

BY-LAW 2026-XXX

A by-law of the City of Ottawa to provide for safe access to social infrastructure.

WHEREAS subsection 10(2) of the Municipal Act authorizes a municipality to pass by-laws respecting the economic, social and environmental well-being of the City, the health, safety and well-being of persons and the protection of persons and property;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended (“Municipal Act”), provides that the powers of a municipality under the statute be interpreted broadly so as to confer broad authority to enable it to govern its affairs as it considers appropriate and enhance its ability to respond to municipal issues;

AND WHEREAS Council recognizes that fundamental freedoms include the freedom of conscience and religion; the freedom of thought, belief, opinion and expression; the freedom of peaceful assembly and the freedom of association;

AND WHEREAS Council recognizes that that the *Canadian Charter of Rights and Freedoms* guarantee the rights and freedoms set out in it, subject only to such reasonable limits prescribed by law, as can be demonstrably justified in a free and democratic society;

AND WHEREAS Council also recognizes the public benefits of social infrastructure within communities and the need to reasonably and responsibly balance such rights against the health, safety and well-being of members of its communities and their ability to safely access social infrastructure such as places of worship, schools and child care centres, and residential facilities, and their programs and services;

AND WHEREAS Council deems it necessary to regulate the use of municipal highways and public places by protestors when they are in the vicinity of social infrastructure in order to ensure that no person is impeded from accessing social infrastructure and its programs and services and to ensure safe access to those places by members of the community as well as the health and safety of users of the highway and public spaces, while also ensuring freedom of expression and peaceful assembly by those wishing to protest peacefully;

AND WHEREAS Section 35 of the Municipal Act provides that a municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway;

AND WHEREAS subsection 128(1) of the Municipal Act provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 444 of the Municipal Act authorizes a municipality that is satisfied that a contravention of a by-law of the municipality passed under the Municipal Act has occurred to make an order requiring the person who contravened the by-law to discontinue the contravening activity;

AND WHEREAS Section 426 of the Municipal Act provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under a by-law passed under the Municipal Act;

AND WHEREAS Section 429 of the Municipal Act authorizes a municipality to establish a system of fines for offences under a by-law passed under the Municipal Act;

NOW THEREFORE the Council of the City of Ottawa enacts as follows:

DEFINITIONS

1. In this by-law:

“access” means the ability to move freely to and from social infrastructure for the purpose of providing or receiving goods and services;

“access point” means any point on the property line of a designated facility where a private right-of-way, such as a walkway, doorway or driveway, abuts a highway;

“Chief of By-law and Regulatory Services” means the Chief of By-law and Regulatory Services in the Emergency and Protective Services Department, or an authorized designate;

“child care centre” means a child care centre as defined in the *Child Care and Early Years Act, 2014* S.O. 2014, c. 11, Sched. 1, as amended;

“City of Ottawa” means the municipal corporation of the City of Ottawa, and may be referred to as the “City”;

“community health centre” means a not-for-profit organization with a primary focus on improving the health and well-being of populations who have traditionally faced barriers accessing health services;

“demonstration” means an assembly of one or more persons occupying public lands for the primary purpose of expressing an opinion;

“designated facility” means a social infrastructure facility where one or more safe access zones are established;

“Education Act” means the *Education Act*, R.S.O. 1990, c. E.2, as amended, and includes any regulations passed under it;

“enforcement 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, or a police officer;

“Federal Public Sector Labour Relations Act” means the *Federal Public Sector Labour Relations Act*, S.C. 2003, c. 22, s. 2, as amended, and includes any regulations passed under it;

“General Manager” means the General Manager of the Public Works Department of the City, or authorized designate;

“healthcare facility” means any institution, building or other premises or place that is established for the purposes of the treatment of patients and is:

- (a) approved under the *Public Hospitals Act*, (R.S.O. 1990, c. P.40, as amended); or
- (b) licensed under the *Integrated Community Health Services Centres Act*, 2023, (S.O. 2023, c.4 Sched. 1, as amended);

“highway includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle of the City of Ottawa, designed and intended for or used by the general public for the passage of vehicles and pedestrians and includes the entire right-of-way, including any pedestrian or cycling facilities within;

“labour dispute” means a dispute or difference concerning terms, tenure or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

“Labour Relations Act, 1995” means the *Labour Relations Act 1995*, S.O. 1995, c. 1, Sched. A, as amended, and includes any regulations passed under it;

“Permanent Signs on Private Property By-law” means the City of Ottawa’s *Permanent Signs on Private Property By-law* No. 2016-326, as amended;

“Place of Worship” means a place that is used for the regular assembly of persons for the practice of religious worship, services or rites;

“Provincial Offences Act” means the *Provincial Offences Act*, R.S.O. 1990, c. P,33, as amended, and includes the regulations passed under it;

“public lands” means any land owned or leased by the City of Ottawa and includes a highway;

“residential care facility” means an establishment providing supervised or supportive in-house care for those who need assistance with daily living, that may also provide on-going medical or nursing care or counselling and social support services and which may include services such as medical, counselling, and personal services, and includes long-term care homes and congregate care homes;

“safe access zone” means an area extending in a radius of 50 metres in every direction from an access point to social infrastructure onto municipal public lands;

“school” means a school as defined in the *Education Act*, R.S.O. 1990, c. E.2 and its regulations;

“social infrastructure” means:

- (a) a “place of worship”;
- (b) a “school”;
- (c) a “child care centre”;
- (d) a “healthcare facility”; or
- (e) a “residential care facility”;

“Signs on City Roads By-law” means the City of Ottawa’s *Signs on City Roads By-law* No. 2003-520, as amended;

“Temporary Signs By-law” means the City of Ottawa’s *Temporary Signs By-law* No. 2004-239, as amended.

INTERPRETATION

2. (1) In this by-law:

- (a) “person” may refer to a natural person, partnership, or corporation, as the context requires;
- (b) any references to words in the plural include the singular, as applicable, unless used with a number modifying the term;

- (c) the reference to a day in this by-law shall mean a calendar day, unless the by-law specifically indicates otherwise; and
 - (d) headings are for reference only and shall not affect the meaning or interpretation of this by-law.
- (2) The provisions of the by-law are severable. If any provision, Section, or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, Sections, or words.
 - (3) Where notice is sent by registered mail pursuant to this by-law, the date of service is deemed to be two (2) business days following the date of mailing to any address within the City of Ottawa and five (5) business days for addresses in any other jurisdiction.
 - (4) Any email sent in accordance with this by-law shall be deemed to have been received by the addressee on the day that it is sent.

APPLICABILITY

3. For clarity, this by-law does not apply to labour union strikes, information pickets or activities related to a labour dispute under the Labour Relations Act, 1995 or Federal Public Sector Labour Relations Act;

APPLICATION FOR SAFE ACCESS ZONES

4. The owner or operator of a social infrastructure, or their authorized representative, may apply to the General Manager to establish safe access zones for their facility.

5. The application under Section 4 shall be in a form approved by the General Manager and include the following information:

- (a) The name and title of the applicant;
- (b) Confirmation that the applicant is either the owner or operator of the facility;
- (c) The name of the facility;
- (d) The type or types of social infrastructure located at the facility;
- (e) The street address of the facility;
- (f) For each of the owner of the property and the operator of the facility, if there is an operator:
 - i. A mailing address

- ii. A phone number
 - iii. An email address; and
- (g) If the applicant is not the owner of the property, confirmation in writing that the owner consents to the application for a safe access zone under this by-law;
 - (h) A map or diagram of the property indicating all access points for the social infrastructure; and,
 - (i) Such other information that the General Manager may require for the administration, management, or enforcement of this by-law

6. As part of the application process the applicant must attest, in a form satisfactory to the General Manager, that they have a reasonable apprehension that prohibited conduct may interfere with safe access to the social infrastructure.

7. The General Manager may require additional proof that an individual owns or operates the facility or is the authorized representative of the owner or operator.

ESTABLISHING SAFE ACCESS ZONE

8. Upon receipt of a completed application and attestation, the General Manager shall establish one or more safe access zones for the designated facility.

9. To establish access zones for a designated facility, the General Manager shall:

- (a) publish a notice of the access zones on the City of Ottawa website, to include:
 - (i) The civic address of the facility to which the safe access zones apply;
 - (ii) A site plan indicating where safe access zones are in place, and
 - (iii) The expiration date of the safe access zones;
- (b) provide a notice to the Ward Councillor, to include:
 - (i) The name of the designated facility;
 - (ii) The type or types of social infrastructure located at the facility;
 - (iii) The civic address of the designated facility; and

- (iv) The expiration date of the safe access zones;
 - (c) provide a notice to the applicant, to include:
 - (i) The expiration date of the safe access zones and renewal instructions; and
 - (ii) Any other information deemed necessary by the General Manager, including any sign requirements under Section 12; and
 - (d) provide the information noted in clause (b) to:
 - (i) the Ottawa Police Service;
 - (ii) The Chief of By-law and Regulatory Services; and
 - (iii) The Traffic Management Unit in the Public Works Department.
10. The General Manager is authorized to control pedestrian and vehicular travel and access to municipal lands within an access zone.
11. The General Manager is authorized to modify an access zone so as to ensure it does not impede the ability to demonstrate on public lands adjacent to an administrative building of any federal, provincial or municipal government, crown corporation, court of law, embassy or diplomatic mission.
12. Upon receiving notice that a demonstration is to occur in proximity to social infrastructure with a safe access zone, the General Manager, Public Works shall provide the person giving notice with a site map indicating the safe access zone applicable to the facility.

SIGNS

13. (1) The General Manager shall post, or require the owner or operator of a designated facility to post, in both official languages, signage pertaining to the limits of the established safe access zone in a form satisfactory to the General Manager in locations determined by the General Manager including on the property on which the facility is located or on or around the perimeter of a safe access zone.
- (2) The provisions of the Permanent Signs on Private Property By-law, the Temporary Signs on Private Property By-law, and the Signs on City Roads By-law do not apply to any signs required under this by-law.

- (3) No person shall fail to move or remove a sign required under this by-law when directed to do so by the General Manager.
- (4) When an owner or operator fails to remove a sign as required by subsection (3), the General Manager may cause the work to be completed at the owner's expense and may add the costs to the tax roll and collect them from the owner in the same manner as property taxes.
- (5) No person shall install, alter, or remove a sign required under this by-law except as authorized by the General Manager.

EXPIRY AND RENEWAL

14. (1) An access zone established under Section 8 shall expire one (1) year after the date of establishment.
- (2) An applicant may apply to renew an access zone for an additional one (1) year term at any time prior to its expiration date by submitting a new application in accordance with Sections 4, 5 and 6.

REFUSAL OR REVOCATION OF SAFE ACCESS ZONE

15. (1) The General Manager is authorized to refuse or to revoke the establishment of an access zone at any time if the General Manager is satisfied that there are reasonable grounds to believe that the safe access zone contravenes this by-law or the applicant requests that the General Manager revoke the designation.
- (2) An access zone is non transferrable.
- (3) An access zone is null and void if there is a change in the type of use of the facility or its location or its operator.
- (4) In the case of a refusal or revocation under subsection (1), the General Manager shall immediately inform the applicant of the refusal or revocation and the reasons for it by means of contacting them at the address or at the coordinates provided in the application.

REQUEST FOR ADMINISTRATIVE REVIEW

16. (1) Any owner or operator of social infrastructure may request an administrative review of a decision of the General Manager to refuse or revoke an access zone by filing a request in writing, with reasons, to the General Manager no later than 5 days after receiving the notification provided in subsection 15(4). of a refusal or revocation. The General Manager shall consider the request for an administrative review and shall

provide the applicant with a decision in writing no later than fourteen (14) days after receipt of the request.

- (2) In considering the request for an administrative review, the General Manager may request further information from the applicant or from any other person.
- (3) The following criteria will be considered by the General Manager:
 - (a) whether the application and information provided by the applicant for the safe access zone are accurate and complete; and
 - (b) any breaches of a by-law or legislation.
- (4) The decision of the General Manager shall be final.

PROHIBITED CONDUCT

17. (1) No person shall block or prevent access to a safe access zone.
- (2) Within a safe access zone, no person shall:
 - (a) Conduct or participate in a demonstration
 - (b) persistently request that a person refrain from accessing the designated facility;
 - (c) counsel obstruction or hinderance of access to, or departure from, the designated facility;
 - (d) obstruct or hinder pedestrian access to, or departure from, or attempt to obstruct or hinder pedestrian access to, or departure from, the designated facility;
 - (e) obstruct or hinder, or attempt to obstruct or hinder, motor vehicle access to or from the designated facility;
 - (f) obstruct or hinder, or attempt to obstruct or hinder, a person using a mobility device;
 - (g) interfere with, or attempt to interfere with, a working service animal; or
 - (h) discharge a firework or pyrotechnic device.
- (3) No person shall cause or permit any bass noise, unusual noise or noise likely to disturb the peace and comfort of persons within a designated facility.

MARCHES

18. Where the route of a march passes by a designated facility, the General Manager shall have discretion to direct the march to proceed on the highway in a manner that does not impede access to the facility.

TIME-LIMITED APPLICATION

19. Where established, a safe access zone shall apply to:
- (a) residential care facilities at all times, and
 - (b) designated facilities, other than residential facilities, daily for the period of one (1) hour prior to opening for service to or use by the public until one hour after the facility closes to the public.
20. The General Manager shall have the discretion to modify the time-limited application of an access zone as they deem appropriate and necessary.

ORDERS

21. (1) An enforcement officer who finds a contravention of this by-law may notify the person involved in the contravening acts, and such notice may include:
- (a) information regarding the specific violation;
 - (b) a request for the person to immediately cease the contravening acts or leave the safe access area; or
 - (c) information regarding the consequences of failing to comply with the request, including potential penalties for subsequent or continuing violation of the order.
- (2) Notice under subsection (1) will be provided in a manner that is reasonable under the circumstances, including but not limited to:
- (a) verbally or by means of personal service to the individual to whom it is directed;
 - (b) by posting in a conspicuous place within the access zone,
 - (c) making a public announcement within the access zone;
 - (d) by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed; or
 - (e) by email, at any email address determined by the enforcement officer to be related to the person, in which case it shall be deemed to have been given on the day it is emailed.
- (3) An enforcement officer who finds a contravention of this by-law may make one or more orders requiring discontinuance of the contravening activity or to do work to correct the contravention under Section 444 or Section 445 of the Municipal Act.

- (4) When an individual fails to comply with an order to correct a contravention under this by-law, the City may undertake remedial work at the expense of the individual under section 446 of the Municipal Act.
- (5) For clarity, notice pursuant to subsection (1) may not be provided where an enforcement officer determines:
 - (a) there is an immediate threat to the health, safety, well-being or security of the public; or
 - (b) notice has been previously given.
- (6) Any person who contravenes an order issued under this by-law is guilty of an offence.

OFFENCES

22. Every person who contravenes any provision 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.
23. Every person is guilty of an offence under this by-law who:
 - (a) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this by-law;
 - (b) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 21 of this by-law; and
 - (c) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this by-law.
24. When a corporation contravenes any provision of this by-law every director or officer who concurs in such contravention is guilty of an offence and on conviction is liable to a fine under the Provincial Offences Act.
25. When a corporation fails to comply with an order or other direction made under this by-law, every director or officer who concurs in such non-contravention is guilty of an offence and on conviction is liable to a fine under the Provincial Offences Act.
26. Each offence is designated as a continuing offence.
27. When a person has been convicted of an offence under this by-law, the Ontario Court of Justice or any court of competent jurisdiction may, in addition to any penalty imposed on the person convicted, issue an order:

- (a) prohibiting the continuation or repetition of the offence by the person convicted; and
- (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

SHORT TITLE

28. This by-law may be referred to as the "Safe Access By-law".

EFFECTIVE DATE

29. This by-law shall come into force and effect on August 01, 2026.

ENACTED AND PASSED this XXth day of [Month] [Year].