

The Corporation of the Municipality of Leamington

By-law 98-25

By-law for the Regulation, Protection and Governance of Parks

Whereas section 11(3)5. of the Municipal Act, 2001 authorizes the council of a municipality to pass by-laws regarding parks.

And Whereas section 170(15) of the Highway Traffic Act .S.O. 1990, c. H.8 provides that an officer, upon discovery of any vehicle parked or standing in contravention of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removal, care and storage of the vehicle, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act.

Now Therefore Council enacts as follows:

Definitions

1. In this by-law:
 - a) **“Approved Sign”** means any sign or marking erected or placed by the Municipality in a Park for the purpose of guiding, regulating or prohibiting access thereto or any activity thereon;
 - b) **“Bicycle”** includes a tricycle, a unicycle and a Power Assisted Bicycle but does not include a Motor Assisted Bicycle;
 - c) **“Bicycle Path”** means a path within a Park designated by an Approved Sign for the exclusive use of Bicycles;
 - d) **“Change Rooms”** means any permanent or temporary structure or portion of a structure designed to accommodate persons for the purpose of changing clothes which may include Washrooms and is owned, leased or occupied by the Municipality;
 - e) **“Closed”** means closed pursuant to either section 10 or section 11 as the case may be;
 - f) **“Council”** means the Council of the Municipality;
 - g) **“Designated Area”** means an area of a Park designated by either an Approved Sign or by design for a specific purpose or use;
 - h) **“Director”** means the Director responsible for the Public Works Department;

- i) **“Electric Personal Assistive Mobility Device”** means a wheelchair, scooter, or other self-propelled device, powered by an electric propulsion system and designed to transport one (1) person who has a disability;
- j) **“Liquor”** means spirits, wine and beer 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 matter;
- a) **“Motor Assisted Bicycle”** means a bicycle,
 - i) that is fitted with pedals that are operable at all times to propel the bicycle;
 - ii) that weighs not more than fifty-five (55) kilograms;
 - iii) that has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel;
 - iv) that has an attached motor driven by electricity or having a piston displacement of not more than fifty (50) cubic centimetres; and
 - v) that does not have sufficient power to enable the bicycle to attain a speed greater than fifty (50) kilometres per hour on level ground within a distance of two (2) kilometres from a standing start;
- k) **“Motor Vehicle”** includes an automobile, a motorcycle, a Motor Assisted Bicycle and any other Vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a Power-Assisted Bicycle, a Motorized Snow Vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;
- l) **“Motorized Snow Vehicle”** means a self-propelled vehicle designed to be driven primarily on snow;
- m) **“Municipal Act, 2001”** means the Municipal Act, 2001, S.O. 2001, c. 25;
- n) **“Municipality”** means The Corporation of the Municipality of Leamington;
- o) **“Officer”** means a police officer, a provincial offences officer, a municipal law enforcement officer or any other person as may be appointed by Council to enforce this by-law;
- p) **“Park”** means:
 - i) any land, facility, building or combination of any of them established by the Municipality as a park for the purpose of offering recreation to the

public including any parking areas in connection therewith; and any body of water adjacent thereto within the Municipality; and

- ii) a Trail,

identified on the Municipality's web-based interactive mapping system available through the Municipality's website;
- q) **"Park Roadway"** means the part of a Park that is improved, designed or ordinarily used by Vehicles;
- r) **"Pedestrian Path"** means a path within a Park designated by an Approved Sign for the exclusive use by pedestrians;
- b) **"Power Assisted Bicycle"** means a bicycle that,
 - i) is a power-assisted bicycle as defined in subsection 2(1) of the Motor Vehicle Safety Regulations made under the Motor Vehicle Safety Act S.C. 1993, c.16;
 - ii) bears a label affixed by the manufacturer in compliance with the definition referred to in clause i);
 - iii) is fitted at all times with pedals that are operable to propel the bicycle, and
 - iv) is capable at all times of being propelled on level ground solely by using muscular power to operate the pedals;
- s) **"Provincial Offences Act"** means the Provincial Offences Act, R.S.O. 1990, c. P. 33;
- t) **"Refuse"** shall include but is not limited to paper wrappers, food containers, discarded food, disposable eating utensils, and newspapers, drink containers of all kinds, disposable diapers, broken glass, grass clippings and inert fill of any kind;
- u) **"Rental Agreement"** means an agreement entered into between a person, a group of people or a corporation and the Municipality for the use of a municipal building or facility within a Park, including but not limited to rooms, arenas, picnic shelters, pavilions, boat slips and sports fields;
- v) **"Repair and Storage Liens Act"** means the Repair and Storage Liens Act, R.S.O. 1990, c. R.25;
- w) **"Sign"** means any device or object, erected, located, placed or displayed to convey information and to attract the attention of individuals and/or the public

by means of letters, numerals, symbols, characters, logos, lights, colours, designs, textures or objects and includes a poster, flag or banner;

- x) **“Special Event”** means a Special Event as defined in By-law 86-23 a by-law to regulate and permit Special Events;
- y) **“Special Event Permit”** shall mean the permit issued by the Municipality pursuant to By-law 86-23 a by-law to regulate and permit Special Events;
- z) **“Trail”** means a trail or a multi-use path intended for use by pedestrians and Bicycles under the jurisdiction of the Municipality;
- c) **“Trailer”** means a Vehicle that is or may be at any time drawn upon a highway by a Motor Vehicle, except an implement of husbandry, a mobile home, another Motor Vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate Vehicle and not part of the Motor Vehicle by which it is drawn;
- aa) **“Vehicle”** includes a Motor Vehicle, Trailer, traction engine, farm tractor, road-building machine, Bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a Motorized Snow Vehicle or a street car and when used with reference to part of a prohibition of parking, standing or stopping, includes any part thereof;
- bb) **“Washroom”** means any permanent or temporary structure or portion of a structure that contains toilets and/or urinals and washbasins which may include Change Rooms and is owned, leased or occupied by the Municipality;
- cc) **“Watercraft”** means any device for conveyance in or on water, including but not limited to boats, jet skis, row boats, sailboards, canoes, kayaks, and dinghies; and
- dd) **“Weapon”** means a crossbow, firearm, prohibited device, prohibited weapon, restricted weapon or weapon dangerous to the public peace as defined by the Criminal Code of Canada, R.S.C., 1985, c. C-46.

Interpretation

- 2. Unless otherwise defined, the words and phrases used in this by-law have their normal and ordinary meaning.
- 3. Unless a contrary intention appears herein, the provisions of this by-law are intended to be gender neutral and gender inclusive and the singular also implies the plural, and vice versa.

4. Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an order to the contrary.
5. Any reference in this by-law to any statute or any section of a statute or regulation shall, unless expressly stated, be deemed to be reference to the most current state of the statute or regulation as it may be amended, restated or re-enacted from time to time.
6. Any reference to a policy or by-law of the Municipality shall, unless expressly stated, be deemed to be a reference to the most current state of the policy or by-law as it may be amended or replaced from time to time law.
7. Nothing in this bylaw relieves a person from complying with any federal or provincial legislation, regulation, code, other municipal bylaw, permit, order, directive, approval or license however issued.

Conditions of Entry

8. All persons entering a Park:
 - a) do so at their own risk;
 - b) have an obligation and responsibility to themselves, as well as to other users of the Park, to conduct themselves in a safe manner;
 - c) are deemed to have accepted the conditions of a Park as may be identified by an Approved Sign; the conditions as described within this by-law; and the provisions and requirements of this by-law.

Posted Rules

9. Certain buildings or facilities within Parks may have Approved Signs posted identifying rules which are specific to the building or facility. These rules are in addition to and do not replace any provision of this by-law. In the event of conflict between a identified rule and a provision of this by-law, the rule or by-law provision that includes the higher standard shall prevail.

Closed Hours

10. Except for Trails and unless otherwise posted at or near the entrance of the Park, all Parks shall close at 10:00 p.m. and shall remain closed until 5:00 a.m.

11. Notwithstanding section 10, the Director may close a Park or portion of a Park for a period of time by posting notice at or near the entrance of the Park or that portion of a Park as the case may be, where the Director determines that it is necessary:
- a) to undertake construction, maintenance, repair or an improvement;
 - b) to maintain the safety or security of the Park;
 - c) to conduct an investigation;
 - d) to allow an Officer to adequately administer and enforce this by-law; or
 - e) for the beneficial administration of the Park.

Prohibitions

12. Subject to the provisions of section 13 of this By-law no person shall engage in any of the following activities, while in any Park:

Generally

- a) sell, serve, possess or consume Liquor, except in accordance with a licence or permit issued pursuant to the Liquor Licence and Control Act, 2019, S.O. 2019, c. 15, Sched. 22;
- b) smoke, except in accordance with the provisions of By-law 311-13, a by-law to prohibit smoking tobacco at municipally owned recreational facilities and sports fields;
- c) enter into, linger or remain within any Park when the Park is Closed unless:
 - i) the person is lawfully in the Park pursuant to a Rental Agreement where the terms of the Rental Agreement provide for the use of a building or facility during a time when the Park is Closed;
 - ii) the person is removing or launching a Watercraft at the Designated Area at the Leamington Marina; or
 - iii) the person is a party to a Rental Agreement for the use of a boat slip at the Leamington Marina or is a guest of that person, where those persons are staying on the boat in the Leamington Marina;
- d) remain after being directed to leave pursuant to section 17;
- e) enter upon any place or undertake any activity where an Approved Sign prohibits such access or activity;

- f) use a Park or use any part of a Park for which a Rental Agreement and/or fee is required to be paid without entering into the Rental Agreement and/or paying the applicable fee;
- g) insert a spike, peg or other thing into the ground for the purpose of affixing a tent, fence, structure or anything else to the ground;
- h) erect any tent, fence, structure or other encroachment;
- i) sections 12g) and 12h) shall not apply to the inserting of any thing into the ground for the purpose of erecting an umbrella or a non-enclosed sun shade of a maximum size of two (2) metres by two (2) metres in a Park, except in the following Parks:
 - 1) any Trail;
 - 2) 47 Erie Street South;
 - 3) 27 Mill Street West and 32, 38, 40 Talbot Street West;
 - 4) 40-42 Mill Street West;
 - 5) 20 Princess Street; and/or
 - 6) 37 Erie Street North; Cause or Potential to Cause Damage
- j) damage any turf or planted grass, ornamental or shade tree, flower, shrub, plant, grass, soil, rock, sand or gravel;
- k) damage, move, remove or alter any Approved Sign;
- l) walk or run on the turf, or on any planted grass, where warned by an Approved Sign not to do so;
- m) remove any soil, sand, gravel, stone, rocks, wood, or any other material;
- n) climb any fence, tree, structure or device other than playground equipment designed for climbing;
- o) use any building, structure or equipment for any purpose other than that for which it is obviously intended;
- p) remove, change the location of, or in any way disturb the setting of any equipment, fixtures or chattels or of any portion thereof;

- q) misuse or damage the Municipality's life saving equipment;

Cause or Potential to Cause Danger

- r) throw or otherwise propel by muscular power stones or other projectiles;
- s) carry, possess or use a device, which uses an expanding, such as carbon dioxide or compressed air, to propel paintballs through the barrel of the device, or other similar devices (otherwise known as a paintball gun), or any other device which propels a projectile through the barrel of the device utilizing an expanding gas, such as carbon dioxide or compressed air;
- t) possess or use any Weapon or imitation of a Weapon;
- u) build, set or start a fire except in a barbeque provided by the Municipality or a Canadian Standards Association approved gas barbeque;
- v) leave a barbeque unattended without extinguishing the fire and ensuring that the embers are cold;
- w) fish, except at locations indicated by Approved Signs;
- x) enter waters, except at locations indicated by Approved Signs;
- y) store, handle, sell or discharge fireworks except in accordance with a license or permit issued by the Municipality pursuant to By-law 600-05 a by-law respecting the sale and discharge of fireworks;

Cause or Potential to Cause a Nuisance

- z) deposit Refuse except in a container designed for that purpose;
- aa) accost, annoy, or in any way interfere with any person;
- bb) enter with an animal that is not a dog or a cat;
- cc) cause a disturbance by yelling, hollering, uttering profane, abusive or indecent language, or otherwise engage in offensive conduct;
- dd) speak through an amplifier or play amplified music except in accordance with a permit issued pursuant to the By-law 51-18, a by-law to regulate noise;
- ee) swing an implement, including a bat, golf club, hockey stick or similar implement, play baseball, soccer, football, golf, cricket, throw a hardball or play any other any other sport whether organized or not, except:

- i) the playing of baseball in the Kinsmen Baseball Diamonds and/or such other Designated Area for playing baseball; or
- ii) the playing of soccer in the Pure Flavor® Soccer Complex and/or such other Designated Area for playing soccer;
- ff) use a skate board, roller skate or rollerblade, except where permitted by an Approved Sign;
- gg) operate an air vehicle, balloon, or any power driven model aircraft;
- hh) operate a drone except with the consent, in writing, of the Director, if in the opinion of the Director, in their sole discretion, such operation is for purposes beneficial to the Municipality;
- ii) urinate or defecate except in a Washroom; Obstruct or Potential to Obstruct
- jj) tie or otherwise attach any animal or thing to any tree, plant, hedge, fence, building, structure or equipment not designed for the purpose;
- kk) obstruct in any way a Park Roadway, Bicycle Path, Trail or Pedestrian Path;

Bicycles

- ll) ride or operate a Bicycle except upon a Park Roadway, Bicycle Path or Trail;
- mm) ride or operate a Bicycle without due care and attention or without reasonable consideration for other persons;
- nn) park a Bicycle unless attached to equipment designed for that purpose and in a manner that does not impede persons lawfully using the Park;

Vehicles

- oo) drive or operate a Motor Vehicle anywhere except a Park Roadway or a Designated Area for parking unless the Motor Vehicle is an Electric Personal Assistive Mobility Device and is being driven or operated by the person:
 - i) as a necessary means of conveyance; and
 - ii) at a speed of not more than ten (10) kilometres per hour.
- pp) park a Vehicle, except a Bicycle, unless in a Designated Area for parking;

Motorized Snow Vehicles

- qq) operate a Motorized Snow Vehicle; Watercraft
- rr) launch a Watercraft except in a Designated Area for launching Watercraft;
- ss) moor or dock a Watercraft except in a Designated Area except in a Designated Area for mooring or docking Watercraft.

Commercial or Promotional Activity

- tt) erect, display or cause or allow to be displayed any Sign;
- uu) distribute or display any advertising material of any kind, notice, or any other type of circulars, advertisements, or any form of samples or promotion, or otherwise solicit any person to buy, rent or use any thing, service, concept or idea;
- vv) sell or offer for sale to the public food, refreshments or merchandise;
- ww) operate any business, game, show or amusement for the public; and No

Recording

- xx) use a device to film, photograph or record video in Change Rooms or Washrooms.

Exemptions

13. The following are exempt from the corresponding prohibitions in section 12:
- a) An activity described as permitted in a Special Event Permit or incidental to the Special Event.
 - b) Employees or agents of ambulance and police services acting in the scope of their duties to provide emergency services or enforcement activities.
 - c) Employees or agents of the Municipality acting in furtherance of municipal powers granted to the Municipality by the Municipal Act, 2001 or any other statute, regulation or by-law.

Inspection and Enforcement

14. Any Officer may, at any reasonable time, enter upon lands for the purpose of carrying out an inspection to determine compliance with this by-law or an order made under section 431 of the Municipal Act, 2001.
15. For the purposes of conducting an inspection pursuant to this by-law, an Officer may:
 - a) require the production for inspection of documents or things, or copies of any document or thing, relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any person concerning a matter related to the inspection; and
 - d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
16. Where there is reason to believe that a contravention of this by-law any other municipal by-law, a federal or provincial statute or regulation is occurring, an Officer may give, orally or in writing, notice pursuant to the Trespass to Property Act, R.S.O. 1990, c. T.21 to the person believed to be committing the contravention.
17. Any person receiving notice pursuant to section 16 shall immediately cease the contravention, leave the Park and not return for a period of not less than twenty-four (24) hours and not more than forty-eight (48) hours.
18. In addition to any other penalties as set out in this by-law, if a Vehicle is parked, stopped or standing in contravention of this by-law, an Officer may cause the Vehicle to be removed or impounded or to be restrained and immobilized at the owner's expense, and all costs and charges for removing, care and storage of the Vehicle shall be a lien upon the Vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act.

Penalties

19. Every person, who contravenes any provision of section 12 of this by-law is guilty of an offence and is liable, upon conviction, to a maximum fine as established pursuant to the Provincial Offences Act.
20. Notwithstanding section 19 of this by-law, every person who contravenes any provision of this by-law and every director or officer of a corporation who concurs

in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00.

21. Notwithstanding section 19 of this by-law, a corporation that contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable for a fine not exceeding \$50,000.00.
22. Every person who obstructs or attempts to obstruct an Officer in carrying out their duties under this by-law is guilty of an offence and is liable, upon conviction, to a maximum fine as established pursuant to the Provincial Offences Act.
23. If the fine remains unpaid, the fine shall be deemed to be unpaid taxes for the purposes of section 351 of the Municipal Act, 2001.
24. In accordance with section 441.1 of the Municipal Act, 2001 and unpaid fine may be added to the tax roll for any property in the Municipality for which all of the owners are responsible for paying the fine and the Municipality may collect it in the same manner as municipal taxes.
25. The court in which a conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other remedy and to any penalty imposed on the person convicted.

Repeal and Coming into Force

26. By-law 3469 and all amendments thereto, including, but not limited to by-laws 3737, and 3950-91 be and are hereby repealed.
27. This by-law shall come into full force and effect on the date of enactment.

Read a first, second and third time and finally passed this 18th day of November, 2025.



Hilda MacDonal, Mayor



Brenda M. Percy, Clerk

This By-law was approved by Leamington Council on November 18, 2025. Written approval of the by-law was given by Mayoral Decision MD-017-2025 dated November 18, 2025.