

## THE CORPORATION OF THE TOWN OF MILTON

### BY-LAW NO. 048-2020

BEING A BY-LAW TO AMEND BY-LAW 072-2006, AS AMENDED BEING A BY-LAW TO MANAGE AND REGULATE PUBLIC PARKS IN THE TOWN OF MILTON

**WHEREAS** section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, permits a municipality to pass by-laws respecting parks and recreation;

**AND WHEREAS** Council deems it desirable to amend By-Law 072-2006, as amended;

**NOW THEREFORE** the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. THAT WHEREAS section of by-law 072-2006 be repealed and replaced with the following;

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, permits a municipality to pass by-laws respecting parks and recreation, the public assets of the municipality, the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and services and things that the municipality is authorized to provide;

AND WHEREAS section 128 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, permits a municipality to pass by-laws with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS the Council of the Corporation of the Town of Milton is desirous of enacting a by-law to provide for the maintenance, operation, management and orderly regulation of municipal parks;

AND WHEREAS subsection 23.1-23.3 of the *Municipal Act, 2001* sets out the authority and restrictions governing the delegation of authority by a municipality, including the delegation of legislative and quasi-judicial powers to one or more members of Council.

2. THAT Part 1 – Definitions of By-law 072-2006 be repealed and replaced with the following:

(a) “*animal*” shall mean any member of the *animal* kingdom, other than a human;

- (b) “*BMX facility*” shall mean bicycle motocross facilities as described in Schedule “B” to this By-law;
- (c) “*cat*” shall mean a male or female feline over the age of six weeks of any breed of domesticated *cat* or crossbreed domesticated *cat*;
- (d) “*Council*” shall mean the Council of the *Town*;
- (e) “*Director*” shall mean the Commissioner of Community Services, or his/her designate;
- (f) “*dog*” shall mean a domesticated male or female of any canine species over the age of twelve (12) weeks;
- (g) “*emergency rule*” or “*emergency rules*” shall mean any rule or rules established under 4.2 of this By-Law;
- (h) “*firearm*” shall mean any type of gun or other *firearms* and includes airguns, spring guns, crossbows, long bows, compound bows, pellet guns or any class or type thereof, or anything that can be adapted for use as a *firearm*;
- (i) “*fireworks*” shall mean any incendiary device, excluding sparklers;
- (j) “*Municipal Law Enforcement Officer*” shall mean a Municipal By-law Enforcement Officer appointed by Council;
- (k) “*park*” shall include any land or premises under the control and/or management of the Town for park or recreational purposes and includes any lane, walkway or public parking area leading thereto, and also includes any and all buildings, structures, equipment, facilities, and improvements located in or on such land;
- (l) “*parking area*” shall mean an area that is physically laid out for the purpose of parking vehicles or that is designated by an official sign for such purpose by the *Town*;
- (m) “*Police Officer*” shall mean an officer of the Halton Regional Police Service;
- (n) “*refreshment vehicle*” shall mean a vehicle from which *refreshments* are sold for consumption by the public and includes carts, wagons, trailers, trucks and bicycles;
- (o) “*Town*” shall mean the Corporation of the Town of Milton;

- (p) “*vehicle*” includes a motor *vehicle* as defined under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, as amended, and any bicycle, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power, and includes snow vehicles, but excludes a wheelchair or similar device (powered or otherwise) used by an individual due to a disability, a baby carriage or cart, child’s wagon, child’s stroller, child’s sleigh or other conveyance of like nature.

3. **THAT** Part 2- BY-LAW APPLICABILITY of by-law 072-2006 be renamed PARKS, GENERAL

4. **THAT** Part 3 - DIRECTOR’S DUTIES paragraph 3.1 be amended as follows;

3.1 The Director shall be responsible and shall have all powers necessary for:

5. **THAT** Part 4 - POSTED SIGNS of by-law 072-2006 be renamed PARKS RULES AND CLOSURES and the section be repealed and replaced with the following;

#### **PARK RULES AND CLOSURES**

4.1 If the Director deems it necessary in the interest of public health, safety and welfare, the *Director* has the authority to restrict or limit the use of, close or otherwise prohibit entrance to any *park* or area, building or structure within a *park*;

4.2 Where the Town is subject to a declaration of emergency, pursuant to Section 4 or Section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9 as amended (“*Emergency Management Act*”) the Town delegates to the Mayor, for the duration of the emergency, the power to establish *emergency rules* for *parks*, for the health, safety and welfare of the public, including:

(a) rules for maintaining physical distance within a *park*;

(b) any other rules the Mayor deems necessary for protection of the health, safety and welfare of persons within a *park*;

4.3 *Where* authority has been exercised under s. 4.1 or 4.2, the restriction, limitation, closure, prohibition or *emergency rule*, comes into effect upon notice to the public being provided by any one of the following methods:

(a) posting a sign or notice at the entrance to a park;

- (b) posting a sign or notice within a park; or
- (c) posting a notice to the Town website.

4.4 *Park emergency rules* shall:

- (a) be operable only for the period of the declaration of emergency under sections 4 or 7.0.1 of the Emergency Management Act; and
- (b) be deemed a part of and incorporated into this By-law and may be added administratively as a schedule to this By-law for ease of reference.

4.5 In a *park*, no person shall:

- (a) contravene any *emergency rules*;
- (b) *park* or area within a *park* that is closed, or to which entrance is contravene any posted rules and regulations at any prohibited by the *Director*; or
- (c) enter a *park* or area within a *park* contrary to any limitation or restriction established by the *Director*;

**6. THAT** Part 11 – RECREATION of by-law 072-2006 section 11.1(g) be repealed and replaced with the following;

- (g) use cellular telephones, cameras or any other photographic, video or audio or recording devices in a washroom, bathhouse or change room located in a *park*;

**7. THAT** PART 13 - Parking of bylaw 072-2006 be deleted in its entirety.

**8. THAT** PART 16 - GENERAL PROHIBITIONS be repealed and replaced with the following;

16.1 No person, while in any *park*, shall:

- (a) indulge in riotous, boisterous, threatening or indecent conduct, use profane or indecent language, create a nuisance by spying, frightening or annoying any other person in any manner, or otherwise interfere with the peaceable enjoyment of others;
- (b) make excavations for any purpose;

- (c) move any building or structure within a *park*, or remove, destroy, or injure any plant material without the written authorization of the *Director*;
- (d) possess an axe, saw, chainsaw or other implement normally used for the cutting or trimming of trees;
- (e) without the written authorization of the *Director*, operate loud speakers or sound amplifying equipment;
- (f) operate, or use, any radio, tape player, compact disc player, dvd player, car radio, or any other sound reproducing system in a manner that disturbs or interferes with other persons in or near the *park*, or is contrary to the Town's Noise By-law, as amended from time to time;
- (g) build any structure, and/or store equipment and/or materials in a *park*, unless authorized in writing by the *Director*.

9. **THAT** paragraphs 22 to 28 of bylaw 072-2006 be repealed and replaced with the following;

## 22. **ENFORCEMENT**

- 22.1 This By-law shall be enforced by Municipal Law Enforcement Officers, Police Officers, officers of the Oakville Humane Society and Conservation Halton or such other persons as the Director or Council may designate.
- 22.2 If a person appears to have contravened this By-Law, the Director, a Police Officer or a Municipal Law Enforcement Officer may verbally direct that person to leave a *park* or area within a *park* as the case may be.
- 22.3 Any person who receives direction to leave a *park* or area within a *park* under Section 22.2 shall do so forthwith.
- 22.4 Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and shall be liable to a fine, subject to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, and be subjected to any other penalties permitted by law for each offence. Each day such violation continues shall constitute a separate offence and shall be punishable as such.

23. **DELEGATION OF AUTHORITY**

23.1 The Director shall have delegated authority to update Schedules "A" and "B" of this By-law as new parks are opened by the Town and to add or remove any *emergency rules* as schedules to this By-law.

24 **SEVERABILITY**

24.1 If a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

25. This by-law shall be known as the *Parks By-law*

26. By-law No. 126-74, as amended, is hereby repealed.

**10.THAT** this By-law shall come into force and effect on the day it is passed. Any amendments to this By-law shall come into force and effect on the day they are passed.

**11.THAT** all other provisions of By-law No. 072-2006, as amended, remain in full force and effect.

**PASSED IN OPEN COUNCIL ON JUNE 22, 2020.**

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Gordon A. Krantz Mayor

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Meaghen Reid Deputy Clerk