

PARKS

Chapter 420 PARKS - AVENUES - BOULEVARDS DRIVES - REGULATION - CONTROL

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**Article 1
INTERPRETATION**

420.1.1 Bicycle - defined

“bicycle” includes a tricycle and a unicycle but does not include a power-assisted bicycle. By-law 36-2014, 24 March, 2014.

420.1.2 City - defined

“City” means The Corporation of the City of Brantford.

420.1.3 Commissioner - defined

“Commissioner” means the Commissioner of Engineering, Public Works, Parks and Recreation or designate. By-law 102-2004, 25 May, 2004; Schedule ‘A’.

420.1.4 Officer - defined

“officer” means any police officer, provincial offences officer, municipal law enforcement officer or employee of the City designated by the Commissioner to administer this Chapter.

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420.1.5 Parking area - defined

“parking area” means an area that has been physically laid out or improved for the purpose of parking vehicles or that is designated by an official sign for such purpose in or on City parkland and properties.

420.1.6 Parkland or park - defined

“parkland” or “park” means any and all land owned by or made available by lease, agreement or otherwise to the City that has been or hereafter may be set apart, designated, dedicated or established by the City as public parkland, or is maintained by the City as a boulevard, median, landscaped buffer, walkway, trail, woodlot or storm water management area.

420.1.7 Post or posted - defined

“post” or “posted” means the erection or presence of permissive, regulatory, restrictive, warning or prohibitive signs and posted area” means an area where such signs are erected. By-law 102-2004, 25 May, 2004; Schedule ‘A’

420.1.8 Power-assisted bicycle - defined

“power-assisted bicycle” means a power-assisted bicycle as defined by the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended from time to time. By-law 36-2014, 24 March, 2014.

420.1.9 Property or properties - defined

“property” or “properties” means any and all buildings, structures, equipment, trees, shrubs, horticultural displays, benches, tables, tennis courts, arenas, community/recreation centres/facilities, rinks, pools, waste disposal containers, playground apparatus, shelters, washrooms, fencing, lighting, parking areas or other such similar property that may be placed on or erected in parkland. By-law 102-2004, 25 May, 2004; Schedule ‘A’

420.1.10 Vehicle - defined

“vehicle” includes a motor vehicle as defined by the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended from time to time, except that it shall also include a power-assisted bicycle, and means a snowmobile, go-kart, mini bike, all-terrain vehicle, or similar vehicle, propelled or driven by an internal combustion engine, and “motorized vehicle” and “motor vehicle” shall have the same meaning. By-law 36-2014, 24 March, 2014.

**Article 2
COMMISSIONER'S DUTIES**

420.2.1 Administration - enforcement

The administration and enforcement of this Chapter shall be the responsibility of the Commissioner.

420.2.2 Restricted use - authority - signs posted

The Commissioner has the right and authority under this Chapter to post signs and restrict or limit the use or attendance on any part or portion of the parkland, property, lake or beach, at any time and for any manner that is deemed necessary in the interest of public safety and welfare.

**Article 3
CONDUCT OF PERSONS USING PARKLAND
OR PROPERTY**

420.3.1 Plants - removal - damage - prohibited

No person shall, within parkland or property remove or damage any plant, shrub or flower.

420.3.2 Trees - property - damage - removal - prohibited

No person shall, within parkland or property climb, remove, deface or damage any tree, fence, bench, seat, table, monument, sign, bridge, underpass, wall, building or similar structure.

420.3.3 Excavations - removal of rocks - soil - prohibited

No person shall make any excavations in the parks for any purpose or remove the whole or any part of rocks, boulders, rock faces or remove soil, sand or wood.

420.3.4 Buildings - structures - moved - prohibited

No person shall move, within the parks or property, any building or structure.

420.3.5 Metal detector - use - permit required

No person shall, within parkland or property operate a metal detector without a permit.

420.3.6 Camping - prohibited

No person shall, within parkland or property be permitted to dwell, camp or lodge.

420.3.7 Worm picking - commercial - prohibited - exception

No person shall, within parkland or property pick worms for commercial purposes except where a contract exists.

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420.3.8 Water - discharging - polluting - prohibited

No person shall, within parkland or property let out or discharge any water so that it may have the effect of polluting any parkland or property.

420.3.9 Garbage - dumping

No person shall throw or dump, or cause to be thrown or dumped, or leave any refuse, garbage or any other material or litter within the parks or properties, except in receptacles that may be provided for such purposes.

420.3.10 Animal - swimming in public area - prohibited

No person shall allow an animal under his or her control onto parkland or property where the parkland or property contains or abuts a lake where public swimming is permitted.

420.3.11 Horses - in park - restriction

Notwithstanding the Animal Control By-law - Chapter 206 of the City of Brantford Municipal Code horses may be permitted within parkland or property in conjunction with an event or competition sponsored by or affiliated with the City, provided that such horses are kept under control.

420.3.12 Animals - killing - disturbance - prohibited

No person shall kill, maim or in any way molest or disturb any animal, bird or waterfowl whose habitat is in parkland or property.

420.3.13 Keep off the grass - areas prohibited - where posted

No person shall go on foot or otherwise upon the grass, lawn or landscaped areas in the parkland or property when a sign prohibiting this usage is posted.

420.3.14 Sports - in areas other than designated - prohibited

No person shall conduct or participate in sports or other endeavours in areas that are designed specifically as horticultural and landscape sites, passive and sitting areas and facilities for young children.

420.3.15 Roller skates - other like conveyance - use - restriction

No person shall:

- (a) operate or utilize roller skates or in-line skates or like conveyances, or skateboards, where posted to prohibit or otherwise restrict the use of the same;
- (b) obstruct, inconvenience or endanger other users of the parklands or property while operating or utilizing roller skates, in-line roller skates, or like conveyances or skateboards.

420.3.16 Entry - posted restricted area - prohibited

No person shall enter a posted area that is designated “No Admittance” or “No Trespassing.”

420.3.17 Rules - posted - obeyed

No person shall contravene any posted rules and regulations relating to the operation of parkland, arenas, swimming pools, recreation centres or any other property or facility.

420.3.18 Rules - posted - disobeyed - authority to remove person

If a person does contravene any of the posted rules and regulations at any of the facilities set out in this Article, the manager of the parkland, property or facility or designate may direct that person to leave the parkland, property or facility.

420.3.19 Person directed to leave premises - mandatory

No person shall remain in a park or facility after being directed to leave by the facility manager or designate.

420.3.20 Language - abusive - insulting - prohibited

No person shall, within the parkland or property use abusive or insulting language.

420.3.21 Throwing stones - other projectiles - prohibited

No person shall, within the parkland or property throw stones or other missiles.

420.3.22 Intoxicated person - alcoholic beverages - prohibited

No person shall, within the parkland or property be intoxicated or consume or have intoxicating beverages in their possession.

420.3.23 Person causing nuisance - prohibited

No person shall, within the parkland or property cause a nuisance or in any way interfere with the use and enjoyment of the park by other persons.

420.3.24 Hours of operation

All parkland within the City of Brantford shall close at 11:00 p.m. and shall remain closed until 6:00 a.m. the following morning unless otherwise posted or except where specific exemptions have been made.

420.3.25 Person in park - after hours - prohibited

No person shall be or remain in a park after the closing hour or before the opening hour unless authorized by the Commissioner.

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420.3.26 Loitering - obstruction of persons - prohibited

Any person who at any time loiters in parkland or property and in any way obstructs persons using the parkland or property shall be guilty of an offence and maybe charged under the *Trespass to Property Act*.

420.3.27 Destruction - defacing signs postings - prohibited

No person shall damage or destroy any authorized notice posted.

420.3.28 Conduct - detrimental - prohibited

No person shall conduct oneself in a manner that is detrimental to the safety and enjoyment of others using the said parkland or property.

420.3.29 Walkway - interference with use - prohibited

No person shall interfere with the enjoyment or use by a pedestrian of any walkway, sidewalk, trail or pathway.

420.3.30 Vehicle - cleaning - maintenance - prohibited

No person shall use any part of parkland or property for the purpose of washing, cleaning, polishing, servicing, maintaining, or with the exception of any emergency, repairing any motorized vehicle or water vessel.

420.3.31 Sign - advertisement posting - prohibited

No person shall erect, post or otherwise display any unauthorized notice, sign, signboard or other advertising device.

420.3.32 Handbills - advertising - prohibited

No person shall distribute any handbills, circulars, nor post any notices, bills or advertising devices of any kind or description whatsoever on parkland or property.

420.3.33 Hockey - sticks - in skating area - prohibited

No person shall engage in hockey or carry or use a hockey stick or similar equipment on a natural or artificial ice surface, which is designated for pleasure skating only.

420.3.34 Golf - horseshoes - other - in designated areas only

No person shall play or practice golf, horseshoes, lawn darts, archery or bocce within parkland, except in areas designated for such purpose.

420.3.35 Sound apparatus - without permit - prohibited

No person shall operate or use any apparatus, mechanism or device for the amplification of the human voice, music or sound without a permit.

420.3.36 Axe - saw - chainsaw - prohibited

No person shall within parkland or property possess an axe, saw, chainsaw or other implement normally used for the cutting or trimming of trees and shrubs.

420.3.37 Activities - prohibited - unless authorized

Except in conjunction with an event or competition sponsored by or affiliated with the City or otherwise approved by the City, no person shall within parkland or property:

- (a) possess an air gun, firearm, gas operated or spring operated gun, archery equipment or catapult;
- (b) make an ascent in a balloon, parachute, airplane or other kind of aircraft;
- (c) perform any act that congregates or is likely to congregate persons;
- (d) fire or discharge any torpedo, rocket or other fireworks;
- (e) build or light an open fire within the parks or property and further, no person shall build or light a fire within the parkland or property in places other than in fireplaces provided by the City, or in portable stoves or on barbeques used in designated picnic or designated parking areas;
- (f) leave a fire unattended nor leave an area without completely extinguishing the said fire when not in attendance;
- (g) march in military formation, or in a band or procession, parade or drill or perform any movement or ceremony;
- (h) beg, solicit or invite subscriptions or contributions;
- (i) sell or offer for sale any articles, thing or service;
- (j) solicit patronage to or for any person, business, rooming house, restaurant or hotel;
- (k) take or permit to be taken any files, photograph, videotape, television broadcast or use of any camera cell phones and personal digital assistants, unless authorized;
- (l) carry or display any flag or banner; and
- (m) make exclusive use of any portion of any parklands or property, without a permit.

Article 4

CONDUCT OF PERSONS USING WATER AREAS

420.4.1 Swimming - designated area - only

No person shall, within parkland or property swim or bathe, except in a designated swimming area.

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420.4.2 Bottles - cans - in swimming area - prohibited

No person shall, within parkland or property take into or possess any glass bottle, metal can or container within a swimming area.

420.4.3 Animals - in swimming area - prohibited

No person shall, within parkland or property take in or permit any cat, dog or other animal to be within a swimming area, unless otherwise approved by the City.

420.4.4 Lifesaving - safety equipment - removal - prohibited

No person shall, within parkland or property move, damage or in any way interfere with any lifesaving, emergency equipment, or safety signs installed for public safety and information.

420.4.5 Pollution - contributing to pollution - prohibited

No person shall pollute or contribute to the pollution of a lake, pond or watercourse.

420.4.6 Birds - feeding - in any way attracting - prohibited

No person shall feed, or in any way attract, birds to a lake, pond or watercourse.

420.4.7 Fish caught in park - cleaning in park - prohibited

Any fish caught or captured may not be cleaned in the park or deposited in the lake or watercourse.

420.4.8 Deposits - solid - liquid - into water - prohibited

No person shall deposit any solid or liquid matter into a lake or watercourse.

420.4.9 Skating - tobogganing - on lake - areas designated

Ice-skating or tobogganing on a lake or watercourse during the winter months shall be prohibited, except in areas so designated and marked for such purposes.

Article 5

ORGANIZED GATHERINGS AND PICNICS

420.5.1 Place - time - designated by Commissioner

The Commissioner may designate the place and time at which picnics may be held in parkland or properties.

420.5.2 Picnic - in prohibited area - prohibited

No person shall picnic in parkland or property in an area designated and posted "No Picnics Allowed In This Area."

420.5.3 Wedding ceremonies - in designated area only

No person shall use parkland or property for wedding ceremonies except in areas designated for such purposes.

**Article 6
DISTURBANCES**

420.6.1 Noise - disturbance - contrary to Chapter 554

No person shall cause or create any unnecessary noise or disturbance in parkland or property, which contravenes the Noise Control By-law, Chapter 554 of the City of Brantford Municipal Code.

420.6.2 Lighting equipment - tampering with - prohibited

No person shall turn on or tamper with any lighting control equipment or facilities in parkland or property.

**Article 7
TRAFFIC AND VEHICULAR CONTROL**

420.7.1 Driving lessons - instruction - on parkland - prohibited

No person shall use any part of parkland or property for the purpose of instructing, teaching or coaching any person in the driving or operation of a motorized vehicle.

420.7.2 Parking - designated area - only

No person shall within parkland or property park a vehicle, except in a designated parking area.

420.7.3 Parking - maximum duration

No person shall within parkland or property park a vehicle in a designated parking area at any time other than during the permitted hours as posted in the designated parking area or park a vehicle for a longer period than that time designated by the erection of signs indicating a maximum period of parking in a particular location.

420.7.4 Parking - hours prohibited

No person shall within parkland or property park a vehicle between 11:00 p.m. and 6:00 a.m.

420.7.5 Parking - commercial vehicle - restriction

No person shall within parkland or property park a commercial vehicle at any time without written permission.

420.7.6 Parking - preventing convenient movement of vehicles

Except as otherwise provided in this Chapter, no person shall in parkland or property park a vehicle within 50 ft (15.24 m) of a bridge, or in a place that prevents or is likely to prevent convenient movement of other vehicles, or in any prohibited area.

420.7.7 Parking - other than designated area - prohibited

Except as otherwise provided in this Chapter, no person shall in parkland or property park any vehicle in a place other than an area designated for the parking of vehicles.

420.7.8 Operation of vehicle - area specific

No person shall operate a vehicle in parkland or on property except in areas specifically designated for use for that type of vehicle.

420.7.9 Speed limit - maximum

No person shall operate any vehicle on a roadway in a park or on property at a speed in excess of the posted limit or where not posted a maximum speed in excess of 20 kilometres per hour (12 miles per hour).

420.7.10 Operation vehicle - other areas - permit required

No person shall operate a motor vehicle in parkland or on property except upon roadways, parking areas or any other areas designated for use by motor vehicles or any other area intended for public vehicular use, unless that person has obtained a permit.

420.7.11 Permit to cross parkland - damage deposit required

Applications for a permit to cross parkland or property shall be accompanied by a damage deposit.

420.7.12 Snowmobiles - ATV - motorcycles - prohibited

No person shall, within parkland or property, drive a motorized snow vehicle, all terrain vehicle (ATV) or motorcycle.

420.7.13 Parking - in front of building - walkway - prohibited

No person may park or store or leave a motor vehicle in front of a public building, emergency exit, walkway or entrance to any building or structure, which might in any way interfere with the normal flow of traffic on a roadway or parking lot.

420.7.14 Operation of vehicle - direction of travel - as indicated

Where proper signs have been erected indicating one-way traffic on any roadway, no person shall drive a vehicle on the roadway except in the direction indicated by the signs.

420.7.15 Vehicle in contravention - removal - owner's expense
Where any vehicle is parked or left in contravention of any of the provisions of this Chapter, an officer may cause the vehicle to be removed or taken to or placed or stored in a suitable place at the owner's expense.

420.7.16 Traffic - rerouting - officer authority
An officer may in cases of fire, accident, traffic congestion or other emergency, direct traffic into such channels as are necessary to prevent or relieve congestion.

420.7.17 Recreational vehicle - use - designated area - only
No person shall use any form of motorized recreational passenger vehicle or operate an off-road vehicle as defined in the *Off-Road Vehicles Act*, except in areas designated for such use. Without limiting the generality of this provision, this provision also applies to motorized recreational or passenger vehicles upon water areas.

420.7.18 Bicycle - use - limitation
No person shall ride a bicycle within parkland or property, except on portions of a highway or bicycle paths commonly intended for the public use.

420.7.19 Bicycle - speed limit - pedestrian encounter
No person owning or operating a bicycle shall allow such bicycle to exceed a speed of eight kilometres per hour (five miles per hour) within the parkland or property. At places of frequent pedestrian usage, all cyclists are required to dismount and walk their bicycles for public safety. By-law 102-2004, 25 May, 2004; Schedule 'A'.

420.7.20 Power-assisted bicycles - operation - prohibited
Without limiting the generality of any other provision of this Chapter, no person shall operate, by muscle power, electric power or otherwise, any power-assisted bicycle on any bicycle path, multi-use trail or recreational trail owned or maintained by the City. By-law 36-2014, 24 March, 2014.

Article 8

PARKS AND RECREATION PERMITS

420.8.1 Permits - fees - established by Council
Permits issued for activities contemplated in this Chapter may be subject to such fees as Council shall from time to time establish by by-law.

420.8.2 Permits - conditions - applicable
Permits issued for activities contemplated in this Chapter may include conditions as to time, location, area, equipment, number of participants, type of activities, release, indemnity and insurance coverage.

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420.8.3 Additional services - required fees

Permit holders requiring additional services that are above the regular services provided in parkland and property may be subject to additional fees for such services as Council shall from time to time establish by by-law.

420.8.4 Permits - other authorities - requirements

The issuance of a permit pursuant to this Chapter shall not relieve any person from the necessity of acquiring any other license or permit required for such activity by any government or public authority.

420.8.5 Permits - authority to issue - Commissioner

The authority to issue permits referred to in this Chapter is delegated to the Commissioner.

**Article 9
EXCEPTIONS**

420.9.1 Ambulance - police - fire - City employees on duty

This Chapter shall not apply to:

- (a) the drivers, operators or other personnel of ambulances, police or fire department vehicles; or
- (b) employees or agents of the City while engaged in works or services undertaken for or on behalf of the City.

**Article 10
ENCROACHMENTS**

420.10.1 Prohibited - exemptions as authorized only

No person shall encroach upon or take possession of any parkland or property by any means whatsoever including the construction, installation or maintenance of any fence or structure, the dumping or storage of any materials or plantings, or planting cultivating, grooming or landscaping thereon unless in accordance with the Municipal Encroachment Policy and as authorized by Council.

**Article 11
ENFORCEMENT**

420.11.1 Officer - authority to enforce

Any officer is authorized to inform any person of the provisions of this Chapter to request compliance therewith, to enforce the provisions of this Chapter and order any person believed by such officer to be contravening or who has contravened any provision of this Chapter to:

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- (a) desist from the activity constituting or contributing to such contravention;
- (b) remove from the parklands or properties any animal or thing owned by or in the control of such person which the Officer believes is or was involved in such contravention; or
- (c) to leave the parklands or properties.

420.11.2 Contravention of permit - revocation

Where any person contravenes any provisions of this Chapter or any person in a group to which a permit and/or licence has been issued, or fails to comply with an order referred to in Section 420.11.1 hereof, the permit and/or licence of such person or group to remain in that park is revoked.

**Article 12
PENALTIES**

420.12.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine in such amount provided by the *Provincial Offences Act*, as may be amended from time to time.

420.12.2 Fine - for contravention - Highway Traffic Act

Any person contravening the provisions set out in Section 420.7.9 resulting from the operation of a vehicle, is guilty of an offence under the *Highway Traffic Act*, and, pursuant to the provisions thereof, on conviction is liable to a fine in such amount provided for by the *Highway Traffic Act*, as may be amended from time to time. By-law 102-2004, 25 May, 2004; Schedule 'A'.