

Bill No. 2018

By-law No. PR-2

A By-law relating to the use, protection and regulation of PUBLIC PARKS AND RECREATION AREAS IN THE CITY OF LONDON

WHEREAS s. 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipality may pass by-laws respecting matters within the sphere of jurisdiction of culture, parks, recreation and heritage;

NOW THEREFORE The Municipal Council of The Corporation of the City of London enacts as follows:

**SHORT TITLE  
PARKS AND RECREATION AREA BY-LAW (PR-2)**

**Part 1  
INTERPRETATION**

**1.1**

In this by-law:

**Authorized parking area - defined**

"Authorized parking area" means an area of a park or recreation area designated, set aside for or established, for the parking of motor vehicles, which may have posted regulations with respect to the use of the area.

**Bicycle - defined**

"Bicycle" includes a unicycle and a tricycle but does not include a motor assisted cycle of any type.

**Bulk feeding -defined**

"Bulk feeding", means the depositing of food greater than 250 ml for the purpose or intention of feeding of wildlife including but not limited to deer, geese, ducks, squirrels and groundhogs.

**Change Rooms – defined**

"Change room" means any permanent or temporary structure or portion of a structure designed to accommodate persons for the purpose of changing their clothing. A change room may or may not include washroom facilities.

**City - defined**

"City" means The Corporation of the City of London.

**Control - defined**

"Control" includes care and custody.

**Council - defined**

"Council" means the Council of The Corporation of the City of London.

**Designated - defined**

"Designated" means an area defined or constructed for a specific use which may include posted conditions.

**Environmentally Significant Area - defined**

" Environmentally Significant Area" means those areas delineated as ESAs on a Map Schedule of the Official Plan for the City of London Planning Area adopted by the Municipal Council and amended from time to time, and which are under the control or management or joint management of the City.

**Managing Director – defined**

Managing Director means the Managing Director, Parks & Recreation and the Managing Director, Neighbourhood, Children and Fire Services, their designate and any City employee acting under their direction.

**Hiking trail - defined**

"Hiking trail" means that part of a park that has been marked, posted or blazed for the purpose of hiking, cross country skiing or running by the public, is not pavement or concrete and on which the use of in-line skates, skateboards, bicycles, power-assisted bicycles, motor vehicles and motorized snow vehicles is prohibited. Hiking trails may or may not be accessible to motorized wheel chairs depending on topographic restrictions.

**Liquor – defined**

"Liquor" shall have the same meaning as defined in the *Liquor Licence Act*, R.S.O. 1990, c. L-19 as amended.

**Motor vehicle - defined**

"Motor vehicle" has the meaning attributed to it in the *Highway Traffic Act*.

**Multi-use pathway - defined**

"Multi-use pathway" means that part of a park that has been improved with a hard surface and intended for a variety of uses including pedestrians, in-line skating and vehicles, excluding motor vehicles, horses and horse drawn conveyances of any sort and motorized snow vehicles.

**Natural park area - defined**

"Natural park area" means an area which may be an entire park or part of a park, preserved in its natural or near natural state or an area created to remain thereafter in a natural state as open space and available for use by the public. For the purposes of this definition, natural shall mean established by nature or a selection process favouring survival of organisms best adapted to their environment.

**Park - defined**

"Park" means land and land covered by water and all portions thereof under the control or management or joint management of the City, that is or hereafter may be established, dedicated, set apart, or made available for use as public open space, including a natural park area and an environmentally significant area as defined in this by-law, including any buildings, structures, facilities, erections and improvements located in or on such land.

**Power-assisted bicycle – defined**

"Power-assisted bicycle" has the meaning attributed to it in the *Highway Traffic Act* and is commonly referred to as an electric bicycle or e-bike, and for greater certainty, has affixed to it pedals that are operable, and for greater certainty an e-bike and an e-scooter are defined as follows:

“e-bike” shall mean a “power-assisted bicycle” that has the appearance of a bicycle; and

“e-scooter” shall mean a “power-assisted bicycle” that has the appearance of a scooter”

**Refuse - defined**

"Refuse" includes but is not limited to paper wrappers, food containers, discarded food, disposable eating utensils, newspapers, drink containers of all kinds, disposable diapers, broken glass, grass clippings and inert fill of any kind.

**Recreation area - defined**

"Recreation area" means an area or building or combination of both, under the control of the City which is maintained and/or supervised by employees of the City and includes any golf course, tennis court, arena, skating rink, swimming pool, wading pool/spray pad, play area, community centre, Storybook Gardens, skateboard facility, sports field, a park, a building or portion of a building which is owned, leased or used by the City, including a school and school grounds, for the purpose of offering recreation to the public.

**Roadway - defined**

"Roadway" means that part of a park or recreation area that is improved, designed or ordinarily used by vehicles and motor vehicles.

**Run at Large – defined**

"Run at large" means to be found in any place other than the premises of the owner of the dog and not under the physical control of any person by means of a leash held by the said person.

**Sexual Activity – Defined**

"Sexual Activity" means any direct or indirect physical contact of a sexual nature involving genitalia, buttocks, or breasts by one or more individuals.

**Trained Service Animal – Defined**

“Trained Service Animal” includes a guide dog or other certified service animal often identifiable by a harness or vest used principally to assist persons with sight or physical assistance, warning of seizures or other disabilities.

**Unauthorized Public Meeting – defined**

“Unauthorized public meeting or gathering” means a picnic, organized gathering or event of more than twenty five persons, where the authorization of the Managing Director has not been obtained.

**Vehicle – defined**

"Vehicle" includes a motor vehicle and any vehicle drawn, propelled or driven by any kind of power including muscular power but excludes a child's wagon, a baby carriage, a child's stroller, a wheelchair or similar device (motorized or otherwise) used by an individual due to a disability, or a motorized snow vehicle.

**Washroom – defined**

“Washroom” means any permanent or temporary structure or portion of a structure that contains toilets, or urinals and wash basins and which is owned, leased or operated by the City.

**Part 2****BY-LAW APPLICATION AND ADMINISTRATION****2.1 By-law applicability - defined**

This by-law applies to all recreation areas, parks and any premises located therein which are under the control or management or joint management of the City, together with the avenues, boulevards, drives, streets and approaches thereto and connecting the same.”

**2.2 Emergency - maintenance vehicles - excepted**

Notwithstanding any provision of this by-law, vehicles operated on behalf of an ambulance service, fire department, police department, London Hydro and the City, shall have full access to all parts of a park and/or a recreation area at all times where such access is possible.

**2.3 By-law administration**

This by-law is administered by the Parks and Recreation Services Area.

**2.4 In Line Skating and Skateboarding**

The Managing Director may prohibit in-line skating or skateboarding in any park or recreation area, and shall direct that signs be posted prohibiting such activity.

**Part 3****GENERAL PROHIBITED ACTIVITIES****3.1. Activities - prohibited**

In any park or recreation area within the City, no person shall:

- (1) drive, ride or operate any vehicle or carry on in-line skating upon a roadway in any direction other than the direction indicated on signs posted by the Managing Director;
- (2) drive, ride or operate a vehicle including skateboarding or carry on in-line skating in violation of posted signs;
- (3) operate any vehicle including skateboarding or carry on in-line skating at a rate of speed in excess of the posted speed limit or in excess of 20 kilometres per hour in unposted areas;
- (4) drive, ride or operate any motor vehicle, e-scooter or horse drawn conveyance on a multi-use pathway;
- (5) drive, ride or operate a bicycle, e-bike, e-scooter, motor vehicle, skateboard or carry on in-line skating on a hiking trail;
- (6) operate a motor vehicle except on a roadway or in an authorized parking area;
- (7) park a motor vehicle in a place other than an authorized parking area;
- (8) drive, operate, park, or leave unattended a motor vehicle in any part of a park or recreation area between 10:00 p.m. and 6 a.m. of the following day except at

times where the Managing Director has authorized use of the park or recreation area beyond 10:00 p.m.;

- (9) engage in riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language, including:
  - i) making any verbal comments or physical gestures, about or toward anyone that could reasonably be considered to be offensive, derogatory or abusive;
  - ii) making noise likely to disturb any inhabitant or interfere with the enjoyment of the park through the use of electronic equipment or any other means;
  - iii) urinating or defecating except in a designated washroom facility;
- (10) engage in conduct that endangers the health and safety of themselves or others;
- (11) paint likeness, take pictures, record video or record audio of any persons without the consent of the person, or, where the person is a minor, without consent of a parent or legal guardian, where a public complaint has been received regarding such activity;
- (12) engage in any sexual activity;
- (13) remain in a recreation area or park for the purpose of, or appearance of, loitering;
- (14) consume, serve, sell or possess liquor without proper approval of the City and the Alcohol and Gaming Commission of Ontario;
- (15) hold or take part in an unauthorized public meeting or gathering;
- (16) play or practice golf or strike any golf ball by any means whatsoever in an area not designated for such activities;
- (17) enter or remain in a recreation area or park between 10:00 p.m. and 6:00 a.m. of the following day, except that a person may enter or remain in a park or recreation area during the times the Managing Director has authorized use of the recreation area or park beyond 10:00 p.m.;
- (18) operate a motorized snow vehicle;
- (19) climb, break, peel bark from, cut, remove, burn, deface or otherwise damage any tree, shrub or bush, or pick, destroy or remove any flower, plant, roots, grass or rock;
- (20) cause or permit any animal under their control or ownership to damage any tree, shrub, bush, flower, plant or roots;
- (21) post any sign or poster on any tree, bush, or shrub;
- (22) remove, break, deface, or otherwise damage any monument, display, gate, seat, bench, picnic table, fence, posted sign, lock, barrier or any other equipment of the City located therein;
- (23) fail to deposit refuse in containers provided or if containers are not provided fail to remove refuse from park or recreation area;
- (24) fail to remove any utensils, equipment or articles taken into an area designated for picnics;
- (25) cause or permit any animal under their control or ownership to swim in or enter into or foul any swimming or wading pool or spray pad intended for human use only;
- (26) walk on grass in area where a sign is posted prohibiting such activity;
- (27) fish in violation of provincial or federal statutes or regulations, where fishing is authorized by the Managing Director under subsection 4.1(17);
- (28) remove or injure the nest or egg of any bird;

- (29) hinder or obstruct, or attempt to hinder or obstruct, any person exercising or performing a duty under this by-law;
- (30) let off or discharge any water so that it runs waste or useless from or out of any reservoir, pond, river, or lake located in a park or recreation area;
- (31) lay or cause to be laid any pipe, or conduit to communicate with any pipe or main belonging to the waterworks connected with any park or recreation area or in any way obtain water without the consent of the Managing Director;
- (32) discharge or permit the discharge of any water from private properties, including pool water and water from a roof drainage system, onto, into or over any park with the exception of natural over land flow from adjacent residential yards;
- (33) enter or use gender- segregated facilities that do not correspond to their lived gender identity, in any park or facility, set apart for the opposite-gender. This shall not apply to children who are 10 years of age or younger and who are, at that time, accompanied by a parent, guardian, caregiver or caretaker;
- (34) loiter in any washroom or change room, or engage in conduct that could reasonably be considered to be offensive;
- (35) encroach on municipally owned lands or erect fences on municipally owned lands without the written consent of the City and any such object encroaching shall be removed by the abutting owner forthwith at their expense;
- (36) permit a dog under their ownership or control to run at large except in a designated leash free area;
- (37) fail to remove and dispose of excrement of a dog under their ownership or control;
- (38) interfere with a picnic, organized gathering or special event authorized by a City-issued permit or rental agreement;
- (39) move park furniture from one area to another area to accommodate their picnic, organized gathering or special event;
- (40) drive, ride or operate a motorized boat;
- (41) drive, ride or operate an e-bike under motor power;
- (42) being under the age of 16 years, drive, ride or operate an e-bike;
- (43) drive, ride or operate an e-bike unless the person is wearing a bicycle or motorcycle helmet.”
- (44) bulk feeding of wildlife

### **3.2 Wheel chairs excepted**

Despite any regulation in this by-law restricting the use of motor vehicles in parks, and for greater certainty only, a wheelchair or similar device (motorized or otherwise) used by an individual due to a disability may be used in all areas of parks including all multi-use pathways and the accessible portions of hiking trails.

## **Part 4 ACTIVITIES - SUBJECT TO APPROVAL**

### **4.1 Activities prohibited - subject to approval**

Unless authorized by the Managing Director, no person shall engage in any of the following activities in a park or recreation area:

- (1) start or maintain a fire, except for the purposes of cooking food in a barbecue;
- (2) use a sports field for any game or practice;
- (3) erect a tent or shelter, or park a trailer of any kind for overnight accommodation without a permit;
- (4) take part in or conduct commercial worm picking;

- (5) hold or take part in a picnic, organized gathering or event of more than twenty five persons without a permit;
- (6) hold or take part in a meeting or gathering that obstructs the free passage of vehicular traffic;
- (7) have exclusive use of any portion or all of a park or recreation area without a permit;
- (8) ride or lead a horse, pony, donkey or mule in an area not designated for such activity;
- (9) drive, lead or use a horse drawn wagon or sleigh;
- (10) post any sign or poster on any pole, planter, building, fence, bench, picnic table, electrical transmission unit, lamp standard, or City or London Hydro equipment of any kind;
- (11) sell refreshments or other merchandise to the public unless authorized through permitted use;
- (12) operate any business, game, show or amusement for admission by the public;
- (13) operate or use a metal detector;
- (14) solicit funds for any charities, organizations or individuals of any kind;
- (15) use a trained dog as a means of controlling waterfowl;
- (16) allow a dog or any other domesticated or wild vertebrate animal to enter a recreation area building, facility or change room, unless the animal is a trained service animal;
- (17) disturb, wound, kill, or injure any vertebrate or invertebrate animal, whether domesticated or wild, including but not limited to, birds, fish, molluscs, arthropods;
- (18) use a cellular phone, camera or any device capable of recording images in change rooms or washrooms.

## **Part 5 SPECIAL PROHIBITIONS**

### **5.1 Special prohibitions - applicability**

The special prohibitions in this Part are in addition to any applicable general prohibitions in Part 3 of this by-law.

### **5.2 Springbank Park**

The following special prohibitions shall apply to the use of Springbank Park:

- (1) No person shall operate, drive or ride a vehicle on any roadway within the Park if the entrances to the Park are closed by means of a barrier and or signs.
- (2) Notwithstanding any other provision of this by-law, motor vehicles may be parked in the authorized parking areas except between the hours of 10:00 p.m. and 6:00 a.m. of the following day.

### **5.3 Storybook Gardens**

The following special prohibitions shall apply to the use of Storybook Gardens:

- (1) No person shall enter into Storybook Gardens between the hours of 9:00 p.m. and 8:00 a.m. of the following day, nor during any time Storybook Gardens is closed to the public except by written authority of the Managing Director.

### **5.4 Environmentally Significant Areas (ESA) - Prohibitions**

The following special prohibitions shall apply to all persons entering into and using a park designated as an Environmentally Significant Area or as a natural park area:

- (1) No person shall cut or remove any plant, aquatic vegetation, wood, turf, grass, soil, rock, sand or gravel without the written authority of the Managing Director;

- (2) No person shall carry out any scientific investigation or study without the written authority of the Managing Director who may impose specific conditions which shall be adhered to;
- (3) No person shall cause or permit any animal under their ownership or control to enter into or foul any of the waters of any pond, stream or river;
- (4) No person shall swim in, bathe in, or pollute in any way the waters of any pond, stream or river;
- (5) No person shall camp, set up a tent, park a trailer or hold a picnic, unless the area is specifically designated for such purpose;
- (6) No person shall deposit, dump or leave waste and/or refuse of any kind;
- (7) No person shall operate a vehicle, bicycle, power-assisted bicycle, or motorized snow vehicle within the boundaries of an ESA or a natural park area unless signs are posted specifically allowing such activity;
- (8) No person shall ride, lead or drive any animal within the boundaries of an ESA or a natural park area, except for a dog which must be on a leash in accordance with the requirements of the Dog Licensing and Control by-law;
- (9) Despite subsection 4.1(1), no person shall start or maintain a fire in an ESA or a natural park for any purpose except with the written authority of the Managing Director who may impose specific conditions which shall be adhered to;
- (10) No person shall hike, run, jog, or cross country ski other than on a hiking trail.

#### **5.5 Municipal golf courses**

The following special prohibitions apply to the use of golf courses controlled by the City:

- (1) All persons playing golf shall conform to the rules of conduct and operating procedures as established by the Managing Director.

### **Part 6 FEES**

#### **6.1 Use without payment - prohibited**

No person shall use a park or recreation area without first having paid the applicable fee, if any, or having made the appropriate arrangements for the scheduled payment of fees according to the practices established by the Managing Director and as established in the applicable fees and charges by-law.

### **Part 7 ENFORCEMENT**

#### **7.1 Enforcement**

- (1) Where any person contravenes any provisions of this by-law, such person is subject to the provisions of the *Trespass to Property Act, R.S.O. 1990, c. T.21*
- (2) Any Police Officer, Municipal Law Enforcement Officer, or person under contract with the City to enforce this by-law may enforce the provisions of this by-law.
- (3) Where any person contravenes any of the provisions of this by-law, the permission of such person to remain in that park or facility is revoked.
- (4) A police officer, Municipal Law Enforcement Officer, person under contract with the City to enforce this by-law, or the Managing Director may order a person believed to be in contravention of this by-law to:
  - (a) cease the activity that is in contravention of the by-law; and/or
  - (b) leave the park or facility.

**7.1.1**

- (a) If a Municipal Law Enforcement Officer, a Police Officer, or person under contract with the City to enforce this by-law is satisfied that this by-law has been contravened, the officer may make an order, known as an Order to Discontinue Activity, requiring the person who contravened the by-law, or who caused or permitted the contravention, to discontinue the contravention.
- (b) An Order to Discontinue Activity shall set out:
  - (i) the address of the property or name of the park on which the contravention occurred;
  - (ii) the date of the contravention;
  - (iii) the reasonable particulars of the contravention of the by-law; and
  - (iv) the date by which there must be compliance with the order.
- (c) The Order to Discontinue Activity may be served personally on the person to whom it is directed or by regular mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the corporate mailing address.
- (d) No person shall contravene an Order to Discontinue Activity.”

**7.2 Applicable Law**

Park and recreation area users are subject to all applicable Municipal by-laws and all Provincial and Federal laws and regulations and all persons violating any by-law or law may be required to leave any park or recreation area.

**7.3 Recreation Area Permit Holders**

Holders of permits for recreation areas shall be responsible to ensure that all applicable provisions of this by-law are upheld.

**7.4 Continuation – repetition of offence – prohibited**

The court in which the conviction has been entered and any other court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed by the court on the person convicted.

**Part 8  
PENALTY**

**8.1 Contravention of By-Law**

Any person contravening any provision of this by-law is guilty of an offence and on conviction is liable to such penalty as is provided for under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

**Part 9  
MISCELLANEOUS**

**9.1 By-law reference on signs - deemed to conform**

On a sign posted by the City in a park or recreation area, references to By-laws P 67-15, P 67-15-90(m) and PR-1 shall be deemed to be references to this by-law.

**9.2 Short Title**

This by-law may be referred to as The Parks and Recreation Area By-Law.

**9.3 Validity**

It is declared that notwithstanding that any Part or Parts of this by-law, or sections thereof, may be found by any court of law to be bad or illegal or beyond the power of the Council to enact, such Part or Parts or sections thereof shall be deemed to be severable and that all other Parts or sections of this by-law are separate and independent therefrom and enacted as such.

**9.4 Repeal**

By-law No. PR-1, and all amendments thereto, are hereby repealed.

**9.5 Coming into Force**

This by-law comes into force and effect on the date it is passed.



PASSED IN Open Council on June 5, 2018.

Matt Brown  
Mayor

Cathy Saunders  
Clerk

First Reading – June 5, 2018  
Second Reading – June 5, 2018  
Third Reading – June 5, 2018