

## **ROYAL BOTANICAL GARDENS**

### **BY-LAW NO. 13-3**

**Be it enacted by the Board of Royal Botanical Gardens (Board) a by-law to regulate the use and protection of  
Royal Botanical Gardens (RBG)**

#### **A. INTERPRETATION**

1. The term “RBG” used herein shall be construed to include all buildings, lands, water lots and bodies of water under the control of the Board. These buildings, lands, water lots and bodies of water mentioned above lie within parts of the Municipalities of Hamilton, and the City of Burlington within the Regional Municipality of Halton.
2. The term “Board” used herein shall be construed to mean the Board of Directors of Royal Botanical Gardens or their duly authorized designate(s).

#### **B. SCOPE**

1. All persons using RBG for any purpose whatsoever shall be subject to this by-law and to any other rules or regulations passed and posted by the Board.

#### **C. PROHIBITED ACTIVITIES**

1. It is hereby declared to be unlawful for any person or persons to do any of the acts hereinafter specified within the limits of RBG.
2. Exemptions from Prohibitions
  - i. Authorized RBG staff, volunteers, and members of the Auxiliary, are exempt from these prohibitions if they are doing maintenance of RBG, including management of gardens, collections, nature sanctuaries, buildings, or other assets, development of gardens or collections, restoration of ecosystems or the management of species, or are undertaking other authorized activities such as, but not limited to, collection of specimens for curatorial or research purposes, as long as any such activity is not prohibited by any law or regulations.
  - ii. Other individuals may be exempt from any of these prohibitions if previously authorized by the Board, in writing, for specific purposes such as, but not limited to, scientific research, or authorized activities such as wedding photography with a permit. Such written authorization must be carried with individuals who have been granted such exemptions at all times while undertaking permitted activities at RBG. Any such authorization is to be in addition to any authorization, permit, or license required by any applicable law or regulation.

3. CAUSING INJURY TO OR REMOVAL OF PLANTS

- i. It is unlawful to cut, climb, break, injure, deface or disturb a tree, shrub, annual, perennial, bulb, or any other plant, or to dig or remove any plant from RBG.
- ii. It is unlawful to pluck, pull up, cut, take or remove any plant or part thereof from RBG.

4. PROHIBITED USES OF, OR CAUSING DAMAGE TO, BUILDINGS, STRUCTURES, AND EQUIPMENT

- i. It is unlawful to use RBG in ways not approved by the Board.
- ii. It is unlawful to damage, deface, paint, mark, write or post upon any building or other structure, or to damage, deface or relocate any fence, bench, sign, poster, label, monument, work of art, apparatus etc., in RBG or remove same from RBG.
- iii. It is unlawful to use or access information technology equipment, resources, or services owned or provided by RBG, including, but not limited to computers or computer networks, without permission of the Board.
- iv. It is unlawful to use, damage, or destroy any equipment, including gardening equipment, vehicles, or any other property of RBG, without permission of the Board.

5. CAUSING INJURY TO BIRDS, ANIMALS & FISH

- i. It is unlawful to feed, disturb, wound, kill, attempt to kill, or in any other way interfere with any bird, fish, or other animal, vertebrate or invertebrate, whether kept in captivity or in a state of nature.
- ii. It is unlawful to disturb, or destroy any eggs or nests of any animal, vertebrate or invertebrate, or allow a dog, cat or other domestic animal to pursue, or kill any bird, fish, or other animal, vertebrate or invertebrate, except by authority of the Board and in compliance with any applicable law or regulation.
- iii. Subsection 5. does not apply to the taking of fish or attempting to take fish by angling, where that activity complies with the legal requirements of the Fisheries Act Canada, the provincial Fish and Wildlife Conservation Act and the Recreational Fishing Regulations.
- iv. Subsection 5. does not apply to the control of invasive pests deemed a risk to protection of human health or RBG collections, plants, or ecosystems.

6. PRESENCE OF DOMESTIC ANIMALS

- i. It is unlawful to allow any cat, dog, or other domestic animal to run loose on RBG premises (including trails). Animals must be on a leash at all times.

- ii. It is unlawful to bring into any building with public access, any cat, dog, or other domestic animal with the exception of certified service animals, or otherwise with permission of the Board.
- iii. Animals being used for interpretive purposes by RBG staff or other authorized persons are exempt from Subsection 6.ii. but must be kept under strict control at all times.
- iv. It is unlawful to ride or drive any horse in RBG.
- v. It is unlawful to hitch or fasten any animal to a tree, shrub, bench or other structure or to allow animal to cause damage or be a nuisance to visitors to RBG.

## 7. RELEASE OF ANIMALS

- i. It is unlawful to lead or let loose in RBG properties any other animal, vertebrate or invertebrate, domestic or wild, without permission of the Board.

## 8. PROTECTION OF OTHER RESOURCES

- i. It is unlawful to dig or disturb known archaeological sites, or to remove archaeological artifacts, without permission of the Board and under the supervision of a licensed archaeologist, and abide by, for archaeological work, "Conserving a Future for our Past" (1998, Ontario Archaeological Society Inc.). Any discovery of suspected archaeological sites or artifacts at RBG is to be reported immediately to the Board. Any work or excavation associated with the discovery of any suspected archaeological site must cease until it has been investigated by the appropriate authority.
- ii. It is unlawful to cut or remove any wood, mulches, soil, gravel, rocks, or other minerals except by authority of the Board.

## 9. PROTECTION OF FOUNTAINS, POOLS, OR OTHER WATERS

- i. It is unlawful to swim, bathe or wade in any fountain, pool, pond, lake or stream except where designated for such purpose by the Board.
- ii. It is unlawful to deposit any material in any fountain, pool or other body of water, or in any area where the leachate, or runoff, from which may affect such waters.

## 10. PROHIBITION OF FIRES

- i. It is unlawful to make, or maintain a fire for any purposes except in areas designated by the Board or except in fireplaces or other devices to contain fires provided by the Board.
- ii. It is unlawful to place or maintain an open flame in any building or facility without permission of the Board.

11. PROHIBITION OF WEAPONS AND FIREWORKS

- i. It is unlawful to be in possession of a fire-arm, air-gun, spring-gun, bow and arrow, cross-bow, hatchet, sling-shot, axe, saw, fireworks or any other artifact capable of causing injury to trees, birds, animals or people save with permission of the Board.

12. PROHIBITION OF UNAUTHORIZED EXCAVATIONS OR STRUCTURES

- i. It is unlawful to pitch a tent, park a house trailer, construct or excavate a shelter, with the intent that it is to be used as accommodation, or for any other purpose, except in areas designated by the Board.
- ii. It is unlawful to undertake any excavation, digging, or other disturbance of the ground, without permission for the Board.

13. NO ADMITTANCE TO POSTED AREAS

- i. It is unlawful to enter any place where the sign "No Admittance", "No Public Entry" Service Vehicles Only", "No Trespassing", or other sign restricting public access, is displayed.
- ii. It is unlawful to leave marked trails, boardwalks, or other provisions for safe public access, within the nature sanctuaries or other outdoor areas in RBG.
- iii. It is unlawful to blaze, cut, or otherwise create new trails in RBG without permission of the Board.

14. NO UNAUTHORIZED PUBLIC MEETINGS

- i. It is unlawful to make a public speech or sponsor or conduct or take part in any public meeting in RBG without permission of the Board.

15. NO POSTING OF NOTICES OR ADVERTISEMENTS

- i. It is unlawful to distribute any handbills, circulars, or books, or to post, place, erect any bill, notice or advertising device or matter of any kind without permission of the Board.

16. ACCEPTABLE PERSONAL CONDUCT

- i. It is unlawful to indulge in any boisterous conduct, or to use abusive, insulting or threatening language, or to otherwise interfere unreasonably with the enjoyment of RBG by any other person.
- ii. It is unlawful to accost or harass any other person in RBG

- iii. It is unlawful to engage in any type of sexual activity, or to be in an inappropriate state of dress, in RBG.
- iv. It is unlawful to create a nuisance by loitering, spying, frightening, annoying, or generally making himself or herself or themselves objectionable to any other person circumspectly enjoying RBG.

#### 17. APPROPRIATE DISPOSAL OF REFUSE

- i. It is unlawful to deposit or leave any paper, bottles, broken glass, building construction waste, garden rubbish, or any other refuse of any kind except in receptacles provided for those purposes by the Board.

#### 18. GAMBLING

- i. It is unlawful to play or bet at or against any game conducted, dealt or carried on with cards, dice or other device, for money, chips, shells, credit or any other representative of value or to maintain or exhibit any gambling table or other instrument for gambling or gaming except by authority of the Board.

#### 19. ALCOHOLIC BEVERAGES / SMOKING

- i. It is unlawful to consume or possess in an open container, any alcoholic drink in RBG without permission from the Board. Alcohol can only be consumed within areas licensed under the Liquor Licence Act.
- ii. It is unlawful to smoke anywhere on RBG property including its natural lands.

#### 20. GAMES AND SPORTS

- i. It is unlawful to engage in active recreation such as ball games (baseball, cricket, ice hockey, football, tennis, soccer, badminton, golf, croquet, etc.), physical activities (orienteering, jogging, skating, skiing, skateboarding, etc.) or use of recreational vehicles (sculling, iceboating, tobogganing, hang-gliding, etc.) except on grounds or water designated for this purpose by the Board.

#### 21. UNAUTHORIZED COMMERCIAL ACTIVITY

- i. It is unlawful to sell or expose for sale or advertise any publication or any goods, wares, foodstuffs, merchandise or any taxi service or other personal service without permission from the Board.

- ii. It is unlawful to photograph still images or video of RBG including taking of photographs of wedding parties, for commercial purposes without permission from the Board.
- iii. It is unlawful to undertake any other activity of a commercial nature in RBG without permission of the Board.

## 22. MOTOR VEHICLES / BICYCLES

- i. It is unlawful to drive or leave standing any truck, van or other commercial vehicle with a gross weight in excess of 5 tonnes on any RBG road, drive or parking area without permission from the Board.
- ii. It is unlawful to operate a motorized vehicle or ride a bicycle on trails or paths designated for pedestrian use.
- iii. It is unlawful to drive on any RBG service road or to obstruct vehicular entrance to same.
- iv. It is unlawful to operate, park or leave standing any motor vehicle elsewhere than on roads, drives and parking areas provided by the Board, or to obstruct traffic to same.
- v. It is unlawful to park or leave standing any motor vehicle in an area designated "No Parking" by the Board.
- vi. It is unlawful to drive a motor vehicle at a speed in excess of 25 km per hour on any RBG road or drive.
- vii. It is unlawful to drive a motor vehicle on a one-way road in any but the direction indicated.
- viii. It is unlawful to wash, paint or repair a vehicle in RBG. Emergency repairs deemed necessary for actual operation of a vehicle are not prohibited.

## 23. MODEL VEHICLES

- i. It is unlawful to operate any fuel-propelled model airplane, boat, car or other model craft in RBG.
- ii. It is unlawful to operate a drone on or above any RBG property without permission from the Board.

## 24. BOATS AND MOTORS

- i. It is unlawful to operate any sailing vessel, or any watercraft propelled by an electric motor or gasoline engine, in Cootes Paradise or other water lots owned by RBG, except by permission of the Board.

## **D. OPEN HOURS**

### **1. HOURS WHEN GARDENS CLOSED**

- i. All RBG premises are closed to public access between the hours of 10:00 p.m. and 6:00 a.m. daily unless otherwise posted at access points. These closing hours will not be in effect on specific premises where special permission is granted by the Board to use such premises during these hours of closing.

## **E. ENFORCEMENT AND PENALTIES**

### **1. ENFORCEMENT OF BY-LAWS**

- i. Responsibility for enforcement of the provisions of this By-law is upon the Chief Executive Officer of RBG with the assistance of such staff as may be appointed by the Chief Executive Officer for that purpose. This By-law may be enforced by any other appropriate authority.

### **2. AUTHORITY OF GUARDS AND EMPLOYEES**

- i. Provided that they have to the best of their ability displayed that they are bona fide representatives of RBG, all staff appointed by the Chief Executive Officer are given the power and authority to issue warnings.

### **3. PENALTIES FOR VIOLATIONS OF THIS BY-LAW**

- i. Every person who contravenes any of the provisions of this by-law shall be subject to penalties including but not limited to immediate ejection from RBG at the discretion of the Board or its duly authorized designate(s). Any further penalties relating to conviction pursuant to this by-law shall be at the discretion of the convicting Magistrate.

### **4. INVALIDITY OF ANY PROVISIONS OF THIS BY-LAW**

- i. The invalidity or unenforceability of any provision of this by-law shall not affect the validity or enforceability of the remaining provisions of this by-law.

## **F. BY-LAW REPLACEMENT**

### **1. PREVIOUS USE BY-LAWS REPLACED**

- i. This by-law is passed to replace all former by-laws concerned with the use of RBG. By-Law Numbers 3 & 9, 90-3, 95-3, 01-03 and said former-by-laws are hereby repealed.

Passed and adopted as By-Law No. 13-3 of the Board of Royal Botanical Gardens this 21st day of January 2016.