

THE CORPORATION OF THE TOWN OF AURORA

By-law Number 4752-05.P

***BEING A BY-LAW for the use,
regulation and government of
Parks and Public Places in the
Town of Aurora.***

WHEREAS the provisions of Section 11(1) of the Municipal Act, R.S.O., 2001, as amended, authorize the Town of Aurora enact by-laws to regulate, govern and protect town parks and property;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

Definitions:

1. In this By-law:

- (a) "authorized sign" means any sign, notice, or other device placed or erected in or upon a park or public place under the authority of this by-law;
- (b) "bicycle" includes a tricycle and unicycle but does not include a motor assisted bicycle;
- (c) "Director" means the Director of Leisure Services for the Town appointed by Council whose duties include the management, operation and maintenance of parks and public places or his or her designate;
- (d) "control" includes care and custody;
- (e) "Council" means the Council of The Corporation of the Town of Aurora;
- (f) "designated area" means an area defined or constructed for a specific use which may include posted conditions;
- (g) "disabled person" includes a person who is blind or who has any degree of physical disability, which requires the physical reliance on a wheelchair, crutches, braces, canes or other similar remedial appliance or device;
- (h) "exotic animal" means an animal not indigenous to Canada and also includes all domestic wild animals;
- (i) "loitering" means being in a public place without a meaningful purpose or where or obstructing, harassing or intimidating other persons so to inhibit their enjoyment;
- (j) "motor vehicle" means a motor vehicle within the meaning of the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as may be amended from time to time;
- (k) "municipality" means the Corporation of the Town of Aurora;

(l) "nuisance" includes shouting, screaming, unusual noises, ringing of bells, sounding of horns, blowing of whistles, squealing of tires, revving of engines, the idling of engines more than five(5) minutes; the playing of music or any other noise that disturbs another person or the occupant of a dwelling; the use or display of placards, play bills, posters, on public land other than a permitted event: the display or use of posters, placards, drawings, or the writing of words which are offensive to the standards of the community on public place, park, buildings or structures; expectorating, urinating, or defecating in any public place or park other than a washroom facility; obstructing the passage of pedestrians on a walkway in a public place or park rendering passage impassable or difficult; the creation of discomfort, disturbance, or confusion for persons or the occupants of dwellings, loitering in a public place or park after being instructed to move by a peace officer; loitering, remaining in or refusing to leave a public place or park after it is closed down and /or when ordered to do so by a peace officer; the use of offensive language or gestures; the harassment or intimidation of another person or persons in a park or public place; willfully causing damage to a park or public place; the use of a park or public place for other than their lawful intended use; soliciting for illegal activities in a park or public place; the carrying of open liquor in a park or public place;

(m) "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;

(n) "park" means land and land covered by water and all portions thereof owned by or made available by lease, agreement, or otherwise to the municipality, that is or hereafter may be established, dedicated, set apart or made available for use as public open space or *trail*, 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 municipality;

(o) "permit" means any written authorization of Council, or the Director where such authority has been delegated;

(p) "post" or "posted" refers to the erection or presence of permissive, regulatory, restrictive, warning or prohibitive signs and "posted area" means an area where such signs are erected;

(q) "public place" means any municipal owned or leased building or lands in the Town of Aurora ;

(r) "trails" means all paths and trails maintained by the Town for public use;

(s) "vandalism" means the willful destruction or defacing of public or private property;

(t) "vehicle" includes a motor vehicle as defined under the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as may be amended from time to time, and any bicycle, carriage, wagon, sleigh, snow machine, all-terrain vehicle, and power assisted scooter or other vehicle or conveyance of every description, whatever the mode of power, but excludes wheelchair or similar device (powered or otherwise) used by an individual due to a disability, baby carriage or cart, child's wagon, child's stroller, child's sleigh or other conveyance of like nature;

Restricted Areas

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

Conduct

3. While in any park or public place, no person shall:

(a) indulge in any riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language outside the community standards;

(b) cast or throw anything with the intent to endanger or cause injury or damage to any person or property;

(c) urinate in any park or public place except in a washroom.

Firearms and Offensive Weapons

4. Unless authorized by permit, while in any park or public place, no person shall be in possession of or use any firearm, air gun, bow and arrow, axe or weapon of any kind.

Fireworks

5. While in any park or public place, no person shall ignite, discharge or set off any firecrackers, rockets or other fireworks except as a fireworks display, unless authorized by a permit issued by the Town.

Injury and Damage

6. No person shall in any park or public place:

(a) climb any tree, building, structure or equipment, unless it is equipment designed for climbing;

(b) break, injure, deface or remove the whole or any part of any flowers, plant material, trees or other vegetation;

(c) break, injure, deface or vandalize any building, structure, equipment or other property of the municipality;

(d) unless authorized by permit, climb or remove the whole or any part of rocks, boulders, rock faces or remove any soil, sand or wood;

(e) 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;

(f) drive, park or walk in an area posted to prohibit same.

Waste and Pollution

7. No person shall in any park or public place:

(a) dispose or dump garbage, litter, tree trimmings, or any other refuse, except that which is generated through the normal use of the park or public place and shall only deposit same in receptacles provided for such purpose;

(b) dispose of or dump garden refuse except in a designated area therefor;

(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 of any kind any material, toxic or otherwise.

Protection of Wildlife

8. While in any park, no person shall:

(a) subject to the provisions of section 19, kill, attempt to kill, maim, injure, trap or disturb any animal, bird, waterfowl, fish, or other wildlife;

(b) touch, injure or remove any nest or egg therefrom;

(c) allow a pet to kill, attempt to kill, maim, injure, trap or disturb any animal, bird, waterfowl, fish, or other wildlife.

Encroachment

9. No person shall encroach upon or take possession of any park or public place by any means whatsoever, including the construction, installation or maintenance of any fence or structure, the dumping or storage of any materials or plantings, or planting, cultivating, grooming or landscaping, thereon unless in accordance with the municipality encroachment policy and authorized by Council.

Alcohol

10. While in any park or public place, no person shall consume, serve or sell alcoholic beverages unless in accordance with a valid license issued by the Liquor License Board of Ontario.

Drugs

11. While in any park or public place, no person shall consume or have on their person a drug as listed in schedules I, II, III, IV and V of the *Controlled Drugs and Substances Act* S.C. c. 19.

Campfires and Barbecues

12. While in any park or public place, no person shall:

(a) light, build or stoke an open fire or bonfire;

(b) unless authorized by permit, use charcoal or solid fuelled portable barbecues.

Organized Gatherings and Picnics

13. While in any park or public place, no person shall:

(a) unless authorized by permit, hold a picnic, organized gathering or event for more than fifteen persons; or

(b) interfere with a picnic, organized gathering or event authorized by permit.

Amplifiers and Loud Speakers

14. Except in accordance with the municipality's noise by-law and unless authorized by permit, no person shall operate loud speakers or amplifying equipment in any park or public place.

Camping and Lodging

15. Unless authorized by permit, no person shall dwell or lodge in any park or public place.

Tents and Structures

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

Bathing and Swimming

17. No person shall in any park or public place swim or bathe in any fountain, pond, lake or stream, except in a designated area.

Use of Wash and Change Rooms

18. (a) No person shall enter any portion of any washroom, bathhouse, or change room in any park or public place set apart for the opposite sex.

(b) Children six (6) years of age or younger may use a washroom or change room of the opposite sex when accompanied by a parent .

Organized Sports or Activities

19. (a) While in any park or public place, no person shall interfere with an organized sport or activity authorized by permit.

(b) In addition to the prohibition set out in subsection (1), while in any park or public place no person shall utilize a designated area without a permit where same is posted to prohibit or restrict such use.

Fishing

20. While in a park or public place, no person shall fish in an area unless posted to permit the activity.

Golfing

21. While in any park or public place, no person shall play or practice golf or strike a golf ball.

Model Aircraft, Rockets and Kites

22. (a) Unless authorized by permit, while in any park or public place, no person shall operate any powered models of aircraft, rockets, watercraft or vehicles.

(b) The flying of kites is prohibited in parks and public places where power lines exist.

Gliders and Hot Air Balloons

23. Unless authorized by permit, no person shall tether, launch or land any hot air balloon, hang glider, ultra light aircraft, parachutes or similar conveyance in any park or public place.

Skating

24. (a) Ice skating is not permitted in parks or public places unless posted to permit the activity.

(b) No person shall skate in such a manner as to interfere with and/or endanger any other person using the surface.

Skiing, Tobogganing and Sledding

25. No person shall toboggan, snowboard, skibob or sled in any park or public place unless posted to permit the activity.

Roller Skates and Skate Boards

26. (1) While in a park or public place, no person shall:

- (a) roller skate, skate board, roller blade or use a scooter in any area unless posted to permit the activity;
- (b) obstruct, inconvenience or endanger other users of the park or public place while operating or utilizing traditional or in-line roller skates, skate boards, scooters or like conveyances.

Tennis

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

Roadways in Parks

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

Parking

29. No person shall in a park or public place:

- (a) park or leave a vehicle except in a designated area for parking;
- (b) unless authorized by permit, 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;
- (c) stop or park a vehicle in a designated area for parking, except in a parking place and in accordance with posted conditions;
- (d) stop or park a vehicle in a designated disabled parking place, unless a disabled person parking permit issued in accordance with the provisions of the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as may be amended from time to time, is properly displayed on or in the vehicle;
- (e) use any parking place except while using the park.

30. Other Activities

No person shall while in a park or public place :

- (a) wash, clean, service, a motor vehicle except in the event of an emergency;
- (b) pick, collect or gather worms for commercial gain;
- (c) cause a nuisance in a park or public place within the Town of Aurora;
- (d) loiter in a park or public place.

Bicycles

31. While in any park or public place, no person shall:

- (a) ride or operate any bicycle where posted to prohibit the activity;

(b) obstruct, inconvenience or endanger other users of the park while riding or operating a bicycle.

Speed

32. While in a park or public place no person shall operate:

- (a) any vehicle on a roadway at a speed in excess of the posted limit;
- (b) a bicycle other than on a roadway at a speed in excess of 20 kilometres per hour.

Horses

33. Unless authorized by permit, no person as owner or person having control of any horse shall permit it to enter or remain in a park or public place.

Dogs

34. (1) While in any park, no person as owner or person having control of any dog shall:

- (a) allow it to run at large;
 - (b) excluding blind persons reliant upon a guide dog, permit any 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.
- (2) Pick up and remove forthwith excrement left by the dog and dispose of it in a bag into a designated canine receptacle or it is to be removed from the park or public place.

Exotic Animals

35. No person as owner or person having the control of an exotic animal shall bring into or permit such animal to enter a park or public place.

Sale of Merchandise, Trade or Business

36. (1) Unless authorized by permit for a special event which does not include a license issued under the Town Licensing By-law, no person shall, while in a park or public place, sell or offer or display for sale:

- (a) any food, drink or refreshment;
- (b) any goods, wares, merchandise or articles including promotional materials, souvenirs and novelties;
- (c) any art, skill, service or work.

(2) While in a park or public place, no person shall practice, carry on, conduct or solicit for any trade, occupation, business or profession.

Circular and Advertisements

37. Unless authorized by permit, no person shall:

- (a) while in any park or public place distribute, discard, or display any handbill, notice, or other circular, bill or advertisement;
- (b) post, nail, attach, stencil or otherwise fasten or erect any poster, sign, notice, placard or other circular, bill, advertisement or paper in a park or public place, including trees;

(c) post, affix or attach any handbills, notices or other circular on any vehicle in a park or public place.

Vehicles in Parks

38. Unless authorized by permit, no person shall have in or operate a vehicle in a park or public place.

Permits and Licences

39. (a) Permits issued for activities contemplated in this by-law may be subject to such fees as Council shall from time to time establish.

(b) 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, letter of credit and insurance coverage.

(c) The issuance of a permit pursuant to this by-law shall not relieve any person from the necessity of acquiring any other license or permit required for such activity by any governmental or public authority.

(d) No permit contemplated by this by-law shall be issued if same would result in the contravention of other applicable law.

(e) A permit shall be obtained to install a gate on a fence line abutting Town own owned property.

Posting of Signage

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

Closure of Parks

41. (a) The Director is authorized to close off for such period or periods as the Director deems appropriate any park or parts thereof to relieve or prevent overcrowding or traffic congestion, or in the interests of public safety, or as may otherwise be authorized by Council.

(b) Unless authorized by permit, all parks shall close at 11:00 p.m. and remain closed until 6:00 am.

(c) Notwithstanding subsection (2), a person may enter and directly exit a closed park to facilitate movement / travel.

Exclusions and Exemptions

42. (1) This by-law shall not apply to:

(a) the drivers, operations or other personnel of ambulances, police or fire department vehicles, or the riders or attendants of police department horses, while engaged in the performance of their duties;

(b) employees or agents of the municipality while engaged in works or services undertaken for or on behalf of the municipality; 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.

(2) This by-law shall be subject to provisions of contracts and agreements now or hereafter entered into by the municipality covering works or services to be performed in any park.

(3) This by-law shall not apply to any Board of Education whose property abuts a park or public place, unless the Director or his or her designate requires to restrict their use for reasons of maintenance, repair or congestion.

Enforcement

43. (1) Any police officer, Provincial Offences Officer or employee of the municipality is authorized to inform any person of the provisions of this by-law and to request compliance therewith.

(2) In addition to any other authority they may have, any police officer, Provincial Offences Officer or employee of the municipality whose duties include the enforcement of this By-law, is authorized to order any persons believed by such officer or employee to be contravening 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 in the control 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, Provincial Offences 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 the order referred to in subsection (2) hereof, the permission and license of such person to remain in the park is revoked.

Penalties

44. (a) Any person contravening any of the provisions of this by-law, other than clause 31 (a) resulting from the operation of a motor vehicle, is guilty of an offence and on conviction is liable to a fine in such amount provided by the *Provincial Offences Act*, R.S.O. 1990 c.P.33, as may be amended from time to time.

(b) Any person contravening the provision contained in clause 31 (a) of this by-law, resulting from the operation of a motor vehicle, is guilty of an offence under the *Highway Traffic Act*, R.S.O. 1990 c.H.8, and, pursuant to the provisions thereof, on conviction is liable to a fine in such amount provided for by the *Highway Traffic Act*, R.S.O. 1990 c.H.8 as may be amended from time to time.

(c) The owner of a motor vehicle that is parked or left in contravention of section 28 of this by-law is guilty of an offence and on conviction is subject to the provisions of this section, unless at the time of the offence the motor vehicle was in the possession of another persons without the owner's consent.

Removal of Vehicles

45. A police officer or Provincial Offences Officer upon discovery of any vehicle parked or standing in contravention of section 28 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, c.R.25, as may be amended from time to time, or any successor acts thereto.

Severability

46. If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in full force and effect.

Short Title

47. The short title of this by-law shall be the "Aurora Parks and Property By-law".

Repeal

48. By-law No. 4283-01.P is hereby repealed.

READ A FIRST AND SECOND TIME THIS 13th DAY OF DECEMBER 2005.

READ A THIRD TIME AND FINALLY PASSED THIS 13th DAY OF DECEMBER 2005.

TIM JONES, MAYOR

BOB PANIZZA, TOWN CLERK