



OFFICE CONSOLIDATION

Park Lands By-law 161-83

(As amended by By-laws 178-83, 117-85, 153-87, 42-92 and 152-2003)

A by-law to provide for the management, control regulations, maintenance and usage of all park-lands and water areas situate within parklands and properties owned by The Corporation of the City of Brampton for park or recreation purposes

WHEREAS the Council of The Corporation of the City of Brampton is empowered to manage, control, regulate and maintain the use of all parklands and properties within parklands;

AND WHEREAS it is deemed desirable that the parklands and properties be maintained and controlled for the enjoyment and benefit of the citizens of the City of Brampton.

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:

1. DEFINITIONS

- (1) In this by-law:
 - (a) "boat" Includes a windsurfer, boardsailer or surfsailer;
 - (b) "Commissioner" means the Commissioner of Parks and Recreation;
 - (c) "Department" means the Parks and Recreation Department of the City of Brampton;
 - (d) "parkland" means any and all land owned by or made available by lease, agreement or otherwise to the City that:

- (i) has been or hereafter may be set apart, designated, dedicated or established by the City as public parkland, including the water areas and shoreline of such property, or
 - (ii) is maintained by the City as a boulevard, median, landscaped buffer area or walkway.
- (e) "property" means any and all buildings, structures, equipment, trees, shrubs, horticultural displays, benches tables, tennis courts, arenas, rinks, pools, waste disposal containers, playground apparatus, shelters, washrooms, fencing, lighting, parking areas or other such properties that may be placed or erected parkland;
 - (f) "posted area" means any area that is posted by sign, notice or other device for a specific purpose or to restrict certain activities in or on City parklands under the authority of this by-law;
 - (g) "parking area" means an area that the physically laid out improved for the purpose of parking vehicles or that is designated by an official sign for such purpose in or on City parkland;
 - (h) "vehicle" means any motorized vehicle or conveyance including trucks, automobiles, trailers, buses, motorcycles and snowmobiles;
 - (i) "officer" means a constable and any Provincial Offences Officer designated as such pursuant to the Provincial Offences Act;
 - (j) "swimming area" means an area designated by the Commissioner for swimming and bathing and includes lands and beaches designated as forming part of such area;

2. COMMISSIONER'S DUTIES

- (1) The Commissioner of Parks and Recreation shall be responsible for:
 - (a) the administration and enforcement of this by-law;
 - (b) the management, control, regulation, maintenance and development of all parkland, water areas and property;
 - (c) the issuance of any necessary licences or permits and the making of any required designations pursuant to the provisions of this by-law;
 - (d) the establishment of fees and charges relating to licensing and the use of boats and beach and recreational facilities.

3. CONDUCT OF PERSONS USING PARKS OR PROPERTIES

- (1) No person shall, within parkland, unless otherwise permitted **(42-92)**
 - (a) remove or damage any plant, shrub or flower;
 - (b) climb, remove or damage any tree or fence;
 - (c) climb, remove or damage any bench, seat, table, monument or sign;
 - (d) climb, deface or damage any bridge, underpass, wall or similar structure;
 - (e) deface or damage any building; or
 - (f) deface or damage any other property of The Corporation of the City of Brampton.
- (2) No person shall throw or dump, or cause to be thrown or dumped, or leave any refuse, garbage or any other material or litter within the parks, except in receptacles that may be provided for such purposes.
- (3)
 - (a) No person shall permit, carry or otherwise allow any animal upon or into parkland with the exception of household pets which must be kept under control.
 - (b) No person shall permit an animal to be at large within parkland.
 - (c) All dogs allowed upon or into parkland shall be led and controlled by a leash or chain being not more than two (2) metres long.
 - (d) No person shall permit an animal under his or her control, or an animal he or she has permitted to be at large in parkland contrary to paragraph (b) of this subsection, to damage any property.
 - (e) All owners of an animal shall clean parkland of excrement from such animal.
 - (f) For the purposes of paragraph (f) of this subsection, an owner of an animal includes a person who has an animal under his or her control as required by paragraph (a) of this subsection, and a person who has permitted an animal to be at large within parkland contrary to paragraph (b) of this subsection.

- (4) (a) Notwithstanding paragraph (a) of subsection (3) of this subsection, animals may be permitted within parkland in conjunction with an event or competition sponsored by or affiliated with the City, provided that said animals are kept under control.
- (b) No person shall ride a horse within parkland except in conjunction with an event or competition sponsored by or affiliated with the City.
- (5) No person shall kill, maim or in any way molest or disturb any animal, bird or waterfowl that is enclosed or whose habitat is in parkland.
- (6) No person shall within parkland, except in conjunction with an event or competition sponsored by or affiliated with the City,
 - (a) possess an air gun, firearm, gas operated or spring operated gun, archery equipment or catapult; or
 - (b) fire or discharge any torpedo, rocket or other fireworks.
- (7) (a) No person shall build or light an open fire within the parks except in conjunction with an event sponsored by or affiliated with the City and only if the written permission of the Fire Department has been obtained, and further, no person shall build or light a fire within the parkland in places other than in fireplaces provided by the City, or in portable stoves or on barbeques used in designated picnic or designated parking areas.
- (b) No person shall leave a fire unattended nor leave an area without completely extinguishing the said fire when not in attendance.
- (8) No person shall go on foot or otherwise upon the grass, lawn or turf in the parkland when a sign of prohibition is posted.
- (9) No person shall conduct or participate in sports or other endeavors in areas that are designed specifically as horticultural and landscape sites, passive and sitting areas and facilities for young children.
- (10) No person shall enter a posted area that is designated "No Admittance" or "No Trespassing".
- (11) (a) No person shall contravene any posted rules and regulations relating to the operation of parkland, arenas, swimming pools, lake areas, recreation centres or any other property or facility.

- (b) If a person does contravene any of the posted rules and regulations at any of the facilities set out in this subsection, the manager of the parkland, property or facility or his designee may direct that person to leave the parkland, property or facility.
 - (c) No person shall remain in a park or facility after being directed to leave by the facility manager or his designate acting pursuant to this subsection.
- (12) No person shall, within the parkland or property,
 - (a) use abusive or insulting language, or
 - (b) throw stones or other missiles.
- (13) No person shall, within parkland property unless otherwise permitted **(178-83, 42-92)**
 - (a) beg, solicit or invite subscriptions or contributions;
 - (b) sell or offer sale any articles, thing or service;
 - (c) solicit patronage to or for any person, business, rooming house, restaurant or hotel.
- (14) Paragraphs (a) and (b) of subsection (13) shall not apply to representatives of groups affiliated with the City who have obtained a permit to indulge in any of the activities set out in subsection (13) in conjunction with a specific event or program.
- (15)
 - (a) No person shall loiter anywhere within parkland or property from 11:00 p.m. to 7:00 a.m.
 - (b) For the purposes of this subsection only, the word "loiter" shall mean the act of staying at or near particular place for more than twenty minutes.
 - (c) every person who, without lawful excuse, the proof of which lies upon him, loiters within the meaning of this subsection, shall be guilty of an offence.
- (16) Everyone who at any time loiters in parkland or property and in any way obstructs persons using the parkland or property shall be guilty of an offence.

- (17) No person shall:
- (a) damage or destroy any notice posted;
 - (b) conduct oneself in a manner that is detrimental to the safety and enjoyment of others using the said parkland;
 - (c) interfere with the enjoyment or use by a pedestrian of any walkway;
- (18) No person shall use any part of parkland for the purpose of:
- (a) washing, cleaning, polishing, servicing, maintaining, or with the exception of any emergency, repairing any motorized vehicle or water vessel.
 - (b) instructing, teaching or coaching any person in the driving or operation of a motorized vehicle.
- (19) No person shall within parkland:
- (a) park a vehicle, except in a designated parking area;
 - (b) park a vehicle in a designated parking area at any time other than during the permitted hours as posted in the designated parking area;
 - (c) park a vehicle between 11:00 p.m. and 6:00 a.m. in a place other than a designated campsite.
- (20) No person shall within parkland possess an axe, saw, chainsaw or other implement normally used for the cutting or trimming of trees.

4. CONDUCT OF PERSONS USING WATER AREAS

- (1) No person shall, within parkland or property;
- (a) swim or bathe, except in a designated swimming area;
 - (b) take in or use any boat, surfboard, or water skis in a swimming area;
 - (c) engage in any type of water activity such as skin, scuba or other forms of diving, except in conjunction with an event, program or competition sponsored by or affiliated with the City.
 - (d) take into or possess any glass bottle, metal can or container within a swimming area; or

- (e) take in or permit any cat, dog or other animal to be within a swimming area;
 - (f) move, damage or in any way interfere with any lifesaving, emergency equipment, or safety signs installed for public safety and information.
- (2) No person shall
- (a) pollute or contribute to the pollution of a lake, lake area or watercourse; or
 - (b) feed, or in any other way attract, birds to a lake, lake area or watercourse **(153-87)**.
- (3) No person shall deposit any solid or liquid matter into a lake or watercourse.
- (4) Except at a boat launching ramp provided by the City, no person shall place or permit to be placed any power boat, row boat, sail boat, canoe, pontoon, ice boat, raft, hydroplane or watercraft of any kind upon any portion of the whole of a lake situate within the parkland.
- (5) No boat or vessel may be used or floated upon the lake except for the following:
- (a) non-motor propelled boats, owned or leased and operated by the City for public rental purposes or for lesson purposes, including sailboats, canoes, kayaks, row boats, paddle boats, windsurfers, boardsailers or surfsailers;
 - (b) motor propelled boats owned or leased by the City specifically for the purposes of maintenance and safety;
 - (c) all other boats for which a permit has been obtained authorizing the use of said boat upon the said watercourse or lake.
 - (d) Without limiting the generality of the foregoing, the Commissioner is hereby granted the authorization to grant permits for the use of boats on a lake, and all boat owners or operators shall comply with the terms and conditions of such permits.
- (6)
- (a) No boats may be stored on parkland or property.
 - (b) No person may construct docks or any other equipment or structure upon parkland or within the lake area.

- (c) Where a dock or other equipment or structure has been erected upon parkland or within the lake area contrary to paragraph (b) of this subsection, the City shall have the right to remove such dock, other equipment or structure.
- (7) (a) No person shall operate any boat, or float any boat upon the lake, without a permit.
 - (b) For the purposes of this subsection, persons renting boats from the City and persons participating in lessons in accordance with paragraph (a) of subsection (5) of this section shall be deemed to have obtained a permit.
- (8) All boat operators shall comply with the terms and conditions as specified on the permit.
- (9) Boat operators or boat owners shall pay a permit fee upon demand and prior to the issuance of the permit.
- (10) All boat owners or operators utilizing craft upon a lake or a watercourse within a park or properties shall comply with the following regulations:
 - (a) all boats must be removed from a lake at least 30 minutes prior to sunset, and shall not be launched prior to 30 minutes after sunrise;
 - (b) all boat owners or operators shall remove their boats from the lake immediately on notification from the City of hazardous weather conditions or other emergencies; such notice to be provided by posting or some other form of warning signal or communication;
 - (c) all permits issued for the use of such boats are not transferable and such boats may not be loaned to non-licensed operators;
 - (d) all boat operators and passengers must be 16 years of age or older unless accompanied with an adult, or at least 12 years of age or older who can verify successful completion of either Senior Red Cross or Red Cross Small Craft Level 2.
 - (e) all boat operators and passengers must wear certified life jackets;
 - (f) no permits shall be issued to any person who is:
 - (1) under 12 years of age; and

(2) between the age of 12 and 16 unless the operator can verify successful completion of either Senior Red Cross or Red Cross Small Craft Level 2.

(g) swimming or diving from boats is prohibited;

(h) any boat operator or boat owner or passenger not complying with the provisions of this by-law or any safety regulations for boating sanctioned by the Provincial Government may have their permit or rental usage of boats revoked

5. GENERAL RESTRICTIONS

(1) No person shall erect posts or otherwise display any notice, sign, signboard or other advertising device.

(2) No person shall distribute any handbills, circulars, nor post any notices, bills or advertising devices of any kind or description whatsoever on parkland or property.

(3) No person shall make an ascent in a balloon, airplane or other kind of aircraft from the parks, or land thereon from a balloon, parachute, airplane or other kind of aircraft, except in conjunction with an event or competition sponsored by or affiliated with the City.

(4) No person shall, within the parks, except in conjunction with an event or competition sponsored by or affiliated with the City:

(a) carry or display any flag or banner;

(b) march in military formation, or in a band or procession, parade or drill or perform any movement or ceremony; or

(c) perform any act that congregates or is likely to congregate persons.

(5) No person shall make any excavations in the parks for any purpose.

(6) No person shall move, within the parks, any building or structure.

(7) No structures, benches or docks shall be allowed to be constructed or placed on or near the water for structures owned by the City.

(8) (a) No fishing shall be allowed except at designated shoreline locations and from authorized boats at times and dates specified and posted by the City.

- (b) The use of live bait or any type of fishnetting is prohibited.
 - (c) Any fish caught or captured may not be cleaned in the park or deposited in the lake.
- (9) Ice skating or tobogganing on a lake or watercourse during the winter months shall be prohibited, except in areas so designated and marked for such purposes.
- (10) No person shall ice sail or ice fish on a lake except in conjunction with an event, program or competition sponsored by or affiliated with the City.
- (11) The Commissioner has the right and authority under this by-law to post signs and to restrict or limit the use or attendance to a lake or beach at any time it is deemed necessary in the interest of public safety and welfare.
- (12) (a) The Commissioner has the right and authority under this by-law to post signs and restrict or limit the use or attendance on any part or portion of the parkland at any time and for any manner that is deemed necessary for the interest of the public safety and welfare.
- (b) No person shall contravene the provisions of any designation made under this section.
- (13) No person shall operate a sightseeing vehicle within the parkland
- (14) No person shall engage in hockey or carry or use a hockey stick or similar equipment on a natural or artificial ice surface which is designated for pleasure skating only.
- (15) No person shall play golf, horseshoes, lawn darts or bocci within parkland, except in areas designated for such purpose.

6. PICNIC GAMES AND GATHERINGS

- (1) (a) The Commissioner may designate the place and time at which picnics may be held in parkland.
- (b) No person shall picnic in parkland in an area designated and posted "No picnics allowed in this area"
- (2) (a) The Commissioner may designate the place and time of any athletic game or other form of recreation or amusement proposed to be held in the parkland.

- (b) No person shall hold any athletic game or other form of recreation or amusement except in accordance with the designations of the Commissioner.
- (3) No person shall conduct any public meeting, gathering, lecture, carnival, festival, firework display, overnight camping, picnics involving more than 15 people, or other organized events without a permit.
- (4) No person shall operate or use any apparatus, mechanism or device for the amplification of the human voice, music or sound without a permit.

7. DISTURBANCES

- (1) No person shall cause or create any unnecessary noise or disturbance that contravenes the noise control by-law of the City in parkland or property.
- (2) No person shall turn on or tamper with any lighting control equipment or facilities in parkland or property

8. TRAFFIC AND VEHICULAR CONTROL

- (1) Except as otherwise provided in this by-law, no person shall in parkland:
 - (a) park a vehicle within 50 feet of a bridge, or in a place that prevents or is likely to prevent convenient movement of other vehicles, or in any prohibited area;
 - (b) park a vehicle for a longer period than that time designated by the erection of signs indicating a maximum period of parking in a particular location., or
 - (c) park any vehicle in a place other than an area designated for the parking of vehicles.
- (2) No person shall operate a vehicle in parkland except in areas specifically designated for use for that type of vehicle.
- (3) No person shall operate a motor vehicle in parkland at a greater rate of speed than 20 kilometers per hour **(117-85)**.
- (4) (a) No person shall operate a motor vehicle in parkland except upon roadways, parking areas or any other areas designated for use by motor vehicles or any other area intended for public vehicular use,

unless that person has obtained a permit to cross parkland from the Commissioner.

- (b) Applications for a permit to cross parkland shall be accompanied by a deposit, the amount of which is to be calculated in accordance with the following:
 - (i) \$2.50 for each square metre of turf area to be crossed;
 - (ii) \$25.00 for each square metre of asphalt park walkway to be crossed;
 - (iii) \$220.00 where the crossing necessitates the removal of part of any fence;
 - (iv) \$120.00 where a curb has to be crossed;
 - (v) \$140.00 where a sidewalk has to be crossed;
 - (vi) where the crossing may disturb trees or shrubs, an amount to be determined by the Commissioner which represents the replacement cost of any tree or shrub which might be damaged.
- (c) An applicant for a permit under this subsection shall also pay to the City an amount equal to 2% of the deposit required by paragraph (b) of this subsection to cover the cost of administration and inspection.
- (d)
 - (i) any person granted a permit under this subsection shall repair or replace, at the discretion of the Commissioner, any parkland or property damaged or destroyed in the course of the parkland crossing;
 - (ii) where the person referred to in subparagraph (i) of this section does not perform the work required under that subparagraph, the City may perform the work and recover the cost of the cost of the work from the deposit money required by
- (e)
 - (i) where there has been no damage to parkland or property as a result of parkland crossing, or where the person required to repair or replace parkland under subparagraph (d)(i) has done so to the satisfaction of the City, the City shall refund the deposit money required by paragraph (b);

- (ii) where the City has performed the work under subparagraph (d)(ii) of this subsection, the City shall refund to the applicant any deposit money remaining after the deduction of the cost of tile work.
 - (iii) where the cost of the work done by the City under subparagraph (d)(ii) exceeds the deposit money required under paragraph (b), the City shall have the right to recover the difference from the applicant.
- (5) No person shall ride a bicycle within parkland, except on portions of a highway or bicycle paths commonly intended for the public use.
- (6)
 - (a) No person shall, within parkland, drive a motorized snow vehicle as defined in the Motorized Snow Vehicles Act, except in areas specifically designated for that purpose.
 - (b) No person shall, anywhere within parkland, drive a motorized snow vehicle without a permit.
- (7) No person may park or store or leave a motor vehicle in front of a public building, emergency exit, walkway or entrance to any building or structure which might in any way interfere with the normal flow of traffic on a roadway or parking lot.
- (8) Where any vehicle is parked or left in contravention of any of the provisions of this by-law an officer may cause the vehicle to be removed or taken to or placed or stored in a suitable place at the owners expense.
- (9) Where proper signs have been erected indicating one way traffic on any roadway no person shall drive a vehicle on the roadway except in the direction indicated by the signs.
- (10) An officer may in cases of fire, accident, traffic congestion or other emergency, direct traffic into such channels as are necessary to prevent or relieve congestion.
- (11) No person shall use any form of motorized recreational passenger vehicle or operate an off-road vehicle as defined in the Off-Road Vehicles Act, 1983 (S.O. 1983, c. 53, as amended) except in areas designated for such use. Without limiting the generality of this provision, this provision also applies to motorized recreational or passenger vehicles upon water areas **(117-85)**.

- (12) No person owning or operating a bicycle shall allow such bicycle to exceed a speed of 8 kilometres per hour (5 miles per hour) within the parkland. At places of frequent pedestrian usage, all cyclists are required to dismount and walk their bicycles for public safety.

9. EXCEPTIONS

The provisions of paragraphs (a) and (b) of subsection 3(13), subsection 3(20), subsection 4(3), paragraphs (a) and (b) of subsection 4(6), subsection 5(1), subsection 5(5), subsection 5(6), subsection 5(13), subsection 7(2) and subsection 8(4) shall not apply to employees or agents of the City acting within the scope of their employment.

10. PARKS & RECREATION PERMITS

- (1) The Commissioner may operate or grant permission to operate food and refreshment concession and concessions for the sale of goods, wares and merchandise.
- (2) The Commissioner may grant permission for activities and programs to be carried on in parkland, and such permission may be granted on an annual, seasonal, daily or one-day-only basis.
- (3) The Commissioner may grant such permission subject to terms and conditions **(42-92)**.

11. PENALTIES

- (1)
 - (a) Every person who contravenes any of the provisions of this by-law may be ordered off parkland, property or water areas.
 - (b) Every person who contravenes any of the provisions of this by-law is guilty of an offence, is liable to a fine as provided for in the Provincial Offences Act (152-2003).
- (2) Where a vehicle is found parked or standing in contravention of the provisions of this by-law, the enforcing official may issue a summons or issue and attach to or place on the vehicle a ticket in the form of a serially numbered notice stating:
 - (a) the licence number and a concise description of the vehicles;
 - (b) that the vehicle is unlawfully parked;

- (c) the date, time and place of the alleged offence;
- (d) that the owner or driver thereof may make a voluntary payment of Ten Dollars (\$10.00) to The Corporation of the City of Brampton, by attendance at its offices between the hours of 8:30 a.m. and 4:30 p.m., exclusive of Saturdays, Sundays and holidays, or by mail thereto, within five (5) days after the day upon which the ticket was issued;
- (e) that in the event of a failure to make such payment, a summons will be issued pursuant to the Summary Convictions Act;
- (f) an enforcing official, upon discovery of any vehicle parked or standing in contravention of the provisions of this by-law, may cause it to be moved or taken to and placed or stored in a suitable place, at the owner's expense, 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 section 52 of the Mechanics' Lien Act.
- (g) the driver of a motor vehicle, not being the owner, is liable to any penalty provided in this by-law, and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed, the motor vehicle was in the possession of a person other than the owner without the owner's consent.

12. REPEAL OF BY-LAWS

By-law 109-81 and By-law 87-83 are hereby repealed.

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL this 25th day of May, 1983.

THE CORPORATION OF THE CITY OF BRAMPTON

Original Signed by: Kenneth C. Whillans, Mayor

Original Signed by: Ralph a. Everett, Clerk