



Town of Whitby

By-law # xxxx-25

Amendment to Public Parks and Park Buildings By-law #7419-18

Being a By-law to amend Public Parks and Park Buildings By-law #7419-18, as amended.

Whereas the Council of The Corporation of the Town of Whitby considered Staff Report CMS 05-25 regarding the proposed amendments to Public Parks and Park Buildings By-law #7419-18 as amended at the Committee of the Whole meeting on April 7, 2025; and

Whereas Council deems it necessary to amend the Public Parks and Park Buildings By-law to amend Section 1, 2, 3, 5, 6, 7, 8 and 9 in accordance with the recommendations contained in Staff Report CMS 05-25.

Now therefore, the Council of The Corporation of the Town of Whitby hereby enacts as follows:

1. Definitions

- 1.1. That new Subsection 1.5. be added as follows and that subsections 1.5, 1.6, 1.7 and 1.8 be re-numbered:

“fish or fishing” means fishing for, catching or attempting to catch fish by any method;

- 1.2. That Subsection 1.8. “motor vehicles” be repealed and replaced as follows:

““motor vehicle” includes an automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the Town’s E-bike and E-scooter By-Law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include an e-bike or an e-scooter, within the meaning of the Highway Traffic Act and the Town’s E-bike and E-scooter By-Law, or a wheelchair or similar assistive device used by an individual due to requiring a mobility assistance;

- 1.3. That Subsection 1.9. “motorized recreational vehicles” be removed.

- 1.4. That Subsection 2.2.2. be repealed and replaced as follows:

“skateboard, bicycle roller skate, in-line skate or scooter in a park in a manner which obstructs, inconveniences or endangers other users of the park”

- 1.5. That the following be inserted as Subsection 2.2.14.:

“engage in any riotous, violent, threatening, or conduct or activity, create a nuisance, or in any way interfere with the peaceful enjoyment of a park or of a park building by other persons;”

- 1.6. That the following be added as Subsection 2.2.15. be added as follows:

“cast, throw, or in any way propel any object in such a manner as may or does

endanger or cause injury or damage to any person or property;”

- 1.7. That the following be added as Subsection 2.2.16.:

“Fish where signage is posted to prohibit it, and fish if not in compliance with all applicable regulatory authorities;”

- 1.8. That Subsection 2.4.4. be repealed and replaced as follows:

“use of barbeques;”

- 1.9. That Subsection 2.4.5. be repealed and replaced as follows:

“holding a picnic, organized gathering or event for twenty persons;”

- 1.10. That Subsection 2.4.7. be removed and the remainder of the Subsection be re-numbered.

- 1.11. That Subsection 2.4.10. be repealed and replaced as follows:

“ride, drive, stop or park a motor vehicle in a park except in a designated parking lot and in a designated parking space, it being understood that the maximum permissible parking period shall be four hours when so posted;”

- 1.12. That the following be inserted as Section 5:

“5. Posting of Signs

5.1 The Commissioner is authorized to post signs of permission. Regulation, restriction, warning or prohibition with respect to uses of, or activities in, any park, in accordance with the provisions of such sign as the Commissioner deems appropriate.”

- 1.13. That the following be inserted as Section 6 be added as follows:

“6. Encroachments and Property Line Fences

6.1. No person shall encroach upon or take possession of any park by any means whatsoever, including, without limitation, the construction, installation or maintenance of any fence, gate, landscaping, building, structure or equipment in or upon the park unless authorized pursuant to this By-law or the Town of Whitby Town Lands Encroachment By-law #7389-18, as amended from time to time. For the purposes of this By-law, the dumping or storage of any materials, or planting, grooming, landscaping or cultivating of park property constitutes an encroachment prohibited by this section.”

- 1.14. That the following is inserted as Section 7:

“7. Failure to Abide by Posted Conditions

7.1. It shall constitute an offence for any person, while in any park, to fail to abide by

posted conditions or authorized signs placed under the authority of this By-law in or upon a park, which state conditions for use or conduct within the park.

7.2. Where there is a conflict between this By-law and a posted condition or authorized sign placed under the authority of this By-law, the provisions contained in the posted condition or sign placed under the authority of this By-law shall prevail.

- 1.15. That the following is inserted as Section 8 and the remaining sections be renumbered 9, 10, 11 & 12:

“8. Use at Own Risk

8.1 *snow covered surfaces* in any park for any activity or purpose shall be entirely at their own risk. Such uses include all passive or active recreational activities, including, without limitation, use of any natural or artificial ice surface, snow covered surfaces, slopes/hills, swimming and use of playground equipment. It is the responsibility of the parent or guardian of any minor to ensure that the minor is adequately supervised at all times while on or in any park.”

- 1.16. That new Subsection 9.6. be added as follows:

“Every person who contravenes or fails to comply with a provision if this By-Law is guilty of an offence and is liable to the penalty as set out in Schedule “A” to this By-Law. “

- 1.17. That new Subsection 9.7. be added as follows:

“Tiered and Escalating Penalties: If a person receives a Penalty Notice in accordance with the Town’s Administrative Penalty By-law for an offence, the person shall be liable to pay to the Town a tier one (1) administrative penalty amount for that offence as specified in Schedule “A” to this By-law. If a person receives an additional Penalty Notice for the same offence within ninety (90) calendar days or less from the date of the Penalty Notice containing a tier one (1) administrative penalty amount, the person shall be liable to pay to the Town a tier two (2) administrative penalty amount for that offence as specified in Schedule “A” to this By-law. If the person receives a subsequent Penalty Notice for the same offence within ninety (90) calendar days or less of the Penalty Notice containing a tier two (2) administrative penalty amount, the person shall be liable to pay to the Town a tier three (3) administrative penalty amount for that offence as specified in Schedule “A” to this By-law. If the person receives any subsequent Penalty Notices for the same offence within one hundred and eighty (180) calendar days or less from the date of the Penalty Notice containing a tier three (3) administrative penalty amount, the person shall be liable to pay to the Town a tier three (3) administrative penalty amount for that offence as specified in Schedule “A” to this By-law.

- 1.18 That the following be inserted into the Building and Parks By-law as Schedule “A”



Schedule “A” Administrative Penalties

Town of Whitby By-law # XXXX-25

Item	Description	By-law Section	Tier 1 (one)	Tier 2 (two)	Tier 3 (three)
1.	Enter into or remain in park after 10:00 p.m. between April 1 to September 30	2.1.1.	\$205.00	\$350.00	\$450.00
2.	Enter into or remain in park containing a lit sports field/court after 11:30 p.m. between April 1 to September 30	2.1.1.	\$205.00	\$350.00	\$450.00
3.	Enter into or remain in park after 8:00 p.m. between October 1 to March 31	2.1.2.	\$205.00	\$350.00	\$450.00
4.	Enter into or remain in park containing a lit sports field/court after 10:00 p.m. between October 1 to March 31	2.1.2.	\$205.00	\$350.00	\$450.00
5.	Enter into or remain in closed park building	2.1.3.	\$205.00	\$350.00	\$450.00
6.	Skateboard, bicycle, roller skate, in-line skate or scooter in a park in a manner which obstructs, inconveniences or endangers other users of the park	2.2.2.	\$205.00	\$350.00	\$450.00
7.	Obstruct roadway/path/parking area in park	2.2.3.	\$205.00	\$350.00	\$450.00
8.	Swim/bathe/wade in other than designated area in park	2.2.5.	\$205.00	\$350.00	\$450.00
9.	Be nude in a park/park building except where permitted	2.2.7.	\$205.00	\$350.00	\$450.00
10.	Conduct obnoxious/boisterous/objectionable behaviour or use of indecent/abusive language in park/park building	2.2.9.	\$205.00	\$350.00	\$450.00
11.	Hunt/kill any animal/bird in a park	2.2.11.	\$350.00	\$450.00	\$600.00
12.	Disturb any animal/fish/bird	2.2.11.	\$205.00	\$350.00	\$450.00
13.	Remove any nest/egg in a park	2.2.11.	\$205.00	\$350.00	\$450.00
14.	Knowingly/unknowingly allow animal/pet into park unleashed	2.2.12.	\$205.00	\$350.00	\$450.00

By-law Name: Parks By-law

By-law # Insert Number

15.	Permit dog/cat to enter playground area	2.2.13.	\$205.00	\$350.00	\$450.00
16.	Engage in any riotous/violent/threatening/or conduct or activity, create a nuisance/in any way interfere with the peaceful enjoyment of a park	2.2.14.	\$205.00	\$350.00	\$450.00
17.	Cast/throw/or in any way propel any object in such a manner as may or does endanger or cause injury or damage	2.2.15.	\$205.00	\$350.00	\$450.00
18.	Fish where signage is posted to prohibit it	2.2.16.	\$205.00	\$350.00	\$450.00
19.	Damage/deface/remove vegetation or structure in park	2.3.1.	\$205.00	\$350.00	\$450.00
20.	Litter in park/park building	2.3.2.	\$205.00	\$350.00	\$450.00
21.	Pollute stream/river/lake/pond/swimming pool/wading pool/spray pad in park/park building	2.3.3.	\$205.00	\$350.00	\$450.00
22.	Distribute/display/affix any advertisement/notice/bill/paper in park/park building	2.3.4.	\$205.00	\$350.00	\$450.00
23.	Clean/polish/repair motor vehicle in a park	2.3.5.	\$205.00	\$350.00	\$450.00
24.	Use apparatus/mechanism or device for amplification of human voice/music/sound without permit	2.4.1.	\$205.00	\$350.00	\$450.00
25.	Solicit for any purpose in a park/park building without permit	2.4.2.	\$205.00	\$350.00	\$450.00
26.	Offer goods for sale, lease, rent or barter in a park/park building without permit	2.4.2.	\$205.00	\$350.00	\$450.00
27.	Lighting/building/maintaining/stoking an open fire/bonfire without permit	2.4.3.	\$205.00	\$350.00	\$450.00
28.	Use of barbeque without permit	2.4.4.	\$350.00	\$450.00	\$600.00
29.	Hold a picnic/organized gathering/event of twenty or more persons without permit	2.4.5.	\$350.00	\$450.00	\$600.00
30.	Set off fireworks without permit	2.4.6.	\$205.00	\$350.00	\$450.00
31.	Possess/consume liquor in a park without a permit	2.4.7.	\$205.00	\$350.00	\$450.00
32.	Use/ride/train/race a horse or similar large animal without a permit	2.4.8.	\$205.00	\$350.00	\$450.00

33.	Ride/drive motor vehicle/motor recreational vehicle in a non-designated area without a permit	2.4.9.	\$205.00	\$350.00	\$450.00
34.	Flying/operating engine powered airplane/unmanned aerial vehicle in a park without permit	2.4.10.	\$205.00	\$350.00	\$450.00
35.	Operation of amusement ride/hot air balloon/game of chance in a park/building without a permit	2.4.11.	\$205.00	\$350.00	\$450.00
36.	Encroach or take possession of any park without a permit	6.1.	\$350.00	\$450.00	\$600.00
37.	Construct/install/ or maintain of any fence/gate/building/ structure/equipment in/upon the park without a permit	6.1.	\$350.00	\$450.00	\$600.00
38.	Dump/store of any materials on Town property	6.1.	\$350.00	\$450.00	\$600.00
39.	Install/Maintain planting/grooming/landscape or cultivate park property	6.1.	\$350.00	\$450.00	\$600.00
40.	Fail to desist from the activity constituting/contributing to such contravention.	9.2.1	\$350.00	\$450.00	\$600.00
41.	Fail to remove from the park any animal/thing owned by/in the control of such person which the officer believes is/was involved in such contravention.	9.2.2	\$350.00	\$450.00	\$600.00
42.	Fail to leave the park	9.2.3	\$350.00	\$450.00	\$600.00

2. Effective Date

- 2.1. The provisions of this By-law shall come into force and take effect on the final passing of the By-law

By-law read and passed this **Select date day of Insert Month, Year.**

Elizabeth Roy, Mayor

Christopher Harris, Town Clerk