

# Sports Activities and Equipment within Municipal Rights-of-Way

September 16, 2024

Council Meeting

# Council Request and Staff Recommendation

## Council's Request in November 2022

“That staff report to Council on opportunities to allow sports activities (i.e. road hockey, basketball or similar activities) to take place on local residential streets in Oakville, and that the report identifies any by-law amendments or other changes that would be required to allow for these activities to happen.”

## Staff's Recommendation:

1. That the playing of sport activities on town roads continue to be prohibited per Uniform Traffic By-law 1984-1 and Municipal Right of Way By-law 2009-072.
2. That staff be directed to prepare a Sports Activities and Equipment within Municipal Rights-of-Way Procedure outlining the conditions under which enforcement of the prohibition of sports activities and equipment on municipal roads will occur.

Should Council wish to lift the general prohibition, two options are provided for Council consideration.

A Legal Confidential Report has been prepared to accompany this public report.

# Oakville By-laws Currently Prohibit Sports and Equipment within the Municipal Rights-of-Way (MRW)

## Uniform Traffic By-law,

- Sec 2c: “No person shall play or take part in any game or sport upon a highway.”

## Municipal Right-of-Way By-law,

- Sec 1a: “No person shall...Place equipment or materials of any kind upon or within a municipal right of way”
- Sec 1c: “No person shall...Undertake any activity that negatively impacts the use and function of a municipal right of way”
- Sec 1f: “No person shall...Encumber or damage a municipal right of way by any means”
- Sec 1t: “No person shall...Congregate, sit or stand so as to obstruct the free passage of either pedestrian or vehicular traffic on any walkway or roadway regulated by this by-law”

## 2017 Report: Sports Activities on Roads

### Report dated August 18, 2017 was presented to Council on September 18, 2017

Staff's recommendation was that the general prohibition against sports activities on roads/sidewalks should be retained

Three (3) options were provided, should Council wish to lift the general prohibition

1. Lift the general prohibitions and leave it to common sense and judgement of those who wish to play sports in the MRW to do so wisely.
2. Lift the general prohibitions in a limited fashion providing direction to staff as to what limits Town Council wishes to see imposed, i.e. sports type, street type, time of day, etc.
3. Lift the general prohibition per Option 2, and include a provision for Street Sports Activity Code of Conduct to guide those playing the type of sports permitted.

Report was received. No changes to bylaws or enforcement resulted from the report.

# Maintaining the Prohibition on Sports Activities and Equipment within the MRW

## 2017 Report

### Reasons previously considered are still valid today

- Conflict between motorists/pedestrians and sports participants creating a hazard
- Sports equipment on roads are obstructions and encroachments, which interfere with the primary function of the roads and sidewalks
- Sports activities can lead to noise, nuisances, disputes, property damage, resulting in liability to road authorities.
- Obstruction to municipal services, such as waste collection and snow removal

The risks identified in the 2017 report remain and are outlined in a parallel Confidential Report prepared by the Legal Department.

## Road Permits

### When are sports activities permitted in the MRW today?

- Road permits can be obtained for organized special events/sports activities within closed/barricaded areas at limited times
- The permit process requires prior public consultation, appropriate notices, vehicle access arrangements, detour routes for motorists/pedestrians, and appropriate executed releases in favour of the town to avoid liability and mitigate risk

# 2023 Jurisdictional Scan on Sports Activities within MRW

## Halton Region Municipalities & Mississauga

- Traffic By-laws prohibit Games or Sports in MRW, except for Halton Hills
- MRW By-laws prohibit Sports Equipment in MRW

## Other Municipalities

- Nearby municipalities: Hamilton, Toronto, and Kingston
- Further away municipalities: Ottawa, Beloeil (Quebec), Gatineau (Quebec)
- Permit some level of sports activities, with restrictions on types of sports, type of roads, time of day, etc.,
- Generally, prohibit obstruction to sightline, traffic, and municipal services
- Not many other municipalities nearby permit sports activities/equipment in MRW

Appendix A of the report, Outdoor Sports Activities By-laws Comparison Table, provides the details of the jurisdictional scan.

# Oakville's Enforcement Approach

## Current Approach

- Resident complaints about sports activities in the MRW come from both sides
- Enforcement is on reactive basis to complaints received
- Owners are directed to remove the sports equipment due to safety and/or obstruction concerns
- Tickets are not issued for the act of play, and only HRPS can interact with minors

## To enhance enforcement effectiveness, a new procedure is recommended

- Enforcement remains a complaint/reactive basis when there is:
  - Road safety concern;
  - A service impact, such as waste collection or snow removal or utility/municipal work;
  - Property damage, such as utility/municipal property/infrastructure or private properties;
  - Injury to individuals;
  - A hazardous condition in the MRW while equipment is in use or on private property when stored away;
  - Sports equipment not in use and is placed in the MRW.

# Options

Should Council wish to lift the prohibition, staff offer the following two options:

1

Lift the general prohibition in a limited fashion to allow sports activities with some general guidance.

**Traffic by-law update:** Remove Sec 2c: No person shall play or take part in any game or sport upon a highway

- Replace with: Permitted for all sports if not in contravention of MRW By-law Sec 1(a), (c), (f), and (t)

## Enforcement Changes:

- Enforcement of the MRW by-law in accordance with the Sports Activities and Equipment within Municipal Rights-of-Way Procedure
- Equipment removal costs are to be recovered through the Town's rates and fees, if owner is identified and the equipment is claimed
- Any increase in support demands will be monitored. If additional resourcing is required, it will be requested following the budgeting process



# Options

2

Lift the general prohibition in a limited fashion to allow sports activities on only specific types of roads and at certain times of day.

## Traffic by-law update:

Remove Sec 2c: No person shall play or take part in any game or sport upon a highway

- Replace with: Permitted for all sports; on local roads only; 9 a.m. to 7 p.m.; weekdays and weekends

## Enforcement Changes:

- Public education of the restrictions to encourage compliance to the by-laws and procedure
- Equipment removal costs are to be recovered through the Town's rates and fees, if owner is identified and the equipment is claimed
- Road type restrictions may create the need for new signage – to be further reviewed
- Any increase in program support demands will be monitored. If additional resourcing is required, it will be requested following the budgeting process

**No changes to the MRW By-law are required for either option.**

# Summary

This report is prepared in response to Council's request in November 2022 to outline how to allow sports on municipal roads

Staff recommend the prohibition for sports activities and equipment within the MRW be maintained, and be enhanced with a Procedure that outlines how and when enforcement will occur