

Committee of the Whole (1) Report

DATE: Wednesday, June 4, 2025

WARD(S): ALL

TITLE: AMENDMENTS TO PARKS BY-LAW AND FIREWORKS BY-LAW, DESIGNATION OF PARKS BY-LAW UNDER ADMINISTRATIVE PENALTIES BY-LAW

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

Staff are recommending amendments to Parks By-law 134-95, as amended, and to designate the by-law under the City's Administrative Penalties By-law 240-2024, as amended. Also, staff recommend prohibiting the release of flying lanterns, which will be addressed in both Parks By-law 134-95 and Fireworks and Pyrotechnics By-law 089-2022.

Report Highlights

- To enhance administrative efficiencies in the enforcement and appeals resolution process for contraventions under Parks By-law 134-95, staff are recommending that this by-law be designated under the City's Administrative Penalties By-law 240-2024, and that administrative penalties for the by-law contraventions be established. Staff are also recommending implementing a few technical amendments, as well as prohibiting the release of flying lanterns. This prohibition will also be mirrored in Fireworks and Pyrotechnics By-law 089-2022.
- The use of administrative penalties will enable enforcement officers to quickly and effectively address parks-related by-law contraventions, in support of creating an enjoyable experience for City park patrons.

Recommendation

1. THAT Council authorize the by-law amendments to Parks By-law 134-95, Administrative Penalties By-law 240-2024 and Fireworks and Pyrotechnics By-law 089-2022 substantially in accordance with Table 1 of this Report, in a form satisfactory to the Office of the City Solicitor.

Background

Currently, most of the City's regulatory by-laws are designated under the City's Administrative Penalties By-law 240-2024, as amended.

The City established the Administrative Penalties System (APS) in 2009 to divert minor by-law matters from the provincial court system to an in-house penalty appeals resolution process. The APS system is regulated by the provisions of provincial legislation, specifically *O. Reg. 333/07: Administrative Penalties* under the *Municipal Act, 2001*, and is further implemented through the Administrative Penalties By-law 240-2024. The Administrative Penalties By-law (APs) regulates how the City adjudicates matters for all by-laws designated under APs, which presently includes thirty-one regulatory by-laws.

One of the by-laws that has not yet been designated under the Administrative Penalties By-law is Parks By-law 134-95.

The City's Parks By-law 134-95 was first introduced in 1995 and has had numerous amendments since then. The by-law regulates parks use in the City, and covers such areas as, but not limited to:

- acceptable conduct in parks (hours of operation, smoking, alcohol use, acceptable behaviour, etc.);
- camping, picnics, BBQs and fires;
- animals allowed in parks and leashing requirements;
- protection of public land and property;
- playing sports and sports-field use;
- vehicle use, parking and bicycles; and
- swimming, fishing and boating.

Previous Reports/Authority

- [*Administrative Penalties By-law 240-2024*](#) (approved by City Council on December 17, 2024);

- [Parks By-law 134-95](#) (approved by City Council on May 8, 1995);
- [Fireworks and Pyrotechnics By-law 089-2022](#) (approved by City Council on May 17, 2022).

Analysis and Options

By-law and Compliance, Licensing and Permit Services Department responds to complaints of by-law contraventions in City parks.

The City receives approximately 150 complaints per year regarding contraventions of the Parks By-law. The most common contraventions include: creating a fire in a City park, alcohol consumption in the parks, operating recreational vehicles or other motorized vehicles in a City park, entering a park after closure, allowing dogs to run at large in undesignated areas and improper use of public facilities. Although some of these violations are minor in nature and are more of a public nuisance, others create high risk to public safety, and neither are conducive to maintaining a safe and welcoming environment in Vaughan's public parks.

Presently, any person found to be violating a provision of the Parks By-law is potentially subject to a fine after going through the court process set out in the *Provincial Offences Act*, R.S.O. 1990, c. P.33 (POA). However, due to extensive backlogs and delays at the provincial courts, POA charges for minor infractions are often not pursued by prosecutors, which does not assist with encouraging compliance with the By-law. By designating the Parks By-law under APs, contraventions will be handled through the more accessible and efficient in-house administrative penalties appeals process.

Having consulted with Enforcement Services and Parks, Forestry and Horticultural Operations Department, staff are recommending designating the Parks By-law under the City's Administrative Penalties By-law and establishing administrative penalties and corresponding penalty amounts for contraventions.

The specific contraventions and penalty amounts are listed in Attachment 1 to this report. The penalty amounts range from \$250 to \$600, depending on the severity of the offence and the associated risks and damages.

A few minor discrepancies in the Parks By-law were also discovered during this review and are recommended to be corrected through the same amending by-law that will introduce the administrative penalties. Those amendments include the renumbering of

some sections, defining the Administrative Penalties By-law, and specifying that drones are included in the list of prohibited remote controlled devices.

Staff recommend prohibiting the release of flying lanterns in the City due to the high risks and pollution associated with them.

This prohibition is recommended to be introduced to the Parks By-law and mirrored in Fireworks and Pyrotechnics By-law, so that the use of flying lanterns is prohibited everywhere in the City. Because they are free-floating and cannot be controlled once released, they pose a significant fire risk to both public and private property. This type of prohibition is already in place in most major municipalities in Ontario. Vaughan Fire and Rescue Services (VFRS) has been consulted on this and approve this recommendation.

All of the recommended changes are reflected in Table 1.

Table 1 - Recommendations

| No | Current State | Recommendations | Impact |
|----|---|---|--|
| 1 | Currently the Parks By-law is not a designated by-law under Administrative Penalties By-law. | To designate Parks By-law under Administrative Penalties By-law and to establish penalties in accordance with Attachment 1. | By designating the Parks By-law under APs, contraventions will be handled through the more accessible and efficient in-house administrative penalties appeals process. |
| 2 | The Administrative Penalties By-law lists all of the by-law that are currently designated under it. | To add Parks By-law to the list of by-laws designated under Administrative Penalties By-law. | To ensure the designation of the Parks By-law is mirrored in both by-laws. |
| 3 | The Parks By-law does not define Administrative Penalties By-law. | To add the definition of “Administrative Penalties By-law” to the defined terms in the Parks By-law. | To provide clarity to the public. |
| 4 | The Parks By-law prohibits operation of remote controlled device in City parks. | To specify that drones are included in the list of prohibited remote controlled devices in the Parks By-law. | To add clarity to the public that drones are considered remote controlled devices. |
| 5 | The Parks By-law has some minor numbering and formatting issues that needs to be corrected. | To correct the technical errors in the Parks By-law. | For greater transparency and clarity. |

| No | Current State | Recommendations | Impact |
|----|---|---|---|
| 6 | The Parks By-law does not allow the release of balloons in City parks, however, does not prohibit flying lanterns which provide greater risks and fire hazards. | To add prohibition to the Parks By-law for the release of flying lanterns in the City parks. | Such prohibition will provide more benefit safety of the public and eliminate any potential fire hazards associated with flying lanterns. |
| 7 | The Fireworks By-law prohibits different types of fire hazards, such as fireworks, firecrackers, pyrotechnics and other things that may create fire hazard. However, it currently does not address flying lanterns, which also create fire hazards. | To add provision to the Fireworks and Pyrotechnics By-law that prohibits the release of flying lanterns anywhere in the City. | Such prohibition will provide more benefit safety of the public and eliminate any potential fire hazards associated with flying lanterns. |

Financial Impact

There is no financial impact to the City's budget as a result of the recommendations of this report.

Operational Impact

The recommendations provided in this report have been reviewed and approved by Vaughan Fire and Rescue Services, the Office of the City Solicitor and Parks, Forestry and Horticultural Operations Departments.

Broader Regional Impacts/Considerations

There are no specific broader impacts or regional considerations beyond those that have already been discussed in this report.

Conclusion

The designation of the Parks By-law under the Administrative Penalties By-law will result in greater efficiency in the administration of compliance activities and the appeals resolution process for contraventions of the by-law. The penalties for failing to comply with the provisions of the by-law are designed to encourage compliance and to ensure that all persons can safely enjoy the amenities of Vaughan's parks. The recommendations of this report align with Council's Community Safety and Well-being strategic priority, by enhancing community safety and implementing Council's By-law Strategy.

For more information, please contact: Susan Kelly, Director and Chief Licensing Officer, By-law and Compliance, Licensing and Permit Services, ext. 8952

Attachment

1. Schedule 1 of Parks By-law 134-95 “Offences and Corresponding Administrative Penalties”

Prepared by

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