



**CONSOLIDATED VERSION to March 28, 2022 – AMENDED BY BY-LAWS: 2013-125, 2015-017, 2019-065, 2020-059, 2021-038, 2021-080, 2022-031**

## **THE CORPORATION OF THE TOWN OF OAKVILLE**

### **BY-LAW NUMBER 2013-013**

A by-law to prescribe rules and regulations for Parks  
within the Town of Oakville  
and to repeal By-law 1999-159, as amended.

#### **COUNCIL ENACTS AS FOLLOWS:**

1. In this by-law:
  - (a.i) “Administrative Penalties for Non-Parking Violations and Orders By-law” means By-law 2021-038, or successor by-laws; **(By-law 2021-038)**
  - (a) “Council” means The Council of the Corporation of the Town of Oakville;
  - (a.1) “Cannabis” has the same meaning as in Subsection 2 (1) of the *Cannabis Act* (Canada); **(By-law 2019-065)**
  - (b) “Director” means the Director, Parks and Open Space appointed by Council or that person’s designate;
  - (b.2) “electronic cigarette” or “E-Cigarette” means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, that contains a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled by the user of the device directly through the mouth, whether or not the vapour contains nicotine; **(By-law 2019-065)**
  - (c) “enforcement officer” means a commissioner, assistant, or any officer or civilian person engaged by the Halton Regional Police Services or the Municipality, to enforce or carry out the provisions of this By-law or any parts thereof;
  - (d) “Harbour” means each harbor operated by the Town including: Bronte Harbour, located just off breakwaters: Lat. 43°23.55 min. North, Long. 79°42.32 min. West and Oakville Harbour, located just off breakwaters: Lat. 43°26.31 min. North, Long. 79°39.92 min. West, and all Town

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harbours that may be subject to a licensing or other agreement governing the use of the premises;

(d.1) Deleted by By-law 2021-038

(e) “motor vehicle” includes an automobile, motorcycle, motor assisted bicycle, power assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a motorized snow vehicle nor a power-assisted wheelchair;

(f) “motorized snow vehicle” means a self-propelled vehicle designed to be driven exclusively on snow or ice or both;

(g) “Park” includes all public parks, gardens, gores, trails, valleys, squares, athletic fields, harbor lands and recreation grounds within the Town of Oakville under the management and control of the Parks and Open Space Department of the Town, and “Parkland” shall mean land within a Park;

(h) “park” or “parking”, when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

(h.1) “penalty notice” means a notice issued pursuant to the provisions of the Administrative Penalties for Non-Parking Violations and Orders By-law; **(By-law 2021-038)**

(i) “Permit” means the written authorization or permission of the Director and includes any conditions or terms imposed by the Director;

(i.1) “person” includes an individual, a corporation, a partnership, and an association, and includes a licensee or an authorized representative thereof; **(By-law 2021-038)**

(j) “roadway” means an area that is physically laid out or improved for use by vehicular traffic except where posted as a service road for Town vehicles only;

Deleted by By-law 2021-038

(j.1) “Smoke” and “Smoking” include the carrying, holding, inhaling or exhaling of lighted cannabis (medical or recreational), a lighted cigar, cigarette, water pipe, pipe, electronic cigarette or any other lighted smoking equipment; **(By-law 2019-065)**

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- (k) “stand” or “standing”, when prohibited, means the halting of a vehicle even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, traffic control device or traffic signal;
  - (l) “Town” means The Corporation of the Town of Oakville and “Municipality” shall have the same meaning;
  - (l.1) “use” with respect to electronic cigarettes, includes any of the following:
    - 1. inhaling vapour from an electronic cigarette;
    - 2. exhaling vapour from an electronic cigarette; and
    - 3. holding an activated electronic cigarette; (**By-law 2019-065**)
  - (m) “vehicle” includes a motor vehicle, trailer, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but excludes a baby carriage or cart, a child’s wagon, child’s sleigh or other conveyance of like nature, roller blades or skateboards;
2. The Parks of the Town are for the benefit and pleasure of all persons who shall be subject to the rules and regulations passed therefor.
- 2.1 This By-law is a Designated By-law under the Administrative Penalties for Non-Parking Violations and Orders By-law. (**By-law 2021-038**)

### **Games**

- 3.
- (a) No person shall engage in playing any game such as baseball, basketball, cricket, croquet, football, golf, rugby, soccer, tennis, nor any other game that involves the projection of any object through the air, such as archery, except in areas designated by the Director and in which facilities have been installed by the Town specifically for such purposes.
  - (b) The Director may impose limits on the age, size or number of persons permitted to engage in any of the games specified in paragraph 3(a) at any given location, having regard to the capacity of the Park facilities and the safety of the public. Any such restrictions shall be posted in the area of the Park facilities by sign. No person shall play a game in a Park contrary to any restrictions posted under this paragraph without the written authorization of the Director. This paragraph shall not apply to prevent activities necessary or incidental to coaching participants in a team game or practice conducted pursuant to a Permit.
  - (c) A Permit shall be required for team games and practices. Team games and practices shall only be played in areas specifically designated by the

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Director and in which facilities have been installed by the Town specifically for such purpose. No person shall conduct any team game or practice without a Permit or other than in accordance with the terms of the Permit and the provisions of this paragraph.

- (d) While a team game or practice is in progress pursuant to a Permit issued by the Director, no other person shall use the designated area otherwise interfere with the conduct of such game or practice.
- (e) Where a Permit allows for a team game or practice to use lights in a Park, no person responsible for the team game or practice shall leave the Park without turning off the lights at the end of the game or practice.

### **Fitness Classes**

4.

- (a) A Permit shall be required for all fitness classes run in a Park. All activities of the fitness class shall be only conducted in areas specifically designated by the Director. No person shall conduct a fitness class without a Permit or other than in accordance with the terms of the Permit and the provisions of this clause.
- (b) While a fitness class is in progress pursuant to a Permit issued by the Director, no other person shall use the designated area or otherwise interfere with the conduct of the fitness class.

### **Picnics and Camping**

5.

- (a) Every person holding a picnic within a Park shall hold the picnic within areas designated by the Director for such purposes.
- (b) Where more than 25 persons are holding a picnic, the person or persons conducting the picnic shall obtain a Permit from the Director indicating the location designated for the picnic, and shall keep the Permit available for inspection during the picnic. No other person shall use a designated picnic area or otherwise interfere with a picnic conducted pursuant to a Permit.
- (c) No person shall camp or lodge in any Park, erect any tent or other structure, or use Parkland for such tent or structure except with the written permission of the Director.

### **Fires**

6.

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- (a) No person shall light, make or use a fire or barbeque in any Park, except in fire pits or barbeques or other places specifically provided by the Town for such purposes or as approved by the Director.
  - (b) No person shall use a propane or gas barbeque in any Park.
  - (c) No person present when a fire is lit or while a fire is being maintained shall
    - i. allow the fire to get out of control, or
    - ii. leave the fire unless the fire is either carefully supervised by another person or extinguished.

### **Animals**

7.

- (a) No person, being the owner of or responsible for any dog or cat, shall permit such dog or cat to be in any Park unless led on a leash or chain of a length not exceeding two metres (6 feet 6 inches).
- (b) Despite paragraph 7(a), an owner of a dog is not required to keep a dog leashed within an enclosed, fenced area that is posted with signs designating the area as a "leash free zone" by the Town of Oakville. This exemption does not apply to dogs which are the subject of specific leash requirements pursuant to another by-law, legislation or order.
- (c) No person may bring more than two (2) dogs into a leash free zone at the same time.
- (d) No person shall lead, carry or otherwise take any animal, with the exception of a dog or cat, in, upon, or into any Park, unless permitted by the Director.
- (e) No person owning or having under his or her supervision any dog shall allow said dog to deposit any excrement in a Park, unless such excrement is immediately removed and disposed of.

### **Protection of Property**

- 8. No person shall, in any Park engage in the following activities, permit or direct someone to engage in the following activities or otherwise use Parkland for the following purposes:
  - (a) remove, injure, climb or destroy any tree, flower, shrub, or other plant;

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- (b) destroy, cut, mark, break, burn or in any way damage, injure, remove or deface any monument, fountain, bridge, wall, seat, bench, structure or article of Park equipment or any appurtenance thereto;
  - (c) hunt, pursue, disturb, molest, move, attempt to maim or kill, any bird or animal, or remove or injure any bird's nest or eggs;
  - (d) scatter, drop or leave in any portion of a Park, except in receptacles provided for that purpose, any refuse, ashes, paper, bottles, cans or rubbish of any kind;
  - (e) throw into a pool, fountain, pond, lake or stream anything that is likely to injure any person or pollute the water;
  - (f) cause or permit any encroachment onto Parkland including but not limited to compost piles or compost containers, woodpiles, fences, sheds, or any other buildings;
  - (g) cause or permit an obstruction that could block or dissuade access for the public to any Park through any means;
  - (h) dump, deposit, pile or scatter grass clipping, soil, stone, snow, brush, motor oil, propane tanks, batteries, paints, or any collectible or non-collectible waste;
  - (i) feed any wildlife, including coyotes and waterfowl such as geese or ducks;
  - (j) mow grass, cut or remove any wood, plant, turf, grass, soil, rock, mineral, sand or gravel;
  - (k) let off or discharge any water so that it runs waste or useless from or out of any reservoir, pond, lake or other receptacle for water onto Parkland; or
  - (l) discharge water from a private swimming pool, hot tub or other receptacle onto Parkland.
9. No person shall, in any Park, except with the written permission of the Director engage in the following activities, permit or direct any one to engage in the following activities or otherwise use Parkland for the following purposes;
- (a) plant trees, bushes, shrubs or other plants;
  - (b) erect or otherwise use Parkland for any structure;
  - (c) deposit or keep any chattel including but not limited to lawn furniture, fountains, railroad ties, landscape features and benches on Parkland;

(d) alter any Park fence; or

(e) install a gate onto Parkland. Gates are not permitted onto Parkland classified as “natural Parkland” In all other locations, gates may be permitted with the permission of the Director.

10. A person who has contravened a provision of clause 8(d), 8(e), 8(f), 8(g) or Section 9 and failed to correct the contravention by removing the prohibited item shall be deemed to be using Parkland for the purposes of Sections 8 and 9.

### **Conduct**

11. No person shall, in any Park:

(a) indulge in riotous, boisterous, threatening or indecent conduct, or use abusive, threatening or profane language, or accost or annoy any person or in any other manner interfere with the peaceable enjoyment of the Park by others.

(b) create a nuisance by loitering, spying, frightening, annoying or generally making himself or herself objectionable to other persons;

(c) Smoke tobacco, cannabis or use an electronic cigarette in any area where signs are posted prohibiting smoking; **(By-law 2019-065)**

(d) notwithstanding whether any signs are posted prohibiting smoking, smoke tobacco, cannabis or use and electronic cigarette in any area within twenty (20) metres of a playground, splash pad, basketball court, tennis court, sports field or any sporting area, spectator area adjacent to sporting area, area primarily used for the purposes of children’s recreation, or other place where children tend to congregate; **(By-law 2019-065)**

(e) have in his or her possession any air horn or similar device;

(f) be present in any Park between 10:00 p.m. and 6:00 a.m. in the forenoon, except as a participant or spectator of any function approved by the Director. Upon the completion of such function every person shall promptly leave the Park; **(By-law 2021-080)**

(g) enter any place where a sign prohibiting admittance or trespassing is displayed or where entry is otherwise prohibited or restricted;

(h) distribute any hand bills or circulars or post any bills, notices or advertising devices of any kind, without the written permission of the Director;

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- (i) expose for sale, offer or sell merchandise of any kind, for immediate or future delivery, or sell or offer any art, skill or service to be exercised or performed immediately or in the future, or solicit or conduct any trade, occupation or business of any kind, without the written permission of the Director;
  - (j) bring into, or be found in any Park with any firearm, fireworks, air rifle, slingshot, rocket, bow and arrow, catapult, axe, or other instrument of destruction, except with the written permission of the Director;
  - (k) bring alcohol or illegal drugs in any Park. Alcohol is only permitted for special occasions with the approval of Council and in compliance with any applicable legislation governing the control of alcohol; or
  - (l) rollerblade or skateboard within an area designated by the Director and marked by signage prohibiting these activities.

### **Vehicles**

12.

- (a) No person shall, in any Park:
  - i. ride or drive any vehicle except upon the roadways provided, however, nothing herein contained shall prevent the riding of bicycles on pathways, walkways or trails unless they are designated as non-bicycle pathways, walkways or trails by signs erected or posted by the Town;
  - ii. park or stand any motor vehicle other than upon the roadways or designated parking lots;
  - iii. park or stand any passenger bus or school bus, including upon a roadway or in a designated parking lot, unless in relation to a special event permit, without the written permission of the Director;
  - iv. park or stand any motor vehicle upon a roadway where prohibited by signs erected or posted by the Town;
  - v. park or stand any vehicle in such a manner as to obstruct traffic or impede pedestrian travel;
  - vi. drive a vehicle in excess of 16 km per hour (10 miles per hour), unless otherwise posted;
  - vii. park any vehicle at any time between 10 p.m. and 6 a.m. except with the written authorization of the Director; **(By-law 2021-080)**



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- viii. wash, paint, repair, service or lubricate any vehicle;
  - ix. instruct or give driving lessons to any person;
  - x. drive a motorized snow vehicle; or
  - xi. drive a motorized vehicle in a parking lot for any purpose other than the parking of the motor vehicle or exiting the parking lot.
  - xii. park any vehicle without displaying a valid license plate **(By-law 2021-080)**
  - xiii. park any vehicle in a wrecked, dismantled, or inoperative condition **(By-law 2021-080)**
  - xiv. park a commercial vehicle except with the written authorization of the Director; **(By-law 2021-080)**
  - xv. park without launch ramp pass in areas signed for launch ramp parking; **(By-law 2021-080)**
  - xvi. park without season pass in areas signed for season pass parking; **(By-law 2021-080)**
- (b) A police officer, police cadet or municipal law enforcement officer appointed to enforce this by-law, upon discovery of any vehicle parked 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 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 4 of the *Repair and Storage Lien Act*. The payment of the cost of removing, care and storage does not excuse the driver or owner from paying any penalty provided for in this by-law or facing prosecution under the Provincial Offences Act in default of so doing.
- (c) Notwithstanding subsection 12(a), the Director may provide written authorization for the operation of any vehicle in a Park subject to such terms and conditions as deemed appropriate by the Director. **(By-law 2013-125)**

### **Bicycles**

- 13.
- (a) No person shall ride a cycle in a Park unless:
    - i. the bicycle is equipped with at least one brake system acting on the rear wheel that will enable the rider to make the braked wheel skid on level and clean pavement;

- ii. the bicycle is equipped with an alarm bell, gong or horn, which shall be kept in good working order and sounded whenever it is necessary to notify pedestrians or others of its approach;
  - iii. the bicycle is equipped with a light in good working order;
  - iv. the person is wearing a helmet that complies with the regulations for bicycle helmets applicable under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and the chin strap of the helmet is securely fastened under the chin.
- (b) Notwithstanding (a), BMX bicycles when ridden in a portion of a Park designated for BMX bicycles, do not need to have the equipment contemplated by paragraph 13(a)(ii) and paragraph 13(a)(iii).
- (c) In a Park, no person riding a bicycle designed for carrying one person only shall carry another person thereon.
- (d) No person shall leave a bicycle in a place likely to cause danger or inconvenience to other persons.
- (e) No person shall ride a bicycle on any pier or wharf within or adjoining the limits of the Town.
- (f) Every rider of a bicycle, when approaching a pedestrian on a pathway, walkway or trail, shall give adequate warning of their approach and shall take every necessary precaution to avoid a collision and shall give the pedestrian(s) the right-of-way.

### **Swimming, Fishing and Sailboats**

14.

- (a) No person shall:
- i. swim, bathe, wash, or fish in or from any Park except in or from those areas so designated for such purpose and during such seasons as may be designated by the Director and otherwise permitted by law;
  - ii. dive from any pier;
  - iii. fish, step or unstep a mast of a sailboat from any public road allowance that may pass through, above, or be adjacent to Parkland; or
  - iv. launch or haul any power boat, sailboat or other vessel in or from any park without first obtaining a launch ramp pass.

- (b) Without limiting the effect of paragraph 14(a)(i), no person shall swim or bathe in any Harbour.
- (c) In order to obtain a launch ramp pass required for paragraph 14(a)(iv), a person shall purchase either:
  - i. a daily ticket from the on-site machine at a fee in accordance with the then current fee schedule; or
  - ii. a season pass in such form as the Director may designate and shall pay such fee as may be payable in accordance with the then current fee schedule.

### **Winter Sports**

15. No person shall snow board, skate, ski, sleigh, toboggan or engage in other winter sports in any Park except in those areas designated by signage for that purpose.

### **Park Facilities**

16. Picnic tables, playground equipment and other Park facilities are provided for the use of the general public. No person shall unduly restrict the use of any Park facilities by any other person except with the written permission of the Director.

#### **16.1 Orders: (By-law 2021-038)**

- (a) Where an Officer has reasonable grounds to believe that a contravention of this By-law has occurred, the Officer may issue an order to the person contravening this By-law in accordance with the provisions of the Administrative Penalties for Non- Parking Violations and Orders By-law.
- (b) Any person who contravenes an order under this By-law is guilty of an offence.

### **General**

17. Nothing in this by-law shall prevent Town employees from maintaining the Parks or engaging in activities authorized by Council.
18. Any person using any Park does so entirely at his or her own risk, and the Council and the Town shall not be liable in any way or any action, cause of action, claim or demand, for, upon or by reason of any damage, loss or injury that any time may be sustained by any person using a Park either with or without permission in consequence of any accident or injury.

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19. The Director shall entertain applications and where the Director deems it expedient in the best interests of the inhabitants of the Town may issue a facility Permit of such form as may be in use at the time and in accordance with the current fee schedule granting the exclusive use of a Park or portion thereof to a person upon such terms and conditions the Council deems expedient.
- 19.1 An Officer who finds or has reasonable cause to believe that a person has contravened any provision of this By-law, including any Schedules, may issue a penalty notice to the person. **(By-law 2021-038)**
- 19.2 Each person who has been issued a penalty notice shall, upon issuance of the penalty notice, be liable to pay an administrative penalty to the Town in the amount of \$300 or as revised in the Town's rates and fees schedule. **(By-law 2021-038)**
- 19.3 If an Officer has issued a penalty notice under subsection 19.1 of this By-law and has reasonable cause to believe that the same person has contravened the same provisions of this By-law, including any Schedules, for a second time within twenty-four (24) months of the date the first penalty notice is deemed to be served, the Officer may issue a second penalty notice to the person. **(By-law 2021-038)**
- 19.4 Upon issuance of the second penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$400 or as revised in the Town's rates and fees schedule. **(By-law 2021-038)**
- 19.5 If an Officer has issued a penalty notice under subsection 19.3 of this By-law and has reasonable cause to believe that the same person has contravened the same provision of this By-law, including any Schedules, for a third or subsequent time within twenty-four (24) months of the date the second penalty notice is deemed to be served, the Officer may issue a third or subsequent penalty notice to the person. **(By-law 2021-038)**
- 19.6 Upon issuance of a third or subsequent penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount of \$500 or as revised in the Town's rates and fees schedule. **(By-law 2021-038)**
- 19.6.1 A person who has been issued a penalty notice under this By-law may request a review of the penalty notice in accordance with the Administrative Penalties for Non-Parking Violations and Orders By-law. **(By-law 2022-031)**
- 19.7 Service of any penalty notice, order, or any other notice may be given as specified in the Administrative Penalties for Non-Parking Violations and Orders By-law. **(By-law 2021-038)**
- 19.8-19.23 deleted by By-law 2021-038

20. Every person who contravenes any of the provisions of this by-law is guilty of an offence. Every person convicted of an offence is liable to a fine of not more than \$5,000 exclusive of costs as provided in the *Provincial Offences Act*, R.S.O. 1990, c. P.33.
21. By-law 1999-159 of The Corporation of the Town of Oakville, and all amending by-laws thereto, including without limitation By-laws 2005-197, 2009-138, 2010-066 and 2012-014, are hereby repealed.
22. This by-law may be cited as the "Parks By-law".

PASSED this 25<sup>th</sup> day of March, 2013

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Rob Burton

MAYOR

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Vicki Tytaneck

A/CLERK