



## The Corporation of the Town of Tecumseh

Legislative & Clerk Services

**To:** Policies and Priorities Committee

**From:** Robert Auger, Director Legislative Services & Clerk

**Date to Council:** November 26, 2024

**Report Number:** LCS-2024-19

**Subject:** Parks By-Law 2009-13 Review

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### Recommendations

It is recommended:

**That** Report LCS-2204-19 Parks By-Law 2009-13 Review **be received;**

**And that** the revisions to the Parks By-Law in Attachment 1 **be recommended for approval and incorporated into a new by-law** to be considered for first, second, third and final reading at the December 10, 2024 Regular Council Meeting.

### Background

Tecumseh Parks By-Law 2009-13 being a by-law to regulate parks in the Town was adopted in 2009. This By-Law regulates the use of all Municipal Parks to protect and govern our public parks so that everyone can enjoy the park experiences that the Town has to offer.

This By-Law has not had a comprehensive review since 2009. Minor amendments have been adopted (By-Law 2011-38 for designating areas for dogs to run off leash and By-Law 2017-56 with the amendments for permit fishing in Town parks) but there has not been a substantive review since that time.

While many of the sections of the By-Law are still very much effective today, there are additional matters and activities that have become more common place for regulation in

public parks since 2009. Additionally, there have been advancements in technology which allow for activities the original by-law could not have accounted for such as drone usage. The Parks By-Law has also been identified as a potential by-law to participate in the Town's Administrative Monetary Penalties System (AMPS) and so amendments are required to facilitate AMPS participation.

As a result, given that this by-law has not been reviewed for substantive changes in over 15 years, Legislative Services in major collaboration with Community & Recreation Services has now conducted a review of the Parks By-Law with a view towards ensuring: 1) best practices for Park operations, 2) that residents can enjoy the use of our Parks, and 3) appropriate and effective regulation.

To further assist with the review of the Parks By-Law, Administration engaged in public consultation through PlaceSpeak allowing the public an opportunity to provide feedback on the current by-law and potential changes. The survey on PlaceSpeak was posted from November 4 -15, 2024, with three social media posts to encourage participation. The survey asked for feedback on the use of remote-control cars, drones and regulating photo/video usage in changerooms and/or bathrooms. The survey also provided an opportunity to provide any additional comments on the current by-law. In total, 20 responses were received and can be viewed in the survey summary in Attachment 1. Responses were reviewed by Administration for information in the drafting of the new proposed draft by-law.

## Comments

The Town's Park By-Law outlines the regulations governing the use and enjoyment of all municipal Parks in the Town of Tecumseh.

Provisions in this By-Law have been significantly revised and/or updated in the proposed draft by-law to raise awareness to park users on what is permitted and not permitted, language has been revised to address municipal trends and legal aspects relating to park matters, and provisions for enforcement and inclusion into AMPS have been added.

In the current By-Law, the By-Law is delineated into the following sections that address:

- Conduct while in a Park
- Use of the Park by the public
- Games, Sports and Organized Activities
- Vehicles/parking
- Animals in the Park

- Commercial Enterprises in the Park
- Regulation and Enforcement

In Attachment 2, a draft Parks by-law is presented for Council's consideration. For ease of reference, the sections that are highlighted reflect the proposed revisions to the by-law.

The following provides a summary of the main proposed revisions to the sections of the draft by-law.

### **Part 3: Conduct**

Provisions have been added:

- prohibiting conduct which creates a nuisance and/or interferes with the reasonable use and enjoyment of the Park by other persons;
- prohibiting various types of encroachment and/or other activities in the Park without a Permit;
- to further protect wildlife and the environment (designation of naturalized areas);
- to clarify and update provisions relating to cannabis and/or Smoking.

Specifically, in Part 3 on Conduct, language was revised regarding park users and their behaviour, specifically addressing behaviour that would impact other park users. Provisions were also added to address vandalism in the park, residential and commercial dumping of garbage, installation of fences or structures, removal or planting of plants and trees. Other additions include a provision on naturalized areas for conservation which was implemented this summer at Lakewood Park to assist with growing grass in shadier spaces. Finally, revisions were added in the smoking section to include hookahs, vapes, and any similar emerging tobacco products as may be identified from time to time by the Windsor Essex County Health Unit.

### **Part 4: Park Use**

Provisions have been added to the by-law on the following:

- clarifying access and hours of access to a Park;
- identifying restrictions on the use of Photography/videography and broadcasting without authorization/permit;
- addressing privacy and access concerns surrounding Washrooms and Change rooms.

The most significant changes to the current By-Law occur in Part 4 on Park Use as there have been considerable changes with how people are using parks for social gatherings and recreational activities. The draft by-law also proposes to address municipal operations and concerns, as well as emerging municipal trends such as recreational vehicle parking, drones, and the use of photography and video in changerooms.

A new section was added entitled Photography and Videography which was missing in the current By-Law. With the widespread use of cellphones with picture and video capabilities readily accessible, provisions were added to protect privacy concerns for those who use the municipal change rooms and washrooms.

With respect to Washrooms and Change rooms the proposed by-law provides that no person shall enter any portion of any washroom or change room in any Park except for those washrooms or change rooms that match their gender identity.

The Ontario Human Rights Commission in Section 13.4.1 of its Policy on Preventing Discrimination because of Gender identity and Gender expression states the following:

*“The Code allows for restriction of services or facilities to persons of the same sex for reason of “public decency.” Facilities such as washrooms, change rooms and locker rooms are typically segregated based on sex. Trans people have the right to access these facilities based on their lived gender identity.*

*An organization’s washroom facilities and any related policy should not negatively affect trans people. A trans person who identifies and lives as a man should have access to the men’s washrooms and change rooms. A trans person who identifies and lives as a woman should have access to the women’s washrooms and change rooms.”*

Finally, in deciding whether to provide a Permit for certain activities, the new by-law now provides criteria or factors to be considered by the Municipality:

- whether such activity will damage the Park;
- whether the proposed activity will or is likely to cause a hazardous or dangerous condition;
- whether such activity would deprive the general public of their reasonable enjoyment of the park facilities for an extended period of time;
- the payment of applicable fees and charges, and as set out in the Municipality’s Fees and Charges Bylaw; and
- the potential for conflicts with other persons using the Park.

## Part 9: Regulation and Enforcement

Finally, the current By-Law does not have provisions included to provide for the option of enforcement through the Town's AMPS program and so the appropriate provisions to provide for that have been added to the draft proposed by-law.

### Consultations

Community & Recreation Services  
Chief Administrative Officer and People & Culture

### Financial Implications

There are no financial implications with this report at this time.

### Link to Strategic Priorities

Applicable	<a href="#">2023-2026 Strategic Priorities</a>
<input checked="" type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input checked="" type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

### Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

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Reviewed by:

Robert Auger, LL.B.  
Director Legislative Services & Clerk

Reviewed by:

Beth Gignac, BA Hons  
Director Community & Recreation Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Summary of Survey Results
2	Draft By-Law