



City Of Kingston

Ontario

By-Law Number 2009-76

**A By-Law To Provide For The Regulation Use Of Parks
And Recreation Facilities Of The Corporation Of The City Of Kingston**

Passed: August 4, 2009

As Amended By:

By-Law Number	Date Passed
By-Law Number 2012-106	June 19, 2012
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(Office Consolidation)

City of Kingston “Parks” By-Law Number 2009-76**Index**

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Whereas section 434.1(1) of the Municipal Act, 2001, as amended from time to time, provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act.

(By-law Number 2009-76; By-law 2021-106)

The Council of the Corporation of the City of Kingston hereby enacts as follows:

Definitions

1. In this By-Law:

- a. “Administrative Penalty” means an administrative penalty administered pursuant to “By-Law 2020-69 of The Corporation of the City of Kingston being “A By-Law to Establish a Process for Administrative Penalties”;
- b. “Barbecue” means a portable or fixed device designed and intended solely for the cooking of food in the open air, but does not include outdoor fireplaces and campfires
- c. “City” means the Corporation of the City of Kingston, as represented by the commissioner or director overseeing the recreation and leisure department, their successors or delegates
- d. “Park” means any land, owned, leased or controlled by the City, designated or used as parkland or as a trail, including gardens, playgrounds, sport fields and beach areas
- e. “Penalty Notice” means a notice given pursuant to sections 2.2 and 2.4 of “By-Law 2020-69 of The Corporation of the City of Kingston being “A By-Law to Establish a Process for Administrative Penalties”;
- f. “Special Event” means but is not limited to a festival, procession, march, drill, parade or other organized event
- g. “Sports Field” means an area in a Park set aside for use in sports requiring an open field space

(By-Law Number 2009-76; 2021-106)

Use of Parks

2. The City may post signs respecting the hours during which a Park is opened or closed.
3. No person shall enter or use a Park where the entry or use is prohibited by notice.
4. The City may designate a park or part thereof as a place in which any activity is prohibited or restricted and shall provide signage to indicate the park or part thereof to which the designation applies.

Prohibited Activities - General

5. No person shall do, cause or permit any of the following:
 - a. add to, remove, destroy, defile or damage any fauna or flora, or any Park facility, structure, equipment or sign
 - b. obstruct, hinder or otherwise interfere with an authorized employee of the City or with any authorized peace officer while carrying out an investigation, making inquiries or performing his/her duties for the purposes of enforcing this By-Law
 - c. indulge in any violent, or threatening conduct, or use abusive language
 - d. do anything in an area where signs have been erected pursuant to this By-Law prohibiting such activity
 - e. create a nuisance or disturb other people
 - f. plant a tree, unless authorized
 - g. foul or pollute any fountain or watercourse
 - h. cause injury or damage to any person or to property
 - i. wash, clean, polish, service, maintain, repair, operate or park any motorized vehicle unless authorized
 - j. instruct, teach or coach any person in the driving or operation of a motorized vehicle
 - k. transport across, launch or beach a boat in any Park except on a portion of land specified for such purposes
 - l. allow a pet to run free except in areas designated for such purposes or unless authorized
 - m. ride a horse unless authorized
 - n. use a Barbecue except in areas designated for that purpose or as authorized
 - o. play or practice golf or strike a golf ball unless authorized
 - p. install or erect a fence, sign, bill poster or scoreboard unless authorized
 - q. fly any powered, model aircraft; sail any powered model boat

Protection of Animals

6. No person shall:
 - a. disturb, injure, kill or trap any animal in a Park, unless authorized
 - b. touch, interfere with or remove any bird's nest, the eggs or the young birds contained therein

Protection of Assets

7. No person shall:
 - a. injure, deface or remove any property including a tree, plant, soil, sand, rock or gravel or any structure, unless authorized
 - b. mark or write upon, damage or otherwise injure any structure

Encroachment

8. No person, being the owner or tenant of land adjacent to a Park, shall encroach upon the Park in any way.

Firearms and Offensive Weapons

9. No person shall possess or use any firearm, air gun, bow and arrow, axe or any other dangerous item unless authorized.

Garbage

10. No person shall dispose of or dump any garbage, litter, tree trimmings, animal excrement or any other refuse in a Park except as authorized and shall only deposit same in receptacles provided for such purposes.

Camping

11. Camping and the use of any camping equipment is prohibited in all City parks, with the exception of the following:
 - i. group camping as authorized as part of an organized Special Event; or
 - ii. camping in designated campsites at Lake Ontario Park by registered groups or individuals arriving by bicycle or other modes of active transportation.

(By-Law Number 2009-76; 2020-50)

Signage

12. The City may erect a sign or other device specifying an area in a Park where specific activities are permitted, prohibited or restricted.

Permits

13. The City may authorize, by permit, the use of all or a portion of a Park or Park building subject to such terms and conditions as the City may consider reasonable for any person to:
 - a. sell, or offer, expose or advertise for sale any food or drink, newspaper, magazine or publication, goods, wares or merchandise, art, skill or service

- b. practice, carry on, conduct or solicit for any trade, calling business or occupation
 - c. distribute any flyers or circulars, or post any bills, notices or advertising devices, including signs, of any kind
 - d. convene, conduct or participate in any parade or procession
 - e. convene, conduct or hold a public gathering, or deliver a speech as a member of or to members of any group or to members of the general public.
 - f. ignite, discharge or set off any fireworks except, in places specifically provided by the City or by permission and in full compliance with all municipal By-Laws and provincial acts and regulations
 - g. light any open air fire in any Park, except, in places specifically provided by the City or by permission and in full compliance with all municipal By-Laws and provincial acts and regulations
 - h. play any organized team sport
 - i. use a public address system or other device or equipment for amplifying sounds in a Park
 - j. partake in any other activity that the City deems appropriate
14. No person without a permit shall refuse to vacate a Park, or portion of a Park, in the event that holder of a permit for that Park, or portion of the Park, wishes to access the area in accordance with the terms and conditions of his/her permit.
15. No holder of a permit issued by the City shall access or use a Park unless the permit holder complies with the conditions of the permit, including any additional conditions imposed by the City
16. Every permit holder shall comply with: (1) every By-Law of the city; (2) every provincial or federal Act and regulation made under such an Act; and (3) every instrument of a legislative nature made or issued under a provincial or federal Act or regulation;
17. The City may attach such terms and conditions to a permit as deemed necessary to ensure public safety, protect City property or maintain the enjoyment of the Park for the public which shall include identification of:
- a. permit holder whether an individual, individuals or a corporation
 - b. permitted use
 - c. applicable fee
 - d. confirmation of payment of applicable insurance
 - e. time and date of permitted use
 - f. place of permitted use
18. No permit shall be issued without the payment of the applicable fee as well as acknowledgment of the requirements of this bylaw and all applicable policies of the City.
19. Permits issued to a permit holder under this By-Law may be revoked by the City, if, in the sole opinion of the City, the permit holder fails to comply with the requirements of the permit or any other provisions of this By-Law or for any other reason that the City deems appropriate.

20. Permits for use of Parks for commercial purposes shall be for a fee fixed at a market rate.

Special Events

21. A Special Event is not permitted in any Park unless authorized by permit.

Skating

22. Posted rules related to use of natural or artificial ice surfaces shall be followed by all users.

23. No person shall access or skate on any ice surface in a Park unless authorized.

Parking

24. Notwithstanding any provisions contained in this By-Law respecting the parking of a motor vehicle in a Park, the parking of a motor vehicle in any portion of a Park operated by the City as a paid parking lot shall be governed by the provisions of By-Law 2010-128, or a successor to that By-Law.

(By-Law Number 2009-76); 2020-85)

25. This Section was **Deleted** by By-Law **2020-85**

(By-Law 2009-76; 2012-106; 2020-85)

Fees

26. All Park related fees are provided in the City's Fees and Charges By-Law 2005-10, as amended.

Offences

27a Every Person who contravenes any provision of this By-Law shall, upon issuance of a Penalty Notice in accordance with Administrative Penalty Process By-Law 2020-69, be liable to pay to the City an Administrative Penalty as set out in Schedule B of the Administrative Penalty Process By-Law.

27. Notwithstanding Section 27a of this By-law, every person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine of not less than \$50 for the first offence, not less than \$250 for a second offence and not more than the amount provided for under the *Municipal Act, 2001* or any successor legislation for any further conviction.

28. Every person who contravenes any provision of this By-Law so as to cause the City to incur costs due to his/her actions shall, in addition to any penalty provided for herein, be liable to the City for all expenses incurred for the purpose of repairing or replacing damaged property or removing unauthorized material including all legal and administrative expenses, and such expenses may be recovered by court action.

29a If a Person is required to pay an Administrative Penalty under section 27a in respect of a contravention of this By-Law, the Person shall not be charged with an offence in respect of the same contravention.

29b In accordance with section 351 of the *Municipal Act, 2001*, as amended from time to time, the treasurer of the City may add unpaid fees, charges and/or fines issued under this By-Law to the tax roll and collect them in the same manner as property taxes.

- 29. If this By-Law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

(By-Law Number 2009-76; By-law 2021-106)

Enforcement

- 30. Any provincial offences officer or employee of the City designated by the City is authorized to inform a person of the provisions of this By-Law and to request compliance of it.
- 31. Any provincial offences officer or employee of the City whose duties include the enforcement of this By-Law is authorized to order a person believed by the officer or employee to be contravening or who has contravened any provision of this By-Law to:
 - a. stop the activity constituting or contributing to the contravention;
 - b. remove from the Park any animal or thing owned by or in the control of the person which the officer or employee believes is or was involved in the contravention; or
 - c. leave the Park
- 32. Failure to comply with an order made under section 31 shall constitute a contravention of this bylaw pursuant to section 27.
- 33. Any provincial offences officer may enforce the provisions of this By-Law.
- 33a. Where a Provincial Offences Officer has reasonable grounds to believe that an offence under this By-Law has been committed by a Person, the Provincial Offences Officer may require the name, address, and proof of identity of that Person.
- 33b. Failure to provide proof of identification satisfactory to a Provincial Offences Officer when requested to do so pursuant to Section 33a. of this By-Law shall constitute obstruction of an Officer under Section 5 b. of this By-Law.
- 34. 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 City Council in enacting this By-Law that each and every provision of this By-Law authorized by law be applied and enforced in accordance with its terms to the extent possible according to law.

(By-Law 2009-76; 2021-106)