

## **COMMITTEE OF THE WHOLE - MAY 12, 2009**

### **PARKS USE BY-LAW 134-95 - AMENDMENTS**

#### **Recommendation**

The Director of Enforcement Services, and the Director of Parks Operations and Forestry, in consultation with the Director of Parks Development, recommend:

1. That the Parks By-law, 134-95, be amended by:

- i) amending the definition of Motorized Recreational Vehicle to include such things as “pocket bikes”;
- ii) including hours of operations of City Parks;
- iii) adding the prohibition of using equipment and property for other than its intended use;
- iv) adding the restriction of possessing breakable glass products in playground areas;
- v) amending the provisions around alcohol possession and consumption;
- vi) updating the barbeque prohibitions to include propane barbeques;
- vii) creating an exemption to allow animals to be leash free while in the leash free park;
- viii) creating the requirement for those individuals found in contravention of the bylaw to identify themselves.

#### **Economic Impact**

Not applicable.

#### **Purpose**

This report is to provide information related to various amendments to the Parks By-law.

#### **Background - Analysis and Options**

The current Parks By-law was enacted in 1995. Parks and open spaces are being enjoyed by more and more individuals and families. There is also an element of the community that do not respect the property, land, or its intended uses. It is these individuals that cause damage to the park equipment, create hazardous conditions, and damage the environment.

Enforcement Services staff have been patrolling the parks and open spaces for many years. These patrols are augmented by the York Regional Police and the Park Ambassadors. Staff have identified several areas of the By-law that require updating to allow them to more efficiently perform their duties and safeguard the property and environment. There is also an amendment to the By-law to recognize the leash free park.

The proposed amendments to the By-law are outlined below.

##### 1. Motorized Recreational Vehicle – Definition Amendment

The definition of Motorized Recreational Vehicle is being expanded to include the prohibition of electric, pneumatic, or hydraulic motors. These types of motors are now being seen on scooters, skateboards, and bicycles. Unfortunately, these “vehicles” are not always driven in a safe and responsible manner, and as a result can endanger the public.

Council, at its meeting of June 25, 2007, Item 67, Report 34, approved four recommendations related to "Mini Pocket Bikes". This amendment will address two of the recommendations:

*"THAT staff prepare a report and corresponding bylaw outlining the strategies to be used and penalties available for the improper use of these vehicles on a non-certified competition site"*

*"THAT staff ensure York Regional Police are provided with sufficient authority to act should individuals be found operating Motorized Mini Pocket Bikes on or at municipally controlled properties"*

## 2. Restricted Areas and Times

The By-law currently states that no person can enter areas that are posted to prohibit or restrict admission. Staff have encountered difficulty in dealing with individuals in parks and open space areas in the late evening and night time hours. Some parks have posted times of operation while some do not.

It would be helpful for staff and police to have a specified time that parks and open spaces are off limits to the public. The time proposed is 11:00pm. This amendment would not affect those parks that close earlier than that.

## 3. Conduct

It is common place in the summer to find teenagers and young adults congregating on playground equipment that is intended for use by small children. Damage ranging from structure breaks to cigarette burns are often found on these types of equipment. Broken glass has also been found in and on the equipment. This damage creates additional maintenance costs and dangers for the intended users.

The By-law currently does not provide an authority to deal with this type of situation.

Staff are proposing an additional sub-section to Section 3 that would prohibit the use of any structure, facility, or equipment, for any use other than its intended use.

This would also be applicable to the City's tennis courts that are used for ball hockey. This use damages the surface and is costly to repair.

## 4. Restriction of Glass in Playground Areas

Council at its meeting of February 3, 2009 directed staff to develop a strategy related to the reduction of broken glass in playground areas.

In order to facilitate a reduction, a ban on having glass products in playground areas should result in less broken glass in these areas. Staff will be able to have individuals move from these areas if they are in possession of any glass products in the vicinity of a playground.

## 5. Alcohol Possession and Consumption

Staff repeatedly find broken glass in playground areas which is a hazard to anyone using the area. Further, Enforcement Services and the Police receive numerous complaints about noise and youth drinking in the parks.

The By-law currently has a provision for alcohol consumption, but not for possession. Therefore, Enforcement personnel have limited ability to deal with alcohol in parks, unless they actually observe an individual consuming liquor.

This addition to Section 3 would allow staff and police to have a potential problem diffused by not permitting liquor in the park. People found in possession could be directed to leave the park, and/or be charged with a violation.

#### 6. Barbecue Use

The current By-law restricts the use of charcoal and solid fuel barbecues without a permit. Staff are finding that a growing number of portable propane barbecues are being used in the parks, and their use has not been regulated.

This amendment is intended to include propane barbecues in the restrictions of barbecues and campfires.

These restrictions were initially put in place for safety and also to prevent the smoke and smells of cooking from annoying other park patrons.

#### 7. Leash Free Parks

This amendment is to provide for Leash Free Areas in the Parks By-law. Currently, the By-law states that dogs must be kept on a leash and kept under control. This addition to Section 35 provides for an exemption to this requirement in designated leash free areas.

#### 8. Enforcement

This amendment is intended to provide an increased level of deterrence to those who choose to misuse City property. Staff report that the majority of time those individuals caught violating the provisions of this By-law simply refuse to identify themselves in order to avoid prosecution or responsibility. This creates the potential that the only way to deal with these violators is to use the provisions of the Trespass to Property Act which could lead to a confrontation until the members of the York Regional Police arrive.

Staff are recommending that a provision be added to Section 45 that provides the authority of an enforcement official to demand that violators identify themselves.

Violators have a vested interest in remaining anonymous, this provision should provide for an increase level of deterrence. At the least it provides both the police and enforcement staff with another tool in their duties.

These amendments will improve the enjoyment for those using and living near City parks and also potentially reduce the amount of damage incurred by a minority of vandals using the facilities.

These amendments are being introduced now, to enable them to be enacted prior to the summer parks season.

#### **Relationship to Vaughan Vision**

This report is in keeping with the Vaughan Vision with Service Excellence, and Community Safety.

**Conclusion**

The amendments to the Parks By-law will provide for a more enjoyable and safe experience for park patrons, while providing additional tools for Enforcement staff to deal with problems.

**Attachments**

None

**Report prepared by:**

Tony Thompson  
Director of Enforcement Services

Respectfully submitted,

Tony Thompson  
Director of Enforcement Services

Janice Atwood-Petkovski  
Commissioner of Legal & Administrative Services and  
City Solicitor

Marjie Fraser  
Director of Parks and Forestry Operations