



# MISSISSAUGA

## THE CORPORATION OF THE CITY OF MISSISSAUGA

### Parks By-law 0197-2020

(Amended by 0036-2021)

**WHEREAS** Subsection 11(3) 5. of the Municipal Act, 2001, S.O. 2001, c.25, as amended (“Municipal Act”) provides that a municipality may pass by-laws respecting culture, parks, recreation and heritage;

**AND WHEREAS** Subsection 11(3) 1. and 8. of the Municipal Act provide that a municipality may pass by-laws with respect to highways, including parking and traffic on highways and parking, except on highways;

**AND WHEREAS** Subsection 11(2) 5. of the Municipal Act provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

**AND WHEREAS** Section 444 of the Municipal Act provided that a municipality may make and order to require a person to discontinue contravening a by-law and to do the work required to correct the contravention;

**AND WHEREAS** Section 445 of the Municipal Act provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

**AND WHEREAS** Section 446 of the Municipal Act provides that a municipality may proceed to do things at a person’s expense which that person is otherwise required to do under a by-law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**AND WHEREAS** Subsection 128(2) of the Highway Traffic Act, R.S.O. 1990, c. H-8 (HTA), as amended, provides that a municipality may pass by-laws prescribing a rate of speed different from the rate set out in Subsection (1) of the HTA that is not greater than 100km per hour and may prescribe different rates of speed for different times of day;

**NOW THEREFORE** the Council of The Corporation of the City of Mississauga ENACTS as follows: Table of Contents

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**PART I: DEFINITIONS**

1. In this by-law,

**“Articles for Sale”** means goods, wares, merchandise, products, refreshments, foodstuffs, or flowers held by a Person for subsequent sale to another Person;

**“Authorized Sign”** means any sign, notice, or other device placed or erected in or upon a Park by the City;

**“Bicycle”** means a Power Assisted Bicycle or any Cycle propelled or driven by muscular power and equipped with an alarm bell, gong or horn, regardless of the number of wheels it has, but does not include a Motor Assisted Bicycle;

**“Busking”** means a group or person performing in a public place, providing entertainment and enjoyment for the public;

**“City”** means The Corporation of the City of Mississauga and its physical boundaries as described in the Regional Municipality of Peel Act, 2005, S.O. 2005, as amended;

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

**“City Staff”** means any employee of the City;

**“Commercial Photography”** means a group of two (2) or more people who are engaging in photography where such photography would disrupt park users or otherwise restrict use of the Park by park users and are collecting remuneration for such photography;

**“Commercial Vehicle”** means a Vehicle where goods and/or services are sold or offered for sale, and includes Park Vendor Vehicles;

**“Commissioner”** means the Commissioner of Community Services or their designate in writing;

**“Contractor”** means a person contracting with or employed directly by the owner or an agent of the owner to supply services or materials to an improvement and includes a joint venture entered into for the purposes of an improvement or improvements;

**“Council”** means the Council of the City;

**“Designated Area”** means an area of a Park designated by the Commissioner for a specific purpose or use;

**“Director”** means the City’s Director of Parks, Forestry and Environment or their designate in writing;

**“Division”** means the Parks, Forestry and Environment Division in the City’s Community Services Department;

**“Drone”** means a remotely piloted aircraft system (RPAS) that has a set of configurable elements consisting of a remotely piloted aircraft, its control station, the command and control links, and any other system elements required during flight operation, as defined by the Canadian Aviation Regulations, as amended;

**“E-Scooter”** means an e-scooter as defined in the City’s Traffic By-law 555-00, as amended; (0036-2021)

**“Fence”** means any physical barrier erected for the purpose of demarcation, including, but not limited to, 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;

**“Fitness and Instructional Classes”** means a class held outdoors by qualified instructor providing appropriate physical exercise instruction of various types and various levels to its participants or a class held outdoors by a qualified instructor that impart knowledge or skill;

**“Motor Assisted Bicycle”** means a Motor Assisted Bicycle as defined by the Highway Traffic Act R.S.O. 1990, c.H.8, as amended;

**“Motorized Recreational Vehicle”** means a Vehicle that is propelled or driven by an internal combustion engine, electric engine, or battery operated and that is used for recreational purposes, including but not limited to a snowmobile, go-cart, golf cart, trail bike, mini bike, Motor Assisted Bicycle or all-terrain Vehicle;

For greater clarity, a Motorized Recreational Vehicle does not include an e-scooter. (0036-2021)

**“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, designed to permit the use by pedestrians and non-motorized conveyances, except motorized wheelchairs or other accessibility devices, unless otherwise posted;

**“Officer”** means a Police Officer or an individual employed by the City to perform the duties of enforcing by-laws and appointed by Council as a municipal law enforcement officer as designated in the City’s By-law 299-04, as amended, or its successors;

**“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 City 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;

**“Park Amenity”** means any asset including but not limited to monuments, fountains, bridges, walls, seats, benches, structures, or articles of Park equipment or appurtenance;

**“Parking Area”** means a part of a Park that is designated (posted and signed) for the parking of Vehicles;

**“Parks Staff”** means any employee in the Parks, Forestry and Environment Division of the City;

**“Park Trail”** means an uninterrupted asphalt, concrete, granular, or other surface, not less than 2.4 metres (7.8 feet) wide, connecting destinations. Park Trails may be referred to as Multi-use Recreational Trails, or off-road trails;

**“Park Vendor”** means an owner of a business or service, or their designated operator, licensed by the City, operating a specific business or service within a Designated Area within a Park with a valid Park Vendor Permit;

**“Park Vendor Permit”** refers to a Permit issued to an owner of a business or service enabling them, or their designated operator, to operate a specific business or service within in the Designated Area as specified on the Permit. The license may be issued through the City’s Vehicle Licensing By-law 520-04, Ice Cream Truck By-law 253-04, or Vendors By-law 522-04, as amended;

**“Park Vendor Vehicle”** means a refreshment cycle, refreshment cart, refreshment vehicle, full service food truck, ice cream truck, or portable display unit as defined by the City’s Vehicle Licensing By-law 520-04, Ice Cream Truck By-law 253-04, or Vendors By-law 522-04, as amended;

**“Permit”** means written permission or written authorization issued by the Commissioner under this by-law, issued for the temporary use or access to a Park which shall include, but not limited to, a facilities rental contract, temporary access permit and a dog walker permit;

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

**“Plant”** means a flower, grass or any other form of non-woody vegetation;

**“Police Officer”** means a chief of police or any other police officer, including a person who is appointed as a police officer under the Interprovincial Policing Act, 2009, S.O. 2009, c. 30 but does not include a special constable, a First Nations Constable, a municipal law enforcement officer or an auxiliary member of a police force; (agent de police);

**“Power-Assisted Bicycle”** means a Power-Assisted Bicycle as defined in the Highway Traffic Act, R.S.O., c. H.8, as amended, but not weighing in excess of 40kg;

**“Roadway”** means a road that has been designed for vehicular traffic use;

**“Sell”** includes display for sale, expose for sale, and offer for sale;

**“Shrub”** is a perennial plant with usually more than one low-branching woody stem, including woody vines and low/ trailing perennials;

**“Smoking”** includes the smoking or holding of lighted tobacco, lighted cannabis, or any substance used for smoking and Smoke has a similar meaning, as defined by the Peel Outdoor No Smoking or Vaping By-law 49-2019, as amended;

**“Special Event”** means an event which is being held either as a community, social, sporting, family, or cultural group celebration, or other similar event that requires additional permission from the Parks, Forestry and Environment Division or other internal or external departments in order to proceed;

**“Sports Amenities”** means any Park Amenity designed for sports including, but not limited to, soccer fields, baseball fields, football fields, cricket pitches, basketball courts, tennis courts, volleyball courts, Multi-purpose Pads, and playgrounds;

**“Tree”** means a self-supporting woody plant which will reach a height of at least 4.5 metres at maturity;

**“Vaping”** means the inhaling or exhaling of vapour from an inhalant-type device of any substance, or the holding of an activated inhalant-type device, and Vape has a corresponding meaning, as defined by the Peel Outdoor No Smoking or Vaping By-law 49-2019, as amended;

**“Videography”** means the process of capturing moving images on electronic media or even streaming media;

**“Vehicle”** means an automobile, truck, motorcycle, motor assisted bicycle, e-scooters, traction engine, farm implement or equipment, motorized construction equipment, snowmobile, aeroplane, trailer or any other vehicle which is capable of being driven, propelled, or drawn by any kind of combustible, motorized, battery, solar or electric power, but does not include a motorized wheelchair or other accessibility devices; (0036-2021)

**“Watercraft”** means any device for conveyance in or on water, including but not limited to boats, jet skis, row boats, sailboards, canoes, kayaks, and dinghies;

**“Woodland”** means forested land covered with woody vegetation.

## **PART II: ADMINISTRATION**

2.
  - 1) The Commissioner shall be responsible for the administration and enforcement of this by-law.
  - 2) As part of their responsibility to administer this by-law, the Commissioner may:
    - i. designate areas within a Park from which the public is excluded;
    - ii. make regulations and impose conditions upon which a Designated Area shall be used;
    - iii. make regulations and impose conditions for the orderly use of a Park and any Park facilities;
    - iv. issue Permits for specific uses of a Park or parts of a Park;
    - v. 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
    - vi. 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 City, its Vehicles, and its employees or agents acting within the scope of their duties as employees or agents of the City.
  - 4) Streetsville Village Square (Park #523) when the street is open to Vehicle traffic.
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 applicable fees as set out in the City's Fees and Charges By-law, as amended, which may include a security deposit.
  - 3) Provide any documentation and insurance certificates as required by the Commissioner or Parks Staff 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 or Parks Staff, 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.
- 4) Where a permit holder has damaged any Park property, including but not limited to, landscaping, Trees or Park Amenities, the permit holder may be ordered to:
- i. compensate for the damage to the satisfaction of the City at the expense of the permit holder; and/or
  - ii. compensate for any studies or documentation, as deemed appropriate by Parks Staff, to determine the extent of the damage before repairing the damage.
- 5) If the permit holder fails to comply with an order made under Subsection 6(4) or if the City chooses to correct the damage itself, the City may correct the damage and use any security deposit posted by the permit holder to pay for any costs associated with carrying out the work.
- 6) If the costs incurred by the City in carrying out any work under Subsection 6(5) are greater than the security deposit posted by the permit holder, any costs not

covered by the security deposit shall be a debt owed by the permit holder to the City and the City may recover the costs of carrying out the work from the permit holder or add the costs to the tax roll of the property in question and collect them in the same manner as property taxes.

7) Failure to abide by the Permit, may result in restricted access to future permits.

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 City and is not transferable.

#### **PART V: HOURS**

9. 1) All Parks shall close at 11:00 pm and shall remain closed until dawn the following day, unless otherwise posted or specified in this by-law.

2) All Sports Amenities shall close at 11:00pm and remain closed until 7:00am the following day, unless otherwise posted or specified in this by-law.

10. 1) Notwithstanding Section 9, the Commissioner or Officer may close a Park or portion of a Park for a period of time, where the Commissioner or Officer determines that it is necessary:

i. to maintain the safety or security of the Park; or

ii. to conduct an investigation; or

iii. to allow the Commissioner or Officer to adequately administer and enforce this by-law; or

iv. for the beneficial administration of the Park or to carry out the functions as authorized by a Permit for use of the Park or part of the Park; or

v. where posted or permitted.

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 six (6) consecutive months without Council approval.

#### **PART VI: GENERAL PROHIBITION**

##### **A. 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 or Park property without a Permit; or

4) enter or access through a Woodland between dusk and dawn; or

5) loiter anywhere within a Park from 11:01 pm to dawn;

i) for the purpose of this subsection only, the word "loiter" shall mean the act of staying at or near a particular place for more than twenty (20) minutes; and

- ii) every person who, without lawful excuse, the proof of which lies upon them, loiters within the meaning of this subsection, shall be guilty of an offence.

## **B. General Conduct**

12. While in a Park, no person shall:

- 1) engage in riotous, boisterous, violent, threatening, or illegal activity, or use profane or abusive language, which includes hatred against an identifiable group; or
- 2) engage in any activity that, if in the opinion of Parks Staff or Officers, 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, Shrub, Plant, property, or Park Amenity; or
- 4) disobey an authorized sign; or
- 5) fire or set off any fireworks without a valid Permit issued under the City's Firework: Residents By-law 0293-2001, as amended; or
- 6) release any balloons; or
- 7) operate any remote-controlled or other powered devices, including but not limited to, model versions of aircraft, rockets, watercraft, Drones and vehicles, other than in a designated area unless authorized by Permit; or
- 8) use a skateboard or rollerblades if prohibited as marked by posted signs; or
- 9) golf; or
- 10) erect, place, install, or cause the erection, placing or installation of any permanent or temporary structure, tent or booth without a Permit; or
- 11) camp, erect or place a tent for shelter or temporary abode of any kind unless authorized by the Commissioner; or
- 12) operate any Vehicle or any other form of motorized conveyances on a Multi-purpose Pad or Multi-use Recreational Trail; or
- 13) skate, walk, or engage in any activities on snow/ice-covered ponds, lakes, streams, rivers, or any other snow/ice-covered bodies of water that are City owned; or
- 14) ski, toboggan, snowboard, skibob, or sled where posted to prohibit same; or
- 15) engage in Commercial Photography in a designated Park except as authorized by a Permit; or
- 16) be in possession of or use a firearm, air gun, cross bow, bow and arrow, axe, paint guns or any similar weapon of any kind unless authorized by Permit; or
- 17) urinate or defecate except in a designated washroom; or
- 18) activate any emergency alarm or device, or use any emergency telephone except in situations of emergency; or
- 19) operate a metal detector unless authorized by the Commissioner; or
- 20) cause to take place or participate in a marriage ceremony except in a Designated Area unless authorized by Permit; or

- 21) enter or attempt to enter any area locked or otherwise restricted from public access; or
  - 22) make use of a Designated Area for its intended use except in accordance with the posted rules and regulations; or
  - 23) fail to comply with an order given by City Staff or an Officer; or
  - 24) possess, consume, serve or sell alcoholic beverages unless authorized by a Permit, and after having complied with all of the requirements of the Liquor License Act, R.S.O. 1990 c.L19, as amended; or
  - 25) Smoke or Vape, regardless of whether or not a notice is posted that Smoking or Vaping is prohibited, in a Park and in compliance with the Peel Outdoor No Smoking or Vaping By-law 49-2019, as amended;
  - 26) engage in active recreational uses in Parks or areas of Parks with substantial horticultural displays, including but not limited to Riverwood, Hancock Woodlands, Brueckner Rhododendron Gardens, and Kariya Park.
13. No person shall dump, deposit, drain, or otherwise dispose of:
- 1) any household 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; or
  - 5) discharge of water or waste water from sewage, any roof drainage system, hot tub, swimming pool, or pond into or onto a Park.
14. While in a Park, no person shall:
- 1) bury, scatter, or otherwise dispose of any biological or cremated remains unless in a Designated Area.
  - 2) cause to take place or participate in a funeral service, except in a cemetery or Designated Area unless authorized by a Permit.

**C. Damage to Property**

15. While in a Park, no person shall:
- 1) plant, prune, remove or damage any Tree, Shrub, Plant, flower, flowerbed, bush, sod, grass, or any other vegetation unless otherwise authorized by the Commissioner; or
  - 2) plant, prune, climb, remove, damage, or deface any Tree, Tree roots or parts of a Tree; or
  - 3) remove, damage, disturb or deface any Park Amenity; or
  - 4) climb any Park Amenity, unless the amenity is designated for climbing; or
  - 5) remove any soil, sand, gravel, stone, rocks, wood, or any other material located in the Park.

**PART VII: SPECIFIC PARK USES**

**A. Campfire and Barbeque**

16. While in a Park, no person shall:

- 1) light, build or stoke a fire or without a Permit; or
- 2) use a 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 grill provided by the City; or
- 4) violate any provisions of the City's Open Air Burning By-law 140-18, as amended; or
- 5) leave a barbecue or fire unattended without extinguishing the fire and ensuring that the embers are cold; or
- 6) dispose of embers other than the designated location.

**B. Special Events**

17. No person shall in a Park:

- 1) hold a Special Event for more than twenty-five (25) persons without a Permit; or
- 2) interfere with a Special Event authorized by Permit; or
- 3) engage in cooking except as otherwise provided in this part or in Designated Areas; or
- 4) move Park Amenities from an area to another area to accommodate their Special Event.

18. Notwithstanding Section 17, if the event is an Organized Sport or Activity, no person shall arrange or engage in such an Organized Sport or Activity or Special Event except in a Designated Area and with a valid Permit where one is required.

**C. Amplifiers and Speakers**

19. 1) While in a Park, no person shall operate or use any sound amplifying equipment, in a manner that, in the opinion of a City Staff or an Officer, disturbs or interferes with other persons in or near the Park;
- 2) In addition to Subsection 19.1, no person shall operate or use any sound amplifying equipment:
  - i. contrary to the provisions of the City's Noise Control By-law 360-79, as amended; or
  - ii. as noted by applicable signage; or
  - iii. unless authorized through a Permit.

**D. Watercrafts**

20. No person shall:

- 1) launch a Watercraft anywhere in a Park except in a Designated Area; or
- 2) moor or dock a Watercraft anywhere in a Park except in a Designated Area.

21. 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 City; or
- 2) from another Watercraft; or
- 3) without a fuel attendant of the City on duty and administering the fuelling at City-owned facilities.

**E. Bathing and Swimming**

22. No person shall in a Park:

- 1) enter any public swimming or wading pool except at times designated for swimming; or
- 2) disobey posted signs or instructions of any City Staff or Officer in or adjacent to any swimming or wading pool; or
- 3) swim, bathe or wade in 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 City life saving equipment.

**F. Washrooms and Change Rooms**

23. 1) A person shall use the restroom or change-room in a Park for the gender identity or gender expression with which they are most comfortable, save and except for the City's Parks Staff or Contractors retained for the purpose of servicing the washroom or change room.
- 2) No person shall use or operate any photographic devices in a restroom or change room in a Park.

**G. Circulars and Advertisements**

24. 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 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's Sign By-law 54-02, as amended.

**H. Kites**

25. No person shall:

- 1) fly a kite with a string made of metal, wire, piano wire, fishing line, or any type of nylon that can be or is chemically treated or coated with glass particles; or
- 2) fly a kite within 25 metres of any Tree, building, light pole, or hydro or other utility pole; or
- 3) fly a kite in Parking Areas, Roadways or pathways; or
- 4) fly a kite for the purpose of competitive flying unless authorized by a Permit; or
- 5) fly a kite where kite flying is prohibited as posted by signage; or
- 6) leave in the Park any part of the kite, including the string or other type of tethering material, except in a waste disposal container.

**PART VIII: COMMERCIAL ACTIVITIES**

**A. General**

26. 1) Unless authorized by Permit, no person shall, while in a Park, Sell:
- i. any flowers, food, including fruits and vegetables, drink, or refreshment; or

- ii. any goods, wares, merchandise, or articles, including promotional material, souvenirs and novelties; or
  - iii. 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.

**B. Refreshments**

27. 1) Every owner of a Park Vendor Vehicle is required to have a Park Vendor Permit in order to operate in a Park and shall prominently display the Park Vendor Permit on the Park Vendor Vehicle when operating in a Park.
- 2) No person may operate, vend, or offer for sale any goods and/or services from a Park Vendor Vehicle unless a valid Park Vendor Permit is prominently displayed on the Vehicle.
- 3) Every person issued a Park Vendor Permit shall operate in accordance within the dates, times, and Designated Areas as recorded on the Permit.
28. 1) City staff may request any owner of Park Vendor Vehicle with a valid Park Vendor Permit in a Park, to move from their Designated Area within the Park to accommodate operational needs.
- 2) The City will provide a minimum of five (5) days' notice to the owner that their Designated Area will be changing within the Park and provide a suitable Designated Area within the same Park.
29. Any owner of an Park Vendor Vehicle with a valid Park Vendor Permit in a Park, shall
- 1) ensure the business is self-contained and located only in the Designated Area.
  - 2) ensure no additional structures or furniture is erected, moved, or placed near their Designated Area.
  - 3) adhere to park hours and vacate the park outside of the hours, or during periods of exceptions as per the Permit.
  - 4) follow all terms and conditions as per the Permit for it to remain valid.

**C. Commercial Photography and Videography**

30. No person shall:
- 1) engage in Commercial Photography or Videography except as authorized by a Permit issued by the Commissioner; or
  - 2) film, photograph, or videotape for remuneration without a Permit; or
  - 3) make a television broadcast without a Permit, except if the broadcast is made by the news media.
31. In addition to any other conditions imposed by the Commissioner in the issuance of a Permit for Commercial Photography and Videography as necessary for the proper administration of the Park, every Person or group to whom a Permit for Commercial Photography and Videography has been issued shall cease taking photographs immediately after the scheduled block of time as provided on the Permit.

**D. Fitness and Instructional Classes**

32. No person shall:
- 1) conduct a Fitness and Instructional Class in a Park without a Permit; all activities of the Fitness and Instructional Class shall be only conducted in Designated Areas as specified on the Permit; or

- 2) use the Designated Area or otherwise interfere with the conduct of the Fitness and Instructional Class while the Fitness and Instructional Class is in progress.

#### **E. Busking**

33. While Busking in a Park, every Person must carry their Permit with them at all times and only busk at pre-determined designated busking areas as identified through the City's SaugaBusks program.

### **PART IX: ANIMALS**

#### **A. Definitions**

34. In this Part,
- 1) "Animal" means any member of the animal kingdom or living beings, including mammals, birds, and reptiles but excluding fish;
  - 2) "At Large" means not being under the control of its owner and in the case of dogs including not being put on a leash;
  - 3) "Dog" means a domesticated canine animal, male or female;
  - 4) "Leash" means a rope chain or other restraining device for a dog which may not exceed 1.8 metres long (6 feet);
  - 5) "Leash-Free Zone" means a Designated Area officially recognized by the City for the purpose of permitting a Dog to be At Large; and
  - 6) "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.

#### **B. Animals in Parks**

35. No person shall:
- 1) bring any Animal other than a domesticated animal into a Park unless authorized by a Permit; or
  - 2) allow a Dog to be At Large other than in a Leash-Free Zone; or
  - 3) allow a Dog to be At Large in a Leash-Free Zone at a time other than the permitted hours as posted; or
  - 4) allow a Dog to be At Large in a Leash-Free Zone without the Owner's supervision; or
  - 5) allow an Animal to enter any beach, pond, swimming area, spray pad, garden, landscaped area, playground or sports field, or any other area posted to prohibit the Animal; or
  - 6) allow an Animal to disturb any wildlife or vegetation; or
  - 7) allow an Animal to engage in any activity that is prohibited under Part VI General Prohibition of this by-law; or
  - 8) leave excrement left by the animal on any property; or
  - 9) have leashed or have in their possession or control between 5 and 8 Dogs in a Park without a Permit; or
  - 10) have leashed or have in their possession or control between 5 and 8 Dogs in a Leash-Free Zone without a Permit outside of the hours of 9:00am to 4:00pm, Monday to Friday; or

- 11) have leashed or have in their possession or control more than 8 Dogs in a Park or a Leash-Free Zone;
- 12) allow a child under the age of 12 years old to enter the Leash-Free Zone.
- 36. 1) An Owner shall immediately remove their Dog from the Leash-Free Zone:
  - i. if it creates a nuisance or shows signs of aggressiveness; or
  - ii. at the request of a Parks Staff or an Officer, if in the opinion of the Parks Staff or Officer, the Animal is showing signs of aggressiveness or creating a nuisance, or if the owner fails to supervise the Animal and keep it under control while being At Large.
- 2) Notwithstanding Subsection 35, an Owner shall not permit their Animal to enter into any area within the Leash-Free Zone which access is prohibited through signage by the City.
- 3) Subsection 35 does not apply to a person who has control of a service animal where it is being used to aid a person with a visual, hearing or other impediment.

**C. Protection of Wildlife**

- 37. 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 animal or leave food or attractants of any type or in any form in a Park; or
  - 3) dump or dispose of any animal (living or dead) in a Park.

**D. Fishing**

- 38. No person shall:
  - 1) fish in an area where it is prohibited to do so and as noted by applicable signage, in any Park.
  - 2) fish in any Park except in compliance with the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c.41 as amended and the Fisheries Act, Chapter R.C.S., 1985 c. F-14, as amended.
  - 3) clean any fish caught or captured in the Park or deposit fish remains in any body of water, unless at a designated fish cleaning facility.

**PART X: VEHICLES**

**A. General Prohibitions**

- 39. 1) Unless otherwise permitted, no person shall drive, operate, pull, or ride any Vehicle in a Park except on a Roadway or Parking Area.
- 2) Unless otherwise permitted, no person shall allow another person to drive, operate, pull, or ride any Vehicle that is in their care or possession in a Park except on a Roadway or Parking Area.
- 3) In addition to Subsection 39.1), 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. any Motorized Recreational Vehicles.
  - 4) Subsection 39.2) does not apply to an owner of a Park Vendor Vehicle, or their designated operator, who holds a valid Park Vendor Permit issued under this by-law for the purpose of operating a Park Vendor Vehicle in the Park.
40. 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.
41. 1) No person shall park any vehicle in a Parking Area except while using the Park during Park Hours.
- 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.
  - 3) City Staff or an Officer may direct vehicular or pedestrian traffic at their discretion where it is considered reasonably necessary to ensure the orderly movement of traffic, or to permit action in an emergency.

**B. Bicycles**

42. 1) Notwithstanding Section 41, a person may ride a Bicycle on a Multi-use Recreation Trail within a Park, unless otherwise posted.
- 2) All Bicycles must be equipped with front white light and rear red light, or reflector, at night from 30 minutes before dusk and 30 minutes after dawn.
  - 3) All Bicycles must be equipped with a bell or horn at all times.
  - 4) All Persons under the age of 18 must wear a helmet at all times.
  - 5) No person shall obstruct, inconvenience or endanger other users of a Park while riding or operating a Bicycle.

**C. Commercial Vehicles**

43. In addition to Section 41, 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 by-laws for the operation of such Commercial Vehicle in the City; and
  - 3) complies with all the provisions in the Permit as issued by the Commissioner.

**D. Speed**

44. No person shall operate a Vehicle on a Roadway in excess of the posted limit.
45. All Roadways in a Park shall have a maximum speed limit of 25 kilometers per hour for all Vehicles, unless otherwise posted.

**PART XI: ENFORCEMENT**

46. 1) City Staff or an Officer may order any person believed to be contravening or have contravened any provision of this By-law:

- i. to immediately cease and desist from the activity constituting or contributing to such contravention; or
  - ii. 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
  - iii. to leave the Park immediately; or
  - iv. no person shall knowingly provide any false information in any statement, whether in writing or otherwise, made to an Officer investigating an offence under this by-law; or
  - v. where an Officer believes that any person has committed or is committing an offence under this by-law, the Officer may require the name, address and proof of identity of that person, and the person shall supply the required information.
- 2) City Staff or an Officer 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) No person shall fail to comply with the order given by City Staff or an Officer or Subsections 46.1) or 46.2).
  - 4) No person shall willfully obstruct, hinder or otherwise interfere with an Officer in the performance of their duties or the exercise of their rights, functions, powers or authority under this by-law.

47. Every person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P-33, as amended and the Municipal Act, 2001, as each may be amended from time to time.

48. In addition to Section 47 of this by-law, any person who is charged with an offence under this by-law by the laying of an information under Part III of the Provincial Offences Act, R.S.O. 1990, c. P-33, as amended and the Municipal Act, 2001, as each may be amended from time to time and is found guilty of the offence is liable:

- 1) on a first conviction to a fine of not more than \$15,000.00; and
- 2) on any subsequent conviction to a fine of not more than \$30,000.00.

#### **PART XII: CONFLICT**

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

#### **PART XIII: VALIDITY**

50. 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 XIV: INTERPRETATION**

51. If a court of competent jurisdiction declares any provisions or part of a provision of this by-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this by-law that the remainder of this by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

**PART XV: SHORT TITLE**

52. This by-law may be referred to as the “Parks By-law”.

53. By-law 186-05, as amended, being the Parks By-law is hereby repealed. The repealing of By-law 186-05, as amended, does not affect any charges laid under its authority and prior to its repeal.

ENACTED AND PASSED this 16<sup>th</sup> day of September, 2020.

Signed by Bonnie Crombie, Mayor and Diana Rusnov, City Clerk