

Appendix A

Bill No.
2013

By-law No.

A By-law to approve a policy to prohibit inappropriate behaviour and violence at City of London recreation facilities, known as the Rzone Policy.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 4, Public assets of the municipality; in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well-being of persons; in paragraph 8, Protection of persons and property;

AND WHEREAS this by-law is intended to:

- (a) foster and promote an environment of **Respect** for others, and **Responsibility** for one's actions for all those attending at City recreation facilities; and
- (b) reduce vandalism, violence and other inappropriate behaviours in City recreation facilities;

AND WHEREAS the *Trespass to Property Act* provides that entry on premises may be prohibited by notice, and that it is an offence to enter on premises when entry is prohibited, and it is an offence to engage in an activity on premises when the activity is prohibited;

AND WHEREAS the City acknowledges the development of the original Rzone Policy by the Town of Oakville, upon which the City of London's Rzone Policy is based;

AND WHEREAS it is deemed expedient to pass this By-law;

NOW THEREFORE The Council of the Corporation of the City of London hereby enacts as follows:

1. The attached Policy (Schedule 1) to prohibit inappropriate behaviour and violence at City of London recreation facilities, known as the Rzone Policy, is approved.
2. The authority to execute documents related to the use of the Rzone marks and other intellectual property for the Rzone Program is delegated to any one of the Managing Director of Neighbourhood, Children and Fire Services, or the Managing Director of Parks and Recreation, on the condition that no additional funding is required, or if additional funding is required is provided for in the City's current budget, and that there is no increase in indebtedness or contingent liabilities of The Corporation of the City of London.
3. Section 1 of this By-law is subject to the City receiving approval from the Town of Oakville for the use of the RZone logo, slogan and Policy/Procedure.
4. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council _____, 2013

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First reading –
Second reading –
Third Reading -

Schedule 1

City of London Rzone Policy

City of London gratefully acknowledges permission of the Town of Oakville to adopt and adapt the Rzone concept mark and policy for use in City of London recreation facilities.

Purpose of Rzone Policy

The City of London (the “City”) wishes to promote:

- City recreation facilities that are free from violence, disrespect, and other inappropriate behaviours;
- the safety, security and dignity of attendees at City recreation facilities;
- an environment of **Respect** for others, and **Responsibility** for one’s actions for all those attending City recreation facilities;
- reduced vandalism, violence and other inappropriate behaviours at City recreation facilities, through enforcement of the *Trespass to Property Act*; and
- positive individual and public benefits of recreation for City residents and visitors.

Legislative Authority

The actions of the City that may be taken under this Policy arise from the City’s authority as owner or occupier of its property pursuant to the *Trespass to Property Act*, and the *Occupiers’ Liability Act*.

Scope of Policy

1. The Rzone Policy applies to all recreation facilities owned or occupied by the City, including recreation centres, seniors and community centres, parks, sports fields, sports parks, pools, golf courses and arenas.
2. The Rzone Policy applies to all attendees at City recreation facilities.
3. This Policy does not affect the application of any other City policies (including the *Workplace Harassment and Discrimination Prevention Policy*, *Code of Conduct for Employees*, and the *Workplace Violence Prevention Policy*) or any other City By-laws (including the Parks By-laws and the Noise By-law).
4. There shall be no obligation on the City to take any action under this Policy or under the *Trespass to Property Act*. Any action taken by the City under this Policy will be on a complaint basis having regard to available resources.
5. Nothing in this Policy shall affect any person’s obligations under a contract with the City, or under any applicable law.

Prohibited Inappropriate Behaviour

The Rzone Policy prohibits inappropriate behaviour at City facilities. For the purpose of this Policy, prohibited inappropriate behaviours include:

- A) Violence or harassment, including:
 - the exercise of physical force by a person against another person that causes or could cause physical injury to the other person;
 - an attempt to exercise physical force against another person that could cause physical injury to the other person;
 - a statement or behaviour that is reasonable for a person to interpret as a threat to exercise physical force against the person that could cause physical injury to the person;
 - the use of profane or abusive language and racial or ethnic slurs;
 - threats and/or attempts to intimidate;
 - throwing of articles or objects in a deliberate or aggressive manner that endangers or causes injury or damage to any person or property;
 - attempts to goad or incite violence;
 - bullying, mistreatment, or teasing which intimidates, humiliates or demeans another person;
- B) Vandalism, including vandalism to buildings, contents or personal property;
- C) Possession of weapons or firearms prohibited under the *Criminal Code*;
- D) Possession or consumption of illegal drugs, or of alcohol except as authorized by law;

- E) Any contravention of other Federal or Provincial laws, Regulations, City By-laws or policies that constitute inappropriate behaviour;
- F) Refusal to follow the rules established by the City for use of its facilities.

Pursuant to the *Trespass to Property Act*, entry on land may be prohibited if a person engages, or intends to engage, in prohibited inappropriate behaviour under this Policy.

RECREATION FACILITIES AND PROGRAMS

Education about the Policy

The City, with community sport organizations and other stakeholders, will conduct promotional and educational campaigns with the goals of:

- Raising awareness of the Policy for attendees, and appropriate City employees, contractors or agents
- Outlining how Londoners can support the Rzone Policy (e.g. through Londoners setting positive examples, encouraging organizations to have internal policies consistent with Rzone; how Londoners can report inappropriate behaviour; etc.)
- Outlining the potential consequences of non-compliance with Rzone

Promotional and educational campaigns will include:

- Posting Rzone Policy and related information on the City Web-site
- Posting Rzone signage at City recreation facilities
- Making information pamphlets available at City recreation facilities
- Including Rzone Policy awareness in City recreation employee training programs.

Responsibilities under the Policy

1. Attendees at City recreation facilities are **responsible** for behaving in a manner that **respects** the rights of others and enables the enjoyment of individual and public benefits of recreation.
2. **Organizations and User Groups** making use of City recreation facilities are responsible for:
 - educating their attendees about Rzone and appropriate behaviour
 - complying with requirements of City contracts and permits regarding RZone
 - applying Rzone to their programs, including being willing to address Rzone violations with their attendees.
3. **The City of London** will work collaboratively and in consultation with community sport and recreation organizations/groups to create Rzone environments at City recreation facilities.

Reporting Rzone Violations

NOTE: Any collection, use or disclosure of personal information by the City of London shall be in accordance with the Municipal Freedom of Information and Protection of Privacy Act.

- 1) City of London employees should report incidents of prohibited inappropriate behaviour to Corporate Security and/or their immediate supervisor (who may subsequently report the incident to Corporate Security).
- 2) Attendees at City recreation facilities who observe prohibited inappropriate behavior under the Rzone Policy should report same to a City employee or to Corporate Security as soon as possible upon witnessing the behaviour. City employees who are advised of or receive a complaint of prohibited inappropriate behaviour shall report same to Corporate Security as soon as possible, and all other City employees should report same to their supervisor.
- 3) All acts of a criminal nature must be reported to the police.

ACTION TAKEN TO ADDRESS INCIDENTS OF PROHIBITED INAPPROPRIATE BEHAVIOUR

IMPORTANT NOTES:

- Under no circumstances should City employees or attendees at City recreation facilities place themselves at risk in the event they observe or are advised of a perceived Rzone violation.
- The City's primary concern is the safety of City employees and attendees. If at any time attendees or employees feel personally threatened or that their personal safety or that of others may be at risk, they are to call the London Police at "911" immediately.

In an effort to successfully achieve the Rzone Policy goals and purpose, the City of London will make efforts to:

- educate attendees of City recreational facilities (that are not 'rented' under permit or licence) about Rzone expectations of behaviour and penalties for inappropriate behaviours
- establish and maintain cooperative relationships with outside organizations committed to supporting Rzone
- include Rzone compliance clauses in contracts and permits for use of City facilities
- consider appropriate penalties

When a designated City employee (including, for the purpose of this Policy only, persons providing security services to the City) observes prohibited inappropriate behaviour, or has reason to believe that prohibited inappropriate behaviour has occurred on a City recreational property or facility, he or she will, where possible and/or appropriate, first explain to the individual that his or her behaviour is unacceptable, and ask that the behaviour cease.

Designated City employees should contact Corporate Security if an individual refuses to cease the behaviour when asked.

Corporate Security or a manager of Parks and Recreation are authorized to ask the individual(s) to leave the facility or property for all or part of that day. In addition, Corporate Security is authorized to issue a verbal or written ban for a specified period of time.

Whenever possible, a written Trespass Notice will be issued at the time of the ban, or following notice of a verbal ban. The Manager of Corporate Security will also ensure delivery of the written Trespass Notice.

VIOLATION OF THE POLICY – ACTIONS THAT MAY BE TAKEN

Where a finding has been made of a violation of the Rzone Policy, possible penalties may include the following: letter of warning, short term ban, long term ban or a written trespass notice. In addition, charges may be laid under the *Trespass to Property Act*.

Where applicable, the City may seek compensation for the cost of damages, including materials, labour and an administrative charge.

Definitions

For the purposes of the Rzone Policy:

- **"attendees"** means those attending an event, and includes patrons, guests, clients, visitors, spectators, coaches, officials, players, members, parents, volunteers, invitees, participants and users;
- **"ban"** means the prohibition of an individual from entering or attending specific City facilities for a specific duration;
- **"harassment"** means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known, to be unwelcome;
- **"Trespass Notice"** is authorized under the *Trespass to Property Act*, and is a written notice prohibiting an individual from entering specific City facilities for a specific duration and is issued to an individual for the purpose of imposing a ban.
- **"vandalism"** means the malicious, willful, and deliberate destruction, damage or defacing of property.