



Staff Report for Council Meeting

Date of Meeting: December 8, 2021

Report Number: SRCS.21.18

Department: Community Services
Division: Community Standards

Subject: Att 4 - SRCS.21.18 Park Use By-law Review –
Key Findings and Directions.docx

Purpose:

This report provides an update on the comprehensive review of Richmond Hill's Parks Use By-law No. 16-83, as amended (Municipal Code Chapter 942).

Recommendations:

- a) That Staff Report SRCS.21.18 be received and that all comments on the key directions be referred to staff for development of the new Park Use By-law;
- b) That staff report back to Council before 2022 summer recess with:
 - i. a new Park Use By-law based on key directions outlined in Staff Report SRCS.21.18 and any comments received; and,
 - ii. amendments to the Administrative Penalty By-law No. 69-16 to incorporate Parks Use By-law offences into the Administrative Monetary Penalty System.

Contact Person:

Tracey Steele, Director of Community Standards, Extension 2476

Dolly Anand, Manager Policy and Licensing, Extension 6572

Report Approval:

Submitted by: Darlene Joslin, Commissioner of Community Services

Approved by: Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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Background:

Richmond Hill owns and maintains an inventory of over 165 parks covering a total area of approximately 360 hectares, and an additional 690 hectares of natural heritage lands including forests, wetlands, valleylands and stormwater management facilities. The vast majority of these lands are accessible to the public and provide visitors with a wealth of recreation and relaxation opportunities, while also providing aesthetic, economic and environmental benefits for the community as a whole.

Like other Ontario municipalities, Richmond Hill has a Parks Use By-law (By-law No. 16-83, as amended; Municipal Code Chapter 942) which sets out rules and regulations that are intended to ensure safe and harmonious use of the park and natural heritage system, while protecting the environment and outdoor recreational facilities on the lands.

The current Richmond Hill Park Use By-law was enacted in 1983 and has not been comprehensively reviewed since that time. A comprehensive review and update of the by-law will ensure that the by-law includes standards desired by the community, reflects the expanding diversity of outdoor recreation facilities, and addresses modern park uses. The timing of the current by-law review was coordinated with current work on the City's Parks and Recreation Plans and responds to the increased use of the Park and Natural Heritage System resulting from the Covid-19 epidemic.

Research and Key Findings

Staff initiated a comprehensive review of the Parks Use By-law in March 2021. This work involved:

- review of statistics related to parks complaints and enforcement
- municipal benchmarking and best practice research
- a web-based public survey to understand preferred community standards
- discussion with staff across various City Divisions to identify issues and potential improvements to the by-law, and
- consultation with stakeholders (Toronto and Region Conservation Authority, Vaughan Animal Services, York Region Environmental Alliance and sports groups which permit our parks).

By-law Case Statistics

From July 2020 to November 2021, the City received 196 Parks Use By-law service requests (including inquiries, complaints and concerns; but, exclusive of Covid-related requests). The most common types of Park Use By-law service requests are:

- concerns and inquiries about general rules related to specific activities and uses such as barbequing, fishing, golfing and noise
- complaints and concerns regarding use of outdoor recreation facilities
- environment concerns (including cutting of trees, damage to vegetation in parks and encroachment issues), and

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- safety concerns such as reports of people skating on stormwater ponds, using fireworks, smoking, and burning open fires.

Municipal Benchmarking

A detailed review of in-force by-laws in select Greater Toronto Area (GTA) municipalities was undertaken. Overall, we generally found that most of the Parks Use By-laws in comparator municipalities are rather dated. All set similar hours of operation, and establish standard permit requirements for commercial activities, organized sports and uses that are otherwise prohibited by the by-law. Notably, severally of the by-laws include offences for encroachments and bicycle use that are absent in the current Richmond Hill by-law.

In terms of best practices, Mississauga is the GTA municipality reviewed that has most recently completed a comprehensive update of their Parks Use By-law (2020). Mississauga's new by-law is well-organized and easy to interpret. It also provides a template for establishing the responsibilities and authorities of the Commissioner, addresses contemporary issues (such as e-bikes, e-scooters and drones), and sets out clear requirements for commercial, vendor, videography and special event permits.

Community Consultation

An online public survey was conducted from August 25 to September 30, 2021 to obtain feedback from Richmond Hill residents in relation to park regulation. The survey was advertised on the City website, through social media, email blasts and posters located in parks. The survey received 531 responses, of which 95% were from Richmond Hill residents almost equally distributed across all wards. Some of the specific feedback gathered through the survey is as follows:

- 34% of respondents were very satisfied, and 53% of respondents were somewhat satisfied with their experiences in Richmond Hill parks
- 66% of park visitors are at least somewhat aware of parks rules
- 62% of survey respondents believed that the current park hours from 7:00 am to 11:30 pm are good
- Over 51% of respondents believe that certain activities such as golf and use of drones should be allowed within designated areas, with restricted timing or only by permit
- 40% of survey respondents indicated that amplified sound should be allowed in parks at a reasonable level, while 31% indicated it should not be allowed, and 23% indicated it should be allowed only in select areas
- 55% of respondents believe that e-bikes should be allowed in parks

In response to an open-ended question asking survey participants if there are any additional rules that would help to make their park experience more enjoyable, the predominant themes amongst responses were: requests for more enforcement and ticketing (particularly around litter and no smoking); desire for more off leash dog areas and/or comments around dogs off leash (some people wanting better enforcement and

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others wanting relaxed rules); and, concerns about safe use of bikes, ebikes and escooters.

Key Directions for New Parks Use By-law

Based on the research summarized above, it is recommended that Richmond Hill's new Parks Use By-law be drafted based on the following key directions:

1. Modernize and simplify the overall by-law structure and format

This would include updating definitions to reflect contemporary terminology, eliminating the schedules requiring inefficient amendment processes, organizing sections to consolidate key areas, and simplifying offences where possible to make the by-law more straightforward and easy to understand.

2. Maintain and clarify existing rules

The current Park Use By-law provides provisions for many offences which continue to be relevant for park visitors today. For example it is proposed that the new by-law will:

- maintain existing park hours of operation of 7:00 am to 11:30 pm and eliminate exemptions so that these hours are consistent across all parks;
- maintain general conduct rules (including visitor responsibilities to follow posted rules, not interfere with other visitors, and not litter);
- establish a specific offence for feeding wildlife and retain the existing prohibition on interfering with wildlife;
- maintain and update off leash dog area rules;
- enhance prohibitions on encroachments, property damage and installation of any materials or equipment in parks; and,
- maintain the current prohibition on skating, fishing or swimming on stormwater management ponds.

3. Consolidate and clarify permit requirements

Overall, the existing Park Use By-law requirement for activities requiring permits continues to be appropriate, however, it would be helpful to consolidate permit requirements in one section of the by-law and refine some of the applicable definitions to clarify intent. For example, it is recommended that the new By-law:

- Continue to require permits to set up tents but confirm an exception for small, pop-up tents intended for shading toddlers.
- Clarify that commercial uses including sale of any goods, commercial photography, provision of training or coaching services, provision of fitness or instructional classes, and filming, require permits.
- Refine the definition of “gathering” and continue to require permits for gatherings and special events involving more than 25 people.
- Clarify the definition of “organized sports activities” and specify that weddings, busking and consumption of alcohol require a permit.

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- Establish a new framework for barbecues that allows them in designated, signed areas and requires permits elsewhere.

4. Establish a new framework for motorized vehicle, micro-mobility and bicycle use

The current Parks Use By-law contains a series of regulations about corporate use of motorized vehicles within parks and provides only limited guidance around use of modern micro-mobility (e.g., eBikes and eScooters) and bicycles. It is proposed that the new by-law will:

- simplify the prohibition on motorized vehicles to provide that motorized vehicles are not permitted in parks unless they are under City operation, are providing emergency services, or have been issued a permit
- prohibit the operation of power-assisted eBikes in parks
- establish speed limits and basic etiquette requirements for bicycles.

It should be noted that eScooters are currently prohibited in all areas of Richmond Hill in accordance with Provincial legislation.

5. Clarify delegated authority of the Commissioner

Currently the Parks Use By-law provides authority to the Commissioner to accept applications and issue permits for a variety of activities and uses that are otherwise prohibited by the by-law. The Commissioner also has authority to close any park or part thereof when circumstances warrant such closing. It is proposed that the new Parks Use By-law will maintain the Commissioner's existing authority, make it consistent with the new permitting framework, and clarify the Commissioner's authority to restrict specific uses or activities within specific parks or areas of parks.

6. Implement a consistent approach to addressing regulations which overlap with other City By-laws

There are several rules and regulations within the Parks Use By-law which are mirrored in other City by-laws and, or legislation (for example, restrictions on noise and fire setting, use of fire arms and fireworks, smoking, use of cannabis, and domestic animal rules (i.e., stoop-and-scoop and leash requirements)). The updated Parks Use By-law will address these items in a consistent manner by referring back to the lead by-law for the subject matter, while at the same time providing a comprehensive list of park rules.

7. Incorporate Parks Use By-law offences into the Administrative Monetary Penalty System (AMPS)

Consistent with February 11, 2019 Council direction to continue expansion of AMPS to community standards by-laws, it is recommended that Parks Use By-law offences be incorporated into AMPS. In this regard it will be necessary to include appropriate clauses in the Parks Use By-law and for Schedule A of the Administrative Penalty By-law No. 69-16 to be amended accordingly. Incorporation of Parks Use By-law

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offences into AMPS will provide for better enforcement tools and a more efficient and accessible resolution system.

Financial/Staffing/Other Implications:

There are no staffing or financial implications associated with this report.

Relationship to Council's Strategic Priorities 2020-2022:

Sense of Belonging

Setting easy to understand standards that address contemporary park uses and activities and make parks are safe and enjoyable for visitors while protecting adjacent properties.

Getting Around the City

Establishing appropriate trail etiquette so that the City's off-road trail system is both a viable recreational amenity and a means transportation.

Balancing Growth and Green

Establishing regulations that provide harmony between human use and environmental protection.

Climate Change Considerations:

Climate change considerations are not applicable to this staff report.

Conclusion:

The current Parks Use By-law No. 16-83, as amended (Municipal Code Chapter 942) was enacted in 1983 and has been subject only to minor amendments since that time. As a result of research done to date, it is recommended that the existing by-law be repealed and replaced with a new Parks Use By-law which uses an updated structure with modern definitions, clarifies existing rules and includes some additional offences, improves consistency with other by-laws, and establishes a clear framework for Commissioner authority, bicycles, ebikes and permitting. It is proposed that the new Park Use By-law be accompanied by amendments to the Administrative Penalties By-law to incorporate offences into the City's AMPS. Any comments on the proposed key directions contained herein should be referred to staff for consideration in drafting the new Parks Use By-law.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

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Report Approval Details

Document Title:	SRCS.21.18 - Park Use By-law Review - Key Findings and Directions.docx
Attachments:	
Final Approval Date:	Nov 29, 2021

This report and all of its attachments were approved and signed as outlined below:

Tracey Steele

Darlene Joslin

MaryAnne Dempster