

The Corporation of the City of Burlington

City of Burlington By-law 40-2026

A By-law to regulate parks and to repeal By-law 35-1976, the Parks By-law
(DGM-47-26)

Whereas sections 8, 9 and 11 of the *Municipal Act, 2001* provide that the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues, including the authority to pass by-laws respecting parks and recreation; and

Whereas Part XII of the *Municipal Act, 2001* authorizes a municipality to impose fees or charges on persons; and

Whereas Part XIV of the *Municipal Act, 2001* authorizes a municipality to: create offences; establish fines; impose administrative penalties; exercise powers of entry; make orders requiring persons who contravene a by-law to discontinue an activity or to do work; and take remedial action;

Now therefore the Council of the City of Burlington enacts:

PART 1 - DEFINITIONS

1.1 In this By-law,

“administrative penalty” means a penalty amount set out in Schedule A of the Administrative Penalties By-law for a contravention of this By-law;

“City” means The Corporation of the City of Burlington;

“Council” means the council of the City;

“Director” means the Director responsible for the park, portion of the park, recreational activity or related purpose or their designate;

“motor vehicle” means any vehicle propelled otherwise than by muscular power and includes but is not limited to an automobile, motorcycle, motor-assisted bicycle, power-assisted bicycle and electric kick-scooter;

“Municipal Law Enforcement Officer” means any person authorized by the City to enforce the City’s by-laws;

“park” means property that is owned or otherwise controlled by the City to the extent that the property is being managed by the City for recreational activities or related purposes. A park may include but is not limited to,

- a green space, garden or natural area;
- a pathway or trail;
- a playground;
- a road within a park;
- an outdoor sports field or court, baseball diamond, swimming pool, splash pad, skating rink, skateboard area or other similar facility;
- a golf course; or
- an amphitheatre, arena, ice centre or community centre;

“park permit” means a permit or other approval issued by the Director under this By-law authorizing an activity in a park including an activity that would otherwise be prohibited;

“penalty order” means a penalty order as defined in the Administrative Penalties By-law;

“permit holder” means a person who has been issued a park permit; and

“property” includes structures on property and property covered by water.

PART 2 – GENERAL

Short Title

2.1 This By-law may be referred to as the Parks By-law.

Application

2.2 This By-law applies to all parks in the City.

2.3 This By-law does not apply to property where recreational activities or related purposes are not allowed by the City, including but not limited to a hydro corridor, storm water management pond or similar use where this is the case.

2.4 Activities in parks are subject to all applicable federal or provincial legislation, Halton Region and City by-laws and policies and to any permit, licence or other requirement under any of them. This includes but is not limited to the Halton Region and City by-laws and policies that may be listed from time to time on the City’s website.

2.5 This By-law does not apply to work engaged in by the City’s employees, agents or contractors while conducting their duties as City employees, agents or contractors.

2.6 The Director may waive the application of all or part of this By-law if they are satisfied that an activity is adequately regulated by an agreement with the City or another form of approval given by the City.

Access to Information

2.7 Information submitted under this By-law, including all information submitted for any park

permit, may be made available to any member of the public on request, subject to the *Municipal Freedom of Information and Protection of Privacy Act*.

Administration

- 2.8(1) The Director shall administer this By-law and establish any practices, policies or procedures necessary to implement this By-law and may amend such practices, policies and procedures from time to time as the Director deems necessary, without amendment to this By-law.
- (2) The Director is authorized to prescribe all forms necessary to implement this By-law and may amend such forms from time to time as the Director deems necessary, without amendment to this By-law.
- (3) The Director is authorized to prescribe signs, including signs setting out rules to ensure that the public's use and enjoyment of a park or part of a park and/or the City's management of a park or part of a park is not interfered with, and to arrange for the signs to be posted in the park.
- (4) The Director is authorized to administer and enforce this By-law, including but not limited to arranging for,
- (1) the assistance or work of City staff, City agents or the assistance of police officers;
 - (2) the making of orders or other requirements and the imposition of conditions as authorized under this By-law;
 - (3) the obtaining of court orders or warrants as may be required; and
 - (4) the commencement of such actions on behalf of the City to recover costs or restrain contravention of this By-law as deemed necessary.
- 2.9 The Director may assign Municipal Law Enforcement Officers to enforce this By-law and Municipal Law Enforcement Officers so assigned or appointed by Council to enforce this By-law shall have the authority to,
- (1) carry out inspections;
 - (2) make orders or other requirements and impose conditions as authorized under this By-law; and
 - (3) give immediate effect to any orders or other requirements made or conditions imposed under this By-law.
- 2.10 The Director may assign duties or delegate tasks under this By-law to be carried out in the Director's absence or otherwise.

Conflicts

- 2.11 Nothing in this By-law relieves a person from complying with any federal or provincial legislation, Regional or City by-law or policy or any permit, licence or other requirement under any of them.
- 2.12 If there is a conflict between any provision of this By-law and a provision of another City by-law, the provision that establishes the higher standard to protect the health or safety of the public or to protect park property applies.

Transition

- 2.13 By-law 35-1976, the Parks By-law, is repealed.
- 2.14 Despite its repeal, By-law 35-1976 continues to apply to, and this By-law does not apply to,
- (1) any contravention of By-law 35-1976, any order or other requirement made under By-law 35-1976 or any proceeding, including a prosecution, commenced before its repeal;
 - (2) any fee incurred under By-law 35-1976.
- 2.15 If a park permit application has been submitted and the permit has not been issued before By-law 35-1976 is repealed, the permit application shall be processed in accordance with this By-law.
- 2.16 If a permit is issued, and is still in effect when By-law 35-1976 is repealed, the permit is deemed to be a park permit issued under this By-law and this By-law, modified as necessary, applies to the permit as if it were issued under this By-law.

Severability

- 2.17 If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law, and it is the intention of Council that the remainder of this By-law shall continue in effect.

Coming into Force

- 2.18 This By-law comes into force on the date it is passed.

PART 3 – GENERAL RESPONSIBILITIES

- 3.1 No person shall fail to comply with any provision of this By-law.
- 3.2 No person shall fail to comply with applicable federal or provincial legislation, Halton Region or City by-laws or policies or any permit, licence or other requirement under any of them.
- 3.3 No person shall fail to comply with any by-law or similar City requirement, including but not limited to rules on a posted sign, which applies to a park or part of a park.

- 3.4 No person shall engage in an activity requiring a park permit without first obtaining a park permit from the City.
- 3.5 No person shall engage in an activity in a park requiring an agreement with the City or other form of approval from the City without first entering into the agreement or obtaining the approval.
- 3.6 When a park permit is required and has been obtained, no person shall engage in an activity authorized by the park permit except in compliance with that park permit.
- 3.7 When an agreement with the City is required for an activity in a park and has been entered into or another form of approval from the City is required for an activity in a park and has been obtained, no person shall engage in an activity authorized by the agreement or approval except in compliance with that agreement or approval.
- 3.8 Every person who contravenes a provision of this By-law, a park permit or an order or other requirement made under this By-law, is responsible for all costs incurred by the City related to the contravention.

PART 4 – PARK RULES

Activities that are Prohibited

- 4.1 No person shall,
 - (1) interfere with an activity in a park that is allowed by a park permit or other approval;
 - (2)(a) damage or remove park property;
 - (b) cut, remove, injure or destroy a plant, tree, shrub, flower or other growing thing in a park;
 - (c) remove or destroy any soil or rock in a park;
 - (3) subject to subsections 4.1(4) and (5), operate a motor vehicle in a park except on a road, in a parking lot or, for medical reasons, elsewhere in a park in compliance with the *Highway Traffic Act*, its regulations and any applicable By-law;
 - (4) operate a motorized snow vehicle in a park;
 - (5) operate an electric kick-scooter in a park except where permitted by the Traffic By-law and in compliance with the *Highway Traffic Act*, its regulations and any other applicable By-law;
 - (6)(a) play golf including drive any golf ball except on a golf course;
 - (b) operate a golf cart in a park except on a golf course path or on a fairway; or

- (7) engage in an activity that the Director determines may interfere with the public's use and enjoyment of the park and/or the City's management of the park.

Activities that are Prohibited without Permission

4.2 No person shall,

- (1) enter or remain in a park between the hours of 11 pm and 7 am unless they first obtain, as may be required by the Director, a permit issued under this By-law and/or another form of approval as may be required by the City;
- (2) consume liquor in a park unless they first obtain, as may be required by the Director, a permit issued under this By-law and/or another form of approval as may be required by the City and, if required, a permit issued under the *Liquor Licence and Control Act, 2019* and/or its regulations;
- (3) conduct any business in a park unless they first obtain, as required by the Director, a permit issued under this By-law and/or another form of approval as may be required by the City, including but not limited to a licence issued under the Business Licensing By-law;
- (4) toboggan in a park except at the following locations,

Location	Description
LaSalle Park	East of parking lot
Tyandaga Golf Course	At hole #4, on west slope
Central Park	Hill northwest of community garden
Brant Hills Park	Southwest of tennis courts
Lowville Park	Hill on southwest end of park
Nelson Park	East side of park, north of Centennial Trail

- (5) start or maintain a fire in a park unless they,
- (a) use a barbeque or similar device in a park area designated for this use by posted signs;
- (b) use charcoal or briquettes as fuel;
- (c) attend to the fire until the fire is completely extinguished; and
- (d) dispose of any material, including charcoal or briquettes, remaining after the fire has been extinguished in the bins provided for this purpose;
- (6) encroach on a park, including but not limited to erecting a fence or structure, storing materials or installing hard or soft landscaping in a park, unless they first obtain, as may be required by the Director, a permit issued under this By-law and/or another form of approval as may be required by the City.

- 4.3 An encroachment under subsection 4.2(6) shall be presumed to be the responsibility of the nearest adjoining property owner and/or occupier, which presumption may be rebutted by evidence to the contrary on the balance of probabilities.

PART 5 - PARK PERMIT APPLICATIONS

- 5.1 A person may apply for a park permit by submitting a completed application, together with the applicable fees, as set out in the Rates and Fees By-law, that includes,
- (1) the contact information of the applicant;
 - (2) the contact information of an individual who will be available at all times while the permit is in effect;
 - (3) the activity's locations, dates and times; and
 - (4) any additional information or documentation, such as proof of insurance, as required by the Director.
- 5.2 The Director may refuse to issue a park permit if they determine that the activity may interfere with the public's use and enjoyment of the park and/or the City's management of the park.

PART 6 – PARK PERMIT CONDITIONS

- 6.1 All park permits are subject to the conditions set out in this section.

Not Transferrable

- (1) A park permit is the property of the City and is not transferable.

Notification of Changes

- (2) A permit holder shall immediately notify the Director of any change to,
- (a) the information contained in an application for a park permit;
 - (b) the information contained in a park permit that has been issued;
 - (c) the characteristics of the activity for which a park permit has been issued;
or
 - (d) the cancellation of the activity authorized by the park permit.
- (3) The Director may require revised or additional information, additional prescribed fees, or a new application with respect to a change under subsection 6.1(2).
- (4) A permit holder shall notify the Director of a change under subsection 6.1(2) by contacting the permit issuer by email.

Production of Permit

- (5) A park permit must be produced when requested by a Municipal Law Enforcement Officer or City staff.

Additional Conditions

- (6) The Director may impose conditions as a requirement for obtaining or continuing to hold a park permit that they consider appropriate, including for the protection of the park, any other City property, or any person.

Validity, Suspension and Revocation

- (7) A park permit is valid only during the dates and times specified in the permit.
- (8) The Director may alter or revoke the conditions of a park permit or impose new conditions on a permit after it has been issued.
- (9) The Director may revoke or suspend a park permit if, in their opinion,
 - (a) the suspension or revocation of the permit is necessary, including because of weather conditions or a danger to a park, other city property, or any person.
 - (b) the permit holder,
 - 1. fails to comply with the conditions of a permit or this By-law;
 - 2. fails to notify the Director immediately of any of the changes referred to in subsection 6.1(2);
 - 3. provides false or inaccurate information in the application for the permit.
 - (c) any person engaged in an activity authorized by the permit has failed to comply with any applicable statutes, regulations, standards, codes, by-laws, or similar requirements.

- 6.2 The Director may notify a permit holder of the suspension or revocation of a park permit in-person, by telephone or by email in accordance with the contact information provided in the permit application.

PART 7 – OBSTRUCTION OFFENCES, ENFORCEMENT, REMEDIAL ACTION, AND COSTS

Obstruction Offences

- 7.1 Every person is guilty of an offence who,
 - (1) makes or participates in an assertion of fact in a statement, document or form under this By-law knowing that the assertion is false or misleading;

- (2) hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this By-law;
- (3) is a director or officer of a corporation and knowingly concurs with actions taken by or on behalf of the corporation in relation to an offence described in subsection 7.1(1) or 7.1(2); or
- (4) fails to comply with a requirement made under section 7.3, including but not limited to failing to identify themselves by providing their name and contact information when that information is required for the purposes of an inspection under section 7.2.

Entry and Inspections

- 7.2 A person authorized to enforce this By-law may enter on property, including private property, at any reasonable time in accordance with the conditions set out in the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not the following are being complied with,
- (1) this By-law including a park permit;
 - (2) an order or other requirement made under this By-law; or
 - (3) an order made under section 431 of the *Municipal Act, 2001*.
- 7.3 For the purposes of the inspection under section 7.2, and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, a person authorized to enforce this By-law may,
- (1) require the production for inspection of documents or things relevant to the inspection;
 - (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (3) require information from any person concerning a matter related to the inspection; and
 - (4) 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.
- 7.4 Any person authorized to enforce this By-law may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001* in accordance with the conditions set out in that section, when they have been prevented or are likely to be prevented from carrying out an inspection.

Orders

- 7.5 If a Municipal Law Enforcement Officer is satisfied that a contravention of this By-law or a park permit has occurred, they may make an order requiring the person who contravened the By-law or park permit, or who has caused or permitted the

contravention, or the owner or occupier of a premises on which the contravention occurred, to discontinue the contravening activity;

- 7.6 An order under section 7.5 shall set out,
- (1) reasonable particulars of the contravention adequate to identify the contravention and the location of the premises on which the contravention occurred;
 - (2) the date or dates by which there shall be compliance with the order, which may be of immediate effect should the Municipal Law Enforcement Officer determine that the circumstances warrant this; and
 - (3) contact information for the City's representative.
- 7.7 If a Municipal Law Enforcement Officer is satisfied that a contravention of this By-law or a park permit has occurred, they may make an order requiring the person who has contravened this By-law or the park permit, or who has caused or permitted the contravention, or the owner or occupier of a premises on which the contravention occurred, to do work to correct or rectify the contravention.
- 7.8 An order under section 7.7 shall set out,
- (1) reasonable particulars of the contravention adequate to identify the contravention and the location of the premises on which the contravention occurred;
 - (2) the work to be completed by the owner, occupier or any other person who caused or permitted the contravention to rectify the contravention, which may include but is not limited to requiring that before starting any work, all necessary certificates, permits or other approvals be applied for and obtained;
 - (3) the date or dates by which the work required by the order shall be completed;
 - (4) notice that if the work is not completed in compliance with the order, then the work may be done at the expense of the person ordered to do the work; and
 - (5) contact information for the City's representative.
- 7.9 An order under this By-law may require the permit holder, an owner, an occupier, or any other person who caused or permitted the contravention, to pay a compliance inspection fee, or any other applicable fees, as set out in the Rates and Fees By-law, by a date and time specified by the Director.
- 7.10 Without limiting sections 7.5 and 7.7, an order under those sections may include, among other requirements, a requirement that any activity permitted by a park permit be stopped entirely or until such time as measures are undertaken to correct or rectify the contravention.
- 7.11 When a time frame is set out in an order or other document for carrying out any action, a Municipal Law Enforcement Officer may extend the time for compliance beyond the established time frame provided such extension is required and is acceptable to the Municipal Law Enforcement Officer.

- 7.12 If a Municipal Law Enforcement Officer is satisfied that a contravention of this By-law or a park permit has occurred, the holder of the permit shall be presumed to have caused or permitted the contravention, which presumption may be rebutted by the permit holder by evidence to the contrary on a balance of probabilities.

City Carrying Out Work

- 7.13 When a person does not comply with this By-law including a park permit or an order or other requirement made under this By-law, to do a matter or thing, the Director, with such assistance of others as may be required, may carry out the order or other requirement at the person's expense.
- 7.14 When the costs of doing a matter or thing under section 7.13 are estimated to be,
- (1) up to but not including \$100,000, the Director may proceed without further approval and in accordance with the Procurement Policy By-law; or
 - (2) \$100,000 or greater, the Director may proceed with approval of an authorized person or of Council and in accordance with the Procurement Policy By-law.
- 7.15 The City may recover the costs of doing a matter or thing under section 7.13 by means of any one or more of,
- (1) bringing an action;
 - (2) adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs include an annual interest rate of 15% starting on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full;
 - (3) realizing on a financial security provided for this purpose;
 - (4) charging a fee, when applicable, as set out in the Rates and Fees By-law.
- 7.16 The amount of the City's costs, including interest to the date payment is made in full, constitutes a lien on the person's property, if any, on the registration of a notice of lien on the property.

PART 8 – PROVINCIAL OFFENCES ACT OFFENCES

- 8.1 All contraventions of any provision of this By-law, a park permit or an order or other requirement made under this By-law are designated as multiple offences and continuing offences.
- 8.2 Every person who contravenes any provision of this By-law, a park permit or an order or other requirement made under this By-law is guilty of an offence and on conviction under Part I of the *Provincial Offences Act* is liable to a fine as set under section 91.1 of

that Act or such other fine as the court considers appropriate, in accordance with the *Provincial Offences Act*.

- 8.3 Every person who contravenes any provision of this By-law, a park permit or an order or other requirement made under this By-law is guilty of an offence and on conviction under Part III of the *Provincial Offences Act* is liable to a fine as follows,
- (1) a person, other than a corporation, is liable to a fine of not less than \$300 and not more than \$100,000 for a first conviction and to a fine of not less than \$500 and not more than \$100,000 for a subsequent conviction;
 - (2) a person that is a corporation is liable to a fine of not less than \$400 and not more than \$100,000 for a first conviction and to a fine of not less than \$600 and not more than \$100,000 for a subsequent conviction;
 - (3) for a continuing offence, a person, including a person that is a corporation, is liable to a fine, for each day or each part of a day that the offence continues, of not less than \$500 and not more than \$10,000 and the total of all the daily fines is not limited to \$100,000;
 - (4) for a multiple offence, a person, including a corporation, is liable to a fine, for each offence included in the multiple offence, of not less than \$500 and no more than \$10,000 and the total of all fines for each included offence is not limited to \$100,000.
- 8.4 An officer or director of a corporation who knowingly concurs in a contravention by the corporation of any provision of this By-law, a park permit or an order or other requirement made under this By-law, is guilty of an offence and is liable to a fine set out in subsections 8.3(1), (3) or (4).
- 8.5 Every person, including a person that is a corporation, who contravenes any provision of this By-law, a park permit or an order or other requirement made under this By-law is liable to a special fine, which may exceed \$100,000, in an amount that eliminates or reduces any economic advantage or gain from the contravention and the special fine may be in addition to a fine set out in sections 8.3 and 8.4.
- 8.6 When a person has been convicted of an offence, the court in which the conviction has been entered and, subsequently, any court of competent jurisdiction, may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.

PART 9 - ADMINISTRATIVE PENALTIES

- 9.1 Every person who contravenes a provision of this By-law, a park permit or an order or other requirement made under this By-law who is not charged with a *Provincial*

Offences Act offence may be issued and served with a penalty order.

- 9.2 Every person who is issued and served with a penalty order for a contravention of this By-law is liable to pay an administrative penalty, and any associated administrative fees, as provided for under the Administrative Penalties By-law.

PART - 10 - NOTICE

- 10.1 Any notice given by a Municipal Law Enforcement Officer, the Director or the City under this By-law, including an order, may be given,
- (1) personally;
 - (2) by posting it on the recipient's private property;
 - (3) by email to the recipient's last known email address; or
 - (4) by registered or regular mail, courier or hand delivery addressed to the recipient's last known address.
- 10.2 Notice given in accordance with section 10.1 shall be deemed to be effective:
- (1) on the date it is personally given, posted on the recipient's property, delivered by courier, or hand delivered;
 - (2) on the date the email is sent; or
 - (3) on the fifth day after the date of mailing by registered or regular mail.
- 10.3 Any notice of any type given by a permit holder under this By-law shall be given by contacting the permit issuer by email.

Passed this 21st day of July, 2026.

Mayor Marianne Meed Ward

City Clerk Michael de Rond
