, no person shall:
 - 1) film, photograph, or videotape for remuneration without a permit; or
 - 2) make television broadcast without a permit, except if the broadcast is made by the news media.
- 29. 1) Every owner of an ice cream truck shall prominently display the Ice Cream Truck Park Permit on the ice cream truck(s) when the owner's ice cream truck(s) is operating in a park.
 - 2) No person may operate, vend, or offer for sale any goods from an ice cream truck unless a valid Ice Cream Truck Park Permit is prominently displayed on the truck.
- 30. 1) Every owner of a refreshment vehicle shall prominently display the Refreshment Vehicle Park Permit on the refreshment vehicle(s) when the owner's refreshment vehicle(s) is operating in a park.
 - 2) No person may operate, vend, or offer for sale any goods from a refreshment vehicle unless a valid Refreshment Vehicle Park Permit is prominently displayed on the vehicle.

Circulars and Advertisements

- 31. No person shall:
 - distribute or display any handbill, notice, or any other type of circulars, bills, advertisements, or any form of promotional item or samples in a park without a permit; or

2) erect, display, alter or allow the erection, display, or alteration of any sign in a park unless in compliance with the City of Mississauga Sign By-law 54-02, as amended

PART VIII: ANIMALS

Definitions

- 32. In this Part,
 - 1) "at large" means not being under the control of its owner and in the case of dogs including not being put on a leash;
 - 2) "owner" means a person who keeps, harbours, have temporary or permanent possession of an animal, and, in the case of a minor, "owner" means the person responsible for the custody of the minor;
 - 3) "leash" means a rope chain or other restraining device for a dog which may not exceed two (2) metres long; and
 - 4) "leash-free zone" means a designated area as listed in Schedule D of this By-law for the purpose of permitting an animal to be at large.

Animals in Parks

- 33. 1) No owner shall:
 - a) bring any animal other than a domesticated animal into a park unless authorized by a permit; or
 - b) allow an animal to be at large other than in a leash-free zone; or
 - c) allow an animal to be at large in a leash free zone at a time other than the permitted hours as provided in Schedule D of this By-law; or
 - d) allow an animal at large in a leash-free zone without the owner's supervision; or
 - e) allow an animal to enter any beach, pond, swimming area, garden, landscaped area, playground or sports field, or any other area posted to prohibit the animal; or
 - f) allow an animal to disturb any wildlife; or

- g) allow an animal to engage in any activity that is prohibited under Part VI of this By-law.
- 2) Notwithstanding subsection (1), an owner shall not permit his animal to enter into any area within the leash-free zone which access is prohibited through signage by the Corporation.
- 34. An owner shall immediately remove his animal from the leash-free zone:
 - 1) if it creates a nuisance or shows signs of aggressiveness towards another person or animal; or
 - 2) at the request of a Park Staff or an enforcement officer, if in the opinion of the Park Staff or enforcement officer, the animal is showing signs of aggressiveness towards another person or animal or creating a nuisance, or if the owner fails to supervise the animal and keep it under control while being at large.

Protection of Wildlife

- 35. No person shall:
 - 1) kill, attempt to kill, hunt, trap, fish, or otherwise pursue an animal in any manner so as to disturb its presence in the park; or
 - 2) feed any waterfowl except in designated area.
- 36. Section 35 does not apply to fishing in the Credit River, Lake Aquitaine, Lake Wabukayne, Lake Ontario, or in any other lakes or streams where fishing is permitted by posted signs.

Animal Care and Control By-law

37. In the event of any conflict between this By-law and the City of Mississauga Animal Care and Control By-law 0098-2004, as amended, the Animal Care and Control By-law shall take precedence.

PART IX: VEHICLES

General Prohibitions

- Unless otherwise permitted, no person shall drive, operate, pull, or ride any vehicle in a park except on a roadway or parking area.
 - 2) In addition to subsection (1), no person shall drive or operate or park:
 - 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 park; or
- iii) any recreational vehicles commonly known as "RV"s which may provide living accommodations for persons; or
- iv) a snowmobile.
- 3) Subsection (2) does not apply to an owner of an ice cream truck or refreshment vehicle who holds a valid permit issued under this By-law for the purpose of operating an ice cream truck or a refreshment vehicle in the park.
- 39. No person shall use a roadway or parking area in a park 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 bicycle; or
 - 3) games or sport activities.
- 40. 1) No person shall park any vehicle in a parking space except while using the park.
 - 2) No person shall park a school bus in a park except for the purpose of pick-up and drop-off, and in any event, no person shall park a school bus for that purpose for more than 30 minutes.

Bicycles

41. Notwithstanding section 38, a person may ride a bicycle on a bicycle trail within a park.

Commercial Vehicles

- 42. In addition to section 38, no person shall drive, operate, pull, ride, or park any commercial vehicles in a park unless the person and/or the owner of the vehicle:
 - 1) has a valid permit issued by the Commissioner to conduct commercial activities using the vehicle in the park; and
 - 2) satisfies all licensing requirements as provided in other applicable City of Mississauga by-laws for the operation of such commercial motor vehicle in the City;
 - 3) complies with all the provisions in the permit as issued by the Commissioner.

Speed

- 43. No person shall operate a motor vehicle on a roadway in excess of the posted limit.
- 44. All roadways in a park shall have a maximum speed limit of 25 kilometers per hour for all vehicles

PART X: ENFORCEMENT

- 45. 1) An enforcement officer or Parks Staff may order any person believed to be contravening or have contravened any provision of this By-law:
 - a) to immediately desist from the activity constituting or contributing to such contravention; or
 - b) to immediately remove from the park any animal or thing owned by or in the control of such person which is involved in such contravention; or
 - c) to leave the park immediately.
 - 2) An enforcement officer or Parks 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.
 - No person shall fail to comply with the order given by an enforcement officer or Parks Staff in subsections (1) or (2).
- 46. 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 XI: VALIDITY

47. 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 XII: INTERPRETATION

- 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 XIII: REPEAL

49. By-law 277-96, as amended, is hereby repealed.

PART XIV: SHORT TITLE

50. This By-law may be referred to as the "Parks By-law".

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

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

SCHEDULE A

Special Park Closing Times

PARK	CLOSING TIMES
Bradley Museum	- Gates closed to vehicle access between 9 p.m. to 7 a.m. daily, unless otherwise authorized by permit
	- Park closed to access by any person between 11 p.m. to 7 a.m. daily
Jack Darling Park	- Gates closed to vehicle access between 9 p.m. to 7 a.m. daily
	- Park closed to access by any person between 11 p.m. to 7 a.m. daily
Kariya Park	Closed between dusk to 7 a.m. daily

SCHEDULE B

Parks for Skiing, Tobogganing, Snowboarding, Skibobbing/Sledding

Birchwood Park		
Brookmede Park		
Erindale Park		
Jack Darling Park		

SCHEDULE C

Group Photography

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SCHEDULE D

Parks with Leash-Free Zones

(Amended by 80-06)

PARKS	PERMITTED TIMES	
Etobicoke Valley Park (P-238)	Daily from 7:00 a.m. to 11:00 p.m.	
Garnetwood Park (P-135)	Daily from 7:00 a.m. to 11:00 p.m.	
Jack Darling Park (P-12)	Daily from 7:00 a.m. to 11:00p.m., except	
	between Victoria Day weekend to Labour	
	Day	
	Victoria Day weekend to Labour Day:	
	- Monday to Friday 7:00 a.m. to	
	11:00 p.m.	
	- Saturdays, Sundays and Statutory	
	holidays - 7:00 a.m. to 11:00 a.m. and	
	7:00 p.m11 p.m. <u>only</u>	
Lakeside Park (P-37)	Daily from 7:00 a.m. to 11:00 p.m.	
Parkway Belt # 357 – Not Yet Named	Daily from 7:00 a.m. to 11:00 p.m.	
Totoredaca Park (P-284)	Daily from 7:00 a.m. to 11:00 p.m.	
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Lands owned by the Region of Peel located	Daily from 7:00 a.m. to 10:00 p.m.	
on the west side of Erin Mills Parkway,		
north of Erin Centre Boulevard and legally described as Lot 5 Registrar's Compiled		
Plan 1003, being Part 1 on 43R-323, in the		
City of Mississauga, in the Regional		
Municipality of Peel (Ward 9)		
Lands owned by Erin Mill Development	Daily from 7:00 a.m. to 10:00 p.m.	
Corporation located on the west side of Erin	_	
Mills Parkway, north of Erin Centre		
Boulevard and legally described as Parcel 3-4,		
Section 43 – Toronto Township – 5 (WHS);		
Part of Lot 2, Registrar's Compiled Plan		
1003, being Parts 1, 2, 3 and 4 on 43R-16962,		
in the City of Mississauga, in the Regional		
Municipality of Peel (Ward 9)		