OFFICE CONSOLIDATION

This is a consolidation of the Town's by-law to regulate parks being By-law 2005-112 as amended by By-law 2006-61, 2006-128, 2007-46, 2018-060, 2019-23 and 2026-066. This is prepared for reference and information purposes only. The following consolidation is an electronic reproduction made available for information only. It is not an official version of the by-law. Official versions of all by-laws can be obtained from the Legislative Services Section by calling (905) 584-2272. If there are any discrepancies between this consolidation and By-laws 2005-112, 2006-61, 2006-128, 2007-46, 2018-60, 2019-23 and 2026-066 the Bylaws shall prevail.

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2005-112

A by-law to provide for the regulation, maintenance and protection of parks in the Town of Caledon and to repeal By-law No. 79-100

WHEREAS subsection 11(2) paragraph 3 of the *Municipal Act, 2001*, S. O. 2001, c. 25, as amended authorizes a lower tier municipality to pass a by-law with respect to parks;

AND WHEREAS the Council of The Corporation of the Town of Caledon deems it desirable to repeal the existing Parks By-law, being By-law 79-100 and to enact a new by-law for the use, regulation, protection and government of the parks and parkland in the Town of Caledon;

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS as follows:

PART I - DEFINITIONS

1. In this by-law:

"authorized sign" means any sign, notice, or other device placed or erected in or upon a park, under the authority of this by-law;

"bicycle" includes a tricycle and unicycle but does not include a motor assisted bicycle;

"control" includes care and custody;

"Council" means the Council for The Corporation of the Town of Caledon;

"damage" includes destroy, cut, mark, break, dig, pull up, burn, injure, tamper with, remove, vandalize or deface;

[By-law 2019-23 effective April 30/19]

"Director" means the Manager, Parks for the Town of Caledon, or successor position, and a designate on behalf thereof;

"large event" means an organized gathering of more than twenty persons;

"motor vehicle" includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the *Highway Traffic Act*, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*;

"motorized recreational vehicle" means a motorized snow vehicle, go-cart, trail bike, mini- bike, all terrain vehicle, pocket bike, scooter, or similar vehicle, propelled or driven by an internal combustion engine or electric motor and includes but is not limited to off-road vehicles as defined by the *Off-Road Vehicles Act* R. S. O. 1990, c. O. 4 and motorized snow vehicles as defined under the *Motorized Snow Vehicles Act* R. S. O. 1990, c. M. 44;

"organized sport or activity" means a sport, game or activity pre-planned by a group or organization whether or not formally constituted and whether or not the players or members wear uniforms;

[By-law 2007-46 effective June 5/07; and, Bylaw 2019-23 effective April 30/19]

"park" means any land owned by the Town or made available to the Town by lease, agreement or otherwise, and which land is under the management and/or oversight of the Director and includes but is not limited to centre medians, bodies of water, cemeteries, public walkways, public trailways and the Caledon Skate Park;

"parking area" means the part of the park that is designated and intended to park motor vehicles;

"permissible area" means an area of a park that is designated to permit a certain activity and may be indicated as such by the posting of a sign, notice or other device;

"permit" means any written authorization issued by the Director in accordance with the current applicable Town policy;

"playground" means the play equipment and the play surface including the encroachment area;

"post" or "posted" means the erection or presence of a permissive, regulatory, restricted, warning or prohibitive authorized sign and "posted area" means an area where such authorized signs are erected;

"prohibited area" means an area of a park that is designated to prohibit a certain activity and may be indicated as such by the posting of a sign, notice or other device;

"property" includes all buildings, structures, equipment, trees, shrubs, horticultural displays, benches, tables, authorized signs, tennis courts, arenas, rinks, pools, waste disposal containers, landscaping materials, playground apparatus, shelters, fencing, lighting, parking areas and other such properties that may be constructed, installed, placed or erected in a park and that are owned, leased or under the care and control of the Town;

"Town" means The Corporation of the Town of Caledon;

PART II – APPLICATION

Scope

2. This by-law shall apply to every person while in a park.

3. Use by permit holders shall take precedence over casual users of a park.

Exclusions and Exemptions

4. Notwithstanding section 2 above, this by-law shall not apply to:
   (1) the drivers, operators or other personnel of ambulances, police or fire department vehicles; or

   (2) employees or agents of the Town while engaged in works or services undertaken for or on behalf of the Town.

PART III – SIGNS

5. (1) The Director is authorized to post signs of permission, regulation, restriction, warning or prohibition with respect to the uses of or activities in any park.

   (2) It is not a requirement for a sign to be posted for an activity to be prohibited or permitted.

6. Every person in a park shall comply with all authorized signs.

PART IV - CONDUCT

Conduct of Persons

7. Every person in a park shall comply with all applicable federal and provincial statues and regulations and Town by-laws and policies.

[By-law 2006-61 effective May 2/06]

8. (1) No person shall create, cause, or permit to be caused or created, a nuisance, hazard, threat or any undue noise that does or may in any way unreasonably interfere with the use and enjoyment of the park by another person in or adjacent to the park.

(2) No person shall permit an animal controlled by him or her to create a nuisance hazard, threat or any undue noise that does or may in any way unreasonably interfere with the use and enjoyment of the park by another person in or adjacent to the park.

PART V - PROHIBITED ACTIVITIES

9. No person in a park shall:

(1) climb any tree, building, fence, structure, bench, seat, table, monument, sign, equipment, or like item unless it is equipment designed and intended for climbing;

(2) damage, vandalize, disturb or remove any property or vegetation;

(3) dispose or dump any litter or refuse, solid or liquid, except that which is generated through the reasonable use of the park and shall only deposit same in receptacles provided for such purpose;

(4) release any balloons;

(5) throw confetti or similar object;

(6) kill, attempt to kill, trap, hunt, pursue or in any manner disturb any animal, bird, waterfowl, fish, or other wildlife, provided that this provision shall not apply to any person lawfully fishing unless posted otherwise;

(7) use a charcoal barbecue;

(8) leave a propane barbecue unattended;

(9) operate or use any television, radio, tape player, compact disc player, car radio or any sound reproducing system in a manner which disturbs or interferes with other persons in or near a park;

(10) use park equipment for any use other than its intended use and, more specifically, no person shall use skateboards, in-line skates, or bicycles on any playground or tennis court;

(11) drive, park or walk or otherwise use any area posted to prohibit same;

(12) install a gate in a Town-owned fence adjacent to a park;

(13) enter into or onto a storm water management pond; or

(14) restrict access to a park facility by use of an unauthorized lock or other similar means.

[By-law 2006-128 effective September 12/06]

(15) lead or let loose any animal or fowl of any kind unless:

(i) the animal is a dog which is on a leash no longer than 1.83 metres (6 feet) or

(ii) the animal is a dog which is in a designated leash free park and the owner or caregiver is in compliance with the applicable rules and regulation for leash free parks.

10. Unless authorized by a permit, no person in a park shall:

(1) offer or display for sale any item;

(2) post or distribute printed material of any kind;

(3) be in possession of or use any firearm including a historic or antique firearm, torpedo, rocket of any type, fireworks, air gun, gas operated or spring-operated gun, catapult, bow and arrow, cross-bow, axe or a like offensive weapon of any kind;

(4) operate loud speakers or sound amplifying equipment;

(5) install or erect a temporary or permanent tent or structure in a park;

[By-law 2019-23 effective April 30/19]

(6) encroach upon or take possession of any portion of a park by any means, including the construction, installation or maintenance of any fence or structure, the dumping or storage of any materials or plantings, or the planting, cultivating, growing or landscaping thereon;

(7) play or practise golf or archery;

(8) attempt or gain access to an electrical service panel or timer where authorized access shall only be by a licensed electrician;

(9) tamper with, change or repair any electrical component and where authorized access shall only be by a licensed electrician;

(10) tamper with, change or repair any plumbing where any authorized work undertaken on the plumbing shall be by a licensed plumber;

(11) hold a large event; or

(12) arrange or engage in an organized sport or activity.

11. No person in a park shall consume, serve, or sell:

[By-law 2018-60 effective July 10/18]

(1) alcoholic beverages unless authorized buy a permit issued by the Alcohol and Gaming Commission of Ontario and by a permit issued by the Town; and/or

(2) any cannabis for recreational purposes.

PART VI - SPLASH PADS AND PLAYGROUNDS

12. No person in a splash pad or playground shall:

(1) skateboard, ride a bicycle, use in-line skates or roller skates;

(2) possess any glass bottle or other breakable container or item, metal can or other sharp object; or

(3) engage in boisterous play so as to endanger or unreasonably interfere with other users of the splashpad or playground.

PART VII - VEHICLES

Motor Vehicles and Motorized Recreational Vehicles

13. No person in a park shall drive, operate, pull or ride any motor vehicle, except on a roadway or parking area, unless authorized by permit.

Parking

14. No person in a park shall:

(1) park or leave a motor vehicle except in a permissible parking space and in accordance with the posted conditions; or

(2) park or leave a motor vehicle overnight, between the hours of 11 o'clock p.m and 7:00 o'clock a.m., in a park without the permission of the Director.

Motorized Recreational Vehicles

15. No person shall ride, drive or be in possession or control of a motorized recreational vehicle except in a permissible area.

PART VIII - ANIMALS

16. (1) (a) Dogs, cats, other small domestic animals and horses are permitted to be in a park while under the care and control of a responsible person.

(b) No other animals than those named in clause (a) above are permitted in a park unless authorized by a permit.

(2) Notwithstanding subsection (1) a dog that has been identified by the Town as a Dangerous Dog is not permitted in any park.

(3) In addition to the requirement under clause (1) (a) above every owner or person having the care and control of a dog permitted in a park shall while in a park:

(a) ensure that the dog is on a leash, chain or lead not exceeding 1.83 metres (6 feet);

(b) ensure that reel-type leashes are limited in length to 1.83 metres (6 feet) at all times;

(c) pick up and remove forthwith excrement left by the dog except where the person has a physical disability that impairs his or her ability to remove the excrement.

17. Clauses 16 (3) (a) and (b) above do not apply in the Town's Leash Free Park.

18. A dog that has been identified by the Town as a Threatening Dog, while in a park, in addition to complying with the leashing requirements under this by-law, shall also wear a muzzle and be supervised and under the control of a person (18) years or older who is physically capable of controlling the Threatening Dog.

19. Horses are prohibited on sport fields and any other location where an authorized sign is posted indicating that horses are prohibited.

PART IX- HOURS

20. Every park shall close at 11:00 o'clock p.m. and shall remain closed to the public until 7:00 o'clock a.m. unless a permit has been issued authorizing the use of the park.

[By-law 2007-46 effective June 5/07]

PART X – CALEDON SKATE PARK

21. The lands outlined in a heavy black line on Schedule "A" attached to and forming part of this By-law and forming part of By-law 2005-112 shall be and hereby are designated as a Caledon Skate Park and shall be referred to as the "Caledon

22. Notwithstanding the provisions of section 20, the Caledon Skate Park shall be open for public use only during permitted hours displayed on a sign at the park. It is intended that

(1) Caledon Skate Park be limited to skate board use,

(2) Caledon Skate Park not be used after sunset and before sunrise or during wet or icy conditions or during inclement weather,

(3) no glass container or any other breakable item, and no metal can or other sharp object be used for any purpose in the park, and

(4) a child's parent or legal guardian accompany and supervise any child in the Caledon Skate Park.

24. Every person using the Caledon Skate Park to skate board should

(5) wear a CSA approved helmet and protective gear, including but not limited to, knee pads, elbow pad, gloves and wrist guards,

(6) inspect the park before skate boarding to ensure that no dangerous conditions exist, and

(7) demonstrate respect for other persons using park.

25. (1) The Caledon Skate Park is an unsupervised facility.

(2) Every person who uses or enters the Caledon Skate Park does so at his own risk.

(3) The Town assumes no responsibility for any personal injuries or for any damage to personal property that may be suffered by any persons using the Caledon Skate Park."

[By-law 2007-46 effective June 5/07]

PART XI - REGULATION AND ENFORCEMENT

26. (1) Permits issued for activities contemplated in this by-law may include conditions including but not limited to time, location, area, equipment, number of participants, types of activities, security deposit, the requirement for releases, indemnity and insurance coverage.

(2) The issuance of a permit pursuant to this by-law shall not relieve any person from the necessity of complying with all other applicable federal and provincial statutes and regulations and Town by-laws and policies or from acquiring any other licence or permit required for such activity by any government or public authority.

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

(4) A permit may not be assigned or transferred by a permit holder.

(5) Every permit holder shall comply with the terms and conditions of his or her permit.

Temporary Closure

27. The Director or a police officer may close off for such temporary period as deemed appropriate any park or part thereof to relieve or prevent overcrowding or traffic congestion, or in the interests of public safety, or to undertake works in or to the park.

Enforcement

28. (1) Any police officer, provincial offences officer, municipal law enforcement officer or employee of the Town designated by the Director to administer this by-law is authorized to order any person believed by such officer or employee to be contravening or who has contravened any provision of this by-law:

(a) to cease from the activity constituting or contributing to such contravention;

(b) to remove from the park any animal or thing owned by or in the control of such person that the officer or employee believes is or was involved in the contravention; or

(c) to leave the park immediately.

(2) Any police officer, provincial offences officer or municipal law enforcement officer may enforce the provisions of this by-law and may act as an agent of the Town for the purposes of enforcing the *Trespass to Property Act*, R. S. O. 1990, c. T. 21, as amended.

(3) A permit issued under this by-law shall be revoked if a permit holder or a person participating in an event or activity for which a permit has been issued breaches a condition of the permit or to fails to comply with a provision of this by-law.

Penalties

29. Every person who contravenes the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine in accordance with the *Provincial Offences Act*, R. S. O. 1990, c. P. 13, as amended.

[Section 29.1 added, By-law 2026-066, effective June 23/26]

29.1 Every Person who contravenes any provision of this By-law, including an Order issued under this By-law, is guilty of an offence and is liable to pay the Town an Administrative Penalty and any Administrative Fees, where applicable, pursuant to the Administrative Monetary Penalty System By-law 2024-086, as amended.

[By-law 2007-46 effective June 5/07]

PART XII- GENERAL

Validity

30. If a court of competent jurisdiction declares any provision, or any part of a provision of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law, that each and every other provision of this by-law authorized by law, be applied and enforced in accordance with its terms to the extent possible by law.

Number etc.

31. A word interpreted in the singular has a corresponding meaning in the plural and versa.

Repeal of By-law

32. By-law 79-100 is hereby repealed.

Short Title

33. This by-law may be referred to as the Park By-law.

READ THREE TIMES AND FINALLY
PASSED IN OPEN COUNCIL
THIS 12th DAY OF JULY, 2005

Marolyn Morrison, Mayor

Cheri Cowan, Clerk

Schedule A to By-Law 2007-46

