

# The Corporation of the City of Clarence-Rockland

## By-law 2026-50

Being a By-Law of the City of Clarence-Rockland for the use, protection and regulation of public parks and recreation areas in the City of Clarence-Rockland and to amend schedule A-7 of the Administrative Monetary Penalty System By-law 2022-33 and Schedule J of the User Fees By-law.

Whereas Section 11(3)5 of the Municipal Act provides that a municipality may pass by-laws respecting matters within the sphere of jurisdiction of culture, parks, recreation areas and heritage;

Therefore, the Council of the City of Clarence-Rockland enacts as follows:

### 1. Short title

- 1.1. This by-law may be referred to as the "Parks and Recreation Areas By-Law".

### 2. Purpose

The purpose of this By-law is to:

- 2.1. Regulate the use, protection, and orderly enjoyment of all public parks and recreation areas under the control or management of the City;
- 2.2. Preserve and maintain the natural, environmental, and recreational qualities of parks and recreation areas for the benefit of present and future users;
- 2.3. Promote public safety, accessibility, and responsible behaviour within parks and recreation areas;
- 2.4. Establish clear rules governing activities, public gatherings, facilities, and amenities to reduce nuisances, prevent damage, and protect City property;
- 2.5. Provide a consistent framework for granting permissions and written approvals for activities that require oversight; and
- 2.6. Support effective enforcement and the use of Administrative Monetary Penalties and Provincial Offences mechanisms to ensure compliance.

### 3. Interpretation

- 3.1. This By-law shall be read and interpreted in accordance with its stated

purpose and in a manner that best protects public safety, preserves park assets, and ensures fair access and enjoyment for all members of the public.

- 3.2. The headings and section titles in this By-law are for convenience only and do not affect the interpretation or application of its provisions.
- 3.3. Words in the singular include the plural, and words in the plural include the singular, as the context requires.
- 3.4. Any reference to a statute, regulation, or City by-law includes all amendments, replacements, or successor legislation.
- 3.5. Where a provision of this By-law conflicts with a provincial or federal statute or regulation, the statute or regulation prevails to the extent of the conflict.
- 3.6. Where this By-law imposes a higher or more restrictive standard than another City by-law, the higher standard prevails unless otherwise expressly stated.
- 3.7. Where this By-law provides authority to the Director of Operations to regulate, restrict, permit, or prohibit activities, such authority shall be exercised in a manner consistent with the purpose of this By-law and in the interest of public safety, environmental protection, and responsible use of parks and recreation areas.
- 3.8. Any word or phrase not defined in this By-law shall be interpreted according to its ordinary meaning or, where appropriate, according to its meaning ascribed in applicable provincial legislation relating to parks, recreation, public safety, or municipal governance.

#### 4. Definitions

- 4.1. "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;
- 4.2. "Bicycle" means a pedal-driven device with one, two, or three wheels, equipped with steering handlebars and pedals, and not equipped with a motor, whether electric or otherwise;
- 4.3. "Bulk feeding" means the depositing of food greater than 250ml for the purpose or intention of feeding the wildlife, including but not limited to deer, geese, ducks, squirrels and groundhogs;
- 4.4. "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 include washroom facilities.

- 4.5. "City" means The Corporation of the City of Clarence-Rockland;
- 4.6. "Council" means the Council of The Corporation of the City of Clarence-Rockland;
- 4.7. "Director" means the Director of Operations;
- 4.8. "Environmentally Significant Area" (ESA) means any area identified as an ESAs on a Map Schedule of the Official Plan for the City of Clarence-Rockland Planning Area, as adopted by Council and amended from time to time, and which are under the control or management or joint management of the City;
- 4.9. "Hiking trail" means the 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 wheelchairs depending on topographic restrictions;
- 4.10. "Liquor" means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter;
- 4.11. "Motor vehicle" means an automobile, motorcycle, power-assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power.
- 4.12. "Multi-use pathway" means the 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;
- 4.13. "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;
- 4.14. "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;

- 4.15. "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:
- a. "e-bike" means a "power-assisted bicycle" that has the appearance of a bicycle;
  - b. "e-scooter" means a "power-assisted bicycle" that has the appearance of a scooter;
- 4.16. "Public meeting or gathering" means a picnic, organized gathering or event of more than twenty-five persons;
- 4.17. "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;
- 4.18. "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 facilities, sports fields, 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;
- 4.19. "Roadway" means the part of a park or recreation area that is improved, designed or ordinarily used by vehicles and motor vehicles;
- 4.20. "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;
- 4.21. "Sexual Activity" means any physical contact of a sexual nature by one or more individuals;
- 4.22. "Special Event" means a one-time, annual, or recurring event, including:
- a. Parades: organized processions of people, vehicles or floats;

- b. Street Fairs: Outdoor events featuring vendors, entertainment, and activities;
  - c. Festival: Celebrations or gatherings with cultural, musical, or recreational activities;
  - d. Races: Organized running, cycling, or other competitive events;
  - e. Demonstrations: Public gatherings for expressing views or opinions;
  - f. Private courses or classes that require temporary occupancy of public space, including fitness classes, instructional sessions, workshops, or similar programmed activities;
  - g. Any other gatherings that require temporary occupancy of public space;
- 4.23. "Service Animal" means an animal that accompanies a person with a disability and is used for reasons relating to that disability, where it is readily apparent that the animal is being used by the person for reasons relating to the disability, as a result of visual indicators such as a vest or harness; or the person provides documentation from a regulated health professional confirming that the person requires the animal for reasons relating to the disability, in accordance with Ontario Regulation 191/11 (Integrated Accessibility Standards Regulation) made under the Accessibility for Ontarians with Disabilities Act, 2005.
- 4.24. "Vehicle" means any device in, upon, or by which a person or thing is transported or drawn, including a motor vehicle, bicycle, electric bicycle, or similar conveyance, whether propelled by motor, electric, or human power, but it does not include a wheelchair or other mobility device used by a person with a disability; or a baby carriage, stroller, or similar device designed primarily for pedestrian use.
- 4.25. "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.

## 5. By-law application

- 5.1. 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 roadways and approaches thereto and connecting the same.

## 6. Prohibited activities

In any parks or recreation areas within the City, no person shall:

- 6.1. Engage in riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language, including making any verbal comments or physical gestures, about or toward anyone that could reasonably be considered to be offensive, derogatory or abusive;
- 6.2. 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, in instances where a public complaint has been received regarding such activity;
- 6.3. 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;
- 6.4. Engage in any sexual activity;
- 6.5. Engage in conduct that endangers the health and safety of themselves or others;
- 6.6. Remain in a recreation area or park for the purpose of or appearance of loitering;
- 6.7. Enter or remain in a recreation area or park between 10:00 p.m. and 6:00 a.m., except if authorized by the Director of Operations.
- 6.8. Hold or take part in an unauthorized public meeting or gathering;
- 6.9. Urinating or defecating except in a designated washroom facility;
- 6.10. Loiter in any washroom or change room, or engage in conduct that could reasonably be considered to be offensive;
- 6.11. Play or practice golf or strike any golf ball by any means whatsoever in an area not designated for such activities;
- 6.12. Interfere with a picnic, organized gathering or special event authorized by a City special event permit or written approval;
- 6.13. Hinder or obstruct, or attempt to hinder or obstruct, any person exercising or performing a duty under this by-law;

### **Vehicles**

- 6.14. Drive, ride or operate any vehicle or carry on in-line skating upon a roadway in any direction other than the direction indicated;

- 6.15. Drive, ride or operate a vehicle including skateboarding or carry on in-line skating in violation of posted signs;
- 6.16. 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 10 kilometres per hour in unposted areas;
- 6.17. Drive, ride or operate any motor vehicle, power-assisted bicycle or horse-drawn conveyance on a multi-use pathway;
- 6.18. Drive, ride or operate a bicycle, power-assisted bicycle, motor vehicle, skateboard or carry on in-line skating on a hiking trail;
- 6.19. Operate a motor vehicle except on a roadway or in an authorized parking area;
- 6.20. Park a motor vehicle in a place other than an authorized parking area;
- 6.21. 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 Director of Operations has authorized the use of the park or recreation area beyond 10:00 p.m.;
- 6.22. Operate a motorized snow vehicle;

### **Property**

- 6.23. 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;
- 6.24. Post any sign or poster on any tree, bush, or shrub;
- 6.25. Remove, break, deface, or otherwise damage any monument, display, cage, pen, gate, seat, bench, picnic table, fence, posted sign, lock, barriers or any other equipment of the City located therein;
- 6.26. Fail to deposit refuse in containers provided or if containers are not provided fail to remove refuse from park or recreation area;
- 6.27. Fail to remove any utensils, equipment or articles taken into an area designated for picnics;
- 6.28. Walk on grass in an area where a sign is posted prohibiting such activity;
- 6.29. Move park furniture from one area to another area to accommodate their picnic, organized gathering or special event;

## **Animals**

- 6.30. Permit a dog under their ownership or control to run at large except in a designated leash-free area;
- 6.31. Fail to remove and dispose of the excrement of a dog under their ownership or control;
- 6.32. 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;
- 6.33. Cause or permit any animal under their control or ownership to damage any tree, shrub, bush, flower, plant or roots;

## **Regulated Substances**

- 6.34. Use, consume, possess openly, serve, distribute, or permit the consumption or service of alcohol in any park or recreation area owned, operated, or controlled by the City of Clarence-Rockland, unless :
  - a. All required licences, permits, and authorizations have been obtained from the AGCO; and
  - b. Written approval has been issued by the Director.
- 6.35. Consume, serve, possess openly, sell, smoke, or vape tobacco products in any park or recreation area owned, operated, or controlled by the City of Clarence-Rockland.
- 6.36. Consume, serve, possess openly, sell, smoke, or vape cannabis in any park or recreation area owned, operated, or controlled by the City of Clarence-Rockland.

## **Exceptions**

- 6.37. Wheelchairs

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.

- 6.38. Emergency and maintenance vehicles

Notwithstanding any provision of this by-law, vehicles operated on behalf of an ambulance service, fire department, police department, Hydro One 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.

## 7. Activities requiring a permit

- 7.1. Except as expressly permitted under this by-law, no person shall conduct, engage in, organize, or permit any activity within a park or recreation area unless a permit has been issued by the Director of Operations.
- 7.2. For the purposes of this part, "activity" includes, but is not limited to:
  - a. Organized or unorganized gatherings, events, or programs;
  - b. Use of sports fields, courts, or amenities;
  - c. Installation or use of equipment, structures, tents, stages, or shelters;
  - d. Commercial, promotional, or fundraising activities;
  - e. Sales, vending, or solicitation of any kind;
  - f. Amplified sound or entertainment;
  - g. Any activity requiring exclusive use of all or part of a park;
  - h. Special Events.
- 7.3. A permit is not required for the following activities, provided they do not interfere with other park users, cause damage, or require City services:
  - a. Passive use of a park, including walking, sitting, or observing;
  - b. Informal picnics or gatherings of twenty-five (25) persons or fewer;
  - c. Casual, non-organized recreational activities that do not require reserved facilities;
  - d. Use of playgrounds during normal hours;
  - e. Walking pets in designated areas, where permitted by by-law;
  - f. Activities expressly authorized by signage or City policy.

- 7.4. A permit is required for any activity that:
- a. Is open to or advertised to the public;
  - b. Involves more than twenty-five (25) persons;
  - c. Uses sports fields, courts, or scheduled amenities;
  - d. Involves amplified sound, temporary structures, or equipment;
  - e. Includes vendors, sales, solicitation, or commercial activity;
  - f. Requires exclusive use of any portion of a park;
  - g. Requires City services, staff support, or coordination with other agencies;
  - h. Constitutes a Special Event

## 8. Permit Requirements

- 8.1. No person shall use, occupy, reserve, or permit the use of any portion of a park or recreation area for a permit-required activity without first obtaining a permit.
- 8.2. An applicant for a Permit shall submit:
- a. A completed application in the form prescribed by the City;
  - b. Payment of applicable fees under the User Fee By-law;
  - c. Proof of insurance naming the City as an additional insured, where required;
  - d. A detailed description of the activity, including date, time, location, expected attendance, and equipment;
  - e. Any additional documentation required by the Director including but not limited to:
    - i. Site plans;
    - ii. Traffic or parking plans;
    - iii. Noise mitigation plans;
    - iv. Waste management plans.
- 8.3. The Director may impose conditions on any Permit, including:

- a. Limits on hours of use;
- b. Designated locations for equipment or activities;
- c. Environmental protection measures;
- d. Safety, security, or staffing requirements;
- e. Cleanup, waste removal, or damage repair obligations.

8.4. The Permit holder shall:

- a. Comply with all permit conditions;
- b. Ensure participants' compliance with this by-law;
- c. Maintain the area in a clean and safe condition;
- d. Restore the site following use;
- e. Reimburse the City for costs arising from cleanup, damages, or staff services.

8.5. The Director may refuse, suspend, or revoke a permit where:

- a. Public safety or City property is at risk;
- b. The applicant has previously failed to comply with City requirements;
- c. Required documentation or fees were not provided;
- d. The activity conflicts with another approved use or City program.

## 9. Review and Appeal

- 9.1. An applicant may appeal the decision of the Director to refuse, cancel, revoke, suspend, or to impose any condition on a permit by filing a written notice of appeal with the Clerk's office, including reasons in support of the appeal, together with the applicable appeal fee as set out in the City's User Fee By-law. The notice of appeal must be filed within 15 days of receiving written notice of the decision.
- 9.2. Upon receipt of a complete notice of appeal, the Clerk shall schedule a hearing before the Appeal Committee and shall provide the applicant with notice of the date, time, and location of the hearing.
- 9.3. At the conclusion of the hearing, the Appeal Committee may:
  - a. Confirm the Director's decision;

- b. Amend the Director's decision; or
  - c. Reverse the Director's decision.
- 9.4. The Appeal Committee shall issue its decision in writing within 10 days after reaching a decision.
- 9.5. The decision of the Appeal Committee is final and binding.
- 9.6. Filing an appeal does not stay or delay the effect of a refusal, suspension, or revocation of a permit.
- 9.7. Where a permit is suspended or revoked, the permit holder must cease all activities authorized by the permit until the matter is resolved.
- 9.8. Where a permit is granted, reinstated, a suspension is lifted, or conditions of a permit are amended, the applicant shall comply with and complete all outstanding requirements necessary for the issuance or continuation of the permit under this By-law.

## 10. Offence and Penalties

- 10.1. A person who contravenes this By-law is guilty of an offence and, upon conviction;
  - a. Is liable to an Administrative Monetary Penalty and fees, pursuant to the City of Clarence-Rockland Administrative Monetary Penalty System By-law, as amended, or
  - b. Is liable to a fine or penalty for each offence, exclusive of costs as prescribed by the Provincial Offences Act.
- 10.2. Each day that a person contravenes with the provisions of this By-law, may constitute a separate offence.
- 10.3. No person that receives an administrative penalty shall be charged with an offence under the Provincial Offences Act for the same contravention and offence date.

## 11. Severability

- 11.1. If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal, inoperative, or ultra vires, in whole or in part, or inoperative in particular circumstances, the remaining of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

## 12. Order Prohibiting

- 12.1. When a person has been convicted of an offence under the provisions of this By-law, any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act by the person convicted directed towards the continuation or repetition of the offence.

## 13. Repeal

- 13.1. That By-law 2022-68 is hereby repealed on the date this By-law comes in force and effect.

## 14. Amendments

- 14.1. That Schedule A-7 of the Administrative Monetary Penalty System By-law 2022-33 be amended to include the revised Schedule A-7 as attached to this By-law.
- 14.2. That Schedule J of the User Fee By-law 2025-105 be amended to include the revised Schedule J as attached to this By-law.

## 15. Effective date

- 15.1. This By-law shall come into force and take effect on the date it is passed by Council.

Read, passed and adopted in open council this 10<sup>th</sup> day of June 2026.

Mario Zanth, Mayor

Monique Ouellet, Clerk