

Parks and Facilities (By-law No. 2004-276)

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Highlights – Parks and Facilities

- General hours of operation are from 5 am to 11 pm unless otherwise posted.
- No person shall engage in any reckless or negligent activities that may endanger others.
- No person shall litter or bring household garbage to parks or facilities.
- No person shall disturb or feed wildlife.
- The use of motorized vehicles is not permitted, with the exception of wheelchairs.
- Smoking and vaping are not permitted on City property.
- Dogs are to be leashed in all parks unless specifically designated as an off-leash area (please refer to park signage or GeoOttawa (link is external) to determine the park's designation).

Section 1 – Definitions

In this by-law:

“advertising devices” means any sign, medium or structure to convey information of any kind, including, but not limited to physical items such as banners, flyers, signs, stickers, or decals of any kind, as well as electronic displays, digital screens, and other technology-based advertising devices;

“alcoholic beverage” means spirits, liquor, beer, wine or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage alone or in combination with any other substance;

“animal” means any member of the animal kingdom, other than a human;

“barbecue” means a portable or fixed device designed and intended primarily for the cooking of food in the open air using clean-burning fuels such as propane or natural gas. For the purpose of this by-law, this definition excludes the use of fuel sources that leave solid remnants or ash, including but not limited to charcoal, hardwood, and wood pellets.

“By-law Officer” means a person appointed by the Council of the City of Ottawa as a Municipal Law Enforcement Officer to enforce the provisions of the by-law;

“Chief of Police” means the Chief of Police for the City of Ottawa or authorized persons acting under their authority;

“City” means the municipal corporation of the City of Ottawa or the geographic area of the City of Ottawa as the context requires;

“electric bicycle” means a bicycle with a battery and electric motor not exceeding 500 watts, a handlebar for steering, working pedals, two or three wheels, and braking system;

“electric kick scooter” means a vehicle that has:

- two wheels placed along the same longitudinal axis, one placed at the front of the kick scooter and one at the rear
- a platform for standing between the two wheels
- a steering handlebar that acts directly on the steerable wheel
- an electric motor not exceeding 500 watts that provides a maximum speed of 24 kilometres per hour.

“encroachment” means a temporary or permanent alteration unapproved by the city that encroaches on municipal parks and parkland whether below, at, or above the municipal parks and parkland surface and includes:

- an aerial encroachment;
- a surface encroachment; and
- a sub-surface encroachment.

“General Manager” means the General Manager of the Recreation, Cultural and Facility Services Department of the City of Ottawa or authorized designates, unless otherwise specified;

“facility” means a pool, building, parking lot, park structure or any area adjacent to facilities under the jurisdiction of the Recreation, Cultural and Facility Services Department of the City of Ottawa; including but not limited to recreation centres, sports facilities, museums, theatres, arts centres, galleries, public art installations, and artist studios;

“human-powered watercraft” means any craft operated without a motor, designed for navigation in, on, through or immediately above water, including but not limited to sailboats, paddleboards, canoes, kayaks, surfboards and rowboats.

“mobility assistive device” A tool, technology or other mechanism that enables a persons with disabilities to do everyday tasks and activities such as moving, communicating, reading writing or lifting. Assistive devices include, but are not limited to, mobility aids such as wheelchairs, scooters, walkers, canes, crutches, prosthetic devices and orthotic devices;

“motorized boat” means a boat, ship or craft designed, used or capable of being used solely or partly for navigation in, on, through or immediately above water, propelled by a motor;

“motorized vehicle” or **“motor vehicle”** means an automobile, truck, motorcycle, snow vehicle, all-terrain vehicle (ATV), golf cart or any other vehicle propelled or driven by means other than muscular power operating over 500 watts but does not include a wheelchair or motorized vehicles operating pursuant to the approval of the General Manager;

“organized sport or activity” means a formally constituted sport, game or activity pre-planned by a group or organization, whether or not the players or members wear uniforms;

“park” means a playground, playing field, ball diamond, sports field, beach including but not limited to the area of the water under the control or supervision of the City, the lands surrounding a recreation centre, community building, recreation complex, municipal administration site, including outdoor theatre space, square, plaza, garden, water, pedestrian walkway, parking lot or any other area owned, leased or used by the City and devoted to active or passive recreation and includes any lane or walkway or public parking area leading thereto;

“person” means any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law;

“piloted aircraft” means any aircraft that is operated by a pilot on board, which includes but is not limited to a hot air balloon, airplane and helicopter;

“pond” means a small, landlocked body of water created through natural or artificial means, including stormwater reservoirs and control mechanisms;

“power assistive device” means any recreational device equipped with a battery or electric motor not exceeding 500 watts;

“remotely piloted vehicle” means any navigable aircraft, ground-based, or water-based vehicle, irrespective of their weight, that is operated by a pilot that is not on board, including drones, boats, cars, or similar devices, but excluding balloons, rockets, or kites.

“service animal” means:

1. an animal that can be readily identified as one that is being used by the person for reasons relating to the person’s disability, as a result of visual indicators such as the vest or harness worn by the animal; or
2. an animal for which the person provides documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to the disability:
 - A member of the College of Audiologists and Speech-Language Pathologists of Ontario,
 - A member of the College of Chiropractors of Ontario,
 - A member of the College of Nurses of Ontario,
 - A member of the College of Occupational Therapists of Ontario,
 - A member of the College of Optometrists of Ontario,
 - A member of the College of Physicians and Surgeons of Ontario,
 - A member of the College of Physiotherapists of Ontario,

- A member of the College of Psychologists of Ontario,
- A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario;

“**sharps**” means items that can cut the skin such as but not limited to scalpels, lancets, razor blades, scissors, needles, metal wire, retractors, clamps, pins, staples, cutters and glass items;

“**sports field**” means an area in a park set aside for use in sports, such as football, soccer, rugby and cricket, requiring an open field space;

“**swimming area**” means any aquatic amenity including swimming pools, wading pools, beaches or splash pads under the jurisdiction of the Recreation, Cultural and Facility Services Department of the City of Ottawa;

“**waste**” means paper, bottles, broken glass, cans, cigars, cigarettes, rags, garbage, rubbish, debris or refuse of any kind;

“**wheelchair**” means a chair mounted on wheels, which is propelled by muscular power or any other type of power and is used for the carriage of a person who has a disability.

Section 2 – Interpretation

1. In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
2. It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable, and all parts hereof are declared to be separate and independent and enacted as such.

Section 3 – General

1. No person shall engage in riotous, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly or negligent conduct or behaviour in a park or facility.
2. No person shall engage in any activity so as to interfere with, endanger or become a nuisance to the general public using the park or facility.
3. Subsections (1) and (2) shall not apply to reasonable noise generated by park or facility activities, including but not limited to cheering, equipment operation, music, announcements, or other sounds associated with the activity being conducted.

Section 4 – Hours of operation

1. No person shall, without the approval of the General Manager;
 - a. remain in any park or parking lot between 2300 and 0500 hours except as a participant or spectator of a function approved by the General Manager;

- b. enter any place where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted.
2. Where the hours of operation in a park are posted and differ from those in clause (a) of subsection (1), no person shall remain in the park outside of the posted hours.
3. The General Manager may, at any time and at their discretion:
 - a. provide approval in writing for any person or group to remain in a park or parking lot outside of the posted hours.
 - b. close or revise the hours of operation of all or individual parks or facilities, temporarily or permanently, including portions of a park or facility, in response to inclement weather, emergencies, regulatory requirements, special circumstances, safety and security concerns, or operational and maintenance needs.
4. Where clause (b) of subsection (3) applies, no person shall remain in the closed area.

Section 5 – Animals

1. No person being the owner or having care and custody of an animal shall permit such animal to be in a park or facility without the written approval of the General Manager. This shall not apply to:
 - a. Dogs in areas of a park designated in accordance with the Animal Care and Control By-law No. 2003-77.
 - b. A person with a service animal not prohibited by the Animal Care and Control By-law No. 2003-77.
 - c. Animals brought into a park or facility for specific events approved by the General Manager.
 - d. Horses in custody of any municipal or federal mounted police unit.

Section 6 – Sports and activities

1. No person shall participate in or play a sport or activity in an area that has been designated by the General Manager as prohibiting such activities.
2. No person shall:
 - a. use a ball diamond before the 1st day of May and after the 16th day of October of any year;
 - b. use a sports field before the 14th day of May and after the 1st day of November, unless:
 - i. the sports field is being used for winter activities;
 - ii. the ground is snow covered; and
 - iii. the site is not altered or damaged during the course of the winter activity.
 - c. use any sports field with artificial turf before the 31st day of March and after the 15th day of November of any year.

3. Despite subsection 2, the General Manager may at any time, in consultation with the General Manager of the Public Works Department, amend the dates of usage permit or restrict access, to any or all ball diamonds and sports fields on the basis of the ground conditions, weather, emergencies, regulatory requirements, special circumstances, safety and security concerns, or operational and maintenance needs.
4. Where subsection (3) applies, no person shall use or access a ball diamond or sports field to which access has been restricted by the General Manager.
5. No person shall, in an area designated as prohibiting such activities:
 - a. Use a barbecue as defined in this by-law;
 - b. Sled or toboggan;
 - c. Launch or beach a human-powered watercraft; or
 - d. Fish.
6. No person shall, unless in an area designated by the General Manager:
 - a. Play golf, drive a golf ball or use golf clubs or other like equipment in a park;
 - b. Skate on a pond;
 - c. Be in possession of or use a firearm, air gun, cross bow, bow and arrow, axe, paint guns or offensive weapon of any kind;
 - d. Operate a remotely piloted vehicle; or
 - e. Ignite, discharge or set off fireworks.

Section 7 – Motorized vehicles and devices

1. No person shall drive, park, or store a motorized vehicle or power assistive device, in a park or facility except in areas and during hours designated by the General Manager for that purpose.
2. No person shall park a motorized vehicle in a park or facility, unless they remain on-site and actively use the amenities, unless approved by the General Manager.
3. Subsection (1) shall not apply to:
 - a. motor vehicles using a charging station, in accordance with the Traffic and Parking (By-law No. 2017-301);
 - b. electric bicycles operating on pathways within a park; or
 - c. the operation of an electric kick scooter in accordance with the E-Scooters By-law No.2020-174.
4. No person shall charge a motorized vehicle or device using power from a facility, unless using a designated charging station.
5. No person shall use a park or any part thereof for the purpose of:
 - a. washing, cleaning, polishing, servicing, maintaining or, with the exception of any emergency, repairing any motorized vehicle; or
 - b. instructing, teaching or coaching any person in the driving or operation of a motorized vehicle.

Section 8 – Alcoholic Beverage Consumption

1. No person shall in a park or facility, provide, supply, serve or sell liquor without a permit issued by the General Manager and approval of the Alcohol and Gaming Commission of Ontario.
2. No person shall, in a park or facility and without a permit issued by the General Manager, consume any alcoholic beverage.
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 unless otherwise modified 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 otherwise authorized by the General Manager pursuant to the terms and conditions of the rental permit.
5. Where subsection (3) applies, no person shall fail to adhere to any other provisions of this by-law while in designated areas.

Section 9 – Permits

1. No person shall, in a park or facility and without a permit issued by the General Manager:
 - a. sell, rent, distribute, offer, expose or advertise for sale any goods or services;
 - b. practice, carry on, conduct or solicit for any trade, calling, business or occupation;
 - c. distribute any flyers or circulars, or post any bills, notices or advertising devices;
 - d. convene, conduct or participate in any parade or procession;
 - e. convene, conduct or hold a public meeting, or deliver a speech as a member of or to members of any group or to members of the general public;
 - f. ignite, discharge or set off any fireworks in non-designated areas;
 - g. light any open air fire in any park, except in places specifically provided by the City and in accordance with the Open Air Fire By-law 2004-163;

- h. camp in any park, or construct any tent or other structure;
 - i. convene, conduct, or participate in any organized sport or activity;
 - j. use a public address system or other device or equipment for amplifying sounds in a park;
 - k. allow a piloted aircraft to land or take off from a park, except in emergency situations only;
 - l. hold a special event, as defined by the Special Events By-law;
 - m. operate a remotely piloted vehicle;
 - n. engage in or permit commercial photography to be taken for remuneration;
or
 - o. take or permit any filming events in accordance with Ottawa Film (By-law No. 2020-164).
2. No person without a permit shall refuse to vacate a park or facility, or portion of a park, in the event that a permit holder for that park, or that portion of the park, wishes to access the area in accordance with the terms and conditions of their permit.
 3. A permit issued by the General Manager is valid on the date or dates shown on the permit and on the conditions prescribed therein.
 4. Subject to subsection (6), no permit holder shall undertake to use a park or its facilities unless the permit holder:
 - a. Maintains, at their own expense, Commercial General Liability Insurance related to the holding of the event and subject to limits of not less than Two Million Dollars (\$2,000,000.00), inclusive per occurrence, for bodily injury, death and damage to property, and such insurance shall be in the name of the permit holder or the sponsoring organizer of the event and shall name the City of Ottawa as an additional insured;
 - i. if applicable, and at the discretion of the City Solicitor, the insurance coverage required in clause (a) shall be endorsed to include Liquor License Liability coverage;
 - b. Is eighteen (18) years of age or older;
 - c. does not charge admission or sell refreshments except as authorized by the General Manager; and
 - d. follows the incident reporting procedures outlined in the permit in the event of an incident, including the contacting of on-site City staff and police, paramedic or fire services, as appropriate.
 5. No holder of a permit issued by the General Manager shall access or use a park or facility unless the permit holder:
 - a. accesses or uses the area designated by the General Manager solely for the permitted use;
 - b. produces their permit upon being so directed by the General Manager or a By-law Officer;

- c. immediately vacates the park or facility upon being so ordered by a By-law Officer, the General Manager or any other person appointed by the General Manager to oversee the park or facility; and
 - d. complies with the conditions of the permit, including those conditions imposed by the General Manager pursuant to subsection (6).
6. The General Manager may attach such additional conditions, or remove any conditions prescribed above, to a permit as deemed necessary to ensure public safety, to protect City property or maintain the enjoyment of the park or facility for the public.
7. A permit, membership or contract for park or facility use issued by the General Manager is not transferable.
8. No permit holder shall fail to comply with any federal or provincial law, municipal by-laws or policies, including the Municipal Alcohol Policy.
9. At the General Manager's request, no permit holder shall fail to make available to the General Manager any records or information providing proof that the monies collected by the permit holder, including donations and admission fees for the special event, were used for their intended purpose, where collection of such monies was the subject of an agreement with, or exception by, the City.
10. At the General Manager's request, no permit holder shall fail to make available to the General Manager any records or information providing details of the expenditure of monies provided to the permit holder by the City or of the use of City property or services in relation to the special event.

Section 10 – Encroachment

1. No person shall cause or permit the taking possession or alteration of park property, including but not limited to:
 - a. the planting of any hedge, tree, shrub, garden or plant of any kind;
 - b. the draining or redirection of water from a private parcel of land onto or into a park;
 - c. the placement of any monument, statue or plaque;
 - d. the construction or placement of any fence, parking area, storage shed or container, retaining wall, pool, sporting equipment or other structure of any kind;
 - e. the keeping of any composting receptacle or pile; or
 - f. placing of any string, wire, chain, rope or similar material.
2. Subsection (1) shall not apply when such items have been approved through municipal programs, policies and agreements.
3. The General Manager shall issue a written Notice of Violation, by registered mail or direct hand delivery, to the last known address of the owner of the premises, requiring them to either remove, fill in, or close any unauthorized encroachment and reinstate the municipal parks or parkland to its former condition at their own

expense, or ensure that the lands comply with the requirements of this by-law within the specified time for compliance.

4. A Notice of Violation issued by registered mail pursuant to subsection (3) is deemed to have been served upon the recipient on the third day following mail.
5. Where a Notice of Violation has been sent pursuant to subsection (3) and the requirements of the notice have not been complied with, the General Manager may remove, fill in, or close up the encroachment and reinstate the municipal parks and parkland at the owner's cost.
6. The costs of the work to be done pursuant to subsection (5) may be recovered from the owner by action or by adding the costs to the tax roll and collecting them in the same manner as taxes.

Section 11 – Asset protection

1.1 No person shall, in a park or facility, cut, , break, damage, deface, alter, injure, disturb, add or remove any property of the City, including:

- a. trees, hills, shrubs, bushes, flowers, plants, grass, wood, soil, sand, rocks, or gravel;
- b. interior or exterior of buildings, cages, pens, plaques, monuments, public art, fences, benches, or other structures..

1.2. No person shall climb any City property described in subsection 1.1(b).

2. No person shall throw a stone or other object that may cause injury or damage to any person, property or animal.
3. No person shall, in a park or facility:
 - a. disturb, injure, wound, hunt, trap, attempt to kill or kill any animal, with the exception of fishing;
 - b. touch, interfere with, remove or injure any bird's nest, the eggs or the young birds contained therein; or
 - c. provide, cause to be provided, deposit or leave any food that may be used by wildlife in a park.
4. No person shall, in a park or facility:
 - d. scatter, leave or deposit any waste, except in a receptacle provided for that purpose;
 - e. deposit or leave any paint, grease, oil, offal or any dangerous matter;
 - f. affix a temporary or permanent advertising device, tarp or sign on City property, including fences, unless approved by the General Manager;
 - g. erect a permanent or temporary plaque, monument or memorial, except if approved by the General Manager in accordance with City policies and subject to additional agreements as required, and not remaining for a period greater than six (6) months when the plaque, monument or memorial is temporary;

- h. bring household waste to a park or facility for the purpose of depositing in waste receptacles;
 - i. scatter any cremated remains except in areas designated by, and with the approval of the General Manager, in consultation with the General Manager of the Public Works Department; or
 - j. undertake any maintenance activities or alter existing grounds or facilities unless authorized to do so by the General Manager, in consultation with the General Manager of the Public Works Department.
- 5. No person shall discharge, dump or leave any construction material, earth, dirt, rock, snow, stone or any other materials in a park, or in any ravine, slope, or other land access way to a park, except with the written consent of the General Manager or the Public Works Department.
- 6. No person shall launch, beach or operate a motorized watercraft in any park except in areas specified for such purposes and authorized by the General Manager.

Section 12 – Skating

- 1. No person shall, in a designated skating area, endanger or interfere with any other person using the area, by
 - a. racing or speeding
 - b. carrying a stick or any other object that is, or is likely to be, dangerous to other persons using the designated skating area, except such equipment as may be required for any sport or activity approved by the General Manager;
- 2. No person shall access, use, or enter into a designated skating area during periods of preparation or maintenance of ice surfaces, whether or not indicated through posted signage.
- 3. No person shall permit an animal to enter into a designated skating area, at any time of the year.
- 4. No person, in a park or facility, shall fail to obey the posted rules or the enforcement of policies by a rink supervisor employed by the City of Ottawa or any other person appointed by the General Manager to oversee the operation and use of skating rinks.

Section 13 – Swimming

- 1. No person shall in a park or facility:
 - a. enter a swimming pool, except with the permission of the General Manager and subject to the conditions associated with such permission and only at the times designated for swimming;
 - b. fail to obey the enforcement of rules and policies by a lifeguard, wading pool attendant or any other person appointed by the General Manager to oversee the aquatic amenity;

- c. enter into, or permit a child in their care, custody, or charge to enter into, any waters of a fountain, pond or ornamental pool except in an area or at a time designated by the General Manager for such purposes;
- d. throw any article in any pool, fountain, pond, lake, river or stream that is likely to endanger any person or wildlife, to pollute the waters or create additional maintenance or repairs; or
- e. bring into or possess in a bathing area or swimming area of a park any sharps which may cause injury.

Permits

Section 14 – Indemnification

The applicant for a permit to access any park shall indemnify and save harmless the City of Ottawa from any and all claims, demands, causes of action, losses, costs or damages that the City of Ottawa may suffer, incur or be liable for resulting from the use of the park, whether with or without negligence on the part of the applicant or the applicant's employees, directors, contractors and agents.

Section 15 – Revocation

Permits issued to a permit holder under this by-law may be revoked by the General Manager if, in the opinion of the General Manager, the permit holder fails to comply with the requirements of the permits or any other provisions of the by-law.

Section 16 – Exemptions

1. The provisions of this by-law shall not apply to the City of Ottawa or its agents, employees or contractors during the course of performing their duties in relation to park construction, maintenance or other necessary activities.
2. The provisions of this by-law shall not apply to the Ottawa Police Service or other bona fide emergency service providers during the course of performing their duties.

Section 17 – Enforcement

The by-law shall be enforced by the Chief of Police or by the By-law Officers of the City.

Section 18 – Offences and Penalties

1. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine of not more than \$100,000.
2. In addition to offences provided for in subsection (1), every person who hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this by-law is guilty of an offence.
3. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.
4. In addition to a fine or fines provided for in this section, every person who gains an economic advantage from contravening this by-law shall be liable to a special fine.
5. Every person who acts in contravention of this by-law so as to cause the City to incur costs due to their actions shall, in addition to any penalty provided for herein, be liable to the City for all expenses incurred for the purpose of repairing or replacing damaged property or removing unauthorized materials, and such expenses may be recovered by court action or in a like manner as municipal taxes.

Section 19 – Repeals

The following by-laws and portions of by-laws of the old municipalities are repealed:

1. By-law Number 2004-276 entitled “Parks and Facilities By-law,” as amended.

Section 20 – Transition

Permits issued pursuant to the provisions of the Parks and Facilities By-law (No. 2004-276) shall remain in effect until their expiration.

Section 21 – Conflict with other by-laws

In the event of any conflict between the provisions of this by-law and any other by-law regarding the regulation of parks and facilities, the provisions of this by-law shall prevail, but nothing in this by-law shall invalidate the enforceability of other provisions of those by-laws.

Section 22 – Short title

This by-law may be referred to as the “Parks and Facilities By-law”.

Section 23 – Effective date

This by-law shall come into force on.

Enacted and passed this.