



TO:	GENERAL COMMITTEE
SUBJECT:	NEW PARKS REGULATIONS REGARDING THE USE OF BARBEQUES AND TENT STRUCTURES AND TO AMEND CURRENT PARKS USE BY-LAW 2019-059
WARD:	ALL
PREPARED BY AND KEY CONTACT:	J. FORGRAVE, SUPERVISOR OF ENFORCEMENT SERVICES, EXT. 4330 T. BANTING, MANAGER OF ENFORCEMENT SERVICES, EXT. 4336
SUBMITTED BY:	W. COOKE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES
GENERAL MANAGER APPROVAL:	D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES
CHIEF ADMINISTRATIVE OFFICER APPROVAL:	M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That Parks Use By-law 2019-059, as amended, to regulate and govern the use of and activities permitted within City parks, environmentally protected land, and open space, be further amended by adding the sections identified in the draft by-law attached as Appendix "A" to Staff Report LCS004-21.
2. That staff in the Operations Department in consultation with the Legislative and Court Services Department (Enforcement Services Branch) be directed to:
 - a) Prepare and install new signage or replace existing signage where required that depicts the new regulations in all impacted parks; and
 - b) The installation of such signage be completed as operational time permits, with a focus on high utilization locations as a priority.
3. That staff be authorized to make application to the Ministry of the Attorney General for set fines for the newly amended sections ranging from \$100.00 to \$1,000.00 based on the nature of the offence.

PURPOSE & BACKGROUND

Report Overview

4. This Staff Report will outline additional amendments to our current park regulations. As directed by Council, staff have consulted with staff in the Operations and Developmental Services Departments regarding current practices and policies for the use of barbeques and other cooking appliances and have reviewed the implementation of permanent barbeque facilities as incorporated in the new design of the waterfront.

5. On August 10, 2020, Council passed motion 20-G-120 providing the following direction to staff:

“WATERFRONT ACCESS AND BEACHES - SUMMARY OF COVID IMPACTS AND LOOKING FORWARD TO ADDRESSING GROWTH- RELATED IMPACTS

1. That staff in the Operations and Development Services Departments investigate the process of and the implications of closing the beach at Wilkins Park due to ongoing environmental damage in this area that is zoned Environmental Protection and report back to General Committee by March 2021.
 2. That staff in the Operations Department, in conjunction with staff in the Legislative and Court Services Department, investigate the implications of and the required by-law changes for making permanent restrictions on the use of personal BBQs, tents and other associated equipment on City beaches, and report back to General Committee by March 2021.
 3. That staff in the Development Services Department investigate the feasibility of and the cost to update the Waterfront Strategic Plan (2015) to address emerging trends and the impact of growth on the safe and appropriate access to City beaches, public spaces and parks along the public waterfront and report back to General Committee.”
6. The purpose of this Staff Report is to respond to Item #2 in the aforementioned motion 20-G-120 dated August 10, 2020. Staff in Development Services will be providing a response to Items #1 and #3 in Staff Report DEV008-21 dated March 29, 2021.

Background

By-law 2019-059 - Parks Use

7. The current Parks Use By-law came into effect on June 24, 2019 after a comprehensive review of the provisions in the previous By-law. This By-law amended and/or replaced previous regulations set out in By-law 2010-033 including regulations in area specific categories rather than just blanket rules for all parks. This By-law sets out standards for all City parks both inland and waterfront and provides general regulations related to their use, permitted activities and overall allowances within our parks.
8. During the summer of 2020 due to COVID-19, staff noted the following impacts on the City's parks, and more specifically the waterfront parks:
 - a) A significant increase in visitors to our waterfront parks due to more restrictive COVID-19 regulations applying to the regions to the south of the City where beaches and other waterfront amenities were still closed to the public. This increase resulted in overcrowding of the beaches and waterfront parks with subsequent congregating of people in gatherings larger than what was permitted by COVID-19 regulations at the time.
 - b) The use of barbeques and other cooking appliances resulted in complaints due to smoke and odours by park users and area residents. In addition, staff also noted increased garbage and debris as well as dumping of materials that were still a potential ignition source.

- c) The use of tents and other large sunshade structures was seen as a direct factor to the overcrowding and congregating. The tents and large sunshade structures were also seen as a public safety concern as they obstructed the view for lifeguard and parents ensuring safety of those in the water. Complaints were also received concerning the nature of activities occurring within the tents including using them as washroom facilities.
9. On July 8, 2020, the City of Barrie Emergency Order 2020-001 was amended to temporarily prohibit the use of barbeques or other cooking appliances within Wilkins Park and all other "beach areas" within the waterfront parks. The direction to staff was for a zero-tolerance approach to enforcement.
10. On July 25, 2020, the City of Barrie Emergency Order 2020-001 was further amended to temporarily prohibit the use of barbeques and other cooking appliances and the use of tents at all City waterfront parks, beaches and trails. The direction to staff was for a zero-tolerance approach to enforcement.
11. The installation of permanent community use barbeque appliances was approved in the reconstruction of Centennial Park and in other select waterfront park locations however the installation was put on hold during the COVID-19 pandemic in 2020. It is anticipated that these appliances will be installed in phases in some parks over the next few years.

ANALYSIS

Overview

Use of Cooking Appliances and Tents at Parks and Beaches

12. In consultation with the Development Services and Operations Departments, Enforcement Services staff began a review of the current regulations regarding the use of barbeques and other cooking appliances and how to address current activities or use of barbeques in both inland and waterfront parks.
13. There is no provision in the Parks Use By-law regarding the use of a barbeque or other cooking appliances, other than the kindling of an open fire which is prohibited unless authorized by the City. There were provisions previously in the Parks Use By-law concerning barbeques or other cooking appliances but were removed in anticipation of the installation of the community use barbecues instead of personal ones.
14. The current restrictions on barbeque use falls under a Parks Policy which prohibits the use of propane appliances in City parks without authorization of the City. The use of charcoal appliances is permitted under the policy provided there is a means to extinguish and dispose of the coals when complete.
15. Issues that were identified with the use of charcoal appliances include the dumping of hot coals into park waste receptacles, dumping of coals into the lake, and coals left at the site the appliance was used. In addition, concerns have been raised associated with the smoke and odours from the smoke and lighter fluid as these appliances could be set up anywhere in the park.
16. Staff have found that over the years the use of barbeques, both propane and charcoal, in the parks has increased as park usership has changed to more full day visits rather than a short stay and swim. Citizens are utilizing our parks not only as a general gathering place but have also started using the various parks for family events and community gatherings.

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17. Additionally, there are no provisions in the Parks Use By-law regarding the use of tents or sunshades at the parks or waterfront areas, other than the prohibition of camping or overnight sleeping unless authorized by the City.
 18. While the goal of the City is to encourage the use of our parks, staff recognize the need for a review of our regulations to meet the demands of the public, in addition to maintaining the overall safety, aesthetics, and beauty of our parks.
 19. The City has put forward great efforts to rebuild and further beautify our parks and has been honoured for its efforts in developing beautiful inviting locations for all to gather and enjoy. In support of this, staff have reviewed the regulations in the Parks By-law to improve not only the use of the parks for all members of the public, but to further augment measures to ensure the safety and enjoyment of our parks for all.
 20. During 2020, staff received a number of complaints associated with dogs of leash in the parks and in public areas. Animal Control By-law 2010-035, as amended, provides that dogs cannot be unattended (off-leash) in public spaces. The Parks By-law provides for the regulations associated with the Dog Off Leash Recreational Areas (DOLRA). The Animal Control By-law was amended in 2019 to provide that no person shall allow a dog to enter, remain or use a beach area within a park, as defined in the Parks Use By-law. There are no changes proposed to dogs accessing the beach or being off leashed in public spaces.

Staff Findings

21. In consultation with the Development Services and Operations Departments, Enforcement Services staff have prepared a draft by-law attached as Appendix "A" to Staff Report LCS004-21 regarding the use of barbeques and other cooking appliances along with the use of tents and other large sunshade structures. The intent of the proposed by-law is to address public safety concerns including overcrowding, swimmer safety, and potential for fires in parks to achieve an overall enjoyment of the City parks.

The draft by-law includes the following proposed changes:

- a) Prohibiting the operation of a barbeque or other cooking appliance within a park unless it is a designated community use barbeque installed by the City or otherwise authorized by the City to do so;
 - b) Prohibiting the disposal or depositing of community use barbeque coals in a any waste container or any other location other than those designated for their safe disposal; and
 - c) prohibiting the use of a tent or sunshade within a park unless such tent or sunshade is solely supported by no more than one pole and having no more than one wall or side, or unless authorized to do so.
22. Staff reviewed other local waterfront municipalities parks use regulations associated with the use of barbecues and tents. Staff found similar restrictions are in place in the following municipalities, that are being proposed in the draft by-law attached as Appendix "A" to Staff Report LCS004-21:
 - a) Oro-Medonte:
 - No person shall within any Municipal Parkland or Unopened Road Allowance erect or use a solid fuelled or liquid fuelled barbeque.

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- No person shall within any Municipal Parkland or Unopened Road Allowance install or erect any temporary or permanent tent or structure without written consent.
- b) Innisfil:
- It shall be deemed an offence to use barbeques, camp stoves, cookers, smokers in parklands with the exception of areas designated for that purpose.
 - It shall be deemed an offence to setup any enclosed tent structure except screen tents in which visibility of the interior is not obstructed when viewed from the exterior; or to setup a tent structure larger than 10 x 10 feet.
- c) Township of Brock (including Town of Beaverton):
- No person shall light or maintain an open-air fire and/or BBQ in a park unless written approval is received from the Municipality's Fire Chief.
 - No person shall erect or leave any tent, shelter, or structure of any kind in a park.
- d) Kawartha Lakes:
- No person shall, in any park or facility, use a charcoal or other solid fueled portable barbeque outside of an area posted to allow such use unless authorized.
 - Unless authorized, no person shall place, install, or erect any temporary or permanent tent or structure in any park.
23. The installation of permanent community use barbeque facilities and coal disposal receptacles identified in Appendix "B" to Staff Report LCS004-21 is to commence in the Spring of 2021 in two phases. Phase 1 is to include the installation of up to six (6) permanent community use charcoal barbeques in a designated location at Centennial Park, and Phase 2 will include the installation of permanent community use charcoal barbeques in a designated location in Tyndale Park. Both locations are identified in Appendix "C" to Staff Report LCS004-21.

Other Considerations

24. The prohibition of tents and other large sunshade structures will enhance public safety in the Parks for City staff and the public alike. The use of umbrellas or similar sunshade equipment solely supported by a single pole with no more than 1 wall or side is proposed to be permitted to provide park users relief from the sun. Diagrams are included as Appendix "D" to Staff Report LCS004-21.
25. The proposed amendments to the Parks Use By-law regarding the prohibition of barbeques or other cooking appliances and tents or other large sunshade structures will apply to all City parks, both waterfront and inland, unless authorized by the City (i.e., permitted special events, City sanctioned events, etc.)
26. The recommendations proposed in Staff Report DEV008-21 for Wilkins Park do not directly impact the Parks Use By-law or the proposed amendments contained within Appendix "A" to Staff Report LCS004-21. The proposal to revert Wilkins Park back to a more natural state within the environmentally protected zoning designation allows for continued enforcement measures under the Parks Use By-law, as the definition of Parks includes an "Environmental Protection Area" or areas which may be left in their natural state for environmental reasons.

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27. The recommendations proposed in Staff Report DEV008-21 do not change the designation Wilkins Park being a waterfront park under the Parks Use By-law. A "Waterfront Park" is defined as "a public park, open space, or environmentally protected land which connects, surrounds or is abutting Lake Simcoe, Kempenfelt Bay, Little Lake or any other such body of water as amended from time to time". Therefore, all provisions of Section 11.0.0.0.0. of the Parks Use By-law 2019-059 as amended (Waterfront Parks) in addition to Section 10.0.0.0.0. (General Provisions) would continue to apply.
28. As the changes proposed in Staff Report DEV008-21 remove the "beach" as defined in Section 11.3.0.0.0. of Parks Use By-law 2019-059 as amended, dogs would be permitted to be walked on a leash by their owner within the park, including into the water, as dogs are only "prohibited to enter, remain in or occupy a beach area", which is typically seen as the boundaries of the sand on land. Staff will monitor the changes to Wilkins Park as it relates to dogs entering the naturalized area and if necessary, bring forward any future recommendations.

Enforcement Practices

29. Below is a summary of the current enforcement practices normally conducted in all parks and specifically waterfront parks:
- General patrols of all parks are conducted regularly by all Enforcement Services staff as time and other calls for service permit.
 - Respond to complaints or concerns related to any violations of set provisions between 7:30 a.m. and 11:00 p.m., 7 days a week.
 - From early June to late August, two Enforcement Services summer staff are hired to patrol waterfront parks by bicycle for all violations. Those patrols are conducted between 8:00 a.m. and 8:00 p.m., 7 days a week. The patrol area focuses on the waterfront and encompasses all parkland from Johnson's Beach through to Minet's Point Park. Given the COVID-19 pandemic restrictions, summer staff will be hired and trained in advance of the long weekend in May, to provide additional support as required.
 - In 2021, Enforcement Services will be hiring an additional six (6) Officers who will be stationed along the waterfront to ensure compliance. While these Officers will be focused on a Parks Ambassador role, educating the attendees, and monitoring the overall use of the parks, they will also have the ability to take immediate enforcement measures should the need arise. This will not only provide citizens and visitors with a resource person for overall Parks and City regulations but will allow for efficient response to any matters needing additional enforcement measures such as the issuances of Provincial Offences Tickets.
 - The Dog Off-leash Recreation Areas (DOLRA) are patrolled by Enforcement Services staff assigned to conduct animal control duties on a regular basis. As such, they will ensure that dogs found on site are licensed or registered by the City or a surrounding municipality and investigate any concerns related to aggressive dogs at the time of their patrol. As mentioned earlier in the report, as regulated under Animal Control By-law 2010-035, dogs are not permitted to be off leash in public places. Staff are not recommending changes to any regulations associated to dogs in the Parks Use By-law or Animal Control By-law.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

30. There are no environmental or climate change impact matters related to the proposed amendments in Appendix "A" to By-law 2019-059. The associated Staff Report DEV008-21 for Wilkins Park, will address changes required to protect the environmentally sensitive lands in this area.

ALTERNATIVES

31. The following alternatives are available for consideration by General Committee:

Alternative #1

General Committee could receive this report for information purposes only and take no further action.

Although this alternative is available, it is not recommended. Choosing to take no further action would not address the recent concerns noted by staff in this Report.

Alternative #2

General Committee could alter the proposed recommendations by directing staff to amend the draft by-law to:

- allow such items as the use of barbeques;
- allow such items as tents and sunshades;

or further amend the draft by-law as deemed appropriate.

Although this alternative is available, it is not recommended. Based on staff's findings and the public survey, the recommendations included in the draft by-law generally meet the needs of the community and further address concerns which have been brought forward.

FINANCIAL

32. There are no financial implications held within this Report.
33. The replacement of signs within the parks as noted in the recommendation will be undertaken as a matter of normal business by staff within Parks Operations as operational time permits. General sign replacement is captured as a general operational cost.

LINKAGE TO 2018-2022 STRATEGIC PLAN

34. The recommendation(s) included in this Staff Report support the following goals identified in the 2018-2022 Strategic Plan:

- ☒ Fostering a Safe and Healthy City

The provisions contained with the proposed updates to the Parks Use By-law are intended to enhance the public's enjoyment of our parks and ensuring that they are a safe environment.

APPENDIX "A"

Draft Amendments to Parks Use By-law 2019-059

BY-LAW NUMBER 2021-

A By-law of The Corporation of the City of Barrie to amend regulations to Parks Use By-law 2019-059, a by-law to regulate and govern the use of and activities permitted within City parks, environmentally protected land, and open space.

WHEREAS Section 8 of the *Municipal Act, 2001*, provides that powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority under the Act;

AND WHEREAS Section 10 (1) of the *Municipal Act, 2001* provides a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS by resolution XXXX, the Council of The Corporation of the City of Barrie deems it expedient to enact a by-law to regulate and govern the use of barbeques and other cooking appliances and the use of tents and large sunshade structures within City parks.

NOW THEREFORE, the Council of The Corporation of the City of Barrie enacts as follows:

1. THAT Section 1.0.0.0.0 (Definitions) of By-law 2019-059, be amended by adding the following and renumber the remaining definitions accordingly:
 - 1.1.3.0.0 Barbeques or Cooking Appliances: means an appliance or device intended for the cooking of food and fueled by any solid, liquid or gas fuel including but not limited to charcoal, briquette, propane, or kerosene.
 - 1.1.38.0.0 Tent or Sun Shade Structure: means a shelter or structure supported by two or more poles covered by a roof and two or more walls or sides but shall not include an umbrella or similar device or shelter supported by no more than one pole and having no more than one wall or side.
2. THAT By-law 2019-059 be amended by adding the following Sections:
 - 10.32.0.0.0 No person shall operate, permit the operation or cause to be operated or used a barbeque or other cooking appliance within a Park unless authorized to do so, whether lighted or not.
 - 10.33.0.0.0 Notwithstanding Section 10.32.0.0.0, the use of designated community use barbeques erected or installed by the City shall be permitted.
 - 10.33.1.0.0 No person shall dispose of or deposit community use barbeque coals in any waste container or any other location other than those designated for their safe disposal.



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- 10.33.2.0.0 No person shall fail to comply with posted guidelines set out for the use of the community use barbeque areas.
- 10.33.0.0.0 No person shall use a tent or sunshade within a park unless such tent or sunshade is solely supported by no more than one pole and having no more than one wall or side or unless authorized to do so.

READ a first and second time this XX day of XXXX, 2021.

READ a third time and finally passed this XX day of XXXX, 2021.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J. LEHMAN

CLERK – WENDY A. COOKE

APPENDIX "B"

Sample Permanent Community Use Barbeques and Coal Disposal Receptacle



APPENDIX "C"

Proposed Locations of Permanent Community Use Barbeques

Phase 1 – Centennial Park



APPENDIX "C"

Proposed Locations of Permanent Community Use Barbeques

Phase 2 – Tyndale Park



APPENDIX "D"

Example of Prohibited Tents and Large Sunshade Style Structures



APPENDIX "D"

Examples of Proposed Permitted Tent and Similar Sunshade Structures

