

FACILITY

Chapter 270 PARKS

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Schedule 'A' - Premier Sportsfield

**Article 1
INTERPRETATION**

270.1.1 Board - defined

“Board” means the Council of The Corporation of the City of Kitchener. By-law 88-26, 25 January, 1988.

270.1.2 General Manager - defined

“General Manager” means the person holding the office of General Manager of Community Services. By-law 95-97, 19 June, 1995; By-law 2000-156, 18 September, 2000.

270.1.3 Park - defined

“park” includes any land or premises under the control and/or management of the City for active or passive recreational purposes or conservation purposes and includes but is not limited to sportsfields, premier sportsfields, playgrounds, woodlots, valley lands, wetlands and hazard lands. By-law 2007-86, 30 April, 2007

270.1.4 Motor vehicle - defined

“motor vehicle” has a meaning attributed to it in the *Highway Traffic Act*.

270.1.5 Natural park - defined

“natural park” means an area preserved in its natural state and available for use by all residents. By-law 88-26, 25 January, 1988.

270.1.6 Officer - defined

“officer” shall mean a police officer as defined by the *Police Service Act*, R.S.O. 1990, c. P.15 and a municipal law enforcement officer or by-law enforcement officer of The Corporation of the City of Kitchener. By-law 2009-088, 15 June, 2009.

270.1.7 Posted area - defined

“posted area” means an area where permissive, warning or prohibitive signs are erected. By-law 88-26, 25 January, 1988.

270.1.8 Premier sportsfield - defined

“premier sportsfield” means a sportsfield specifically listed in Schedule ‘A’ to this Chapter.

270.1.9 Permit - defined

“permit” means a document issued to a sports group or organization, authorizing participants and spectators associated with an event to use a sportsfield and/or premier sportsfield on a specific day commencing at a certain time and ending its use of the sportsfield or premier sportsfield no later than thirty minutes following the completion of a game. By-law 2007-86, 30 April, 2007.

Article 2 APPLICABLE LANDS

270.2.1 Recreational - parkland premises

This Chapter applies to all recreational and parkland premises under the control and management of the City together with the avenues, boulevards and drives and approaches thereto and streets connecting same. By-law 88-26, 25 January, 1988.

Article 3
PROHIBITED ACTIVITIES

270.3.1 Activities - prohibited

In any park or natural park, no person shall engage in any of the following activities:

- (a) walk or ride any horse or drive, ride, park or tow any motor vehicle, trailer, bicycle, carriage, wagon, sleigh or any other vehicle or conveyance of any description and of whatever motive power, except upon the roadways, trails or paths designated by the Board for such use;
- (b) operate any motorized vehicle, or walk or ride a horse or any other animal, upon a roadway, path or trail which is posted or designated by the Board as a community trail or path for walking, cycling or hiking;
- (c) walk, ride or drive upon ground prepared for seeding, newly seeded ground, newly sodded ground or ground under repair or upon lawn where signs are posted by the Board which prohibit walking, riding or driving;
- (d) willfully cause injury to any person or damage to any park property or recreational property by any means whatsoever;
- (e) shoot an arrow, practice archery or operate power model aircraft, except in an area set aside and posted by the Board, for such purpose;
- (f) play or practice golf or strike a golf ball, except in an area set aside and posted by the Board for such purpose;
- (g) distribute or display any kind of commercial circular or advertisement or post, stencil or otherwise affix any notice or bill or other paper to any tree, bush, shrub, fence, building or structure, except as permitted by Chapter 680 of the City of Kitchener Municipal Code;
- (h) unless authorized by the Board and after having obtained all necessary licences, sell or keep for sale any goods, wares, merchandise, confectionery, tobacco or refreshments of any kind;
- (i) leave or deposit any ashes, bottle, can, garbage or waste of any kind whatsoever except in a receptacle provided by the Board for such purpose;

- (j) as owner or person having the control of any animal, permit such animal to run unleashed or permit such animal to swim in any water in or adjoining any park, bathing beach or swimming pool;
- (k) park any motor vehicle in any park or natural park except within a parking lot and in any event not between 2:30 a.m. and 6:00 a.m.;
- (l) hunt, fish, kill or attempt to kill any animal, fish or bird;
- (m) destroy, damage or disturb the nest or den of any bird or animal;
- (n) trap any animal except in an area specifically designated by the Board for such purpose and subject to trapping licences issued by the Ministry of Natural Resources;
- (o) develop any garden or erect, place or construct any shed, trailer, vehicle, structure or fixture of any kind intended for private use;
- (p) feed any bird which is a member of the order Anseriformes (for example, but not limited to, ducks, geese and swans) or the order Charadriiformes (for example, but not limited to, gulls), unless authorized by the Board. By-law 88-229, 24 October, 1988; By-law 99-25, 15 February 1999; By-law 2000-26, 14 February, 2000; By-law 2001-229, 26 November, 2001.

Article 4

ACTIVITIES - SUBJECT TO APPROVAL

270.4.1 Activities prohibited - subject to approval

Unless authorized by the Board, in any park, no person shall engage in any of the following activities:

- (a) perform for reward any art, skill or service;
- (b) dig or tear up any pavement, sidewalk, crosswalk, grass plot or roadway or any part thereof;
- (c) cut, destroy or damage in any way any tree, flower, shrub or flowerbed;
- (d) operate any amplifying system, loudspeaker or radio;
- (e) light or build a fire except in a fireplace provided in an area specifically designated by the Board for such purpose and subject to obtaining a permit from the Fire Department;

- (f) moor or beach a boat except in an area designated by the Board for such purpose;
- (g) place, maintain or allow to remain any coin-operated machine or game of any nature or kind;
- (h) erect, construct, build or cause to be erected, constructed or built any tent, shelter or building;
- (i) bring on to the lands of any park, or travel over the lands of any park with, any equipment, vehicles, or materials of a construction nature;
- (j) be in possession of a firearm, air powered gun, crossbow or longbow;
- (k) cut, destroy, or damage a plant in any way. By-law 88-229, 24 October, 1988; By-law 98-69, 15 June, 1998; By-law 2007-86, 30 April, 2007; By-law 2009-088, 15 June, 2009.

270.4.2 Use - not permitted - times - exception

No person shall be in the park anytime during the hours not permitted, specifically between the hours of 11:00 p.m. of one day and 6:00 a.m. the following day, unless authorized by the City as part of an approved event; said authorization to be either through a resolution of Council sanctioning the event, or the issuance of a permit or the execution of an agreement by the City's Community Services Department.

270.4.3 Premier sportsfield - entry to - permit required

No person shall enter into any premier sportsfield unless they have been authorized by permit.

270.4.4 Premier sportsfield - times as set out - only

No person shall remain in any premier sportsfield outside the authorized times as set out in the permit. By-law 2007-86, 30 April, 2007.

**Article 5
BATHING REGULATIONS**

270.5.1 Activities prohibited

In any park no person shall engage in any of the following activities:

- (a) enter or bathe in any water in or adjoining any park, bathing beach or swimming pool without being clothed in a bathing suit;

- (b) dress or undress in or adjacent to any water in or adjoining any park, bathing beach or swimming pool, except in a place specifically provided by the Board for such purpose;
- (c) loiter in any bathhouse or bathing station, or conduct himself/herself in such manner as to be objectionable to other patrons or the public in or immediately adjacent to any such bathhouse or bathing beach;
- (d) bring to any bathing beach or the waters adjacent thereto any underwater spear, shooting device or inflatable object;
- (e) being a male person enter any portion of any bathhouse set apart for the use of female persons, or being a female person enter any portion of any bathhouse set apart for the use of male persons;
- (f) enter or bathe in any water in or adjoining any park, except in water where signs are posted by the Board which permit bathing or swimming. By-law 88-229, 24 October, 1988.

Article 6 FEES

270.6.1 Use - without payment - prohibited

No person shall use any recreational or park facility without having paid the fee prescribed therefor, if any.

Article 7 SIGNS

270.7.1 Erection - by Board

The Board may cause signs to be erected calling attention to any of the provisions of this Chapter or the *Public Parks Act*.

Article 8 ENFORCEMENT

270.8.1 Applicable law

Park users are subject to all applicable municipal, provincial and federal laws and regulations and patrons may be evicted from any park area for any violation of same. By-law 88-26, 25 January, 1988.

270.8.2 Fine - for contravention

Every person who contravenes any provision of this Chapter is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5,000), exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*. By-law 88-26, 25 January, 1988; By-law 2000-128, 28 August, 2000.

270.8.3 Exemption - officer

An officer shall be exempt from the provisions of this Chapter as necessary or practical in the performance of their duties. Without limiting the generality of the foregoing, an officer may ride a horse or motorcycle in a park without restriction as necessary or practical in performance of their duties whether for law enforcement purposes, ceremonial purposes, or as part of a community outreach initiative.

270.8.4 Exemption - municipal employee - working

An employee of The Corporation of the City of Kitchener performing maintenance work in a park shall be exempt from the provisions of this Chapter as necessary or practical in the performance of their duties. By-law 2009-088, 15 June, 2009.

SCHEDULE**Schedule 'A' - Premier Sportsfield**

Each of the following is considered to be a premier sportsfield in the City of Kitchener:

Breithaupt Park
Bridgeport Sportsfield
Budd Park
Centennial Stadium
Jack Couch Park
Lions Sportsfield
Meinzinger Park
Peter Hallman Ball Yard
Rosenberg Park
Woodside Park

By-law 2007-86, 30 April, 2007; Schedule 'A'.