



Staff Report for Council Meeting

Date of Meeting: April 27, 2022

Report Number: SRCS.22.01 Park Use By-law Enactment

Department: Community Services
Division: Community Standards

Subject: Att 3 - SRC.22.01 Park Use By-law
Enactment.docx

Purpose:

To repeal the existing Park Use By-law and replace it with a new Park Use By-law.

Recommendations:

- a) That staff report SRCS.22.01 regarding the enactment of a new Park Use By-law be received;
- b) That the existing Park Use By-law No. 16-83, as amended, be repealed and Park Use By-Law No. 19-22, attached as Attachment 1 to SRCS.22.01, be enacted (and replace Chapter 942 of the City of Richmond Hill Municipal Code); and,
- c) That By-law No. 20-22 attached as Attachment 2 to SRCS.22.01 be enacted to amend Schedule 'A' of the Administrative Penalties By-law No. 69-16, as amended, to include designated Park Use By-law offences.

Contact Person:

Dolly Anand, Manager of Policy and Licensing, Extension 6572

Report Approval:

Submitted by: Tracey Steele, Acting Commissioner of Community Services

Approved by: Darlene Joslin, Interim 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:

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 has been completed to ensure it aligns with standards desired by the community, reflects the expanding diversity of outdoor recreation facilities, and addresses modern park uses.

On December 8, 2021, staff reported to Council (SRCS.21.18) and provided a summary of benchmarking, public consultations and technical research completed as part of a comprehensive Park Use By-law review, and identified key directions for a new Park Use By-law. Council approved the recommendations of SRCS.21.18 directing that staff report back before 2022 summer recess with a new Park Use By-law to:

1. Modernize and simplify the overall by-law structure and format;
2. Maintain and clarify existing park rules;
3. Consolidate and clarify permit requirements;
4. Establish a new framework for motorized vehicle, micro-mobility and bicycle use in parks;
5. Clarify delegated authority of the Commissioner with respect to park management;
6. Implement a consistent approach to addressing park regulations which overlap with other City By-laws; and,
7. Incorporate Park Use By-law offences into the Administrative Monetary Penalty System (AMPS).

Discussion:

A proposed new Park Use By-law No. 19-22 consistent with the key directions listed above is attached to this report as Attachment 1.

Specifically, the new Parks Use By-law:

- Preserves several existing rules including park hours of 7 am to 11:30 pm, requirements for visitors to follow posted rules, prohibitions against littering, off leash dog park rules and prohibitions against activities on stormwater ponds.
- Includes modern definitions for several items including E-scooters, Peddle Assisted Bicycles, Gatherings and Parks.
- Establishes a simple, blanket prohibition against use of all Motor Vehicles in Parks, unless authorized by the Commissioner.
- Sets out Permit requirements for a variety of uses, some of which include:
 - tents, with an exemption for tents under 0.6 m² used to shield toddlers from the sun;
 - commercial uses including the sale of any goods, commercial photography, filming, providing training or coaching services, and providing fitness or instructional classes;

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- remotely-operated vehicles including drones;
- gatherings of more than 25 people, organized events (by corporations, teams, leagues, etc.), or the exclusive use of a City facility.
- Establishes Commissioner authority to restrict specific uses or activities, close a park or area of a park, and grant permits.
- Prohibits playing golf, or striking a ball with a golf club within a Park.
- Establishes consistency with other City By-laws including Noise, Cannabis, Fireworks, Open Air Burning, and Signs by referencing the lead by-law as appropriate.
- Includes necessary enforcement clauses to facilitate use of the Administrative Monetary Penalty System (“AMPS”).

Administrative Penalties By-law Amendment

In order to incorporate Park Use By-law offences into AMPS, it is also necessary to amend Schedule “A” of the Administrative Penalty By-law No. 69-16 to include designated offences. The recommended amendment to Schedule ‘A’ of By-law 69-16 is attached to staff report SRCS.22.01 as Attachment 2.

Enforcement

The Park Use By-law will continue to be enforced predominantly with a complaint-based approach. In areas where recurring issues are experienced, proactive patrols will be established. Proactive patrols are currently being undertaken at Lake Wilcox Park, and would be similarly initiated at other parks if repeated issue arises. In addition, the City works cooperatively with York Region Police to patrol parks when more serious or criminal concerns have been observed such as under-age drinking. Further, if comprehensive oversight is required, private security may be enlisted to provide more widespread patrols for specific issues.

Adding Park Use offences into AMPS provides an additional enforcement tool by discouraging non-compliance with the by-law and providing a deterrent penalty, particularly for violations such as encroachment.

Communication Plan

In order to ensure public awareness regarding the rules and regulations set out in the Parks Use By-law, a communication plan has been established to focus on educating residents and visitors about rules that keep City parks fun and safe for everyone to enjoy. Park rules will be promoted at various times throughout the year through communication approaches such as public service announcements, website updates, use of social media, and articles in City publications such as the e-newsletter.

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Financial/Staffing/Other Implications:

The proposed new Parks Use By-law is expected to have a positive impact on staff workloads through clarification of the rules applicable to park use and providing an additional enforcement tool through AMPS. Incorporation of park use offences into AMPS is expected to generate approximately \$500 - \$1,000 annually in AMPS fines and administrative fees.

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 of parks and environmental protection.

Climate Change Considerations:

Climate change considerations are not applicable to this staff report.

Conclusion:

In December of 2021 Council approved the recommendations of staff report SRCS.21.18 which identified key directions for a new Park Use By-law.

The recommended new Park Use By-law includes modern definitions and regulations, updated delegated authority and permit provisions, improved consistency with other City By-laws, and an improved framework for enforcement through AMPS.

Following enactment of the new By-law a Communication Strategy will be implemented to promote public awareness of park rules and regulations.

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.

- Attachment 1 – Proposed new Park Use By-law No. 19-22

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- Attachment 2 – Proposed By-law No. 20-22 to amend Schedule 'A' of the Administrative Penalties By-law No. 69-16 to include designated Parks Use By-law offences

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Report Approval Details

Document Title:	SRCS.22.01 Park Use By-law.docx
Attachments:	- Park Use By-law No. 19-22.docx - AMPS By-law No. 20-22.docx
Final Approval Date:	Apr 20, 2022

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

Tracey Steele - Apr 20, 2022 - 9:53 AM

Tracey Steele - Apr 20, 2022 - 9:53 AM

Darlene Joslin - Apr 20, 2022 - 2:09 PM