

The Corporation of the City of Richmond Hill

By-Law 19-22

A By-Law to provide for the Use, Regulation, Protection, and Governance of Public Parks within the City of Richmond Hill.

Whereas Subsection 11(3) 5. of the Municipal Act, 2001, S.O. 2001, c.25, as amended (“Municipal Act”) provides that a municipality may pass by-laws respecting culture, parks, recreation and heritage;

And whereas Subsection 11(2) 6. of the Municipal Act provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

And whereas the Corporation of the City of Richmond Hill’s parks provide opportunities for recreation, active living, access to natural environments and community building;

And whereas the intent of this Bylaw is to:

- (a) encourage harmonious shared use of parks through the establishment of standards that support inclusive year-round enjoyment by visitors;
- (b) ensure park visitors are respectful to each other, residents of adjacent properties, the environment and future visitors;
- (c) facilitate the ongoing operation of safe parks, that are spaces which promote the health and well-being of residents.

Now therefore the Council of the Corporation of the City of Richmond Hill enacts as follows:

1. That this By-law No. 19-22 be effective upon enactment.

Passed this 27 day of April, 2022.

David West
Mayor

Stephen M.A. Huycke
City Clerk

ARTICLE 1 – Interpretation

1.1 Short Title

This By-law may be referred to as the "Park Use By-law".

1.2 Definitions

In this By-law, the following words shall have the following meanings:

"Administrative Penalty" means an administrative penalty established by By-law No. 69-16;

"Administrative Penalty By-law" means the Corporation's By-law No. 69-16, as amended or superseded, establishing a system of administrative penalties

"Bicycle" means any vehicle that has one, two or three wheels (unicycle, bicycle or tricycle), has steering handlebars and pedals, but has no motor, and does not include a Motor Assisted Bicycle or Power Assisted Bicycle

"Commissioner" means the person from time to time occupying the office of the Commissioner of Community Services for the Corporation, or a successor office as the case may be

"Cooking Vessel" means any propane powered device used for cooking or heating of food including barbecues, stoves, fryers or burners

"Corporation" means the Corporation of the City of Richmond Hill

"Council" means the Council of the Corporation

"Designated Area" means an area of a Park designated by the Commissioner for a specific purpose, use or restriction, and may be identified by signage

"Domestic Animal" means an animal kept by or living with human beings

"Drone" means navigable aircraft, other than a balloon, rocket or kite, that is operated by a pilot who is not on board, (defined as a "remotely piloted aircraft" in the Canadian Aviation Regulations in effect upon the passage of this By-law)

"Encroachment" means anything placed or secured within a Park (either fixed to the ground or another structure) without permission and includes, but is not limited to, the following:

- i. any type of vegetation, plant or soil;
- ii. any type of man-made object or structure including a garden, compost bin, deck, fence, shed, walkway or driveway;
- iii. any type of personal property or property controlled by the property owner including sports equipment, patio furniture or storage of material

"E-Scooter" means an electric kick-style scooter that has:

- i. two wheels along the same longitudinal axis, one placed at the front of the kick-scooter and one at the rear joined by a platform for standing;
- ii. a steering handlebar that acts directly on the steerable wheel;
- iii. an electric motor not exceeding 500 watts that provides a maximum speed of 24 kilometres per hour; and,
- iv. no seats or pedals

"Gathering" means a grouping of 25 or more persons in general proximity to each other who have assembled for a common purpose or reason

“Motor Vehicle” includes

- i. a car, truck, boat, Motor Assisted Bicycle, Power-Assisted Bicycle, E-Scooter, all-terrain vehicle, motorcycle, snowmobile or other vehicle which is or may be propelled by a motor; and
- ii. a trailer, camper, non-power boat or other device which may be towed behind another vehicle;
- iii. but does not include a Bicycle, Pedal-Assisted Bicycle or wheeled conveyance including a baby carriage or cart, child’s wagon or sleigh, roller blades, skateboards an assistive device such as wheelchair.

“Municipal Act” means the Municipal Act, 2001, S.O. 2001, c. 25, as amended

“Municipal By-law Enforcement Officer” means an individual appointed for the purpose of enforcing the provisions of this By-law

“Municipal Code” means a consolidation of the provisions of various original by-laws of the Corporation enacted by By-law No. 1-94

“Motor Assisted Bicycle” means a Motor Assisted Bicycle as defined by the Highway Traffic Act R.S.O. 1990, c.H.8, as amended

“Off Leash Dog Area” means an area of enclosed or defined land designated by Council and for which signs are posted indicating that dogs are permitted to run at large

“Order” means an order issued by the Corporation requiring a Person to discontinue a contravening activity or to remedy a contravention of this By-law in accordance with sections 444 and 445 of the Municipal Act

“Park” means a property owned or controlled by the Corporation, or made available by lease, agreement or otherwise to the Corporation, including all buildings, structures, facilities, storm water management facilities, erections and improvements located thereon, that may be made available by the Corporation for public use for the purposes of rest, recreation, exercise, pleasure, amusement, cultural heritage, education environmental protection and/or appreciation of nature

“Parking Area” means a part of a Park that is designed or designated for the parking of Motor Vehicles

“Pedal-Assisted Bicycle” means a Bicycle equipped with an electric motor, which only engages when the pedals are turning to assist the operator with peddling, and not by operation of a throttle

“Penalty Notice” means a notice given to a Person pursuant to Part 4 of the City’s Administrative Penalty Bylaw as amended

“Permit” means the written authorization or permission of the Commissioner for an activity not otherwise allowed under this By-law

“Person” means an individual or a business, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof

“Power-Assisted Bicycle” means a Power-Assisted Bicycle as defined in the Highway Traffic Act, R.S.O., c. H.8, as amended

“Tot Tent” means a small, collapsible and portable tent, no larger than 0.6 m², designed to shade children under the age of 12 from the sun, but not designed as a living space for camping

2.1 Commissioner Powers and Duties

1. The Commissioner shall be responsible for the administration of this By-law.
2. In carrying out their administration responsibility, the Commissioner may exercise and shall perform the following powers and duties:
 - a) designate an employee(s) of the Corporation to perform duties under this By-law;
 - b) close a Park or portion of a Park for a period of time for the purposes of safety, protection, maintenance, or otherwise deemed necessary by the Commissioner;
 - c) erect signs within a Park;
 - d) establish Designated Areas;
 - e) impose conditions in addition to the regulations set out in this By-law to ensure the safe use of a Park, including any Designated Area, Off Leash Area and Parking Area, or any area or facility within;
 - f) issue Permits to grant exclusive use of a specific area or facility within a Park or part of a Park;
 - g) issue Permits to allow uses of a Park that are otherwise prohibited by this By-law;
 - h) impose conditions as a requirement of obtaining, continuing to hold or renewing a Permit, in addition to the requirements under this By-law, and such conditions may vary depending on the type of Permit; and
 - i) revoke a Permit as a result of a breach of a condition of the Permit or a provision of this By-law.

ARTICLE 3 – Prohibitions

3.1 General Conduct

While in a Park, no Person shall:

- a) disobey any posted rules and regulations relating to the use and operation of a Park;
- b) fail to comply with a direction given by a Municipal By-law Enforcement Officer;
- c) engage 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;
- d) engage in any activity that may cause injury or damage to any Person, animal, property, plant or environment;
- e) interfere with an event or activity in a Park, for which a Permit has been issued;
- f) emit or cause or permit the emission of amplified sound in contravention of the provisions of the Noise By-law, being Chapter 1055 of the Municipal Code;
- g) carry, fire or discharge any firearm, air gun, bow and arrow, catapult or similar mechanism without Council approval having been granted in accordance with the Firearm Discharge By-law, being Chapter 1039 of the Municipal Code;

- h) set off fire crackers, rockets, torpedoes or any type of fireworks without a permit issued under the Fireworks By-law, being Chapter 1041 of the Municipal Code;
- i) operate any remote-controlled or other powered devices, including but not limited to, model versions of aircraft, rockets, watercraft, Drones and vehicles, other than in a Designated Area without a Permit;
- j) erect, place or install any tent, or other similar temporary or permanent structure, other than a Tot Tent, without a Permit;
- k) possess, consume, serve or sell any alcohol or alcoholic beverages unless authorized by a Permit;
- l) smoke or consume cannabis in accordance with the Cannabis By-law;
- m) urinate or defecate except in a designated washroom.

3.2 Park Entry

- a) All Parks close at 11:30 p.m. and remain closed until 7:00 a.m. the following day, unless otherwise posted or specified in this By-law. No Person shall:
 - i. enter or remain in a Park after it has been closed, without a Permit; or
 - ii. enter or remain in an area of a Park where entrance is prohibited or restricted by signage without a Permit; or
- b) No person shall enter or access through a Park at any time for the purpose of conducting any work on private property without authorization to do so, which may be granted by the Corporation's Manager of Real Estate pursuant to the Corporation's policy regarding sale and other disposition of land in effect from time to time, subject to the conditions in that policy.

3.3 Picnics, Gatherings and Camping

While in a Park, no Person shall:

- a) hold or engage in a Gathering without a Permit;
- b) camp or lodge in any Park without a Permit; or
- c) enjoy or portray to enjoy exclusive use of a Park amenity or facility without a Permit, including sports clubs, leagues or teams.

3.4 Domestic Animals

While in a Park, no Person shall:

- a) lead, carry or otherwise take any animal, with the exception of a dog or cat, into a Park without a Permit;
- b) allow a cat to be in any Park unless on a leash of a length not exceeding two metres (6 feet 6 inches);
- c) allow a dog to be in any Park unless on a leash of a length not exceeding two metres (6 feet 6 inches);

- d) fail to immediately remove any dog or cat excrement and provide for the sanitary disposition of such excrement;
- e) allow any animal to be within three metres (9.8 feet) of a pond, lake or other body of water; and
- f) allow a dog or cat to enter any area posted to prohibit dogs and cats.

3.4.1 Off Leash Dog Area

1. Notwithstanding paragraph c) of Section 3.4 , an owner of a dog is not required to keep a dog leashed within an enclosed, fenced area, designated as an Off Leash Dog Area, with the exception of the following dogs, which shall not be permitted in an Off Leash Dog Area:
 - a) dogs which are required to be muzzled pursuant to any City By-law and/or provincial legislation, including the *Dog Owner's Liability Act*;
 - b) female dogs in heat;
 - c) un-neutered male;
 - d) large dogs weighing more than 5.4 kg (12 lbs.) if the Off Leash Dog Area is specifically designated for small dogs weighing 5.4 kg (12 lbs) or less;
 - e) puppies which are under 4 months of age;
 - f) dogs without up-to-date rabies vaccination in accordance with R.R.O. 1990, Regulation 567, Rabies Immunization, as amended, or its successor regulations; or
 - g) dogs without a valid municipal dog licence.
2. While in an Off Leash Dog Area, no Person shall:
 - a) accompany more than three dogs at one time;
 - b) permit a dog to be unattended or unsupervised;
 - c) enter or be on any area in an Off Leash Dog Area while in the possession of any food, bottles, containers or any other articles, equipment, or utensils made of glass, china, ceramic or other breakable substance capable of causing injury to a dog;
 - d) enter with a dog unless the Person is, or is accompanied by another Person that is, at least sixteen years of age.

3.5 Fires, Barbeques and Cooking

While in a Park, no Person shall:

- a) light, build or stoke an open fire without a permit pursuant to the Open Air Burning By-law, being Chapter 868 of the Municipal Code;
- b) use a Cooking Vessel within 10 metres of a private residence or recreation facility (including playgrounds, sports fields or courts), or in an area where use is prohibited without a Permit;

- c) use a Cooking Vessel fueled by other than a 1 pound fuel cylinder;
- d) leave a Cooking Vessel or fire unattended without extinguishing the fire;

3.6 Protection of the Environment, Property and Wildlife

While in a Park, no person shall do any of the following:

- a) remove, harvest, injure, climb, destroy or burn any tree, flower, shrub, or other plant without a Permit;
- b) in any way damage, remove or deface any structure, facility, equipment, building or article;
- c) in any way damage, remove, or deface with any lifesaving or emergency equipment, signs or notices;
- d) hunt, disturb attempt to maim or kill, any animal (unless fishing in an area where fishing is permitted and doing so in accordance with provincial fishing regulations);
- e) disturb any nests, dens or other sort of animal shelter;
- f) feed or provide food or attractants for any wildlife.

3.7 Motor Vehicles

While in a Park, no Person shall operate, any Motor Vehicle without a Permit.

3.8 Parking

No Person shall park any vehicle in a Parking Area except while using the Park during Park hours or in accordance with a Permit;

3.9 Bicycles, Pedal-Assisted Bicycles, Skateboards, and Roller Blades

While in a Park, no Person shall:

- a) operate a Bicycle or Pedal-Assisted Bicycle on a facility signed to prohibit Bicycle use;
- b) operate a Bicycle or Pedal-Assisted Bicycle at a speed greater than 25 km/h;
- c) fail to give right of way to any pedestrian when operating a Bicycle, Pedal-Assisted Bicycle, skateboard, scooter or roller blades; or
- d) fail to dismount a Bicycle and walk the Bicycle in accordance with posted signs.

3.10 Encroachments and Gates

No person shall;

- a) place or permit to be placed any Encroachment in a Park;
- b) pump water from any source of water located in a Park without first obtaining a Permit;
- c) install a gate in any property line fence defining the limits of a Park.

3.11 Dump, Deposit, Fill, Drain

No Person shall:

- a) throw, dispose of, or abandon any garbage, except in receptacles provided for that purpose;
- b) throw, bury, dispose or place any waste, yard or household waste, fill, ashes or any other material in any part of a Park;
- c) abandon, dispose or bury any animal (dead or alive) in any part of the Park;
- d) discharge water or waste water from sewage, any roof drainage system, hot tub, swimming pool, or pond into or onto a Park.

3.12 Sports

1. Where another Person is waiting, no Person shall use a sports field, court, or other sport amenity exclusively for a period of greater than 1 hour, unless otherwise posted, without obtaining a Permit.
2. While in a Park, no Person shall play golf, or strike a golf ball with a club.

3.13 Other Prohibited Activity

While in a Park, no Person shall undertake any of the following activities without a Permit:

- a) solicit, conduct, or practice any trade, occupation, business, or profession;
- b) hold sporting events, provide training or lessons, or manage a sports league;
- c) provide, sell or offer for sale, or display for sale any merchandise or service;
- d) take photographs in association with a wedding or other event;
- e) film; or,
- f) distribute or display any notice, sign, advertisement or any other promotional item or samples.

ARTICLE 4 – Exemption

4.1 Municipal Work

Nothing in this By-law shall prevent employees of the Corporation from maintaining the Parks or performing job duties or engaging in any activity on behalf of the Corporation, including the use of any Motor Vehicles.

4.2 Emergency Services

Nothing in this By-law shall prevent employees, agents, or Motor Vehicles of ambulance, fire services, police services acting in the scope of their duties to provide emergency services or enforcement activities within a Park.

ARTICLE 5 – Inspection

5.1 Powers of Entry

A Municipal By-law Enforcement Officer may enter onto any property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- a) the provisions of this By-law;
- b) an Order issued under this By-law; or
- c) an order under Section 431 of the Municipal Act.

5.2 Inspection

For the purposes of an inspection carried out pursuant to Section 5.1, a Municipal By-law Enforcement Officer may:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification; and
- d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

5.3 Hindering or Obstructing

No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Municipal By-law Enforcement Officer in the performance of their duties or the exercise of their rights, functions, power or authority under this By-law.

ARTICLE 6 – Orders

6.1 Order

A Municipal By-law Enforcement Officer who becomes aware of a contravention of this By-law may make one or more Orders requiring:

- a) the discontinuance of the activity; or
- b) to do work to correct the contravention.

6.2 Contents of Order

The Order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date by which there must be compliance with the Order.

6.3 Service of Order

An Order may be served by:

- a) delivering it personally to the Person to whom it is directed or if that Person cannot conveniently be found, by leaving it for the Person at the Person's last known or usual place of abode with an inmate thereof who appears to be at least sixteen years of age;
- b) pre-paid registered mail sent to the last known address of the Person, or as shown on the most recent records of the Corporation; or
- c) prominently posting a copy of the Order on the property in respect of which the Order is made.

6.4 Required to Comply

A Person in receipt of an Order shall comply with the requirements of the Order.

6.5 Remedial Action

If a Person fails to comply with an Order, a Municipal Law Enforcement Officer, or Persons acting upon his or her instructions, may enter the lands at any reasonable time for the purposes of doing the things described in the Order at the property Owner's expense.

6.6 Recovery of Corporation's Costs of the Work

The Corporation's actual costs incurred in conducting the work described in Section 6.5, including any administration fees, shall be deemed to be a debt to the Corporation and may be collected by action or added to the tax roll and collected in the same manner as municipal taxes.

ARTICLE 7 – Enforcement

7.1 Enforced by Officer

1. A Municipal By-law Enforcement Officer is authorized to enforce the provisions of this By-law and for the purpose of such enforcement may exercise any of the powers and perform any of the duties set out in this By-law.
2. An Officer may direct any person believed to be contravening or have contravened any provisions of this By-law:
 - a) to immediately desist from the activity constituting or contributing to such a contravention; or

- b) to immediately remove from the Park any animal or other items owned by or in the control or possession of such person which is involved in such contravention; or
- c) to leave the Park immediately.

7.2 Offence

1. Every Person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to pay a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O 1990, c. P. 33, as amended.
2. If a contravention of any provision of this By-law occurs, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.
3. For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
4. For the purposes of this By-law, “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
5. Where an Encroachment has been placed in contravention of this By-law, an owner of any private property adjacent to the area in which the Encroachment is located shall be presumed to have been the Person who caused or permitted the contravention, which presumption may be rebutted by evidence to the contrary on a balance of probabilities. Where and owner is a corporation, the directors and officers of the corporation shall be presumed to have knowingly concurred in the contravention of this By-law, which presumption may be rebutted by evidence to the contrary on a balance of probabilities

7.3 Identification

1. A Municipal By-law Enforcement Officer may require the name, address and proof of identity of any Person believed to have committed or is committing an offence under this By-law, and the Person shall supply the required information.
2. No person shall provide any false information in any statement made to a Municipal By-law Enforcement Officer investigating an offence under this By-law.

7.4 Non-Compliance with Order

If an Order has not been complied with, the contravention of the Order shall be deemed a continuing offence for each day or part of a day that the Order is not complied with.

7.5 Penalties

On conviction of an offence under this By-law, every Person is liable for a fine in accordance with the following rules made pursuant to section 429 of the Municipal Act:

- a) upon a first conviction, to a fine of not less than \$500.00 and not more than \$50000.00;
- b) upon a second or subsequent conviction for the same offence, to a fine of not less than \$1000.00 and not more than \$100,000.00;
- c) upon conviction for a continuing offence, to a fine of not less than \$500.00 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00;
- d) upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$500.00 and not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.

ARTICLE 8 – Administrative Penalties

8.1 Alternative to Charge

In lieu of laying a charge under the Provincial Offences Act for a breach of any provision of this By-law, a Municipal By-law Enforcement Officer may issue a Penalty Notice to the Person who has contravened this By-law in accordance with the service requirements of the Corporation's Administrative Penalty By-law. For greater certainty, the Municipal By-law Enforcement Officer has the discretion to either proceed by way of an Administrative Penalty or a charge laid under the Provincial Offences Act, if an Administrative Penalty is issued to a Person for the breach, no charge shall be laid against that same Person for the same breach.

8.2 Amount - Payment

A Person served with a Penalty Notice shall be liable to pay to the Corporation an Administrative Penalty in the amount specified in Schedule "A" of the Administrative Penalty By-law. An Administrative Penalty for a contravention of this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the Person to the Corporation and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

8.3 Procedures

A Person who is issued a Penalty Notice shall be subject to the procedures as provided for in the Administrative Penalty By-law.

ARTICLE 9 – General

9.1 Severability

In the event that any particular provision or part of a provision of this By-law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or provisions or part of the provision shall be deemed to be severed from the remainder of this By-law and all other provisions shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

9.2 Repeal of Previous By-law

By-law 16-83, and all amendments thereto, are hereby repealed.