

**Authority:** Item 4, Committee of the Whole  
Report 01-029 (FCS01073)  
CM: September 18, 2001

**Bill No. 219**

**City of Hamilton**

**BY-LAW NO. 01-219**

**TO MANAGE AND REGULATE MUNICIPAL PARKS**

**WHEREAS** Section 191(1) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, provides that the council of every corporation may pass by-laws for acquiring land for the purposes of the corporation and for erecting and repairing buildings thereon and for making additions to or alterations of such buildings;

**AND WHEREAS** Section 191(6) of the Municipal Act provides that the council of every corporation may pass by-laws providing for the use by the public of lands of which the corporation is the owner and for the regulation of such use and the protection of such lands;

**AND WHEREAS** the City of Hamilton may exercise all or any of the powers that are conferred on Boards of Park Management by the Public Parks Act, R.S.O. 1990, Chapter P.46, as amended, pursuant to Section 207, paragraph 52 of the Municipal Act;

**AND WHEREAS** Section 207(42) of the Municipal Act, provides for the prohibition of vehicles from sidewalks, pathways or footpaths in Parks;

**AND WHEREAS** the City of Hamilton Act, 1999, S.O. 1999 Chapter 14, Schedule C did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to the following former area municipalities, namely: The Corporation of the Town of Ancaster; The Corporation of the Town of Dundas; The Corporation of the Town of Flamborough; The Corporation of the Township of Glanbrook; The Corporation of the City of Hamilton; and the Corporation of the City of Stoney Creek; all hereinafter referred to as the "former area municipalities";

**AND WHEREAS** the City of Hamilton Act, 1999, provides that the By-laws of the former area municipalities continue in force and effect in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Council of the City of Hamilton deems it expedient to enact a single by-law to provide for the maintenance, operation, management and regulation of Municipal Parks, in place of by-laws of the former area municipalities;

**NOW THEREFORE** the Council of the Corporation of the City of Hamilton enacts as follows:

## **PART I - DEFINITIONS AND APPLICATION**

### **Definitions**

1. In This By-law,
  - (a) "Authorized Emergency Vehicle" means:
    - (i) any vehicle owned or operated by the City of Hamilton while the operator is engaged in the performance of his or her duties;
    - (ii) any vehicle owned or operated by a Police Service, a Fire Department or a Ministry of the Province;
    - (iii) any vehicle owned or operated by an ambulance service, a mortuary or a funeral home while the operator is engaged in the performance of his or her duties;
    - (iv) any vehicle owned or operated by a public utility including but not limited to vehicles owned or operated by Canada Post, a telephone company, a natural gas utility, a hydro electric power provider, and any other public utility, telegraph or telecommunications company, provided that such vehicles are each clearly identified by a crest or other marking and provided the operator is actively engaged in the provision of the services offered by the utility;
    - (v) any service vehicle owned or operated by an accredited road side service agency or automobile club or a licensed towing agency while the operator is providing a towing or other emergency roadside service.
  - (b) "authorized sign" means any sign, notice, or other device placed or erected in or upon a Park under the authority of this By-law;
  - (c) "bicycle" includes a tricycle, a unicycle and a bicycle to which a trailer device designed for the purpose of conveying children is attached, but does not include a motor assisted bicycle;
  - (d) "City" means the City of Hamilton;
  - (e) "control" includes care and custody;
  - (f) "Council" means the council of the Corporation of the City of Hamilton;
  - (g) "commercial motor vehicle" means a Motor Vehicle having attached to it a truck or delivery body or unit;
  - (h) "designated area" means any area defined, set aside or constructed for a specific use which may include posted conditions;

- (i) "Director" means the Director of Parks for the City and includes his designate and successor;
- (j) "General Manager" means the General Manager of Community Services for the City and includes his designate and successor;
- (k) "Leash Free Zone" means an enclosed area within a park set aside as an area where dogs are not required to be leashed or otherwise restrained except by the area enclosure;
- (l) "motor vehicle" means a motor vehicle within the meaning of the Highway Traffic Act, R.S.O. 1990, Chapter H.8 as amended;
- (m) "motorized recreational vehicle" means a snowmobile, go-cart, trail bike, mini bike, all-terrain vehicle, or similar vehicle, propelled or driven by an internal combustion engine;
- (n) "organized sport or activity" means a sport, game or activity pre-planned by a group or organization whether or not formally constituted and whether or not the players or members wear uniforms;
- (o) "permit" means any written authorization of Council, a committee established by Council, or the General Manager or the Director where such authority has been delegated by Council;
- (p) "post" or "posted" refers to the erection or presence of permissive, regulatory, restrictive, warning, or prohibitive signs;
- (q) "posted area" means an area where such signs are erected;
- (r) "park" means any land, and land covered by water and all portions thereof owned by or made available by lease, agreement, or otherwise to the City, that is or hereafter may be established, dedicated, set apart or made available for use as a public open space or golf course, and that has been or hereafter may be placed under the jurisdiction of the Director including any and all buildings, structures, facilities, erections, and improvements located in or on such land, save and except where such land is governed by other by-laws of the City;
- (s) "persons with disabilities" and "disabled person" includes any person who is blind or who has any degree of physical disability, which requires the physical reliance upon a wheelchair, crutches, braces, canes or other similar remedial appliance or device, or upon an animal trained to provide guidance or other form of assistance;

- (t) "public parking area" or "parking space" means any area of the Park which has been set aside and designated by the City for the parking of vehicles and where there is an authorized sign indicating said designation or otherwise regulating said parking;
  - (u) "residence" means a place that is actually occupied or used as a residential building;
  - (v) "roadway" means that part of a Park that is set aside and improved for the use of vehicular traffic;
  - (w) "vehicle" includes a Motor Vehicle as defined under the Highway Traffic Act, and includes any bicycle, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power, but excludes a wheelchair or similar device, powered or otherwise, used by an individual due to disability, baby carriage or cart, child's wagon, child's stroller, child's sleigh or other conveyance of a like nature;
  - (x) "watercraft" means any device for conveyance in or on water and includes but is not limited to powerboats, rowboats, sailboats, sailboards, canoes, kayaks, or dinghies.
2. (1) In this By-law, whenever a word imparts the masculine gender it is deemed to include the feminine gender.
- (2) In this By-law, the singular sense is deemed to be inclusive and interchangeable with the plural sense.
- (3) This By-law is subject to the provisions of any by-law of the City regulating the control of dogs or other animals.

## **PART II - USE OF FACILITIES**

### **Hours of Entrance**

3. No person shall enter into, or be in any park between the hours of eleven in the afternoon (11:00 p.m.) and six o'clock in the forenoon (6:00 a.m.), except where after hours use of a park has been approved by the City.

### **Restricted Areas**

4. While in a park, no person shall enter into areas posted to prohibit or restrict admission of the public.

## **Conduct**

5. While in a park, no person shall:
  - (a) indulge in any riotous, violent, threatening, or illegal conduct or use profane or abusive language;
  - (b) cast, throw, or in any way propel any object in such a manner as may or does endanger or cause injury or damage to any person or property;
  - (c) spy, accost, frighten, annoy or otherwise disturb other persons; or
  - (d) create a nuisance or in any way interfere with the peaceful enjoyment of the park by other persons

## **Firearms and Weapons**

6. While in a park, no person shall be in possession of or use any firearm, air gun, bow and arrow, axe or offensive weapon of any kind unless authorized by the Director provided that this prohibition shall not apply to a Police Officer, an employee of the City, or such other persons as are providing contractual services to the City, while engaged in the performance of their duties.

## **Fireworks**

7. While in a park, no person shall ignite, discharge or set off any firecrackers, rockets, or other fireworks except as a fireworks display authorized by permit. For the purpose of this section, "fireworks" includes any explosive, flammable, combustible or incendiary device or material.

## **Injury and Damage**

8. No person shall, in any park:
  - (a) climb or descend any building, structure, equipment or natural formation including but not limited to a cliff, precipice, rock face, overhang, or gorge, unless it is equipment designed for climbing, or unless otherwise authorized by the Director; this prohibition does not apply to structures designed, intended or designated for climbing
  - (b) break, injure, deface, move or remove the whole or any part of any flowers, plant material, trees or other vegetation or any building, structure, equipment or other property of the City, unless authorized by the Director;

- (c) unless authorized by the Director or by permit, move or remove the whole or any part of rocks, boulders, rock faces, soil, sand, wood, or like substance, or any other property or thing;
- (d) in any manner, disturb ground which is under repair, prepared for planting, has been newly seeded or sodded, or is in an area posted to that effect, unless authorized by the Director;
- (e) conduct archaeological research, or remove any relic, artefact or natural object, unless authorized by the Director; or
- (f) drive, park or walk in any area posted to prohibit same except with the written permission of the Director.

### **Waste and Pollution**

9. No person shall in any park:

- (a) subject to (b) and (c) herein, dispose of or dump garbage, litter, tree trimmings, refuse or any other matter or thing, except that which is generated through the normal use of the park, and shall only deposit same in receptacles provided for such purpose;
- (b) dispose of or dump garden refuse except in a designated area therefore;
- (c) unless authorized by permit, dump or deposit snow, fill, soil, building or construction materials;
- (d) dump or drain onto any soils or into the waters of any pool, pond, lake, stream, fountain or watercourse any kind any material, toxic or otherwise;  
or,
- (e) release any balloons, except in accordance with Schedule "A".

### **Protection of Wildlife**

10. While in any park, no person shall:

- (a) subject to the provisions of section 22, kill, attempt to kill, maim, injure, trap, remove or disturb any animal, bird, waterfowl, worms, or other wildlife; or
- (b) touch, injure or remove any nest or egg therefrom;

unless authorized in writing by the Director.

## **Animal and Fish Displays**

11. While in any park, no person shall:
- (a) feed or attempt to feed any wild bird or fish or any bird or fish owned by or under the control of the City unless posted otherwise;
  - (b) throw, deposit, place or attempt to throw, material of any kind whatsoever in any area where birds or fish are kept for public display; or
  - (c) kill, attempt to kill, maim or in any way injure or molest any bird, waterfowl or fish that is kept for public display.

## **Encroachment**

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

## **Alcohol and Gambling**

13. While in a park:
- (1) No person shall be in possession of, consume, serve or sell alcoholic beverages unless authorized by a permit issued by Council and with the approval of the Liquor Licence Board of Ontario.
  - (2) Any person who serves or sells alcoholic beverages in a park pursuant to a permit issued by Council, shall obtain sufficient insurance to conform with current Council policy respecting liability insurance, and naming the City as an insured party and shall comply with all other terms and conditions of the permit [for greater clarity].
  - (3) No person shall play or bet at or against any game conducted, dealt or carried on with cards, dice, or other devices for money, chips, shells, credit or other thing representative of value, or maintain or inhabit any gambling table or other instrument of gambling or gaming; unless otherwise authorized by the Director.

## **Campfires and Barbecues**

14. While in any park, no person shall;
- (a) light, build or stoke an open fire or bonfire unless authorized by permit;

- (b) use charcoal or solid fuelled portable barbeques unless authorized by permit, or where signs are posted to allow same;
- (c) use fuel other than charcoal or briquettes in stationary barbeques; or
- (d) leave a barbecue or campfire without extinguishing the fire and ensuring that the embers are cold.

### **Organized Gatherings and Picnics**

15. While in any park, no person shall:
- (a) unless authorized by permit, hold a picnic, public meeting, or other organized gathering or event for more than twenty persons; or
  - (b) interfere with a picnic, organized gathering or event authorized by permit.

### **Amplifiers and Loud Speakers**

16. Unless authorized by permit, no person shall operate loud speakers or amplifying equipment in any park, provided that this shall not prohibit the use of a portable radio, tape player or compact disk player, in a manner which does not disturb any other person or otherwise interfere with any other person's enjoyment of the park.

### **Camping and Lodging**

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

### **Tents and Structures**

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

### **Bathing, Swimming and Sun Bathing**

19. No person shall in any park::
- (a) enter any public swimming pool, except at times designated for swimming;
  - (b) in, or adjacent to, any swimming pool, fail to abide by posted signs or fail to obey the instructions of any lifeguard or other authorized person;
  - (c) swim, bathe or wade in any fountain, pond, water course, lake or stream, except in a designated swimming, wading or bathing area;



- (d) utilize facilities without being properly attired, including appropriate swimwear or beach clothing;
- (e) dress or undress adjacent to any swimming wading or bathing area except in facilities provided for such purpose; or,
- (f) bring into any swimming, wading or bathing area and the waters attendant thereto any underwater spear or shooting device or any other weapon.

### **Use of Wash and Change Rooms**

- 20. (1) No person shall enter any washroom, change-room, bathhouse or bathing station, or portion thereof, in any park, set apart for the opposite sex provided that this shall not apply to children who are 12 years of age or younger and who are, at that time, under the care of a parent or guardian.
- (2) No person shall loiter in any washroom, change-room, bathhouse or bathing station, in any park, or conduct themselves in such a manner as to be objectionable to another person using, or in the vicinity of, said washroom, change-room, bathhouse or bathing station.

## **PART III - GAMES AND SPORTS**

### **Sports or Activities**

- 21. (1) While in any park, no person shall:
  - (a) arrange or engage in an organized sport or activity, unless authorized by permit; or
  - (b) interfere with an organized sport or activity authorized by permit.
- (2) In addition to the prohibitions set out in subsection (1), while in any park, no person shall utilize a designated area without a permit where same is posted to prohibit or restrict such use.
- (3) No person shall, while in a park, take part in any game, sport or activity except within an area specifically set aside for that game, sport or activity.

### **Fishing**

- 22. (1) No person shall fish in an area posted to prohibit same, in any park.

- (2) No person shall 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 F-14, as amended.
- (3) No person shall fish in any park for commercial purposes.

**Golfing**

- 23. (1) While in any park, no person shall play or practise golf or strike a golf ball, except on a golf course or in a designated area.
- (2) On any golf course located in a park, no person shall:
  - (a) play or practise golf unless registered on that day as a player;
  - (b) hunt for or pick up any lost, misplaced, or abandoned golf balls provided that nothing herein shall prevent a person registered as a player or such player's caddy from retrieving or attempting to retrieve golf balls lost by such registered player; or,
  - (c) during the period from the opening of the course to the closing of the course, enter upon the playing area thereof unless registered on that day as a player or accompanying such player as a caddy.

**Model Aircraft and Rockets**

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

**Aircraft**

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

**Skating**

- 26. On any natural or artificial ice surface located in any park, no person shall:
  - (a) use speed skates unless authorized by permit or in a posted area in accordance with the posted conditions;
  - (b) skate or act in such a manner as to interfere with and/or endanger any other person using the surface; or
  - (c) use a stick of any kind except in accordance with posted conditions.

## **Skiing, Tobogganing and Sledding**

27. (1) No person shall downhill ski, toboggan, snowboard, skibob or sled in any area park unless otherwise posted to allow same.
- (2) No person shall cross country ski in any area park that has been posted to prohibit same.

## **Roller Skates and Skateboards**

28. (1) While in any park, no person shall:
  - (a) operate or utilize skate boards, traditional roller skates, in-line or linear skates, scooters or like conveyances where signs are posted to prohibit or otherwise restrict the use of same; or,
  - (b) obstruct, inconvenience or endanger other users of the park while operating or utilizing skate boards, traditional roller skates or in-line or linear skates, scooters or like conveyances.
- (2) While in a park, no person shall fail to give way to the right while operating or utilizing a skate board, traditional roller skates, in-line or linear skates, a scooter or a like conveyances on any trail, path or roadway.
- (3) While in a park, no person while operating or utilizing a skate board, traditional roller skates, in-line or linear skates, a scooter or a like conveyance shall fail to yield the right of way to any other person or persons travelling on foot.
- (4) While in a park, no person while operating or utilizing a skate board, traditional roller skates, in-line or linear skates, a scooter or a like conveyance shall fail give an audible warning when overtaking and passing any other person.
- (5) While in a park, no person while travelling together with another person or persons, at any time, whether on foot or otherwise, may do so in such a manner as to occupy more than 50% of the width of any path or trail.
- (6) While in a park, no child of 16 years of age or less shall fail to wear a proper Canadian Standards Association approved bicycle helmet while riding a bicycle.
- (7) While in a park, no person having a child of 16 years of age or less under their care shall allow said child to ride a bicycle except when wearing a proper Canadian Standards Association approved bicycle helmet.

- (8) While in a park, no child of 16 years of age or less shall fail to wear a proper Canadian Standards Association approved helmet while riding on or using rollerskates, in-line skates, scooters, skate boards or like conveyances.
- (9) While in a park, no person having a child of 16 years of age or less under their care shall allow said child to ride on or use rollerskates, in-line skates, scooters, skate boards or like conveyances except when wearing a proper Canadian Standards Association approved helmet.

### **Tennis**

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

## **PART IV - VEHICLES**

### **Roadway**

- 30. (1) The Council or, where such authority has been designated, the Director or a Committee established by Council, is authorized to establish appropriate regulations to manage and control the use of the park roadways.
- (2) Unless authorized by permit, and except as provided in section 34 with respect to bicycles, no person shall while in any park, drive, operate, pull or ride any vehicle except on a roadway or public parking area.

### **Signs**

- 31. (1) There may be erected one or more of the following signs in a Park:
  - (a) Signs displaying the symbol for "No Parking" as specified under the Highway Traffic Act.
  - (b) Signs displaying the word "Yield", or a symbol in lieu thereof, specified under the Highway Traffic Act.
  - (c) Signs displaying the word "Stop", or a symbol in lieu thereof, specified under regulations to the Highway Traffic Act.
  - (d) Signs displaying the maximum speed limit, specified under regulations to the Highway Traffic Act.
  - (e) Signs displaying the symbol for "No "U" Turns", specified under regulations to the Highway Traffic Act.

- (f) Signs indicating "one-way traffic", specified under regulations to the Highway Traffic Act.
  - (g) Signs indicating lane use designated, specified under regulations to the Highway Traffic Act.
  - (h) Signs prohibiting entry by vehicles or persons.
  - (i) Signs indicating that a roadway or drive is closed to vehicular traffic or to a particular class of vehicular traffic.
  - (j) Signs indicating a public parking area.
  - (k) Signs indicating a time limit for parking.
  - (l) Signs indicating service roads.
- (2) The signs referred to in subsection 1 may contain,
- (a) an exception or exceptions relating to an activity permitted in a particular area;
  - (b) additional information relating to the regulation of traffic or parking.

## **Parking**

32. No person shall in any park:

- (1) Park or leave any vehicle except in a designated area for parking;
- (2) Park or leave a vehicle between the hours of 11:00 p.m. and 6:00 a.m., except in a designated area allowing for such overnight parking, or where authorized by permit;
- (3) Park a vehicle in a designated area for parking, except in a proper parking space and in accordance with markings and posted conditions;
- (4) Park a vehicle in any area or parking space where signs have been erected to prohibit parking;
- (5) Stop a vehicle in any area or parking space where signs have been erected to prohibit stopping;
- (6) Park or stop a vehicle in any area or parking space where signs have been erected to reserve the area or space for use by specific persons or vehicles;

- (7) Park a vehicle in a parking space reserved for persons with disabilities, unless a disabled person parking permit, issued in accordance with the provisions of the Highway Traffic Act, as amended, is properly displayed on or in the vehicle;
  - (8) Park or stop a vehicle in any area or parking space except while actively using the park;
  - (9) Park or stop a vehicle in such a manner as to interfere with the use of any other area or parking space;
  - (10) Park or allow any vehicle to stand unattended, unless it is secured in such a manner as to prevent its operation by any person not so authorized by the owner of the vehicle.
  - (11) Park a vehicle for a period of time longer than the posted time limit, if any.
  - (12) Park or stop a vehicle, or allow a vehicle to stand, contrary to the instructions of a Police Officer, a Municipal Law Enforcement Officer, or an employee of the City.
33. No person shall make use of any roadway or parking lot in any park for:
- (1) washing, cleaning, servicing, maintaining or, except in the event of an emergency, the repair of any vehicle, unless authorized by Director; or
  - (2) instructing, teaching or coaching any person in the driving of a motor vehicle.

### **Bicycles**

34. While in a park, no person shall:
- (1) Ride, operate or be in possession of any bicycle where signs are posted to prohibit same;
  - (2) Obstruct, inconvenience or endanger other users of the park while riding or operating a bicycle;
  - (3) Subject to Section 37, fail to comply with all rules of the road normally in force and effect on a highway;
  - (4) Ride abreast of more than one other cyclist;
  - (5) Operate a bicycle which is not equipped with a bell or horn;

- (6) Operate a bicycle after dark which is not equipped with a front white light and a rear red light;
- (7) Fail to activate the required bicycle lighting when operating a bicycle after dark;
- (8) Ride or operate a bicycle in any area not set aside for that purpose, or ride a bicycle in an area set aside for any other purpose; or,
- (9) Fail to maintain proper control of the bicycle at all times.

### **Motorized Recreational Vehicles**

35. No person shall ride, drive, park or be in possession or control of a motorized recreational vehicle in any park except in a designated area or when authorized in writing or by permit issued by the Director.

### **Trucks and Commercial Vehicles**

36. No person shall drive, operate, pull or ride in any park:
- (a) any heavy machinery or equipment of any description and whatever the mode of power; or
  - (b) any truck, trailer, or bus whatsoever except a vehicle that is,
    - (i) being used for the purpose of making a delivery to a point within the limits of the park, while it is proceeding to or from such point of delivery, or
    - (ii) operated for personal, recreational or non-commercial use and provided authorization or a permit has been issued by the Director.

### **Speed**

37. Unless authorized by permit, while in any park, no person shall operate:
- (a) any vehicle on a roadway at a speed in excess of the posted limit; or
  - (b) a bicycle other than on a roadway at a speed which endangers or is liable to endanger any other person using the park, or which causes another person using the park to experience a reasonable apprehension that they are at risk of injury or harm.

### **One-way Traffic**

38. No person shall drive a vehicle on a one-way roadway in a direction opposite to the direction of the traffic.

### **Horses**

39. (1) Unless authorized by permit, no person as the owner of a horse, or as a person having a horse under their care or control, shall permit the horse to enter or remain in a park unless:
- (a) the horse remains within an area designated for use by horses; and,
  - (b) the horse is well broken and wearing a bridle.
- (2) No person riding or having a horse under their care or control in any park shall obstruct, inconvenience or endanger other users of the park.
- (3) No person riding or having a horse under their care or control in any park shall hitch or fasten said horse at any place except that which is set aside for such purpose.
- (4) The provisions of this section shall not apply to a horse under the control of a Police Officer.

### **Dogs**

40. (1) While in any park, no person as the owner of a dog, or as a person having a dog under their care or control, shall:
- (a) allow the dog to run at large;
  - (b) excluding persons with disabilities reliant upon a guide dog, permit the dog to enter any beach, pond, swimming area, farm area, garden, landscaped area, playground or sports field, or any other area posted to prohibit same;
  - (c) excluding persons with disabilities reliant upon a guide dog, permit the dog to enter any area of the park where a special event, carnival, celebration or other festival is taking place where signs are posted to prohibit same
- (2) While in a park no person as owner of a dog, or as a person having a dog under their care or control, shall:



- (a) fail to ensure that the dog is on a leash or chain not exceeding 2.4 metres in length; and,
  - (b) fail to pick up and remove from the park any excrement left by the dog.
- (3) A dog within a "Leash Free Zone" enclosure shall be deemed not to be at large.
- (4) The provisions of subsections (1)(a) and (2)(a) of this Section shall not apply to a Police work dog under the control of a Police Officer.

### **Other Animals**

41. (1) No person as the owner of an animal, or as the person having any animal under their care or control, shall bring into, or permit such animal to enter any park, if the animal constitutes, or may constitute, a danger to other park users, or if the animal it is likely to give rise to justified apprehension in the minds of other park users, or if the animal is likely to interfere with another persons use or enjoyment of the park.
- (2) Subject to Sections 39 and 40, no person shall bring, or permit to be brought, any livestock into any park except with written authorization from the Director, which authorization shall set out the terms and conditions whereby subject livestock is permitted upon specified park lands.
- (3) No person, except a Police Officer, having an animal under their care or control shall fail to appropriately restrain said animal.

## **PART VI - WATERCRAFT**

### **Boating**

42. No person shall, subject to any right at law to do so, place, operate, drive or ride any watercraft in any park in any area posted so as to prohibit or restrict the type and allowable uses of watercraft.

### **Mooring**

43. Unless authorized by permit, no person shall, subject to any right at law to do so, moor watercraft in any park:
- a) except in a designated area;
  - (b) for a period longer than 48 hours;

- (c) contrary to posted restrictions or prohibitions or in any way that may or does endanger or inconvenience other watercraft or their use or other users of the park;
- (d) without prior payment of the fee, if any, therefore authorized by Council;
- (e) except in accordance with Schedule "C".

## **PART VII - COMMERCIAL ENTERPRISES**

### **Sale of Merchandise Trade or Business**

44. (1) Unless authorized by permit, no person shall, while in a park, sell or offer or display for sale:
- (a) any food, drink or refreshment;
  - (b) any goods, wares, merchandise or articles including promotional material, souvenirs and novelties; or
  - (c) any art, skill, service or work;
- except in accordance with The City of Hamilton Street Vendor Program.
- (2) While in any park, no person shall practise, carry on, conduct or solicit for any trade, occupation, business or profession.
- (3) No person shall, in any park, place, maintain or allow to remain any coin operated vending machine or game of any nature except when authorized in writing by the Director.

### **Subscriptions and Contributions**

45. While in a park, no person shall beg, solicit or invite subscriptions or contributions, unless authorized by Director.

### **Filming and Taping**

46. While in a park, no person shall take or permit to be taken for remuneration any film, photograph, videotape or television broadcast, unless,
- (a) otherwise posted; or,
  - (b) authorized by permit; and,
  - (c) except in accordance with Schedule "B".

## **Circulars and Advertisements**

47. (1) Unless authorized by permit, no person shall:
- (a) while in any park distribute, discard, or display any handbill, notice, or other circular, bill or advertisement; or
  - (b) post, nail, attach, stencil or otherwise fasten or erect any poster, sign, notice, placard or other circular, bill, advertisement or paper to any park property;

## **PART VIII - REGULATIONS AND ENFORCEMENT**

### **Permits and Licences**

48. (1) Permits issued for activities contemplated in this by-law may be subject to such fees as Council may from time to time establish.
- (2) Permits issued for activities contemplated in this by-law may include conditions as to time, location, area, equipment, number of participants, type of activities, release, indemnity and insurance coverage.
- (3) The issue of a permit pursuant to this by-law shall not relieve any person from the necessity of acquiring any other licence or permit required for such activity by any governmental or public authority.
- (4) No permit contemplated by this by-law shall be issued if said issue would result in the contravention of another applicable law.
- (5) All permits issued for activities contemplated in this by-law remain the property of the City and may be revoked or otherwise voided by the Director, at his sole and unfettered discretion, without notice.

### **Posting of Signs**

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

### **Temporary Closure**

50. The Director is authorized to close off for such temporary period as the Director deems appropriate any park or part or parts thereof to relieve or prevent overcrowding or traffic congestion, or in the interest of public safety, or as may otherwise be authorized by council.

51. The Director is authorized to close off for such temporary period as the Director deems appropriate any park or part or parts thereof to provide for repairs, restoration, reconstruction or other remedial action with respect to the parks grounds or structures.

### **Exclusions and Exceptions**

52. (1) The provisions of this By-law respecting the driving, operating, parking or stopping of vehicles shall not apply to Authorized Emergency Vehicles while the operators thereof are performing their duties.
- (2) Without limiting the generality of the foregoing, the provisions of this by-law shall not apply to:
- (a) the drivers and attendants of ambulances or other emergency medical services vehicle, Police Officers, Officers of the Hamilton Fire Service or Municipal Law Enforcement Officers appointed by the Council of the City of Hamilton, while engaged in the performance of their duties;
  - (b) employees or agents of the City while engaged in works or services undertaken for or on behalf of the City; or
  - (c) a park, property or building that is now or hereafter under the jurisdiction of a board established by the Council or by statute, the members of which are appointed by Council.
- (3) This by-law shall be subject to provisions of contracts and agreements now or hereafter entered into by the City respecting works or services to be performed in any park.

### **Enforcement**

53. (1) Any Police Officer, Municipal Law Enforcement Officer, or employee of the City designated by the Director for the purpose of this section is authorized to inform any person of the provisions of this by-law and to request compliance therewith.
- (2) Any Police Officer, Municipal Law Enforcement Officer or employee of the City whose duties include the enforcement of this By-law, is authorized to order any person believed by such Officer or employee to be in contravention of this by-law or who has contravened any provision of this by-law:
- (a) to desist from the activity constituting or contributing to such contravention;

- (b) to remove from the park any animal or thing owned by or under the care of such person which the officer or employee believes is or was involved in such contravention; or
  - (c) to leave the park.
- (3) Any Police Officer, Municipal Law Enforcement Officer may enforce the provisions of this by-law.
  - (4) Where any person contravenes any of the provisions of this by-law, or fails to comply with any order referred to in subsection (2) hereof, the permission and licence of such person to remain in that park is revoked.
  - (5) Where any person contravenes any of the provision of this by-law and fails to comply with an order to leave the park, such person is subject to the provisions of the Trespass to Property Act, R.S.O. 1990, c.T.21.

### **Penalty**

- 54. (1) Any person contravening any provision of this by-law is guilty of an offence and on conviction is liable to a such penalty as is provided for under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- (2) The owner of a motor vehicle that is parked or left in contravention of Section 31 of this by-law is guilty of an offence and on conviction is subject such penalty as is provided for under the Provincial Offences Act, unless at the time of the offence the motor vehicle was in the possession of another person without the owner's consent.
- (3) A Police Officer or Municipal Law Enforcement Officer observing a vehicle alleged to be parked or stopped or standing in contravention of this by-law may attach a serially numbered parking infraction notice to the motor vehicle.
- (4) Any person upon presentation of the parking infraction notice may, within 7 days, pay a penalty out of Court in the amount prescribed by an order made by the Senior Regional Justice respecting the subject violation pursuant to Part II of the Provincial Offences Act.

### **Removal of Vehicles**

- 55. A Police Officer or Municipal Law Enforcement Officer upon discovery of any vehicle parked, stopped or standing in contravention of section 31 of this by-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle which may be enforced in the manner provided by the Repair and

Storage Liens Act, R.S.O. 1990, Chapter R.25, as amended.

### **Schedules**

56. The schedules attached to this by-law and listed below shall have the same force and effect as if the provisions contained therein were contained in the body of this by-law:

Schedule "A" - Release of Balloons

Schedule "B" - Filming

Schedule "C" - Passenger Tariffs

### **Severance**

57. Should a court of competent jurisdiction declare any part or the whole of any provision of this by-law to be invalid or of no force and effect, the provision or part shall be deemed to have been severed from this by-law, and it is the intention of Council that the remainder of the by-law survive and be applied and enforced in accordance with its terms to the extent possible under law.

### **Short Title**

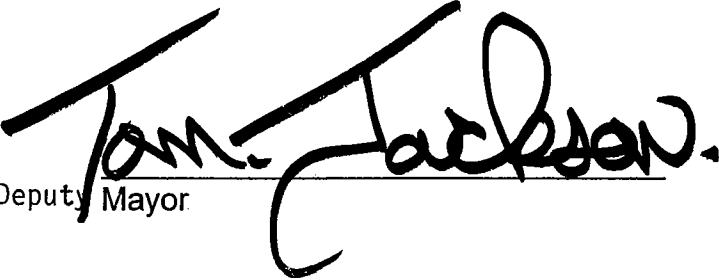
58. The short title of this by-law shall be "The Parks By-law".

### **Repeals and Enactment**

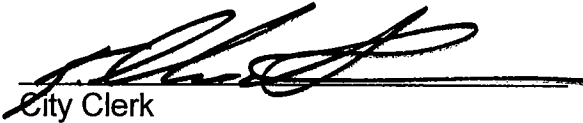
59. By-law 70-2303 (Ancaster), passed on the 9th of June, 1970, By-law 2746-74 (Dundas), passed on the 7th of October, 1974, By-law 87-98-P (Flamborough) passed on the 17th of August, 1987, By-law 123-77 (Glanbrook), passed on the 6th of June, 1977, By-law 95-126 (Hamilton), passed on the 30th of May, 1995 and By-law 1951-85 (Stoney Creek), passed on the 26th of November, 1985, each as amended, and all Schedules thereto, are hereby repealed in their entirety.
60. Any references to By-laws 70-2303, 2746-74, 87-98-P, 123-77, 95-126 and 1951-85, as amended, antedating the passing and enactment of this By-law shall be deemed a reference to this By-law.

61. This By-law shall come into force and effect on the date of its passing and enactment.

**PASSED** and enacted this 18<sup>th</sup> day of September, 2001.



Deputy Mayor



City Clerk

## SCHEDULE "A"

1. No person shall, while in a park, release more than nine balloons within any 24-hour period.



