



City of
Peterborough

To: Members of the General Committee

From: Sandra Clancy, CAO and Acting Commissioner of Community Services
Cynthia Fletcher, Commissioner of Infrastructure and Planning Services

Meeting Date: August 12, 2019

Subject: Report CSD19-013
Parks and Facilities By-Law

Purpose

A report to recommend the passing of a By-Law respecting Parks and Facilities.

Recommendation

That Council approve the recommendation outlined in Report CSD19-013, dated August 12, 2019, of the CAO and Acting Commissioner of Community Services and the Commissioner of Infrastructure and Planning Services, as follows:

That Council pass the Parks and Facilities By-law attached as Appendix A to Report CSD19-013 dated August 12, 2019.

Budget and Financial Implications

There are no budget or financial implications associated with the recommendation in this report.

Background

If the recommendation is approved the By-law is intended to be presented to Council for consideration at its meeting on August 12, 2019.

The use of the City's parks and open spaces is regulated by various federal, provincial and municipal laws. Some municipalities pass stand-alone by-laws that more

specifically regulate the use of their parks and open spaces. Recent events in various parks and open spaces in the City underscore the advisability of a stand-alone municipal by-law to more clearly establish rules for the shared public use and enjoyment of the City's parks and open spaces and for the protection of the natural environment.

Appendix A is a draft proposed Parks and Facilities By-law. The following is a summary of its key features:

- Paragraph 9.j): Defines “Manager” who are delegated the authority to administer the By-law (Section 17 explains the delegation);
- Paragraph 9.k): Defines “Officer” who are delegated the authority to enforce the By-law (Section 23 explains enforcement);
- Paragraph 9.l): Defines “Park” including “Facilities” which is defined in paragraph 9.i) and the 108 City Parks named on Schedule A;
- Paragraph 10.a) and section 11: Establish the hours of operation for the named City Parks (Schedule A) outside of which access is prohibited, except for the sole purpose of traversing a pathway or trail within a Park;
- Paragraphs 10.b) and 17.a): Delegate authority to the Manager to determine the Parks or parts of Parks to which access is prohibited;
- Section 12 and paragraph 17.b): Prohibit certain activities except pursuant to a permit issued by the Manager and delegate authority to the Manager to administer permits;
- Paragraph 12.f) and section 13: Specifically prohibit the erection or occupation of a structure, hut or tent except pursuant to a permit issued by the Manager. However, the CAO, in consultation with any of the Commissioner of Community Services, the Manager, Social Services or the Manager, Public Works, may permit individuals to occupy temporary structures, huts and tents in a Park without a permit where the CAO is “satisfied that the number of locally available shelter beds is less than the number of individuals in need of shelter” subject to conditions and restrictions to be established by the CAO;
- Section 14 and paragraph 17.d): Identify certain activities that may be subject to conditions and restrictions established by the Manager and delegates authority to the Manager to establish such conditions and restrictions;
- Section 15: Prohibits certain activities entirely;
- Section 16: Prohibits certain activities relating to encroachments into Parks from adjacent properties;
- Section 19: Delegates to the Administrative Staff Committee authority to approve amendments to the list of City Parks named on Schedule A and delegates authority to the CAO and the City Clerk to pass amending by-laws to effect the approved amendments;

- Section 21: Authorizes an agreement between the City and the County of Peterborough for administration and enforcement of matters related to parks and other lands owned or leased by the County; and
- Sections 23-26: Establish a system to enforce the By-law including administrative orders (23.a) and b)), trespass notices (23.c)), remedial work (25) and a system of fines (26).

Staff will continue their efforts to ensure that the City's parks and open spaces remain available for the lawful, shared use and enjoyment of the public.

Submitted by,

Sandra Clancy
Chief Administrative Officer

Cynthia Fletcher
Commissioner of Infrastructure
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Attachments

Appendix A: Draft Proposed Parks and Facilities By-Law

Appendix A: Draft Proposed Parks and Facilities By-Law



The Corporation of the City of Peterborough

By-Law Number 19-074

Being a by-law to regulate and to promote responsible, shared use and enjoyment of parks and related facilities.

Whereas Council considers it appropriate to protect, maintain and enhance its parks, open spaces and other publicly-owned land and related facilities for the safety and shared enjoyment of members of the public and to protect and enhance the natural environment.

Now therefore, The Corporation of the City of Peterborough by its Council hereby enacts as follows:

Short Title

1. This By-Law may be referred to as the "Parks and Facilities By-law".

Interpretation

2. A reference to any statute, regulation or by-law refers to that enactment as it may be amended or replaced from time to time.
3. Unless otherwise stated, a reference to a section, paragraph, clause or schedule is a reference to this By-law's section, paragraph, clause or schedule.
4. The headings in this By-law are for convenience only and do not form part of this By-law.
5. If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.
6. Subject to section 7, in the event of any inconsistency between a provision of this By-law and of any other by-law related to Parks, the provision that more restrictively regulates prevails to the extent of the inconsistency.
7. Where a trespass notice may be given pursuant to this By-law and pursuant to another by-law, the trespass notice may be given either pursuant to this By-law or pursuant to the other by-law.

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8. This By-law does not restrict any activity by or on behalf of the City.
 9. In this By-law:
 - a) “Administrative Staff Committee” means the committee comprised of the following City staff:
 - i) CAO;
 - ii) Commissioner of Community Services;
 - iii) Commissioner of Corporate and Legislative Services;
 - iv) Commissioner of Infrastructure and Planning Services;
 - v) Manager, Communications Services;
 - vi) City Clerk; and
 - vii) City Solicitor.
 - b) “Alcoholic beverage” means spirits, liquor, beer, wine 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 substance.
 - c) “Animal” means any member of the animal kingdom other than a human and includes birds.
 - d) “By-law” means this By-law including its Schedule A.
 - e) “CAO” means the City’s Chief Administrative Officer.
 - f) “City” means The Corporation of the City of Peterborough or the geographic area of the City of Peterborough as the context requires.
 - g) “Council” means the City’s Council.
 - h) “County” means The Corporation of the County of Peterborough.
 - i) “Facilities” means improvements, buildings and structures constructed within Parks by, on behalf of or for the benefit of the City including arenas and recreational facilities.
 - j) “Manager” means any of the following City staff:
 - i) CAO;
 - ii) City Clerk;
 - iii) Commissioner of Community Services;
 - iv) Commissioner of Infrastructure and Planning Services;
 - v) Recreation Coordinator;
 - vi) Supervisor, Parks and Forestry;
 - vii) Coordinator, Marina Operations;
 - viii) Manager, Social Services;

- ix) Manager, Public Works;
 - x) Supervisor, Public Works;
 - xi) Each Foreperson/Foreman employed in the City's Public Works Division;
 - xii) Facility Manager, Peterborough Sport and Wellness Centre;
 - xiii) Facility Manager, Peterborough Memorial Centre;
 - xiv) Manager, Peterborough Memorial Centre;
 - xv) Community Arena Operations Manager;
 - xvi) Manager, Peterborough Museum; and
 - xvii) Manager, Art Gallery of Peterborough.
- k) "Officer" means
- i) the Manager;
 - ii) each person from time to time appointed as a municipal law enforcement officer to enforce all or any of the City's by-laws;
 - iii) each assistant to the Fire Marshal employed by the City; and
 - iv) a police officer employed by Peterborough Police Service, the Ontario Provincial Police or the Royal Canadian Mounted Police;
- l) "Park" means land owned or leased by the City to which members of the public, subject to this By-law, have access for recreation and related purposes including:
- i) pathways;
 - ii) playgrounds;
 - iii) sports fields;
 - iv) trails; and
 - v) the areas described in Schedule "A"
- and includes Facilities.

Access to Parks

10. No person may:

- a) subject to section 11, be in any of the Parks described in Schedule "A" between the hours of 11:00 p.m. and 5:00 a.m. except as a participant or a spectator of an event approved by the Manager and only during such event; or
- b) be in any Park or part of a Park where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted.

11. Paragraph 10.a) does not prevent a person from being on a pathway or a trail within a Park for the sole purpose of traversing that part of the Park.

Activities Requiring a Permit

12. No person may, in a Park and without a permit issued by the Manager:
- a) sell, or offer, expose or advertise for sale any
 - i) food or drink
 - ii) goods, wares or merchandise
 - iii) art, skill or service;
 - b) practise, carry on, conduct or solicit for any trade, calling, business or occupation;
 - c) have in the person's possession any Alcoholic Beverage;
 - d) ignite, discharge or set off any fireworks;
 - e) light any open air fire;
 - f) erect or be within a structure, hut or tent;
 - g) discharge, dump or leave any construction material, earth, dirt, rock, snow, stone or any other materials;
 - h) play any organized team sport; or
 - i) use a public address system or other device or equipment for amplifying sounds.
13. Where the CAO, in consultation with any of the Commissioner of Community Services, the Manager, Social Services or the Manager, Public Works, is satisfied that the number of locally available shelter beds is less than the number of individuals in need of shelter, the CAO may permit such individuals to erect and be within temporary structures, huts or tents in a Park without a permit otherwise required by paragraph 12.f) for such time and subject to such conditions and restrictions as the CAO may from time to time establish.

Activities Subject to Specific Rules

14. No person may, in a Park, do any of the following except pursuant to conditions and restrictions that may from time to time be established by the Manager:
- a) transport across, launch or beach a boat;
 - b) undertake any maintenance activities or alter existing grounds or Facilities;
 - c) leave or deposit any waste;
 - d) cook food;
 - e) engage in any sport or similar activity;
 - f) possess or use a bow, arrow, pellet gun or airsoft gun;
 - g) ride a bicycle;
 - h) use a skateboard, rollerblades or roller skates;
 - i) skate;

- j) swim, wade or bathe;
- k) drive, park or stop a motorized vehicle; or
- l) operate a motor-driven model airplane, helicopter, drone, rocket or boat.

Protection of Parks for Public Use

15. No person may, in a Park:

- a) contravene any law of Canada, Ontario or of the City;
- b) engage in loud, threatening, abusive, insulting or indecent language;
- c) engage in any activity so as to interfere with or become a nuisance to the general public;
- d) cut, climb, break, injure, deface, disturb or remove any property including:
 - i) a tree, shrub, bush, flower, plant, grass, wood, soil, sand, rock or gravel;
 - ii) a building, cage, pen or monument;
- e) mark or write upon, damage or otherwise injure any property of the City including:
 - i) any part of the interior or exterior of a building;
 - ii) any monument, fence, bench or other structure;
- f) throw a stone or other object that may cause injury or damage to any person or to property;
- g) climb, walk or sit upon any wall, fence, monument or fountain;
- h) disturb, injure, wound, hunt, trap, attempt to kill or kill any Animal;
- i) touch, interfere with, remove or injure any bird's nest, the eggs or the young birds contained therein;
- j) provide, cause to be provided, deposit or leave any food that may be used by an Animal;
- k) deposit or leave any paint, grease, oil, offal or any matter that is or could be dangerous to members of the public or to Animals;
- l) scatter any paper, cardboard or any other material;
- m) wash, clean, polish, service, maintain or repair any motorized vehicle; or
- n) instruct, teach or coach any person in the driving or operation of a motorized vehicle.

Protecting Parks Against Encroachments

16. No owner or occupier of land adjacent to a Park may cause, permit or continue any activity or thing on such land that encroaches onto or into the Park including:

- a) planting any vegetation including any hedge, tree, shrub or garden;

- b) construction, installation or maintenance of any structure or thing including any fence, storage shed or retaining wall;
- c) keeping any composting receptacle or pile; or
- d) placement of any string, wire, chain, rope or similar material.

Delegation

17. The Manager may do such things as the Manager considers appropriate in the administration of this By-law including:

- a) determining the Parks or parts of Parks to which access is prohibited pursuant to paragraph 10.b);
- b) issuing, refusing to issue, establishing conditions for, suspending and revoking a permit contemplated by section 12;
- c) making the determinations as to whether the Manager is permitted to and should exercise the Manager's authority pursuant to section 13 and establishing from time to time the conditions and restrictions related to any exercise of the authority;
- d) establishing rules for and restrictions on any activity contemplated by section 14; and
- e) collecting fees from time to time established by Council in relation to Parks.

18. If there is any disagreement between a Manager as to whether or how a power delegated to the Manager pursuant to this By-law should be exercised, the determination of the CAO prevails to the extent of the disagreement.

19. A majority of the members of the Administrative Staff Committee may, from time to time, approve amendments to Schedule A to this By-law to add, amend or delete the names of Parks listed therein. The CAO and the City Clerk may pass a by-law of the City to effect approved amendments to Schedule A to this By-law.

20. It is Council's opinion that any legislative power delegated pursuant to this By-law is of a minor nature having regard to the number of people, the size of geographic area and the time period affected by an exercise of the power.

21. The CAO may execute on the City's behalf an agreement with the County on terms acceptable to the CAO in a form acceptable to the City Solicitor pursuant to which the City undertakes administration and enforcement of matters related to parks and other lands owned or leased by the County.

22. Subject to section 18, any decision by the Manager pursuant to this By-law is final and not subject to review including review by any Court.

Enforcement

23. If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may

- a) make an order requiring the person who contravened this By-law to discontinue the contravening activity;

- b) make an order requiring the person who contravened this By-law to do work to correct the contravention; and
 - c) issue a trespass notice to the person prohibiting access to a Park for a period not exceeding six (6) months.
24. Without limiting section 26, each person to whom an order is given pursuant to section 23 and who fails to comply with the order is guilty of an offence.
25. Without limiting sections 24 and 26, if an Officer is satisfied that a person to whom an order has been given pursuant to section 23 has failed to comply with the order, the Officer may cause to be done the work set out in the order at the person's expense.
26. Each person who contravenes this By-law is guilty of an offence and, upon conviction, is liable to a fine of no less than \$200 and no more than \$10,000 for each day or part of a day on which the offence commences or continues.

General

27. Any order or notice to be given to a person pursuant to section 23 is sufficiently given:
- a) when given verbally to the person;
 - b) when delivered in writing to the person;
 - c) on the third (3rd) day after it is sent by regular lettermail to the person's last known address; or
 - d) when sent to the person by e-mail or other means of electronic transmission.
28. No proceeding for damages or otherwise may be commenced against the City, a member of Council or an officer, employee or agent of the City or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this By-law or for any alleged neglect or default in the performance in good faith of the duty or authority.

By-law read a first, second and third time this 12th day of August, 2019.

Diane Therrien, Mayor

John Kennedy, City Clerk

Schedule A – Parks

Each of the following areas is a “Park” for the purposes of clause 9.1)v) of this By-law:

	Park Name	Municipal Address
1	Applewood Park	18 Applewood Ct
2	Ashburnham Memorial Park	300 Hunter St E
3	Auburn Reach Park	1050 Water St
4	Barlesan and Leighton Park	1351 Leighton Rd
5	Barnardo Park	955 Barnardo Av
6	Bears Creek Common Park	106 Marina Bv
7	Bears Creek Gardens Park	95 Marina Bv
8	Bears Creek Woods Park	1210 Franklin Dr
9	Beavermead Park	2011 Ashburnham Dr
10	Blodgett Park	1306 Sandalwood Dr
11	Bonnerworth Park	560 McDonnel St
12	Bowers Park	765 Brealey Dr
13	Bridlewood Park	1648 Ramblewood Dr
14	Brinton Carpet Park	160 Braidwood Av
15	Burnham Point Park	64 Edgewater Bv
16	Cameron Tot Lot Park	569 Barnes Cr
17	Cedargrove Park	1220 Sherbrooke St
18	Centennial Park	14 Cartier Ct
19	Chelsea Gardens Park	964 Southlawn Dr
20	Chemong and Sunset Park	916 Chemong Rd
21	Collison Park	475 Southpark Dr
22	Confederation Square Park	501 George St N
23	Corrigan Park	602 Corrigan Cr
24	Corrigan Hill Park	611 Corrigan Hill Rd
25	Dainard Park	914 Dainard Dr
26	Del Crary Park	100 George St N
27	Denne Park	210 Denne Cr
28	Dixon Park	120 Benson Av
29	Dominion Park	342 Dominion Cr
30	Earlwood Park	52 Earlwood Dr
31	Eastgate Memorial Park	2150 Ashburnham Dr
32	Edmison Heights Park	1030 Glebemount Cr
33	Fairbairn and Poplar Park	890 Fairbairn St
34	Farmcrest Park	1900 Ashburnham Dr
35	Fisher Park	246 Milroy Dr
36	Fleming Park	431 Aylmer St N
37	Franklin and Hilliard Park	1201 Franklin Dr
38	Giles Park	1280 Brealey Dr
39	Glenn Pagett Park	827 Stocker Rd
40	Golfview Heights Park	921 Whitefield Dr
41	Goose Pond Park	622 Water St
42	Grove Park	714 Barbara Cr
43	Hamilton Park	575 Bonaccord St
44	Harper Park	601 Harper Rd

45	Hastings Park	690 Hastings Av
46	Hilliard Greenbelt Park	940 Oriole Dr
47	Humber Park	592 Humber Rd
48	Inverlea Park	18 Dennistoun Av
49	Jackson Park	610 Parkhill Rd W
50	James Stevenson Park	325 Burnham St
51	John Taylor Memorial Park	500 McKellar St
52	Johnson Park	2077 Ashburnham Dr
53	Kawartha Heights Park	2229 Kawartha Heights Bv
54	Keith Wightman Park	858 St Mary's St
55	King Edward Park	455 George St S
56	Kinsmen Park	775 Sherbrooke St
57	Kiwanis Park	234 Middlefield Rd
58	Knights of Columbus Park	5 Park St N
59	Manor Heights Park	700 Victory Cr
60	Mapleridge Park	1929 Mapleridge Dr
61	McNamara	2034 McNamara Rd
62	Meadowvale Park	900 Ashdale Cr W
63	Millennium Park	1 King St
64	Milroy Park	242 Milroy Dr
65	Nevin Park	98 Nevin Av
66	Newhall Park	701 Lock St
67	Nicholls Oval Park	725 Armour Rd
68	Nicholls Place	799 Nicholls Pl
69	Northland Park	1255 Bathurst St
70	Oakwood Park	98 Oakwood Cr
71	Queen and Hunter	95 Hunter St W
72	Parkhill and Stewart	676 Stewart St
73	Pioneer Memorial Park	51 Hilliard St
74	Quaker Park	60 London St
75	Queen Alexandra Park	180 Barnardo Av
76	R.A. Morrow Memorial Park	55 Roger Neilson Wy
77	Raymond and Cochrane Park	492 Raymond St
78	Redwood Park	1651 Redwood Dr
79	Reid and McDonnel Park	334 McDonnel St
80	Rideau Park	110 Rideau Cr
81	Riverview Park and Zoo	1230 Water St
82	Rogers Cove Park	131 Maria St
83	Roland Glover Park	265 Spencley's Ln
84	Roper Park	1610 Firwood Cr
85	Rotary Park	100 Hazlitt St
86	Roundabout	661 Grange Way
87	Rube Brady Park	211 Munroe Av
88	Sherbrooke Park	555 Sherbrooke St
89	Sherbrooke Woods Park	1454 Sherbrooke St
90	Simcoe and Bethune Park	262 Simcoe St
91	Stacey Green Park	705 Hawley St
92	Stenson Park	1750 Stenson Bv

93	Stewart Park	216 Stewart St
94	Stillman Park	1198 Olympus Av
95	Turner Park	673 Chamberlain St
96	Union Park	616 Union St
97	University Heights Park	1385 Hetherington Dr
98	Valleymore Park	338 Spillsbury Dr
99	Victoria Park	470 Water St
100	Vinette Park	701 Vinette St
101	Walker Park	2085 Walker Av
102	Wallis Heights Park	1225 Bridle Dr
103	Waverley Heights Park	1189 Scollard Dr
104	Wedgewood Park	1535 Fairmount Bv
105	Weller Park	1140 Weller St
106	Wentworth Park	843 Wentworth St
107	Westclox Park	290 Armour Rd
108	Whitefield Park	1112 Whitefield Dr