

**Subject: Administrative and Enforcement Amendments to
Right of Way By-laws**

File Number: ACS2025-PDB-TP-0010

**Report to Public Works and Infrastructure Committee on 27 March 2025
and Council 16 April 2025**

**Submitted on March 18, 2025 by Court Curry, Manager, Right of Way, Heritage,
and Urban Design Services, Planning, Development and Building Services**

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Ward: Citywide

**Objet : Modifications administratives et d'application apportées aux
règlements sur les emprises routières**

Numéro de dossier : ACS2025-PDB-TP-0010

**Rapport présenté au Comité de l'infrastructure et des travaux publics
soumis le 27 mars 2025**

et au Conseil le 16 avril 2025

**Soumis le Date 18 mars 2025 par Court Curry, Gestionnaire, Services des
emprises, du patrimoine, et du design urbain, Direction générale des services de
la planification, de l'aménagement et du bâtiment**

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Quartier : À l'échelle de la ville

REPORT RECOMMENDATION(S)

That Public Works and Infrastructure Committee recommend City Council approve the amendments to the following by-laws to improve administration and harmonize enforcement regulation as described in this report and set out in Documents 1 to 5:

- a) Private Approach By-law (By-law No. 2003-447)
- b) Right of Way Patio By-law (By-law No. 2023-230)
- c) Encroachments on City Highways By-law (By-law No. 2003-446)
- d) Road Activity By-law (By-law No. 2003-445)
- e) Over-dimensional Vehicles on City Highways By-law (By-law No. 2003-497)

RECOMMANDATION(S) DU RAPPORT

Que le Comité de l'infrastructure et des travaux publics recommande au Conseil municipal d'approuver les modifications aux règlements municipaux suivants afin d'améliorer la gestion administrative et d'harmoniser la réglementation d'application, comme il est décrit dans présent rapport et précisé dans les documents 1 à 5 :

- a) *Règlement sur les voies d'accès privées* (Règlement n° 2003-447)
- b) *Règlement régissant les terrasses sur emprise* (Règlement n° 2023-230)
- c) *Règlement relatif à l'empiètement sur les voies publiques* (Règlement n° 2003-446)
- d) *Règlement sur les travaux routiers* (Règlement n° 2003-445)
- e) *Règlement sur les véhicules surdimensionnés sur les voies publiques de la Ville* (Règlement n° 2003-497)

EXECUTIVE SUMMARY

The Administrative and Enforcement Updates to Right of Way By-laws report is an omnibus report to bring forward amendments to the various by-laws administered by Right of Way, Heritage and Urban Design Services (ROWHUD) in the Planning, Development and Building Services Department (PDBS). Each of the proposed amendments is either administrative in nature or intended to harmonize the procedures and enforcement tools that have been established to effectively administer the by-laws. The proposed amendments do not alter the intent of the corresponding by-laws and do

not require public consultation or input. While updates are required to effectively administer the Private Approach By-law during the 2025 season, this report does not address the technical aspects and fees of said by-law, which are currently undergoing a comprehensive review in line with the City's new Zoning By-law. This review is anticipated to conclude and be presented to Committee and Council in Q4 2025.

RÉSUMÉ

Le rapport sur les mises à jour administratives et d'application apportées aux règlements sur les emprises routières est un document d'ensemble permettant d'apporter des modifications aux divers règlements appliqués par les Services des emprises, du patrimoine et du design urbain (SEPDU) de la Direction générale des services de la planification, de l'aménagement et du bâtiment (DGSPAB). Chacune des modifications proposées est soit d'ordre administratif, soit destinée à harmoniser les procédures et les outils d'application mis en place pour appliquer efficacement les règlements municipaux. Les modifications proposées n'ont aucune incidence sur l'esprit des règlements correspondants et ne requièrent pas de consultation des membres du public. Bien que des mises à jour soient requises pour appliquer de manière effective le *Règlement sur les voies d'accès privées* pendant la saison 2025, le présent rapport n'aborde pas les aspects techniques dudit règlement et les droits qui s'y rattachent, ces considérations faisant actuellement l'objet d'une révision détaillée, conformément aux dispositions du nouveau *Règlement de zonage* de la Ville. Cette révision devrait être terminée et présentée au Comité et au Conseil municipal au quatrième trimestre de 2025.

BACKGROUND

The purpose of this report is to bring forward amendments to the various by-laws administered by Right of Way, Heritage and Urban Design Services (ROWHUD). ROWHUD is responsible for building a vibrant and safe public realm to protect and enhance Ottawa's legacy. An important function is protecting and ensuring mobility is maintained in the public right of way, as well as protecting the integrity of infrastructure.

The proposed amendments, if approved by Council, will:

- Clarify regulations related to the administration of ROW Patio and Private Approach permits
- Align the enforcement tools available in the Private Approach By-law and ROW Patio By-law with the Road Activity By-law
- Clarify that residential boulevard gardens, along with free library boxes, which are regulated through the Use and Care of Roads By-law are exempt from the requirements in the Encroachment By-law and Road Activity By-law

- Detail the duty to notify affected residents, tenants, businesses and Ward Councillor of an extension to a temporary road closure, where approved
- Correct minor errors in the Encroachment By-law, Over-dimensional Vehicles By-law, Private Approach By-law, ROW Patio By-law and Road Activity By-law

The report will discuss the rationale for the proposed by-law amendments, which are detailed in full in Documents 1 to 5. The proposed amendments do not require public consultation, do not result in budget impacts and do not alter the intent of the by-laws.

The technical aspects and fees in the Private Approach By-law are currently undergoing a comprehensive review due to updates within the forthcoming Zoning By-law. These amendments are anticipated to be presented to Committee and Council in Q4 2025.

DISCUSSION

Over time by-laws require minor amendments to correct errors or address specific issues that arise such as administrative inefficiencies or enforcement challenges. The various by-laws pertaining to the right of way have different approaches to permit administration and enforcement due to the age of the by-laws and when they were last updated. While each of said by-laws will be comprehensively reviewed in accordance with the By-law Review Framework, staff are seeking to presently address those inconsistencies that are impacting their effective administration ahead of the next construction season. Updates to the Use and Care of Roads By-law to allow residential gardening projects on the boulevard, free library boxes and pop-up retail display and vending has necessitated updates to the Encroachment By-law and Road Activity By-law to ensure regulations are in alignment.

Private Approach By-law (By-law No. 2003-447)

The Private Approach By-law regulates the design, construction, location and use of private approaches which are the part of an entrance to private property for vehicular access (driveway) that is on the City road allowance. A private approach permit is required before a property owner can construct, relocate, alter or close a private approach. The foremost enforcement concerns are the widening of existing and construction of new private approaches without a permit.

In 2019, the Road Activity By-law was updated (File No. [ACS2019-PIE-RHU-0001](#)) to outline the General Manager's authority to impose permit conditions and to conduct inspections as well as provisions related to orders to discontinue activity (stop work order), corrective work orders and the service of orders. The default and remedial action process whereby the City can collect fees through tax roll was likewise outlined. The final provisions which are outlined in the Road Activity By-law serve as the model for

harmonized enforcement across the by-laws pertaining to the right of way.

Table 1 provides a summary of the proposed administrative and enforcement amendments which are further detailed in Document 1.

Table 1: Proposed amendments to the Private Approach By-law

Item	Summary of amendment
Definitions	<p>The definition for General Manager will be updated to reflect the associated department title.</p> <p>The definition of shoulder will be updated to align with the same in the Road Activity By-law.</p> <p>Staff recommend that new definitions be added for stop work order, corrective work order, Ontario Provincial Standard Specification (O.P.S.S.), standards, and permit to align with the recommended enforcement updates set out below.</p>
General Manager authority regarding permit issuance	<p>Further clarification around the General Manager's authorities regarding permit issuance is required to effectively administer and enforce the by-law. Currently the by-law outlines the ability to add conditions to a permit for a temporary private approach or a private approach for a farm or field entrance. Staff are requesting that the authority to add conditions be expanded to all private approach permits. Staff recommend that the General Manager have the ability to modify conditions and that the permit holder and anyone doing work on behalf of the permit holder must comply with conditions outlined in the permit.</p> <p>Staff recommend that the General Manager likewise have the ability to suspend or revoke a permit where there are reasonable grounds to believe the work poses a danger, the permit was issued in error, the permit was issued on false or misleading information, or the permit conditions are not being abided by or adhered to.</p> <p>The above exist with respect to road cut permits in the Road Activity By-law and the intent is to bring</p>

Item	Summary of amendment
	consistency across the by-laws.
Temporary private approaches	<p>The General Manager may issue a permit for a private approach for a temporary period during construction, repair or improvement on private property. An enforcement gap has been identified whereby permit holders are not respecting the temporary nature of these private approaches and their obligations for highway reinstatement when they are closed.</p> <p>Staff recommend that the sections pertaining to temporary private approaches be consolidated and new provisions be added to outline that a temporary private approach must be removed, and the highway reinstated with the same type of material at the permit holder's expense, by the permit expiry date. These provisions will provide clarity and improve the enforcement of this category of private approach.</p>
Enforcement	<p>The existing enforcement actions outlined in section 16 and sections 33 to 36 do not provide the progressive enforcement effectively outlined in and used for enforcing the Road Activity By-law. Staff are looking to align enforcement of the right of way by-laws to ensure consistency of the tools and approach that provides a progressive model available to respond to situations that will best protect City assets and the public's use of the right of way.</p> <p>To achieve this, it is recommended that the existing provisions related to enforcement be consolidated, and new sections be added to the following effect:</p> <ul style="list-style-type: none"> • Inspection – add the General Manager's authority to conduct inspections and the obligations of the enforcement officer • Order to discontinue activity (Stop Work Order) – add and detail the stop work order process • Corrective Work Order – add and detail the

Item	Summary of amendment
	<p>corrective work order process</p> <ul style="list-style-type: none"> • Service of orders – update existing provisions • Obstruction – add language to clarify that no person shall hinder or obstruct or attempt to hinder or obstruct the General Manager in the discharge of duties under the by-law • Default and remedial action – update existing provisions that outline the process of default and remedial action for such cases where the City undertakes remedial work and the cost must be recovered through the tax roll

Right of Way Patio By-law (By-law No. 2023-230)

The ROW Patio By-law and associated program allows businesses, such as bars, restaurants and cafés, to put outdoor seating on the City’s right of way. There are two patio seasons, a summer season and a winter season, and a permit is required for each season the patio will be on the right of way. The applicant, if not the owner of the property to which the ROW patio relates, must provide the written consent of the property owner alongside their permit application. As discussed above, enforcement of the ROW Patio By-law has highlighted gaps and inconsistencies in approach across the by-laws pertaining to the right of way.

Table 2 provides a summary of the proposed administrative and enforcement amendments which are further detailed in Document 2.

Table 2: Proposed amendments to the ROW Patio By-law

Item	Summary of amendment
Definitions	<p>The definition for General Manager will be updated to reflect the associated department title.</p> <p>The definition for Accessibility Design Standards will be updated to reflect the associated department of the General Manager.</p> <p>The definition of Liquor License Act will be updated to the Liquor Licence and Control Act and its use will be</p>

Item	Summary of amendment
	<p>updated throughout.</p> <p>Staff recommend that new definitions be added for stop work order and corrective work order to align with the recommended enforcement updates.</p>
Responsibility to obtain a permit	<p>To ensure that not only those constructing a patio without a permit can be held accountable, but also those who directed or authorized the patio, staff are recommending that Section 3 be amended to include “cause”, and that “permit” be substituted with “authorize”.</p>
Permit revocation	<p>Currently, an applicant has the option to pay their full fee for the patio season upfront or by monthly payments. A regulatory gap has emerged whereby authority is required to revoke a ROW patio permit for failure to pay the required fees.</p> <p>Staff recommend that the sections regarding permit modification and revocation (sections 50 to 54) be consolidated and that a new provision be added for failure to pay fees.</p> <p>It is also recommended that it be clarified that the property owner who authorized the patio will be notified of a revoked permit in addition to the permit holder.</p>
Enforcement	<p>The existing enforcement actions outlined in sections 55 to 58 do not provide the progressive enforcement effectively outlined in and used for enforcing the Road Activity By-law. Staff are looking to align enforcement of the right of way by-laws to ensure consistency of the tools and approach that provides a progressive model available to respond to situations that will best protect City assets and the public’s use of the right of way.</p> <p>To achieve this, it is recommended that the existing provisions related to enforcement be consolidated, and new sections be added to the following effect:</p> <ul style="list-style-type: none"> • Enforcement – carry over existing provisions that

Item	Summary of amendment
	<p>detail enforcement by a Municipal Law Enforcement Officer or a police officer</p> <ul style="list-style-type: none"> • Inspection – consolidate existing provisions regarding General Manager’s authority to conduct inspections and the obligations of the enforcement officer • Order to discontinue activity (Stop Work Order) – add and detail the stop work order process • Corrective Work Order – add and detail the corrective work order process • Service of orders – add and detail how orders are served • Obstruction – carry over provisions that clarify that no person shall hinder or obstruct or attempt to hinder or obstruct the General Manager or an enforcement officer in the discharge of duties under the by-law • Default and remedial action – update existing provisions that outline the process of default and remedial action for such cases where the City undertakes remedial work and the cost must be recovered through the tax roll
Offences	<p>To improve clarity, staff recommend removing Section 59 which references maximum fines under the <i>Provincial Offences Act</i>, R.S.O. 1990, c. P.33 as it is in conflict with the provisions of Section 61 which allows for fines under the <i>Municipal Act, 2001</i>, S.O. 2001, c.25.</p>
Recovery of unpaid fees	<p>In addition to the General Manager’s authority to revoke a permit for failure to pay fees, staff recommend detailing the steps the City may take to recover those fees.</p> <p>In addition, staff are seeking the ability to add unpaid fees to the tax roll of the permit holder in such a case where the permit holder is also the property owner.</p>

Encroachments on City Highways By-law (By-law No. 2003-446)

The Encroachment By-law governs privately-owned fabricated items on the City right of way. An encroachment may be constructed over, on, or under the highway. In 2017 and again in 2021 the by-law was heavily amended with the repeal of sections related to right of way patios (By-law No. 2017-092) and temporary construction-related encroachments (By-law No. 2021-396). While those provisions were repealed, the corresponding definitions were left in place. Housekeeping is required to the definitions remaining in the by-law are reflective of the regulations within it.

In 2023, the Use and Care of Roads By-law (By-law No. 2003-498) was amended to allow the owner of land zoned residential to undertake gardening projects or place a free library box in the boulevard abutting their property. Similarly, provisions were added to allow pop-up retail display and vending within the right of way.

Table 3 provides a summary of the proposed administrative amendments which are further detailed in Document 3.

Table 3: Proposed amendments to the Encroachment By-law

Item	Summary of amendment
Definitions	<p>The definition for General Manager will be updated to reflect the associated department title.</p> <p>The definition of temporary aerial encroachment will be amended to remove point 2 as it is no longer relevant following the repeal of sections related to temporary construction-related encroachments.</p> <p>Similarly, the definition of temporary sub-surface encroachment will be deleted as it is no longer relevant.</p> <p>The definition of temporary surface encroachment will be amended to remove points 1 and 4 as they are no longer relevant following the repeal of sections related to temporary construction-related encroachments and outdoor patios.</p> <p>The following definitions will be deleted as they are no longer relevant following the repeal of sections related to outdoor patios: ashtray, café seating, café seating permit, charcoal, Electronic Cigarettes Act, outdoor patio,</p>

Item	Summary of amendment
	smoke or smoking, smoking product, water pipe.
Exemption for residential boulevard gardens and free library boxes	<p>Section 2 states that the provisions of the by-law do not apply to lawns, private entrance walkways or private approaches that are in accordance with the City's by-laws.</p> <p>Staff recommend that this section be amended to clarify that the provisions of the by-law also apply to a residential boulevard garden, free library box and pop-up retail display and vending when placed in accordance with the City's by-laws.</p>

Road Activity By-law (By-law No. 2003-445)

The Road Activity By-law regulates road activity on the City's right of way as well as the road cut and temporary construction-related encroachment permitting processes and requirements. The General Manager is authorized to accept and approve temporary road closure applications to facilitate these activities.

In 2023, the Road Activity By-law was amended to clarify that soft landscaping and free library boxes, when placed in accordance with the Use and Care of Roads By-law (By-law No. 2003-498) are exempt from the requirement to obtain a road cut permit. In 2025, the scope of the regulations is expanding and a new term, boulevard garden, is being introduced to the Use and Care of Roads By-law (File No. ACS2025-PDB-TP-0009). A boulevard garden may be composed of soft landscaping, a raised garden bed and/or moveable container.

Table 4 provides a summary of the proposed administrative amendments which are further detailed in Document 4.

Table 4: Proposed amendments to the Road Activity By-law

Item	Summary of amendment
Definitions	The definition for General Manager will be updated to reflect the associated department titles.
Exemption for residential boulevard gardens	Section 2A provides an exemption from the requirement for a road cut permit for the installation of soft landscaping or a free library box pursuant to the Use and Care of Roads By-law. Staff recommend that this section

Item	Summary of amendment
	be amended to replace soft landscaping with the term boulevard gardens to reflect new terminology. This will clarify that a road cut permit is not required for a raised garden bed if in accordance with said by-law.
Notification requirements for temporary road closure extension	Section 5 outlines the notification requirements for road cut and road activity including the timelines and duty to notify affected residents, tenants and businesses of temporary road closures. Requirements are likewise outlined for situations where work is cancelled or postponed. A gap has emerged whereby clarification is required to outline the duty to notify for temporary road closure extensions where approved by the City.
Temporary road closure application requirements	Staff recommend that Section 23 be amended to clarify that persons requesting to completely close a highway must first have obtained either a road cut permit or temporary construction-related encroachment permit (unless otherwise exempt) in addition to the prescribed temporary road closure permit application.
Enforcement housekeeping	Minor amendments are required for Section 32, which details the process for recovering the cost of remedial action by the City by way of adding the costs to the tax roll of the property owner and collecting them in the same manner as property taxes.

Over-dimensional Vehicles on City Highways By-law (By-law No. 2003-497)

The Over-dimensional Vehicles By-law regulates the movement of over-dimensional vehicles on City highways and outlines the authority to issue permits for heavy vehicles, oversized vehicles and heavy loads. Table 5 provides a summary of the proposed amendment which is detailed in Document 5.

Table 55: Proposed amendment to the Over-dimensional Vehicles By-law

Item	Summary of amendment
Definitions	The definition for General Manager will be updated to reflect the associated department title.

FINANCIAL IMPLICATIONS

There are no direct financial implications. The proposed amendments for the Private Approach By-law, Right of Way Patio By-law and Road Activity By-law include updated language related to the recovery of costs incurred by remedial action by adding the cost to the tax roll of the property owner or permit holder. The Encroachments on City Highways and Road Activity By-law both provide an exemption for residential boulevard gardens and free library boxes, which have no financial implications.

LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendations in this report.

Concerning enforcement, with the exception of the Over-dimensional Vehicles By-law which provides for fines as per the *Highway Traffic Act*, R.S.O. 1990, c. H.8, and the Right of Way Patio By-law which provides for fines as per the *Municipal Act, 2001*, S.O. 2001, c. 25, the proposed amended by-laws will continue to provide for fines under the *Provincial Offences Act*, R.S.O. 1990, c. P.33. In doing so, this maintains the general penalty from s. 61 of the *Provincial Offences Act*, which is to a maximum fine of \$5000. This is in contrast to the *Municipal Act, 2001*, which authorizes municipalities to set fines via by-law which may exceed those set by the *Provincial Offences Act*.

COMMENTS BY THE WARD COUNCILLOR(S)

Citywide report, not applicable.

CONSULTATION

There was no public consultation as the proposed amendments are either administrative in nature or are intended to define and clarify the procedures and enforcement tools that have been established to effectively administer the by-laws.

ACCESSIBILITY IMPACTS

Improving the administration and enforcement of the by-laws in this report provides staff with the tools to further protect the right of way, including the allocation of space in the right of way that has a direct impact on accessibility and mobility.

All actions that arise from the amendments to the by-laws discussed in this report will adhere to accessibility legislation that includes the *Integrated Accessibility Standards Regulation* (IASR) under the *Accessibility for Ontarians with Disabilities Act* (AODA, 2005) and the City of Ottawa Accessibility Design Standards (ADS) to the greatest extent

possible. All web content regarding regulations and guidelines will conform with the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0 Level AA.

ASSET MANAGEMENT IMPLICATIONS

There are no Asset Management Implications (from the Engineering - Roads section) resulting from the recommendations of this report.

DELEGATION OF AUTHORITY IMPLICATIONS

This report reflects administrative and enforcement-related amendments, some of which modify upon existing delegated authority to achieve the intended amendment. The exercise of this delegated authority will be reported out in accordance with the provisions of the relevant by-laws.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the recommendations in this report.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

SUPPORTING DOCUMENTATION

Document 1: Details of proposed amendments (Private Approach) immediately follows the report

Document 2: Details of proposed amendments (Right of Way Patio) immediately follows the report

Document 3: Details of proposed amendments (Encroachments on City Highways) immediately follows the report

Document 4: Details of proposed amendments (Road Activity) immediately follows the report

Document 5: Details of proposed amendments (Over-dimensional Vehicles on City Highways) immediately follows the report

DISPOSITION

Upon Council approval of the proposed amendments, the Right of Way Branch, Right of Way, Heritage and Urban Design Services to prepare the amending by-laws and forward to Legal Services for review and placement on the next Council agenda.

Document 1: Details of proposed amendments (Private Approach)

Staff recommend amending By-law No. 2003-447 with provisions similar in effect to the following:

1. Section 1 of By-law No. 2003-447 entitled “A by-law of the City of Ottawa to regulate the use of private approaches”, as amended, is amended by replacing the definition of “General Manager” with the following:

“General Manager” means the General Manager of the City’s Planning, Development and Building Services Department, or authorized representative;

2. Section 1 of said By-law No. 2003-447 is amended by replacing the definition of “shoulder” with the following:

“Shoulder” means that part of a Highway immediately adjacent to the Roadway and having a surface, which has been improved for the use of Vehicles with asphalt, concrete or gravel;

3. Section 1 of said By-law No. 2003-447 is amended by adding the following definitions:

“Corrective Work Order” means an order issued pursuant to this by-law to do work to correct a contravention;

“O.P.S.S.” means Ontario Provincial Standard Specifications, as amended;

“Permit” means a private approach permit issued under this by-law except where the context indicates otherwise and ‘permit-holder’ has a similar meaning;

“Standards” means the City of Ottawa Standard Tender Documents for Unit Price Contracts, as amended;

“Stop Work Order” means an order issued pursuant to this by-law to stop the construction or alteration of a private approach, or associated work;

4. Section 7 of said By-law No. 2003-447 is deleted entirely and replaced with the following;

Section 7

(1) If the General Manager is satisfied that an application for a private approach complies with the provisions of this by-law, approval shall be granted in writing in the form of a permit by the General Manager.

(2) The General Manager may approve a permit request with such changes and

conditions as the General Manager deems necessary to ensure compliance with this by-law.

- (3) The permit holder shall comply with and ensure that anyone doing work on their behalf complies with all provisions of this and any other applicable by-law, as well as the conditions of the private approach permit.
 - (4) The General Manager may alter or revoke the terms and conditions of a permit after it has been issued or impose new terms and conditions in a permit.
 - (5) The General Manager may suspend or revoke a permit where there are reasonable grounds to believe:
 - (a) the work poses a danger to the health and safety of any person;
 - (b) the work poses a danger to City or private property;
 - (c) the permit was issued in error;
 - (d) the permit was issued on false, misleading, mistaken or incorrect information; or
 - (e) the permit holder, or anyone working on behalf of the permit holder, has failed to comply with a condition of the permit, or with this or any other applicable by-law.
5. Section 16 of said By-law No. 2003-447 is deleted entirely and is reserved for future use.
 6. Section 30 of said By-law No. 2003-447 is deleted entirely and replaced with the following:

Section 30 – Temporary private approach

- (1) Despite any other provision of this by-law, the General Manager may issue a permit for a temporary private approach:
 - (a) for such duration as is deemed necessary to complete the specified work; and
 - (b) subject to such conditions and restrictions as the General Manager may, from time to time, deem necessary for the safe and efficient movement of pedestrians and vehicles, including the removal and reinstatement of traffic signs and traffic signals.

- (2) When a temporary private approach requires the hooding or removal of parking meters, the permit holder shall be responsible for the costs of the hooding charges for meters not in use and all municipal costs including lost parking meter revenues associated with the temporary private approach.
 - (3) When a temporary private approach requires the erection, removal or relocation of any traffic control device including, but not limited to, traffic signals and traffic signs, the permit holder shall be responsible for the cost of all work involved to the City's satisfaction.
 - (4) A temporary private approach must be removed, and the highway reinstated with the same type of material to the satisfaction of the General Manager by the permit expiry date.
 - (5) Reinstatement pursuant to subsection (4) shall be done to current O.P.S.S. standards and the Standards.
7. Section 31 of said By-law No. 2003-447 is deleted entirely and replaced with the following:

Section 31 – Inspection

- (1) Where the General Manager carries out an inspection to ascertain whether the provisions of this by-law are complied with and to enforce and carry out into effect the provisions of this by-law, the General Manger may:
 - (a) require the production for inspection of documents or items that may be relevant to the inspection;
 - (b) inspect and remove documents or items relevant to the inspection for the purposes of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a person possessing a special or expert knowledge, make examinations or take tests or photographs necessary for the purposes of the inspection.
- (2) A receipt shall be provided for any document or item removed under subsection (1) hereof and the document or item shall be promptly returned after the copies or extracts are made.
- (3) Copies of or extracts from documents and items removed under subsection

(1) hereof and certified as being true copies of or extracts from the originals by the Person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the originals.

8. Section 32 of said By-law No. 2003-447 is deleted entirely and replaced with the following:

Section 32 – Order to discontinue activity (Stop Work Order)

- (1) If the General Manager is satisfied that a contravention of this by-law, or a permit issued under this by-law has occurred, the City may make an order requiring the person who contravened this by-law or a permit issued under this by-law, or who caused or permitted the contravention, to discontinue the contravening activity.
- (2) The order shall set out the reasonable particulars of the contravention adequate to identify the contravention and the location at which the contravention occurred and the date by which there must be compliance with the order.
- (3) An order under this section may be verbal and shall be confirmed in writing in accordance with section 34.
- (4) Any person who contravenes an order under this section is guilty of an offence.

9. Section 33 of said By-law No. 2003-447 is deleted entirely and replaced with the following:

Section 33 – Corrective work order

- (1) If the General Manager is satisfied that a contravention of this by-law, or a permit issued under this by-law has occurred, the City may make an order requiring the person who contravened this by-law or a permit issued under this by-law, or who caused or permitted the contravention to do work to correct the contravention to the satisfaction of the General Manager.
- (2) The order shall set out reasonable particulars of the contravention adequate to identify the contravention and its location, the work to be done, and the date by which the work must be done.
- (3) An order under this section may be verbal and shall be confirmed in writing in accordance with section 34.

(4) Any person who contravenes an order under this section is guilty of an offence.

10. Section 34 of said By-law No. 2003-447 is deleted entirely and replaced with the following:

Section 34 – Service of orders

(1) Orders issued under sections 32 and 33 may be served:

(a) personally on the person to whom it is directed;

(b) to an email address of the owner or provided on a private approach permit application form;

(c) by registered mail to the last known address of the owner or permit holder or the person; or

(d) posted on the property where the contravention occurred.

(2) Where an order under this by-law is served personally or by email by the City, it shall be deemed to have been served on the date of delivery to the person or persons named.

(3) Where an order issued under this by-law is sent by registered mail, it shall be deemed to have been served on the next business day following the date of mailing.

(4) Where an order issued under this by-law is served by posting it on the property, it shall be deemed to have been served on the person to whom the order is directed on the date it is posted.

11. Section 35 of said By-law No. 2003-447 is deleted entirely and replaced with the following:

Section 35 – Obstruction

No person shall hinder or obstruct or attempt to hinder or obstruct the General Manager in the discharge of duties under this by-law.

12. Section 36 of said By-law No. 2003-447 is deleted entirely and replaced with the following:

Section 36 – Default and remedial action

(1) Where an order has been sent by the City pursuant to section 33 and the

requirements of the order have not been complied with, the General Manager may cause the work to be done and the total cost of the work shall be at the expense of the Owner or permit holder.

- (2) Notwithstanding subsection (1), the General Manager may cause the remedial work to be done in the event of an emergency and the total cost of the work shall be at the expense of the Owner or permit holder in accordance with this section.
- (3) The total cost of such work shall include an administration fee in the amount of 15% of the cost of the work.
- (4) The cost of the work to be done pursuant to subsection (1) and all costs related to the administration, enforcement and the establishment, acquisition and replacement of capital assets related to this by-law, may be recovered from the Owner or permit holder by adding the costs to the tax roll and collecting them in the same manner as property taxes.
- (5) The cost includes interest calculated at a rate of 16.08% (1.25% per month). Interest accrues daily from the due date on each invoice until the account is paid in full.
- (6) For the purposes of subsection (4) the amount of the cost, including interest and applicable fees, constitutes a lien on the property upon the registration in the proper land registry office of a notice of lien, in respect of all costs that are payable at the time the notice is registered plus interest accrued and applicable fees, at the rate established under subsection (5) to the date the full payment is made.
- (7) Upon receiving payment of all costs payable plus interest accrued and applicable fees, to the date of payment, the City shall register a discharge of the lien in the proper land registry office at the expense of the Owner or permit holder.

13. Section 37 of said By-law No. 2003-447 is deleted entirely and replaced with the following:

Section 37 – Offence

- (1) Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a fine not to exceed the limits of the Provincial Offences Act.

(2) When a person has been convicted of an offence under this by-law,

(a) the Ontario Court of Justice of the City of Ottawa, or

(b) any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

14. Section 38 of said By-law No. 2003-447 is deleted entirely and is reserved for future use.

Document 2: Details of proposed amendments (Right of Way Patio)

Staff recommend amending By-law No. 2003-230 with provisions similar in effect to the following:

1. Section 1 of By-law No. 2023-230 entitled “A by-law of the City of Ottawa to regulate Right of Way patios on City highways and to repeal By-law No. 2023-175”, as amended, is amended by replacing the definition of “Accessibility Design Standards” with the following:

“Accessibility Design Standards” means the City of Ottawa’s Accessibility Design Standards, which may be amended from time to time by the General Manager, Infrastructure and Water Services;

2. Section 1 of said By-law No. 2023-230 is amended by replacing the definition of “General Manager” with the following:

“General Manager” means the General Manager of the City’s Planning, Development and Building Services Department, or authorized representative;

3. Section 1 of said By-law No. 2023-230 is amended by replacing the definition of “*Liquor License Act*” with the following and replacing its use throughout:

“*Liquor Licence and Control Act*” means the *Liquor Licence and Control Act*, 2019, S.O. 2019, c.15, Sched. 22, as amended, and includes any regulation passed under it;

4. Section 1 of said By-law No. 2023-230 is amended by adding the following definitions:

“Corrective Work Order” means an order issued pursuant to this by-law to do work to correct a contravention;

“Stop Work Order” means an order issued pursuant to this by-law to stop the construction, erection or alteration of a ROW patio, or associated work;

5. Section 3 of said By-law No. 2023-230 is deleted entirely and replaced with the following:

3. No person shall construct, erect or alter a ROW patio, or cause a ROW patio to be constructed, erected, or altered, or authorize a ROW patio to be constructed, erected, or altered, without first obtaining a permit in accordance with the provisions of this by-law.

6. Section 50 of said By-law No. 2023-230 is deleted entirely and replaced with the

following:

Section 50 – Modification and revocation

- (1) The General Manager is authorized to modify or to revoke a ROW patio permit issued under this by-law where:
 - (a) the permit was issued in error;
 - (b) the permit was issued on false, misleading, mistaken or incorrect information;
 - (c) the holder of such a permit fails to maintain and keep all related items in proper repair to the satisfaction of the General Manager; or
 - (d) there are reasonable grounds to believe that the ROW patio for which the permit was issued:
 - (i) poses a danger to the health and safety of any person;
 - (ii) poses a danger to property;
 - (iii) is not in the public interest; or
 - (iv) is in contravention of this by-law or of a ROW patio permit issued under this by-law, including any conditions of such permit.
- (2) A ROW patio permit may be revoked at any time by the General Manager:
 - (a) if the permit holder fails to comply with the requirements contained in section 10 of this by-law;
 - (b) for failure to pay the fees outlined in Schedule “A” of this by-law; or
 - (c) if the City or a public utility wishes to make use of that part of the highway on which it is situated.
- (3) Where a ROW patio permit is revoked pursuant to subsection (1) or (2) the Permit holder shall remove all items within the timeframe stipulated by the General Manager.
- (4) The General Manager shall immediately notify the Permit holder, and the property owner of the property to which the ROW patio relates, of the revocation of the permit.

(5) The Permit holder for a ROW patio shall have no claim against the City for any loss or damage arising from the revocation of the permit.

7. Section 51 of said By-law No. 2023-230 is deleted entirely and replaced with the following:

Section 51 – Removal of unauthorized ROW patios

(1) Where a ROW patio is unauthorized under this by-law or does not comply with the requirements of the ROW patio permit issued under this by-law, the City, in accordance with section 55, may order the operator or the Permit holder of the patio, and the property owner of the property to which the ROW patio relates, as the case may be, to forthwith remove the unauthorized or non-compliant patio and to reinstate the highway to its former condition at the property owner's or permit holder's own expense.

8. Section 52 of said By-law No. 2003-230 is deleted entirely and replaced with the following:

Section 52 – Enforcement

(1) The General Manager is responsible for the administration of this by-law and the by-law may be enforced by a Municipal Law Enforcement Officer appointed by the City for that purpose, or by a police officer.

(2) No Permit holder shall fail to produce a ROW patio permit for inspection upon the request of a municipal law enforcement officer or police officer.

9. Section 53 of said By-law No. 2023-230 is deleted entirely and replaced with the following:

Section 53 – Inspection

(1) A municipal law enforcement officer may, at any reasonable time, enter upon or into any property for the purposes of an inspection to determine:

(a) compliance of the ROW patio to this by-law;

(b) whether the ROW patio has been constructed or erected, or is operated or maintained in compliance with:

(i) this by-law;

(ii) a condition of a ROW patio permit issued under this by-law; or

(iii) a notice provided under this by-law; and

(iv) if a ROW patio is unsafe.

(2) A municipal law enforcement officer or a police officer may, for the purposes of an inspection under subsection (1):

(a) require the production, for inspection, of documents or things relevant to the inspection;

(b) inspect and remove documents or things relevant to the inspection for the purposes of making copies or extracts;

(c) require information from any person concerning a matter related to the inspection; or

(d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

(3) A ROW patio is unsafe for the purposes of clause (c) of subsection (1) if:

(a) it is in a condition that could be hazardous to the health or safety of any person; or

(b) it is located in a manner so as to cause an obstruction or to be hazardous to the health or safety of any person.

10. Section 54 of said By-law No. 2023-230 is deleted entirely and replaced with the following:

Section 54 – Order to discontinue activity (Stop Work Order)

(1) If the General Manager is satisfied that a contravention of this by-law, or a permit issued under this by-law has occurred, the City may make an order requiring the person who contravened this by-law or a permit issued under this by-law, or who caused or permitted the contravention, to discontinue the contravening activity.

(2) The order shall set out the reasonable particulars of the contravention adequate to identify the contravention and the location at which the contravention occurred and the date by which there must be compliance with the order.

(3) An order under this section may be verbal and shall be confirmed in writing in

accordance with section 56.

- (4) Any person who contravenes an order under this section is guilty of an offence.

11. Section 55 of said By-law No. 2023-230 is deleted entirely and replaced with the following:

Section 55 – Corrective Work Order

- (1) If the General Manager is satisfied that a contravention of this by-law, or a permit issued under this by-law has occurred, the City may make an order requiring the person who contravened this by-law or a permit issued under this by-law, or who caused or permitted the contravention to do work to correct the contravention to the satisfaction of the General Manager.
- (2) The order shall set out reasonable particulars of the contravention adequate to identify the contravention and its location, the work to be done, and the date by which the work must be done.
- (3) An order under this section may be verbal and shall be confirmed in writing in accordance with section 56.
- (4) Any person who contravenes an order under this section is guilty of an offence.

12. Section 56 of said By-law No. 2023-230 is deleted entirely and replaced with the following:

Section 56 – Service of orders

- (1) Orders issued under sections 54 and 55 may be served:
 - (a) personally on the person to whom it is directed;
 - (b) to an email address of the owner or provided on a permit application form;
 - (c) by registered mail to the last known address of the property owner or Permit holder or the person; or
 - (d) in a conspicuous place on the property to which the ROW patio is related where the contravention occurred.
- (2) Where an order under this by-law is served personally or by email by the City, it shall be deemed to have been served on the date of delivery to the person

or persons named.

- (3) Where an order issued under this by-law is sent by registered mail, it shall be deemed to have been served on the next business day following the date of mailing.
- (4) Where an order issued under this by-law is served by posting it in on the property, it shall be deemed to have been served on the person to whom the order is directed on the date it is posted.

13. Section 57 of said By-law No. 2023-230 is deleted entirely and replaced with the following:

Section 57 – Obstruction

- (1) No person shall hinder or obstruct or attempt to hinder or obstruct the General Manager, a municipal law enforcement officer or a police officer in the discharge of their duties under this by-law.
- (2) Any person who hinders or obstructs a person lawfully carrying out the enforcement of this by-law is guilty of an offence.

14. Section 58 of said By-law No. 2023-230 is deleted entirely and replaced with the following:

Section 58 – Default and remedial action

- (1) Where an order has been sent by the City pursuant to section 55 and the requirements of the order have not been complied with, the General Manager may cause the work to be done and the total cost of the work shall be at the expense of the property owner or Permit holder, in addition to the fees in Schedule “A”.
- (2) Notwithstanding subsection (1), the General Manager may cause the remedial work to be done in the event of an emergency and the total cost of the work shall be at the expense of the property owner or Permit holder in accordance with this section.
- (3) The total cost of such work shall include an administration fee in the amount of 15% of the cost of the work.
- (4) The cost of the work to be done pursuant to subsection (1) and all costs related to the administration, enforcement and the establishment, acquisition and replacement of capital assets related to this by-law, may be recovered

from the property owner or Permit holder by adding the costs to the tax roll and collecting them in the same manner as property taxes.

- (5) The cost includes interest calculated at a rate of 16.08% (1.25% per month). Interest accrues daily from the due date on each invoice until the account is paid in full.
- (6) For the purposes of subsection (4) the amount of the cost, including interest and applicable fees constitutes a lien on the property upon the registration in the proper land registry office of a notice of lien, in respect of all costs that are payable at the time the notice is registered, plus interest accrued and applicable fees, at the rate established under subsection (5) to the date the full payment is made.
- (7) Upon receiving payment of all costs payable, plus interest and applicable fees, accrued to the date of payment, the City shall register a discharge of the lien in the proper land registry office at the expense of the property owner or Permit holder.

15. Section 59 of said By-law No. 2023-230 is deleted entirely and replaced with the following:

Section 59 – Recovery of unpaid fees

- (1) Where the total cost of the Right of way patio fee as set out in Schedule “A” is not paid in full within the prescribed patio season, the City may undertake cost-recovery actions including, but not limited to:
 - (a) invoicing the Right of way patio fee and all costs related to the administration of this by-law to the Permit holder;
 - (b) reporting debt to the credit bureau; or
 - (c) legal action
- (2) In addition to subsection (1) the outstanding fees may be recovered from the Permit holder by adding the costs to the tax roll and collecting them in the same manner as property taxes pursuant to section 58.

16. Section 60 of said By-law No. 2023-230 is deleted entirely and replaced with the following:

Section 60

Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

Document 3: Details of proposed amendments (Encroachments on City Highways)

Staff recommend amending By-law No. 2003-446 with provisions similar in effect to the following:

1. Section 1 of By-law No. 2003-446 entitled “A by-law of the City of Ottawa to regulate encroachments on City highways”, as amended, is amended by replacing the definition of “General Manager” with the following:

“General Manager” means the General Manager of the City’s Planning, Development and Building Services Department, or authorized representative;

2. Section 1 of said By-law No. 2003-446 is amended by replacing the definition of “temporary aerial encroachment” with the following:

“temporary aerial encroachment” means an encroachment, the lowest portion of which is at least two and one-half metres (2.5 m) above the elevation of the highway immediately below the encroachment and which is withdrawn for at least eight (8) hours every twenty-four (24) hour period;

3. Section 1 of said By-law No. 2003-446 is amended by deleting the following definitions in their entirety: “ashtray”, “café seating”, “café seating permit”, “charcoal”, “Electronic Cigarettes Act”, “outdoor patio”, “smoke or smoking”, “smoking product”, “temporary sub-surface encroachment”, and “water pipe”.

4. Section 1 of said By-law No. 2003-446 is amended by replacing the definition of “temporary surface encroachment” with the following:

“temporary surface encroachment” means an encroachment on the surface of a highway, all of which is less than two and one-half metres (2.5 m) above the elevation of the highway immediately below the encroachment, that is used,

1. for parking a vehicle for the purpose of loading or unloading goods or merchandise at locations where loading and unloading is not permitted by the Traffic and Parking By-law of the City and includes material and equipment;
 2. as a customer service box, tourist information directory, tourist information kiosk or waste receptacle;
 3. to facilitate a tourism industry related activity and includes, but is not limited to, vehicles, materials, equipment, and commercial filming;
5. Section 2 (1) (a) of said By-law No. 2003-498 is deleted entirely and replaced with the

following:

(a) lawns, boulevard gardens, free library boxes, pop-up retail display and vending, private entrance walkways or private approaches placed or constructed in accordance with the City's by-laws;

Document 4: Details of proposed amendments (Road Activity)

Staff recommend amending By-law No. 2003-445 with provisions similar in effect to the following:

1. Section 1 of By-law No. 2003-445 entitled “A by-law of the City of Ottawa to regulate road activity on City highways”, as amended, is amended by replacing the definition of “General Manager” with the following:

“General Manager” means the General Manager of the City’s Planning, Development and Building Services Department or Public Works Department, or their authorized representative;

2. Section 2A of said By-law No. 2003-445 is deleted entirely and replaced with the following:

Section 2A

Section 2 does not apply to a road cut associated with the installation of a boulevard garden or free library box as defined by the Use and Care of Roads By-law No. 2003-498, as amended.

3. Section 5 (10) of said By-law No. 2003-445 is amended by replacing the words “cancelled or postponed” with the words “cancelled, postponed or extended” and the words “cancellation and postponement” with the words “cancellation, postponement or extension”.
4. Section 5 (11) of said By-law No. 2003-445 is amended by replacing the words “cancelled or postponed” with the words “cancelled, postponed or extended” and the words “cancellation and postponement” with the words “cancellation, postponement or extension”.
5. Section 23 of said By-law No. 2003-445 is deleted entirely and replaced with the following:

Section 23 – Closure to traffic

(1) No person shall undertake Road Activity, a Temporary construction-related encroachment, or a Road Cut which completely closes a Highway to Vehicle traffic or one direction of Vehicle traffic on a highway unless the written consent of the General Manager to the closing is obtained and the applicable fees are paid to the City.

(2) All persons requesting to completely close a Highway must:

- (a) first have obtained Permit for a Road Cut or Temporary construction-related encroachment, unless stated otherwise under section 4.1(2);
 - (b) complete the prescribed application form and furnish to the City such information as the General Manager requires; and
 - (c) pay the non-refundable temporary road closure fee as indicated on Schedule "A" of this by-law.
- (3) Where work by a permit holder or a person undertaking Road Activity requires the City to initiate an emergency road closure the City may require the permit holder or person undertaking the Road Activity to complete the prescribed application form and pay the non-refundable temporary road closure fee.
- (4) A legible copy of the written consent of the General Manager to the closing shall be displayed at the site of the Road Activity, Road Cut, or Temporary construction-related encroachment.
6. Section 32 (5) of said By-law No. 2003-445 is deleted entirely and replaced with the following:
- (5) The cost includes interest calculated at a rate of 16.08% (1.25% per month). Interest accrues daily from the due date on each invoice until the account is paid in full.
7. Section 32 (6) of said By-law No. 2003-445 is deleted entirely and replaced with the following:
- (6) For the purposes of subsection (4) the amount of the cost, including interest and applicable fees constitutes a lien on the property upon the registration in the proper land registry office of a notice of lien, in respect of all costs that are payable at the time the notice is registered, plus interest accrued and applicable fees, at the rate established under subsection (5) to the date the full payment is made.
8. Section 32 (7) of said By-law No. 2003-445 is deleted entirely and replaced with the following:

Upon receiving payment of all costs payable, plus interest and applicable fees, accrued to the date of payment, the City shall register a discharge of the lien in the proper land registry office at the expense of the property owner or Permit holder.

Document 5: Details of proposed amendments (Over-dimensional Vehicles on City Highways)

Staff recommend amending By-law No. 2003-497 with provisions similar in effect to the following:

1. Section 1 of By-law No. 2003-497 entitled “A by-law of the City of Ottawa to regulate the movement of over-dimensional vehicles on City highways”, as amended, is amended by replacing the definition of “General Manager” with the following:

“General Manager” means the General Manager of the City’s Planning, Development and Building Services Department, or authorized representative;