

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 072 - 2006

BEING A BY-LAW TO MANAGE AND REGULATE PUBLIC PARKS IN THE TOWN OF MILTON, AND TO REPEAL BY-LAW NO. 126-74, AS AMENDED

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, permits a municipality to pass by-laws respecting parks and recreation;

AND WHEREAS the Council of the Corporation of the Town of Milton is desirous of enacting a by-law to provide for the maintenance, operation, management and regulation of municipal parks, and to repeal By-law No. 126-74, as amended;

NOW THEREFORE, THE COUNCIL FOR THE CORPORATION OF THE TOWN OF MILTON ENACTS AS FOLLOWS:

1. DEFINITIONS

1.1 In this By-law:

- (a) "*animal*" shall mean any member of the *animal* kingdom, other than a human;
- (b) "*BMX facility*" shall mean bicycle motocross facilities as described in Schedule "B" to this By-law;
- (c) "*cat*" shall mean a male or female feline over the age of six weeks of any breed of domesticated *cat* or crossbreed domesticated *cat*;
- (d) "*Council*" shall mean the Council of The Corporation of the Town of Milton;
- (e) "*Director*" shall mean the Director of Community Services, or his/her designate;
- (f) "*dog*" shall mean a domesticated male or female *dog* of any canine species over the age of twelve (12) weeks;
- (g) "*domestic*" in relation to an *animal* shall mean an *animal* kept by a person for pleasure or companionship, excluding *livestock*;
- (h) "*firearm*" shall mean any type of gun or other *firearms* and includes airguns, spring guns, crossbows, long bows, compound bows, pellet guns or any class or type thereof, or anything that can be adapted for use as a *firearm*;

- (i) “*fireworks*” shall mean any incendiary device, excluding sparklers;
- (j) “*livestock*” shall mean a farm animal that is kept by a person for animal husbandry, or for its pelt, wool or fur, or for food or research purposes, and includes horses, cows, pigs, and sheep, but does not include *dogs* and *cats*;
- (k) “*Municipal Law Enforcement Officer*” shall mean a Municipal By-law Enforcement Officer appointed by Council;
- (l) “*park*” – for the purpose of this By-law, “*park*” shall include any land or premises under the control and/or management of the Town for park and recreational purposes and includes any lane, walkway or public parking area leading thereto, and also includes any and all buildings, structures, equipment, facilities, and improvements located in or on such land, save and except where such land is governed by other by-laws of the *Town*, and “*parks*” shall have the same meaning;
- (m) “*parking area*” shall mean an area that is physically laid out for the purpose of parking vehicles or that is designated by an official sign for such purpose by the *Town*;
- (n) “*personal digital assistants*” shall include palm pilots, blackberries, and like devices;
- (o) “*Police Officer*” shall mean an officer of the Halton Regional Police Service;
- (p) “*posted area*” shall mean any area that is posted by a sign, notice or other device for a specific purpose or to restrict certain activities in or on *parks* under the authority of this By-law;
- (q) “*refreshment vehicle*” shall mean a vehicle from which *refreshments* are sold for consumption by the public and includes carts, wagons, trailers, trucks and bicycles;
- (r) “*Town*” shall mean the Corporation of the Town of Milton;
- (s) “*vehicle*” includes a motor *vehicle* as defined under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and any bicycle, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power, and includes snow vehicles, but excludes a wheelchair or similar device (powered or otherwise) used by an individual due to a disability, a baby carriage or cart, child’s wagon, child’s stroller, child’s sleigh or other conveyance of like nature.
- (t) “*verified service dog*” includes a guide *dog* and other trained service *animals* or service *animals* “in training” used principally to assist persons

with a visual, hearing or other impediment, and also includes any dog used in a law enforcement role by the Halton Regional Police Service, the Ontario Provincial Police, the Royal Canadian Mounted Police, the Canadian Military, or any other public law enforcement agency;

2. BY-LAW APPLICABILITY

- 2.1 *Parks* in the *Town* are for the use, benefit and pleasure of all persons, subject to the rules and regulations passed under this By-law and all other applicable by-laws and legislation.

3. DIRECTOR'S DUTIES

- 3.1 The Director shall be responsible for:
- (a) the administration of this By-law;
 - (b) the management, control, regulation, maintenance and development of all *parks*;
 - (c) the issuance of any necessary permits and the making of any required designations pursuant to the provisions of this By-law;

4. POSTED SIGNS

- 4.1 In a *park*, no person shall:
- (a) enter a *posted area* that is designated "No Admittance" or "No Trespassing";
 - (b) go on foot or otherwise upon the grass, lawn or turf when a sign of prohibition is posted;
 - (c) contravene any posted rules and regulations at any *park*. If a person does contravene said rules and regulations, the *Director*, a *Police Officer* or a *Municipal Law Enforcement Officer* may direct that person to leave the *park*;
 - (d) the Director has the right and authority under this By-law to post signs and to restrict or limit the use or attendance on any part or portion of the park at any time it is deemed necessary in the interest of public safety and welfare.

5. ANIMALS IN PARKS

- 5.1 In addition to any other provision of this By-law, *animals* in *parks* shall be subject to the Animal Control By-law, as amended from time to time.

- 5.2 At all times while in a *park*, *domestic animals*, other than *dogs*, must be kept under the control of a person with sufficient strength and ability to control the *animal*.
- 5.3 While in a *park*, *dogs* shall be kept on a leash pursuant to the Town's Animal Control By-law, as amended from time to time.
- 5.4 *Animals* are not permitted to drink from drinking fountains designed for human use.
- 5.5 Any person owning or having a domestic *animal* under his or her control in a *park* shall immediately remove and dispose of any excrement deposited by said *animal*.
- 5.6 Without the written authorization of the *Director*, no person shall:
- (a) bring any livestock or any other non-domestic *animal* into a *park*;
 - (b) kill, maim, trap, injure or in any way molest or disturb any *animal*, including birds, waterfowl or other wildlife whose habitat is in a *park*;
 - (c) remove or injure the nests or eggs of any bird or fowl located in a *park*;
 - (d) feed waterfowl and/or wildlife in a *park*.
- 5.7 excluding persons reliant upon a *verified service dog*, permit any *dog*, *cat* or other *domestic animal* to enter any pond, swimming area, garden, landscaped area, playground or sports field, or any other area posted to prohibit same, or disturb any wildlife or damage any *park* property.

6. FIREWORKS, FIREARMS AND OPEN FIRES

- 6.1 Without the written authorization of the *Director*, no person shall, within in a *park*:
- (a) make or kindle an open fire or barbeque, for any purpose, including cooking;
 - (b) possess a *firearm*, archery equipment or catapult;
 - (c) fire or discharge any torpedo, rocket or other *fireworks*.

7. ALCOHOL

- 7.1 No person shall, while in a *park*, consume, serve or sell alcohol unless authorized in writing by the *Director*, and without obtaining the necessary permits and approvals required by any applicable public authority, including those from the Alcohol and Gaming Commission of Ontario.

8. CAMPING & LODGING

8.1 Without the written authorization of the *Director*, no person shall:

- (a) erect a tent or shelter, or park a trailer of any kind for overnight accommodation in a *park*;
- (b) dwell, camp or lodge in a *park*.

9. SIGNS, HANDBILLS

9.1 Without the written authorization of the Director, no person shall erect, post distribute, or otherwise display any signs, notices, posters, handbills, circulars, signboards or advertising devices within a *park*:

10. COMMERCIAL ACTIVITIES

10.1 No person shall practice, carry on, conduct or solicit for any business or trade within a *park*.

10.2 No person shall sell tobacco products in a *park*.

10.3 Notwithstanding section 10.1 of this By-law, the sale of refreshments is permitted in *parks* only by those vendors who have obtained the necessary permit from the *Director*.

10.4 Once the necessary permit has been obtained from the *Director*, the vendor shall apply to the Clerk's Division for a business license, and shall present the permit from the *Director* to the Licensing Officer.

10.5 The following regulations apply to vendors who have obtained permits to sell refreshments in *parks*:

- (a) all *vehicles* from which refreshments are sold must be parked in the area designated for such purpose, with the exception of non-motorized *refreshment vehicles*;
- (b) all vendors selling refreshments shall keep the grounds within a 46 metre (150 feet) radius of their designated sales area clear of garbage and litter on a continuous basis;

10.6 No vendor shall operate or offer for sale any refreshments unless a valid business license obtained from the Clerk's Division, and a valid permit obtained from the *Director* are prominently displayed on the *refreshment vehicle*.

11. RECREATION

11.1 In a *park*, no person shall:

- (a) play golf or hit a golf ball;
- (b) enter any public swimming pool, except at times designated for swimming;
- (c) in or adjacent to any swimming pool, fail to abide by posted signs or to obey the instructions of any lifeguard or other authorized person;
- (d) swim, bathe or wade in any fountain, pond, or stream, except in a designated area;
- (e) other than an approved personal flotation device, take any inflatable device, snorkel or other underwater breathing device into the water in a *park* without the written authorization of the *Director*;
- (f) enter any portion of a washroom, bathhouse, or change room set apart for the opposite sex. Subsection 11.1(f) shall not apply to:
 - (i) children who are eight (8) years of age or younger and who are, at that time, under the care of a parent or guardian; and
 - (ii) persons with a disability or who require the assistance of a parent/guardian/caregiver
- (g) use cellular telephones, *personal digital assistants*, cameras or other photographic or recording devices in a washroom, bathhouse or change room located in a *park*;
- (h) 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 unless posted and under the authority of the *Director*;
- (i) race, speed, interfere with, or do anything that would endanger the safety of others on a skating rink.

11.2 No person shall, while in a *park*, erect a tent or other temporary structure for recreational purposes, unless authorized in writing by the *Director*, and without obtaining the necessary permits and approvals from the *Town* and/or other agencies.

12. BOATING

12.1 No person shall boat on any body of water within the *Town*.

12.2 Notwithstanding section 12.1, boating is permitted on the Mill Pond, as show on Schedule "C", subject to the following regulations:

- (a) the dock in Livingston Park shall only be used to launch a non-motorized row boat, kayak, or canoe upon any portion of the whole of the Mill Pond. The use of a boat other than a non-motorized row boat, kayak or canoe on the Mill Pond requires the written authorization of the *Director*;
- (a) all boats must be removed from the Mill Pond at least 30 minutes prior to sunset, and shall not be launched prior to 30 minutes after sunrise, and boats shall be removed from the Mill Pond upon notification by the Town;
- (b) all boat operators and passengers must be 16 years of age or older unless accompanied by an adult;
- (c) all boat operators and passengers must wear certified personal floatation devices;
- (d) swimming, jumping, or diving from boats is prohibited.

12.3 No person may store a boat in a *park*.

12.4 No person may construct docks or any other equipment or structure in a *park*. Where a dock or other equipment or structure has been erected in a *park*, the *Town* shall have the right to remove such dock, other equipment or structure.

13. PARKING

13.1 Parking is only permitted in a *park* during the hours specified in subsections 20.1 and 20.2 of this By-law.

13.2 Overnight parking is prohibited in all *parks*.

13.3 Parking is prohibited in *parks* except in *parking areas*.

13.4 No *vehicle* shall stand upon any part of any road, driveway or *parking area* in any *park* in such a manner as to cause congestion to traffic or in any other way cause an obstruction of such road or driveway.

14. VEHICLES

14.1 In a *park*, no person shall:

- (a) operate any *vehicle* other than on roads or driveways provided for such purpose, nor shall any vehicle be driven at a greater speed than 16 kilometres per hour (10 miles per hour);
- (b) instruct, teach or coach any person in the driving or operation of a *vehicle*;

- (c) use any portion of a *park* for the purpose of washing, cleaning, polishing, servicing, maintaining, or with the exception of an emergency, repairing any *vehicle* or water vessel;
- (d) operate or ride any motorized go-carts, dirt bikes, off-road vehicles, including all-terrain vehicles, and similar vehicles in a *park*, on a walkway, or in a parking *area*;
- (e) ride a skateboard or in-line skates on a road.

15. BICYCLES

- 15.1 Riders of bicycles in any *park* shall comply with all traffic rules and shall not exceed a speed of 16 kilometres per hour (10 miles per hour).
- 15.2 Section 15.1 of this By-law does not apply to designated *BMX facilities* identified on Schedule "B" to this By-law.
- 15.3 Bicyclists shall yield the right-of-way to pedestrians.
- 15.4 Bicyclists shall not damage the surface of trails, and must remain on designated trails.

16. GENERAL PROHIBITIONS

- 16.1 No person, while in any *park*, shall:
 - (a) indulge in riotous, boisterous, threatening or indecent conduct, use profane or indecent language, nor create a nuisance by spying, frightening or annoying any other person in any manner, or interfere with the peaceable enjoyment of others;
 - (b) make excavations for any purpose in a *park*;
 - (c) move any building or structure within a *park*, or remove, destroy, or injure any plant material without the written authorization of the *Director*;
 - (d) possess an axe, saw, chainsaw or other implement normally used for the cutting or trimming of trees;
 - (e) without the written authorization of the *Director*, operate loud speakers or sound amplifying equipment while in a *park*;
 - (f) operate, or use, any radio, tape player, compact disc player, dvd player, car radio, or any other sound reproducing system in a manner that disturbs or interferes with other persons in or near the *park*, and such operation shall be in keeping with the Town's Noise By-law, as amended from time to time.

- (g) build any structure, and/or store equipment and/or materials in a *park*, unless authorized in writing by the *Director*.

17. WASTE AND POLLUTION

17.1 In a *park*, no person shall:

- (a) dispose of or dump garbage, litter, tree trimmings, grass clippings, or like refuse, except that which is generated through the normal use of the *park* and shall only deposit same in receptacles provided for such purpose;
- (b) unless authorized by the *Director* in writing, dump or deposit snow, fill, soil, and building or construction materials;
- (c) dump into any waters of any pool, pond, lake, stream, fountain or watercourse of any kind any reptiles, fish, animals or other living organisms, without the written approval of the *Director*;
- (d) dump plants or plant materials of any kind into any waters of any pool, pond, lake, stream, fountain or watercourse of any kind, without the written approval of the *Director*;
- (e) dump or drain onto any soils or into any waters of any pool, pond, lake, stream, fountain or watercourse of any kind any material, toxic or otherwise, which may have the effect of polluting same;
- (f) release any balloons.

18. ORGANIZED GATHERINGS AND PICNICS

18.1 No person shall, while in a *park*:

- (a) hold a picnic, organized gathering or event for more than twenty-five (25) persons without obtaining the written authorization of the *Director*;
- (b) interfere with a picnic, organized gathering or event authorized by the *Director*.

19. FILMING

19.1 Filming of motion pictures in *parks* shall be in accordance with *Town* policy.

20. HOURS

20.1 No person shall remain in or enter into any of the *parks* between the hours of 10:00 p.m. and 5:00 a.m. of the following day, unless the *park* is listed on Schedule "A" to this By-law.

20.2 No person shall remain in or enter into any of the *parks* listed in Schedule “A” attached hereto and forming part of this By-law, between the hours of 11:00 p.m. and 5:00 a.m. of the following day.

20.3 The *Director* may, in writing, authorize extensions to the hours listed in sections 20.1 and 20.2 of this By-law.

21. EXEMPTION

21.1 The *Town* and the Halton Regional Police Service are exempt from the provisions of this By-law.

21.2 *Vehicles* operated for emergency services on behalf of an ambulance service, fire department, police department, and/or Milton Hydro and the Regional Municipality of Halton have full access to all parts of a park at all times.

22. SEVERABILITY

22.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

23. SHORT TITLE

23.1 This by-law shall be known as the *Parks* By-law.

24. PENALTY

24.1 Any person who violates any provisions of this by-law is, upon conviction, guilty of an offence and shall be liable to a fine, subject to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, and be subjected to any other penalties permitted by law for each offence. Each day such violation continues shall constitute a separate offence and shall be punishable as such.

25. ENFORCEMENT

25.1 This By-law shall be enforced by *Municipal Law Enforcement Officers, Police Officers*, officers of the Oakville Humane Society and Conservation Halton or such other persons as the *Director* or *Council* may designate.

26. DELEGATED AUTHORITY

26.1 The *Director* shall have delegated authority to update Schedules “A” and “B” of this By-law as new *parks* are opened by the *Town*.

27. REPEAL OF BY-LAWS

27.1 By-law No. 126-74, as amended, is hereby repealed.

28. EFFECT

28.1 This By-law shall come into force and effect on the day it is passed.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 17th day of July, 2006.

Gordon A. Krantz Mayor

Troy McHarg Town Clerk

SCHEDULE "A" TO BY-LAW NO. 072-2006

PARKS WITH LIGHTED SPORTS FIELDS

Bristol District Park
Brookville Park
Drumquin Park
Lions Sports Park
Maplehurst
Omagh Park
Rotary Park

List amended by Director September 23/09

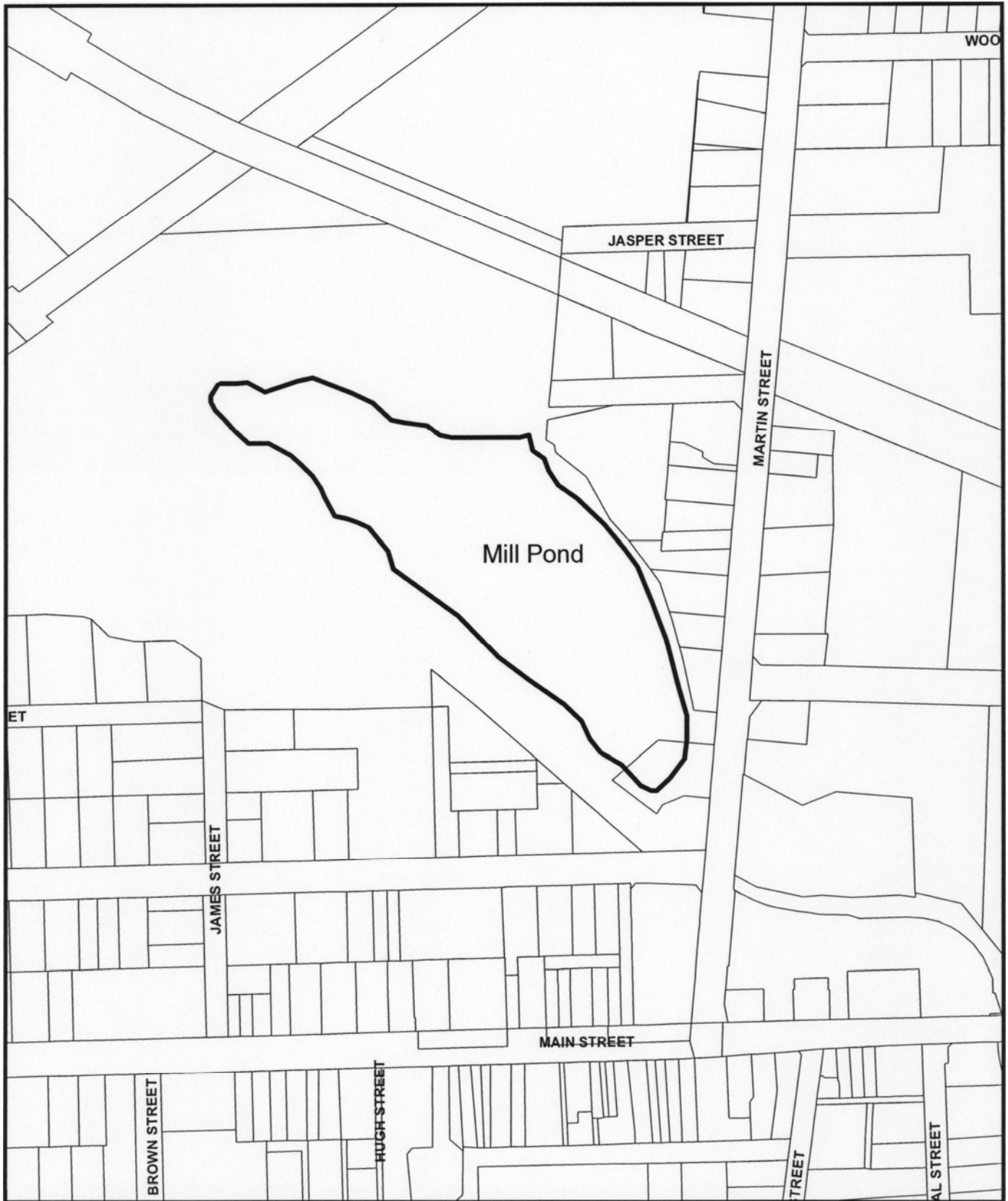
SCHEDULE "B" TO BY-LAW NO. 072-2006

PARKS WITH DESIGNATED BMX FACILITIES

Drumquin Park BMX Track

Lions Sports Park Freestyle BMX Facility

Schedule "C" to By- Law No. 072-2006



Location Map:
Mill Pond

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