

Subject: Parks and Facilities By-law Review

File Number: ACS2025-RCF-GEN-0006

Report to Community Services Committee on 27 May 2025

and Council 11 June 2025

**Submitted on May 15, 2025 by Caroline Barrière, Manager, Business and
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Ward: Citywide

Objet : Examen du Règlement sur les parcs et les installations

Numéro de dossier : ACS2025-RCF-GEN-0006

Rapport présenté au Comité des services communautaires

Rapport soumis le 27 mai 2025

et au Conseil le 11 juin 2025

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REPORT RECOMMENDATION(S)

That the Community Services Committee recommend that Council approve the proposed Parks and Facilities By-law as described in this report and in the general form set out in Document 1 and repeal the Parks and Facilities By-law 2004-276.

RECOMMANDATION(S) DU RAPPORT

Que le Comité des services communautaires recommande au Conseil municipal d'approuver le Règlement sur les parcs et les installations proposé, tel qu'il est décrit dans le présent rapport et selon la forme générale établie dans le document 1, et d'abroger le Règlement sur les parcs et les installations (n° 2004-276).

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's approval of the proposed Parks and Facilities By-law attached as Document 1.

The current Parks and Facilities By-law was enacted on May 6, 2004, as a harmonization of ten by-laws from pre-amalgamation municipalities. The intent of the by-law is to foster an optimal, orderly, fair and equitable use of outdoor and indoor recreation amenities and preserve these public assets by managing parkland and associated facility use. While amendments were made to the existing Bylaw during an administrative review in 2021, a fulsome review was required to align with changes in operational and programing trends, legislative changes, and community needs.

Overall, the proposed Parks and Facilities By-law aligns with provisions and exemptions of other municipalities. While many municipalities have made recent amendments to their by-laws, few have undertaken a full re-enactment. The proposed by-law simplifies language to improve comprehension and enforcement, adopts a more permissive approach to the enjoyment of municipal amenities, and aligns provisions with current practices. Additionally, enforceable provisions have been aligned with pre-established policies and procedures.

This report contains details on key updates including:

- Revising and adding detailed definitions and examples to improve clarity.
- Reorganizing, condensing and simplifying sections to enhance readability.
- Aligning provisions with provincial legislation, industry best practices, municipal policies, procedures, by-laws, and Council-approved programs.
- Updating encroachment provisions to strengthen the City's ability to prevent and remove unauthorized alterations to municipal parks and parkland, ensuring long-term protection and preservation of public lands.

- Incorporating provisions for personal alcohol consumption in parks without a permit, following changes in Provincial regulations and a Councillor inquiry requesting that the City consider implementing a pilot program.

RÉSUMÉ

Au moyen du présent rapport, on veut faire approuver par le Conseil municipal le Règlement sur les parcs et les installations proposé, ci-joint en tant que document 1. Le Règlement sur les parcs et les installations actuel a été adopté le 6 mai 2004, dans le cadre d'une démarche d'harmonisation de dix règlements établis par des municipalités antérieures à la fusion. Ce règlement vise à favoriser une utilisation méthodique, équitable et optimale des infrastructures intérieures et extérieures destinées aux loisirs et à préserver ces actifs publics, en procédant à une bonne gestion des terrains à vocation de parcs et de l'utilisation des installations connexes. Même si des modifications y ont été apportées au cours d'un examen administratif mené en 2021, un examen complet devenait nécessaire afin de tenir compte des nouvelles tendances en matière de fonctionnement et de programmation, des changements législatifs et des besoins communautaires.

Globalement, le Règlement sur les parcs et les installations proposé respecte les dispositions et les exemptions d'autres municipalités. Même si de nombreuses municipalités ont récemment modifié leurs règlements, peu d'entre elles ont procédé à une remise en vigueur complète. Le libellé du règlement proposé a été simplifié afin d'améliorer la compréhension et le respect de son contenu. On a aussi opté pour une approche plus permissive quant à la possibilité de profiter des infrastructures municipales et aligné les dispositions sur des pratiques actuelles. De plus, les dispositions applicables ont été alignées sur des politiques et des procédures déjà établies.

Le présent rapport contient des détails sur les mises à jour importantes, dont :

- Révision des définitions détaillées et des exemples, et ajout de définitions et d'exemples, pour améliorer la clarté.
- Réorganisation, résumé et simplification des sections afin d'accroître la lisibilité.
- Alignement des dispositions sur la législation provinciale, sur les meilleures pratiques du secteur, sur les politiques, les procédures et les règlements municipaux, ainsi que sur les programmes approuvés par le Conseil.
- Mise à jour des dispositions relatives à l'empiétement afin de renforcer la

capacité de la Ville à empêcher et à annuler les modifications non autorisées dans les parcs et sur les terrains à vocation de parc de la municipalité, pour garantir la protection et la conservation à long terme des terrains publics.

- Intégration de dispositions relatives à la consommation personnelle d'alcool dans les parcs, sans permis; cela fait suite à la modification des règlements provinciaux et à une demande d'un conseiller visant à inciter la Ville à lancer un programme pilote.

BACKGROUND

On May 6, 2004, the Parks and Facilities By-law 2004-276 was enacted as a harmonization of ten by-laws from pre-amalgamation municipalities. The current Bylaw, and its replacement recommended in this report, intends to foster the optimal, orderly, fair and equitable use of outdoor and indoor recreation amenities and preserve these public assets by managing parkland and associated facility use.

The by-law outlines the conditions under which certain activities may take place, including prohibition of activities that damage, deface or destroy parkland or facilities, and dangerous activities. This by-law also introduced a city-wide permit system for obtaining approvals for permissible park activities.

On April 24, 2019, Council approved a comprehensive [By-law Review Framework](#) which requires all existing regulatory by-laws to be reviewed at least once every ten years. A key component of the framework was developing a corporate by-law review work plan to determine and prioritize which by-laws require development or amendments over the term of Council. On May 6, 2021, Council approved an administrative by-law update of the Parks and Facilities By-law 2004-276, considering emerging issues arising from new technologies and programming trends, organizational and regulatory changes, and other administrative areas requiring amendment. Staff identified amendments based on enforcement experiences, process improvements and legislative changes, ensuring that regulations align with current practices. While there were no substantial changes to the Parks and Facilities By-law at that time, minor amendments were made to expand the range of permitted activities in parks, clarify the process for obtaining permits, and updating definitions to enhance clarity and understanding of the application of the by-law.

In July 2022, Council directed the Recreation, Cultural and Facility Services Department (RCFS) to review the Parks and Facilities By-law 2004-276 for re-enactment as part of

the [2023-2026 By-law Review Work Plan](#).

In March 2024, a Councillor inquired about the possibility of implementing a pilot program for alcohol consumption in parks for personal use. Staff recommended that this suggestion be explored and considered as part of the by-law review as the existing Parks and Facilities By-law prohibits alcohol consumption in parks without a permit. As part of the public engagement for the by-law review, feedback was gathered on the personal consumption of alcohol in parks from the public and stakeholders.

Current regulatory landscape

The Parks and Facilities By-law contains many provisions that must align with many other municipal by-laws, provincial and federal legislation.

The by-law is intended to apply to parkland managed by the City of Ottawa, and municipal facilities that host recreation and cultural programs, public events and programs, including administrative buildings. Since the provisions in the current by-law are heavily focused on parks and parkland, this re-enactment incorporates additional provisions for facilities. The by-law provides strong support to facility staff by introducing enforceable provisions that align with pre-established policies and procedures.

Enforcement history

Enforcement of this by-law is predominantly complaint-based. Between 2019 and 2023, there have been 8,777 service requests solely related to parks, averaging approximately 1,755 requests per year. For the last five years, enforcement has resulted in an average of 782 warnings and 221 infraction notices.

Historically, the by-law has served as a public awareness tool to promote public safety and protect park lands and amenities, ensuring accessibility and availability for their intended purposes. Enforcement has consistently prioritized education and warnings, over the issuance of infractions and continues to do so.

Jurisdictional scan

The regulatory review included an analysis of how other municipalities regulate various activities including motorized vehicles, sports, issuing permits, opening and closing of sports fields and baseball diamonds, encroachments, asset protection and consumption of alcohol in parks. Many municipalities have by-laws or policies addressing the usage

of park spaces, with varying degrees of prescriptiveness. Many municipalities have made recent amendments to their by-laws but few have undertaken a full re-enactment.

The provisions in the City of Ottawa's Parks and Facilities By-law align overall with provisions and exemptions of other municipalities. Jurisdictional comparisons demonstrate that parks by-laws must strike a balance between restrictive and permissive language. Of the Canadian municipalities that have permitted alcohol consumption in parks, only the City of Toronto and the City of Vancouver have updated their by-laws to reflect this change, outlining required criteria for their respective municipalities.

DISCUSSION

Staff are recommending that the existing Parks and Facilities By-law 2004-276 be repealed and replaced by the proposed Parks and Facilities By-law as outlined in Document 1 of this report.

By-law Review Process

In January 2024, RCFS initiated a review of the existing Parks and Facilities By-law 2004-276. The research and analysis phase included internal consultations with stakeholders and benchmarking through a municipal scan of 10 municipalities. Key themes and priorities were identified to guide the proposed changes including simplifying language to improve comprehension and enforcement, adopting a more permissive approach and aligning provisions with current practices.

Consultations were held with several internal stakeholders and subject matter experts to gather feedback on administrative, operational and policy update requirements. This feedback was reviewed and prioritized to determine which activities the by-law could address within its scope. A focus was placed on updating activities within the department's jurisdiction, ensuring that the provisions align with the respective frameworks governing activities regulated by other municipal by-laws, strategic plans and legislation.

In addition, the corporate By-law Review Framework was reviewed to establish a process and work plan consistent with other City by-law reviews. Subject matter experts in By-law and Regulatory Services, as well as the Emergency Protective Support Services Department were also consulted. These consultations identified emerging issues to address during this review, including encroachments, stormwater

management site use, fishing, farmers markets, murals/public art and recreation facility issues.

Key Elements of the Parks and Facilities By-law Update

By-law updates primarily focused on simplifying language, adopting a more permissive approach and ensuring that provisions align with current practices while meeting community needs. Internal consultations and benchmarking validated the existing by-law content with respect to the regulation of activities as comprehensive and effective. Additionally, public consultations determined that many residents assume a by-law exists for park activities but would use their discretion to reference it for activities not typical of everyday use. To enhance clarity and accessibility, sections of the proposed by-law have been reorganized and condensed for simplicity and flow. The “Definitions” section has also been updated to give greater clarity to certain provisions.

The following by-law sections were condensed and simplified by merging subsections and clauses subject to the same levels of regulation, and eliminating duplication of provisions across separate sections:

- “Hours of Operation”
- “Animals”
- “Sports and Activities”
- “Asset Protection”

Section 6 in the current by-law, “Cycling, skateboarding, rollerblading, motorized vehicles” was updated to address emerging activities and devices powered by a battery or electric motor. The section title was changed to “Motorized Vehicles and Devices” and the subsection focuses on regulations pertaining to the driving, parking, storing and charging of motorized vehicles and devices as this technology and its associated activities continue to gain popularity.

The “Sports and activities” section was updated to include new language regarding annual opening and closing of sports fields and ball diamonds. The dates remain the same, however language has been added to clarify that the General Manager may adjust usage dates of sports fields and ball diamonds annually, based on weather conditions, emergencies, and/or operational priorities. The section also adopts a more permissive approach to overall park activities by wherever possible allowing the activity except where it is prohibited. The existing By-law often prohibited an activity except

where allowed. For example, under the current bylaw fishing is prohibited in waterfront parks except where specifically allowed. The proposed By-law allows fishing except in areas where it is specifically prohibited like swimming beaches. Some specific sports or activities are prohibited unless conducted in designated areas, while others are broadly permitted unless explicitly prohibited.

Alignment with current practices

The Parks and Facilities By-law addresses a wide variety of topics, which must align with provincial legislation, industry best practices, municipal policies, procedures, by-laws and Council-approved programs, while addressing emerging activities. The proposed by-law incorporates all the amendments from the 2021 administrative review, includes provisions for recreational and cultural facilities, and aligns with the following municipal legislations:

- Animal Care and Control By-law No. 2003-077
- E-Scooter By-law No. 2002-174
- Film By-law No. 2020-164
- Noise By-law No. 2017-255
- Open Air Fire By-law 2004-163
- Smoking and Vaping By-law No. 2019-241
- Solid Waste Services (By-law No. 2024 - 453)
- Special Events on Public and Private Property (By-law 2013-232)
- Municipal Alcohol Policy

Farmers markets and murals/public art were identified as two key elements to review in the re-enactment of the Parks and Facilities By-law. Internal consultations confirmed that the by-law's "Permits" section effectively addresses these two topics but could be improved. Specifically, the department should have the ability to review any permit holders' records to ensure donations and admission fees collected on City property are used as intended and comply with any agreements, which is consistent with the Special Events on Public and Private Property (By-law 2013-232). Additionally, the Ottawa Mural Bylaw (By-law No. 2022-304) outlines the requirements and application process for mural permits, and the Parks and Facilities By-law does not create barriers to meeting these requirements.

The proposed by-law further provides alignment with several other legislative frameworks. The definition "remotely piloted vehicle" replaces "remotely piloted aircraft

or drone” to encompass all navigable vehicles, including aircraft, ground-based and water-based vehicles, regardless of weight. As the use of remotely piloted vehicles increases for recreational purposes, it is important to regulate areas for their operation to mitigate risks to the public and environmental safety. This definition aligns with the Canadian Aviation Regulations under Transport Canada regarding drone usage and ensures comprehensive coverage of the evolving use of these vehicles.

The City of Ottawa’s Coordinated Response to Encampments Program was consulted to ensure the regulations pertaining to camping in parks do not impede their efforts in managing encampments, while still offering essential support. Additionally, provisions related to animals in parks and facilities were aligned with recent updates from the Ministry of Seniors and Accessibility and the Animal Care and Control By-law. These updates ensure only permitted animals, as specified in Schedule B: Prohibited Animals, are allowed as service animals.

Encroachments

The current Parks and Facilities By-law encroachment provisions do not address the management of unauthorized encroachments on City parkland. Historically, as suburban development has expanded, many residential backyards have come to border parkland. Over time, some property owners have incorporated portions of parkland into their yards by fencing it in, erecting structures or adding landscaping. In some cases, new homeowners may be unaware that sections of their perceived backyard are actually City-owned parkland, as property surveys revealing such encroachments are often overlooked.

The proposed updates to the encroachment provisions prevent unauthorized alterations to municipal parks and parkland, ensuring their long-term preservation as public lands. To clarify the different types of encroachments, the proposed by-law includes a definition of “encroachment” and outlines measures for managing unauthorized encroachments on City parkland. Specifically, the by-law provides a framework for the City to notify the individual(s) responsible for the encroachment and request removal, as well as a process to recover the costs associated with removing the encroachment and restoring the parkland to its original condition if the City is required to perform the work.

Personal consumption of alcohol in parks

The current Parks and Facilities By-law, prohibits any individual to possess any

alcoholic beverages in park spaces except at events with a park rental permit and Special Occasion permit. The Liquor License Act of Ontario states that municipalities have the authority to designate public places under by-laws where the consumption of alcohol is allowed. This Provincial legislation change has prompted municipalities to consider amending by-laws to reflect the local perspective and intended future direction on the matter. As other municipalities consider permitting this activity, there was interest for the City of Ottawa to explore this topic as part of the re-enactment of the Parks and Facilities By-law.

The proposed by-law updates include a section on liquor consumption that clarifies when permits are required from the municipality and the Alcohol and Gaming Commission of Ontario to consume, serve, sell or distribute alcohol. It also introduces a new provision that allows personal alcohol consumption in designated areas of parks as determined by the General Manager in consultation with ward Councillors. The by-law establishes clear parameters where alcohol consumption will continue to be prohibited. These restrictions are designed to prioritize the safety of children and park users and ensure that areas frequently used by them remain secure, while also protecting City assets and maintaining public safety. The following provisions are included in the bylaw to guide and direct personal consumption should it be allowed in municipal parks:

3. Subsection (2) shall not apply to parks or areas of parks, designated by the General Manager, in consultation with the ward councillor, as permitting the personal consumption of alcohol.
4. Where subsection (3) applies, no person shall possess or consume alcohol:
 - a. Before 1100 and after 2100 hours or at hours designated by the General Manager; and
 - b. Within a five-metre radius surrounding identified amenities including but not limited to:
 - i. Playground or playground equipment;
 - ii. Wading pool or splash pad or outdoor pools;
 - iii. Beaches;
 - iv. Skateboard or BMX park;
 - v. Parking lots;
 - vi. Natural or artificial ice rinks;
 - vii. Sports fields, sport courts and ball diamonds; and
 - viii. Sanctioned sledding hills

c. Within the rental area of a park where an event is taking place under a valid permit, unless expressly authorized in accordance with subsection (1).

5. Where subsection (3) applies, no person shall fail to adhere to any other provisions of this by-law while in designated areas.

This Bylaw provision provides a mechanism to address the personal consumption of alcohol in parks. If the Bylaw is approved by Council without amendment, this Article will make it possible for individual Councillors to identify parks where personal consumption of alcohol would be allowed in accordance with the restrictions and limitations listed in the Bylaw. Should Council wish to maintain the current practice of not allowing personal consumption in parks, or allowing consumption in all parks without the process outlined in Option 1 below, a motion would be required to amend this bylaw. Similarly, a motion would be required to limit personal consumption to pilot sites as per Option 2 below.

The section on liquor consumption was informed by public engagement, benchmarking, consultations with other municipalities that have implemented similar programs and discussions with internal stakeholders including Ottawa Public Health and Ottawa Police Services.

Both Ottawa Public Health and Ottawa Police Service indicated health, safety and security concerns and challenges with allowing the personal consumption of alcohol in parks. They have also offered recommendations to mitigate the risks associated with alcohol consumption and identified key considerations to address before adopting this policy change. These details are included in Document 2 – Research Analysis – Alcohol in Parks, along with additional information on data from municipalities, internal consultations and public feedback.

Staff developed two potential options for allowing the personal consumption of alcohol in parks:

- Option 1: Apply the criteria prescribed in this by-law to identify parks where personal consumption can be allowed upon its enactment by Council. This would allow the Councillor in each ward to work with their communities to decide on designating a park, or not, to permit personal consumption.
- Option 2: Implement a phased approach, whereby the RCFS General Manager would, in consultation with the local ward Councillor, select “up to one park per

ward” to authorize personal consumption of alcohol from July 1 to October 31, and include a post-pilot evaluation requirement back to Council for further direction.

The recommendation in this report is to approve the proposed by-law, which would give effect to Option 1. Should Council wish to proceed with Option 2, adopt a modified or alternative approach, or continue the current approach of not allowing personal consumption of alcohol in parks, it may do so by way of motion when this report is considered. Notwithstanding the option Council approves, RCFS staff will coordinate implementation with local ward Councillors, By-law and Regulatory Services, Ottawa Police Service and Ottawa Public Health.

Conclusion

Staff reviewed the Parks and Facilities By-law as part of the Council-approved 2023–2026 Corporate By-law Review Workplan. The proposed updates simplify language, adopt a more permissive approach, align provisions with current practices, and incorporate administrative amendments from 2021. Staff have updated and clarified provisions in the proposed by-law to align with Council-approved programs, provincial legislation, and industry best practices. Staff assess the recommended by-law aligns with Council’s strategic priorities and will ensure its regularly reviewed and updated. Upon Council approval, staff will implement the by-law and ensure the public and facility staff are informed, including updating park and facility signage to reflect the new by-law provisions.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

LEGAL IMPLICATIONS

There are no legal impediments to Committee and Council approving the recommendation in this Report.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a Citywide report.

ADVISORY COMMITTEE(S) COMMENTS

Staff presented at the November 2024 Accessibility Advisory Committee meeting, where background information on the by-law was presented along with questions for the Committee's consideration regarding their lived experience with activities in parks and facilities. The Accessibility Advisory Committee had no comments on the presentation or questions regarding the re-enactment of the Parks and Facilities By-law.

CONSULTATION

Stakeholder consultation

Subject matter experts were engaged throughout the development of the proposed by-law. Recreation, Cultural and Facility Services staff solicited feedback from numerous internal stakeholders to consult on the current by-law, identify gaps within it, and establish proposed revisions and/or updates required for the management of activities in parks and facilities to align with current legislation and Council-approved programs and policies.

Internal Stakeholders included subject matter experts in the following areas:

- Recreation, Culture and Facility Services
- Public Works Department
- By-law Regulatory Services
- Legal Services
- Community and Social Services

Public consultation

In summer 2024, a survey was posted to Engage Ottawa for the public to provide feedback on the by-law. This survey was promoted through the City's social media channels, a public service announcement, local media outlets, radio stations, posters in recreational and cultural facilities and through newsletters. Community associations and multicultural organizations were invited to participate through personalized emails. A total of 3,198 responses were received throughout this public consultation period, and results have been included in the Parks and Facilities By-law Review - What we Learned report.

While the public survey was open, the park ‘pop-up’ initiative occurred to obtain feedback from regular park users who routinely visit the park and use its spaces and amenities. These informal visits took place at various parks across the City and engaged a diverse group of individuals, including various age groups (children, youth, adults, seniors), representatives from clubs and associations that rent park spaces, and non-permit holders using park spaces. 468 park users were successfully engaged through the park ‘pop-up’ initiative, effectively supplementing the survey feedback. Following the conclusion of these external consultations, a “What-We-Learned” report, was posted to Engage Ottawa.

ACCESSIBILITY IMPACTS

All changes to the Parks and Facilities By-law will be implemented in accordance with the *Integrated Accessibility Standards Regulation of the Accessibility for Ontarians with Disabilities Act, 2005* in addition to the City’s Accessibility Design Standards, where applicable, and the City of Ottawa’s Accessibility Policy.

Through the development of this by-law staff consulted with stakeholders, including the Accessibility Office and the Accessibility Advisory Committee. These consultations helped identify existing barriers in the Parks and Facilities By-law and guided proposed changes to ensure positive accessibility impacts.

The proposed by-law clarifies the distinction between mobility assistive devices and power assistive devices used for recreational purposes. This distinction ensures that the provisions apply specifically to recreational power assistive devices, while removing barriers for those using mobility devices for accessibility needs.

Additionally, the proposed by-law aligns with the latest updates from the Ministry of Seniors and Accessibility regarding service animals in Ontario. This by-law now addresses permitting service animals not prohibited by the Animal Care and Control By-law in municipal parks and facilities, providing clear guidance on the types of animals recognized as service animals.

DELEGATION OF AUTHORITY IMPLICATIONS

The delegated authority of the General Manager of Recreation, Cultural and Facility Services is outlined in the Delegation of Authority By-law No. 2025-69, Schedule “E”. All uses of delegated authority are reported annually to Council through the RCFS Information Previously Distributed Report (IPD).

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

RURAL IMPLICATIONS

The Parks and Facilities By-law will impact all Ottawa residents, including those in rural areas.

TERM OF COUNCIL PRIORITIES

The Parks and Facilities By-law aligns with the proposed 2023-2026 Term of Council priority: “a city that is green and resilient” and “to make Ottawa a more livable and vibrant city for all”. Outcomes that support this priority include increasing resiliency to extreme weather and changing climate conditions and improving key infrastructure through asset management by maintaining existing infrastructure.

SUPPORTING DOCUMENTATION

Document 1 – Parks and Facilities By-law 2025-XXX

Document 2 – Research Analysis – Alcohol in Parks

Document 3 – Alcohol in Parks Supplementary - Ottawa Police Service Submission

Document 4 – Alcohol in Parks Supplementary - Ottawa Public Health Submission

DISPOSITION

Following approval of this report, the Recreation, Cultural and Facility Services, with Legal Services and By-law Regulatory Services, will prepare the required by-law for enactment by Council and will apply for appropriate set fines in accordance with applicable processes. All related administrative requirements for implementation of the by-law and repeal of the existing Parks and Facilities By-law 2004-276 will be undertaken.