

DOCUMENT 1

DRAFTING INSTRUCTIONS FOR AMENDMENTS TO:

PARKS AND FACILITIES BY-LAW 2004-276 (as amended)

Definitions of “boat”, “drone”, “park”, “facility”

A. Repeal the definition of “boat”: includes a canoe, rowboat, punt, sailboat, outboard and inboard motorboat, and personal watercraft;

B. Add the following definitions:

“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;

“self-propelled 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 muscle-power;

C. Add the following definition:

“remotely piloted aircraft or drone” means a navigable aircraft, other than a balloon, rocket or kite, that is operated by a pilot who is not on board;

D. Repeal the definition of “facility” means any area, pool, building or structure in a park under the jurisdiction of the Recreation, Cultural and Facility Services Department of the City of Ottawa

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

F. Repeal the definition of “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, recreation centre, community building, square,

garden, water, pedestrian walkway 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; (amended by By-law No. 2021-86)

- G. Replace with the definition of “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 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;

Hours of Operation

- H. Amend s.3 to remove all references to the “hours of 11 o’clock in the afternoon (11:00 p.m.) and 5 o’clock in the forenoon (5:00 a.m.)” and replace with “2300 and 0500 hours”
- I. Add a new subsection (4): Despite subsections (1), (2), and (3), the General Manager, at their discretion, may provide approval, in writing, for any person or group to remain or enter into a park outside of the posted hours.
- J. Add a new subsection (5): Despite subsections (1), (2) and (3), the General Manager may, at any time and at their discretion, close or revise the hours of operation of all or individual parks in response to an emergency, regulatory requirement, special circumstances, safety and security concerns, or operational requirement.

Sports and Activities

- K. Amend s.5(2)(c): to repeal the words “Minto Field” and replace with “use any sports field with artificial turf”
- L. Repeal s.5(3) and replace with:

(3) Despite subsection (2), the General Manager, in consultation with the General Manager of Public Works and Environmental Services Department may, at their

discretion, amend the dates on which a ball diamond and sports field may be used, on the basis of the ground conditions of the ball diamond or sports field.

M. Repeal s.5(4) and replace with:

(4) Despite subsection (2) the General Manager, in consultation with the General Manager of Public Works and Environmental Services Department may, at their discretion, restrict or permit access, at any time and to any one ball diamond or sports field, on the basis of the ground conditions of the ball diamond or sports field.

N. Amend s. 5(4.1): to repeal the words “General Manager of the Public Works and Environmental Services Department” and replace with “General Manager”

O. Amend s.5(6): to repeal the word “winter sports” where it appears and replace with “winter activities”

P. Amend s.5(8): to repeal the words “tennis court” and replace with “an acrylic paved court”

Permits

Q. Amend s.7(1): add the words “or facility”, after “in a park”.

R. Amend s.7(1)(h): add the phrase “and in accordance with the Open-Air Fire By-law 2004-163, as amended, or any successor by-law” immediately after “City”

S. Amend s.7(1)(j): repeal the phrase “play any organized team sport” and replace with “convene, conduct, or participate in any organized team sport;”

T. Amend s.7(1)(m): add the words “as defined by the Special Events By-law 2013-232, as amended, or any successor by-law” immediately after “special event”

U. Amend s. 7(1) to add new paragraph (n): “operate a remotely piloted aircraft or drone”

V. Amend s. 7(1) to add new paragraph (o): “take, or permit to be taken for remuneration, any film, photograph, videotape, or television broadcast other than in accordance with By-law No. 2020-164, being the Ottawa Film By-law.”

W. Amend s.7(8): repeal the phrase “in any special event held in a park or its facilities”

Encroachment

X. Amend s.8: delete the phrase “being the owner of tenant or land adjacent to a park”

Y. Amend s.8 (a): add the phrase “or plant of any kind” immediately after “planting of any hedge, tree, shrub, garden”

Z. Amend s.8 (b): add the word “, pool” immediately after “retaining wall”.

Asset Protection

AA. Amend s.9(2): add the words “, deface, alter” immediately after “damage”

BB. Amend s.9(2)(b): add the words “public art,” immediately after “any monument”

CC. Repeal subsection 9(5) of the said By-law 2004-276 and replace with:

(5) No person shall, in a park:

(a) leave or deposit any waste except in a receptacle provided for that purpose

(b) deposit or leave any paint, grease, oil, offal or any dangerous matter that has an odour or appearance found to be offensive by users of the park;

(c) erect a permanent or temporary monument or memorial except in areas approved by the General Manager;

(d) despite clause (c) for subsection 5, where such a monument or memorial has been erected, it shall not remain for a period greater than six (6) months;

(e) bring household waste to a park for the purpose of depositing in City of Ottawa-maintained waste receptacles;

- (f) scatter any paper, cardboard, or any other material;
- (g) 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 and Environmental Services Department;
or
- (h) 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 and Environmental Services Department.

DD. Repeal s.9(6) and replace with:

(6) 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, in consultation with the General Manager or the Public Works and Environmental Services Department.

EE. Repeal s.9(8) and replace with:

(8) No person shall, in a park:

- (a) transport across, launch, beach or operate a motorized boat in any park except in areas of a park specified for such purposes and authorized by the General Manager
- (b) transport across, launch, beach or operate a self-propelled boat in areas prohibited by the General Manager

FF. Add a new s.9(9): “No person shall fish in areas of a park where this activity has been prohibited by the General Manager, including beaches,”

Skating

GG. Amend Section 10 to add a new s.10(1): “No person shall ice skate in an area not designated for that purpose by the General Manager.”

HH. Therefore, existing s. 10(a) to (d) would then become s. 10(2)(a) to (d).

General

- II. Amend Section 12 to add new subsection 12(3): “Subsections (1) and (2) shall not apply to normal noise of park activity.”

- JJ. Repeal the wording in Section 13 (1) and substitute with the following: “The General Manager may, at any time and at their discretion, temporarily or permanently close to the public a park, a portion of a park, or a building in a park, due to inclement weather, in response to an emergency or other special circumstances deemed appropriate by the General Manager.”

- KK. Remove all references to “his/her” and replace with “their”.