



**BY-LAW 2025-27**

**CITY PARKS AND PUBLIC PROPERTIES BY-LAW**

**A By-law to regulate the use of City Parks and Public Properties within the City of Markham.**

**WHEREAS** section 8(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, (“the *Municipal Act*”) provides that the powers of a municipality under any Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues; and;

**WHEREAS** section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural Person for the purpose of exercising its authority under the *Municipal Act*, 2001; and;

**WHEREAS** subsection 11(2) 6. of the *Municipal Act* provides that a municipality may pass By-laws respecting the health, safety and well-being of persons; and;

**WHEREAS** subsection 11(3) 5. of the *Municipal Act* provides that a municipality may pass By-laws respecting culture, parks, recreation and heritage; and;

**WHEREAS** section 391(1) of the *Municipal Act* provides that a municipality may pass By-laws imposing fees or charges on any person for services or activities provided by the municipality or done on behalf of it; and;

**WHEREAS** subsection 398(1) of the *Municipal Act* states that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality; and;

**WHEREAS** subsection 398(2) of the *Municipal Act* states that a municipality may add fees and charges to the tax roll of the property to which the public utility is supplied and collect them in the same manner as municipal taxes; and;

**WHEREAS** section 429 (1) of the *Municipal Act* provides that a municipality may establish a system of fines for a By-law passed under the Act; and;

**WHEREAS** section 425 of the *Municipal Act* provides that a municipality may pass By-laws providing that a person who contravenes any By-law of the municipality is guilty of an offence; and,

**WHEREAS** subsection 429(1) of the *Municipal Act* provides that a municipality may establish a system of fines for offences under a By-law of the municipality passed under the *Municipal Act*; and,

**WHEREAS** section 434.1 of the *Municipal Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a B

y-law of the municipality passed under the *Municipal Act*; and,

**WHEREAS** 432.2(1) of the *Municipal Act* provides that administrative penalty that is imposed by the City on a person constitutes a debt of that person to the City; and;

**WHEREAS** section 436 (1) of the *Municipal Act* provides that a municipality may pass By-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a By-law; and;

**WHEREAS** section 444 of the *Municipal Act* provides that a municipality may make an order to require a person to discontinue contravening a By-law and to do the work required to correct the contravention; and;

**WHEREAS** section 446 of the *Municipal Act* provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do under a By-law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes; and;

**WHEREAS** The Council of the Corporation of the City of Markham desires to repeal and replace By-laws 167-92 (Parks) and 279-96 (City Owned Property) as amended, with an updated Use of City Parks and Public Facilities By-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS: TABLE OF CONTENTS**

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## SECTION 1 – SHORT TITLE

1. This By-law shall be known as the “City Park and Public Facility By-law”.

## SECTION II – DEFINITIONS

2. In this By-law:

**Administrative Monetary Penalty** means an administrative penalty established by the City By-law No. 2024-137, as amended;

**Alter** means to change in any manner and includes to restore, renovate, repair or disturb and “alteration” has a corresponding meaning;

**AMPS By-law** means the City By-law No. 2024-137, a By-law to establish an Administrative Monetary Penalty System (AMPS) for Contraventions of Designated By-laws in the City of Markham, as amended;

**Animal** means any member of the animal kingdom, other than human, as defined in the Ontario Fish and Wildlife Conservation Act, 1997, 1997, S.O. 1997, c.41, as amended;

**Authorized Agent** means a person designated or assigned by the corporation, including a legal representative, empowered to act on the corporation’s behalf.

**Authorized Sign** means any sign, notice or other device placed or erected in or upon a park under the authority of this By-law;

**Barbeque** means a cooking device using charcoal, wood, compressed gas or other fuel source intended for the cooking and preparation of cooked food.

**Bicycle** includes a tricycle, a unicycle and a power assisted bicycle but does not include a motor assisted bicycle;

**Boulevard** means the portion of the highway between a street line and the edge of the curb, or where there is no curb, that portion of the highway which is travelled or designed to be travelled by vehicles;

**Bow** means a long bow, compound bow, re-curve bow, cross bow, or any class thereof, from which any arrow or any other projectile can be discharged and that is capable of causing bodily injury or death to any person;

**Camps** means a place with accommodations of huts, tents, or other structures;

**Cannabis** means the dried leaves and flowering tops of the Cannabis sativa, Cannabis indica, or Cannabis ruderalis plants. Cannabis contains active chemicals called cannabinoids that cause drug-like effects all through the body, including the central nervous system and the immune system;

**City** means the Corporation of the City of Markham;

**Civic Center** means the building located at 101 Town Centre Boulevard which is the current seat of the municipal government for the City of Markham;

**Commissioner** means the Commissioner of Community Services or his or her designate;

**Construction Material** shall include gravel, soil, sod, bricks, paving stones, landscaping rocks, wooden planks or boards;

**Construction** means anything done with the erection, installation, placement, extension or material alteration, demolition, or repairs of a building or structure, utility or surface, grading of property and includes the installation of building units fabricated or moved from elsewhere and installation of an in-ground/on-ground swimming pool including the installation of a hot tub, above ground-pool or landscaping;

**Contractor** means any person alone or with others undertaking construction on a property;

**Control** includes care and custody;

**Cooking Vessel** means any propane powered device used for cooking or heating of food including Barbecues, stoves, fryers or burners;

**Council** means the Council for The Corporation of the City;

**Designated Area** an area that is designated for a specific purpose, use or restriction, and may be identified by signage;

**Director** means the Director of Operations or the Director of Recreation for the City or his or her designate;

**Donation Bin** means any receptacle used for the purpose of collecting donated items, including but not limited to clothing, appliances, and toys;

**Domestic Animal** means an animal kept by or living with human beings;

**Drone** means navigable aircraft, other than a balloon, rocket or kite, that is operated by a pilot who is not on board (defined as a “remotely piloted aircraft” in the Canadian Aviation Regulations (CARs). Part IX – Remotely Piloted Aircraft Systems in effect upon the passage of this By-law);

**Encroachment** means anything placed or secured within a park (either fixed to the ground or another structure) without permission and includes, but is not limited to the following:

- i. any type of vegetation or plant;
- ii. any type of man-made object or structure including a garden, retaining wall, compost bin, deck, fence, gate, shed, walkway or driveway;
- iii. any type of personal property or property controlled by the property owner including sports equipment, patio furniture or storage of material;

**Emergency Maintenance Vehicle** means any City of Markham, Police, Fire, EMS or Utility vehicle required for emergency response in a City park or facility;

**Electric Kick-Scooter** means a vehicle that meets the requirements set out in the *Highway Traffic Act* and Ontario Regulation 389/19, as amended, including that it has:

- i. two wheels placed along the same longitudinal axis, one place at the front of the kick-scooter and one at the rear,
- ii. a platform for standing between the two wheels,
- iii. a steering handlebar that acts directly on the steerable wheel,
- iv. an electric motor not exceeding 500 watts that provides a maximum speed of 24 kilometers per hour, and;
- v. a maximum weight of 45 kilograms (kg) and wheels with a diameter of not more than 430 millimeters (mm);

**Fence** includes a railing, wall, line of posts, wire, gate, boards, pickets, or other similar material, used to enclose or divide in whole or in part a yard or other land, or to establish a property boundary, and or to provide privacy;

**Firearm** means any weapon from which any shot, bullet or other missile can be discharged and that is capable of causing bodily injury or death to any Person and includes a sling shot, air gun, paint ball gun, and spring gun;

**Fireworks** means devices containing combustible chemicals that cause explosions or spectacular effects;

- i. Any fireworks that are not included on the most recent list of authorized fireworks as published from time to time by the Explosives Regulatory Division of Natural Resources Canada, or their successors, and includes, aerial shells, cakes, roman candles, waterfalls, lances and wheels, sparklers, cigarette loads or pings, exploding matches, sparkling matches, ammunition for miniature tie clip, cufflink or key chain pistols, auto alarms or jokers, cherry bombs, M-80 and silver salutes and flash crackers; throw down and step on torpedoes, and crackling balls; exploding golf balls, stink bombs and smoke bombs, tear gas pens and launchers, party peppers and table bombs, table rockets and battle sky rockets, fake firecrackers and other trick devices or practical jokes.

**Firecracker** - A pyrotechnic device that explodes when ignited and does not make any subsequent display or visible effect after the explosion but does not include paper caps containing not more than 0.25 of a grain of explosive on average per cap, devices for use with such caps, safety flare or marine rockets;

**Gathering** means a group of 25 or more persons in general proximity to each other who have assembled for a common purpose or reason;

**Green Bin** means the municipal bin used for the collection of compostable materials collected curbside as part of the municipal waste collection system;

**Handbill** shall include any printed or written matter, sample or device, and includes a circular, leaflet, pamphlet, paper, booklet, newspaper, magazine, or any other printed or otherwise reproduced original and copies of any matter of literature primarily advertising for sale or information of any merchandise, product, commodity, or thing;

**Hazardous Materials** means materials made of metal, wire, piano wire, fishing line or any type of nylon that can be or is chemically treated or contains glass fragments and shall include any substance, including petroleum or derivatives thereof, or combination of substances which because of their quantity, concentration, physical, chemical, infectious, flammable, combustible, radioactive, genetic or toxic characteristics, may cause or significantly contribute to a present or potential risk to health, safety, or welfare of human, animal or environment;

**Highway** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, including the area between the lateral property lines thereof and includes unopened and unassured road allowances, and 'highway' as defined in the *Municipal Act*, 2001;

**Household Waste** means litter, debris and waste generated at a place of residence or household which is to be disposed of as part of the municipal curbside collection system.

**Inflatable Amusement Device** means an air filled structures designed to allow users to bounce, slide or climb on them and are made from flexible fabric, kept inflated by one or more blowers and rely on air pressure to keep their shape;

**Landscape** means portion of a lot comprised of any combination of flowers, grass, shrubs, sod, trees or other horticultural elements that is not covered by architectural elements including but not limited to asphalt, buildings, brickwork, concrete, stonework, rocks, lawn furniture or structures;

**Liquor/Alcoholic Beverages** shall have the same meaning as defined in the *Liquor License Act*, R.S.O. 1990, c. L-19 as amended;

**Manager** means the Manager of By-law Enforcement & Licensing or his or her designate;

- i. **Motor Assisted Bicycle** means a bicycle:that is fitted with pedals that are operable at all times to propel the bicycle,
- ii. that weighs not more than fifty-five kilograms,
- iii. that has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel,
- iv. that has an attached motor driven by electricity or having a piston displacement of not more than fifty cubic centimeters, and
- v. that does not have sufficient power to enable the bicycle to attain a speed greater than 50 kilometers per hour on level ground within a distance of 2 kilometers from a standing start, and
- vi. that is capable at all times of being propelled without the use of muscular power to operate the pedals;

**Motorized Recreational Vehicle** means a wheeled or tracked conveyance meant to transport individuals as a non-primary mode of transportation and includes but is not

limited to motorized bikes, scooters, motorcycles, ATV, side by side, snowmobile or similar winter transportation;

**Motor Vehicle** includes an automobile, motorcycle, motor-assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include a power assisted bicycle as defined in the *Highway Traffic Act* or an electric kick-scooter;

**Multi-use Path (MUP) or Multi-use Trail (MUT)** means a path or trail that is intended to be shared by pedestrians and cyclists. An MUP/MUT may be signed and/or provided with pavement markings to assign travel direction and/or travel mode.

**Notice of Encroachment** shall mean an order issued under this By-law to the owner of a property requiring the owner who contravened the by-law or who caused or permitted the contravention or the owner of the land on which the contravention occurred to do work to correct the contravention;

**Obstruct (or Obstruction)** includes encumber, damage, foul, or alteration;

**Occupant** means a lessee, tenant, mortgagee in possession or any other person who appears to have care and control of any property;

**“Officer”** means:

- (a) A Municipal Law Enforcement Officer of the City or other person(s) appointed by or under the authority of a City By-law to enforce City By-laws;
- (b) or (b) A Municipal Police Officer (York Regional Police), Ontario Provincial Police or the Royal Canadian Mounted Police;

**Off Leash Dog Area** means an area of enclosed or defined land designated by Council and for which signs are posted indicating that dogs are permitted to run at large

**“Order”** includes Notice, Work Order, Order to Comply, Order to Discontinue, Notice of Encroachment;

**Organized Sport or Activity** a sport, game or activity pre-planned by a group or organization whether or not formally constituted and whether or not the players or members wear uniforms;

**Open Air Burning** includes bonfires, fire pits, sky lanterns and the use of various types of outdoor fireplaces (also known as a “Chimineá”). Open air burning is not permitted. Exceptions to open air burning require a permit through Markham Fire and Emergency Services;

**Owner** shall mean the registered owner, owner in trust, a mortgagee in possession, a person who is managing or receiving the rent of the property a lessee or a person who is control of the property and includes a person, firm, partnership, corporation, company, association, or organization of any kind and its principal(s);

**Park** means the land, including any body of water, buildings or structures located therein, that is owned by or made available to the City by lease, agreement, or otherwise, and that is or may be established, dedicated, set apart or made available for use as public open space. For the purposes of this By-law, Park includes any and all

park buildings, park trail and pathway systems, squares, plazas, gardens, woodlots, wetlands, playgrounds, playing fields, ball diamonds, sports fields, splash pads, tennis courts, basketball courts, fitness stations, storm water management ponds, naturalized areas, Parkettes, cemeteries, skate board parks, golf courses, walkways, shade structures, gazebos, public parking areas and other amenities located in or on the land;

**Permit** means a City-issued permit, parks access agreement, lease, license, letter of authorization, parking permit or any other written authorization issued by the City to engage in an activity in a park or public facility;

**Person** means an individual, association, organization, partnership, corporation, and includes an Owner;

**Public Property** includes the grounds of all buildings and surrounding areas owned, leased, operated or controlled by the City and includes the grounds of library, outdoor pool, arena, hall, skating rink, fire station, work yard, Civic Centre, publicly owned property and administrative buildings;

**Power-Assisted Bicycle** means a bicycle as defined in the *Highway Traffic Act*, including that it,

- (a) is a power-assisted bicycle as defined in subsection 2 (1) of the Motor Vehicle Safety Regulations made under the *Motor Vehicle Safety Act (Canada)*,
- (b) bears a label affixed by the manufacturer in compliance with the definition referred to in clause (a),
- (c) is fitted at all times with pedals that are operable to propel the bicycle, and
- (d) is capable at all times of being propelled on level ground solely by using muscular power to operate the pedals;

**Prohibited Areas** means:

- i. Natural or environmentally sensitive areas (including designated ravines, wooded or savannah areas, sites of natural or scientific interest, areas which have undergone significant habitat restoration, wetlands or their buffer zones);
- ii. Horticultural display areas or ornamental gardens;
- iii. Natural ice rinks or toboggan hills;

**Roller Blades** means inline skates, roller skates or roller skis or variations of any;

**Scooter** means a wheeled device intended to propel the user by means of self-propulsion or power assist and includes hover boards;

**Second-Hand Smoke** means:

- i. Exhaled smoke.
- ii. Smoke from an idling cigarette or cigar, or pipe, or any other tobacco using or constructed device, but does not include smoke into a place or area in which smoking is prohibited from a place or area in which smoking is not prohibited;



**Sell** means to sell for retail, offer for retail sale, display, and place or expose any products for retail sale;

**Sign** means any sign, notice, or other device placed or erected in or upon a park or public facility by the City;

**Skateboard** means a narrow board with wheels affixed to the bottom which someone can ride on either while using self-propulsion or with power assist;

**Smoke (or Smoking)** includes the inhaling, exhaling, holding or carrying of any lighted tobacco or cannabis or any heated or otherwise activated smoking equipment used to smoke or consume tobacco or cannabis;

**Special Event** includes a walkathon, fundraiser or gathering over 25 persons or any event that requires staff support, specific permissions or the provision of materials or equipment such as, but not limited to, the use of sound amplification, acceptance of donations, installation of tents, vehicle access, electrical access or requests to borrow equipment, beyond that typically provided at the subject location;

**Sports Field** includes any area, whether or not delineated by lines, that is designated and being used as a sports field or playing surface, under a program run by the City or by any other person or group under a permit, and includes, without limitation, a soccer field, football field, baseball diamond, basketball court, tennis court, volleyball court, cricket pitch, lawn bowling area, bocce court, outdoor artificial ice rink pad at all times of the year, and track and adjacent seating areas and stands;

**Tobacco Product** means tobacco in any processed or unprocessed form that may be smoked, inhaled or chewed, including snuff, but does not apply to products intended for use in nicotine replacement therapy;

**Tree** means any species of woody perennial plant including its root system, which has reached or can reach a height of at least 4.5 meters at maturity, provided that where multiple stems grow from the same root system, the number of trees shall be the number of stems that can be counted at a point of measurement 1.37 meters from the ground;

**Tree Injury** means lasting damage to a tree which has or is likely to have the effect of inhibiting or terminating its growth;

**Tree Destruction** means the removal, ruin or harm of a tree by cutting, burning, girding of the tree or roots, interfering with roots or uprooting, interfering with water supply, chemical application, compaction or re-grading within the drip line of a tree, or by other means including irreversible injury to a tree, which may result from accident or design, but does not include the pruning or removal of branches for maintenance purposes provided any such pruning is limited to the appropriate removal of no more than one-third of the live branches or limbs of a tree, and "destroy", "destroyed", "destroying" and similar words have the same meaning;

**Unmanned Air Vehicle** means a power-driven aircraft, other than a model aircraft, that is designed to fly without a human operator on board;

**Vape or Vaporizing** means to inhale and exhale the vapor produced by an electronic cigarette or similar device containing nicotine or cannabis or holding or otherwise having

control of an electronic smoking device that is producing vapor, emissions or aerosol from the cartridge or cannabis;

**Waste Material** shall mean any garbage, refuse, debris, litter and yard waste and without limiting the generality of the foregoing, shall include garbage, junk, tin cans, old or decayed lumber, discarded or inoperable machinery including automobiles and parts, furniture, household fixtures, household waste, pet waste and construction materials;

**Watercraft** means any device for conveyance in or on water, including but is not limited to boats, row boats, sailboards, canoes, kayaks, and dinghies;

**Woodland** means land at least 1 hectare in area and with at least:

- i. 1000 trees, of any size, per hectare;
- ii. 750 trees measuring over five (5) centimeters DBH per hectare;
- iii. 500 trees measuring over twelve (12) centimeters DBH per hectare; or
- iv. 250 trees measuring over twenty (20) centimeters DBH per hectare; but does not include a nursery, a cultivated fruit or nut orchard, or a plantation established for the purpose of producing Christmas trees or nursery stock;

**Woodlot** means land at least 0.2 hectares up to 1 hectare in area and with at least:

- i. 200 trees, of any size, per 0.2 to 0.99 hectares;
- ii. 150 trees, measuring over five (5) centimeters DBH, per 0.2 to 0.99 hectares;
- iii. 100 trees, measuring over twelve (12) centimeters DBH, per 0.2 to 0.99 hectares; or
- iv. 50 trees, measuring over twenty (20) centimeters DBH, per 0.2 to 0.99 hectares;
- v. This does not include a nursery, a cultivated fruit or nut orchard, or a plantation established for the purpose of producing Christmas trees or nursery stock;

### **SECTION III: ADMINISTRATION**

#### **3. This By-law applies to:**

- 1. All parks, recreation areas, public properties and any premises located therein which are under the control or joint management of the City together with roads, highways, drives, streets, pathways, trails, boulevards and approaches connecting the same;
- 2. The Manager of Bylaws shall be responsible for the administration of this By-law. Unless the context otherwise requires, words importing the singular shall include the plural, and words importing the masculine gender shall include the feminine;
- 3. The headings inserted in this By-law are for convenience only;

### **SECTION IV: EXEMPTIONS**

#### **4. This By-law shall not apply to:**

- 1. Emergency maintenance vehicles including but not limited to City of Markham Operations, Waterworks, Environmental Services, Bylaws, Animal Services, Corporate Security, Police, Fire, EMS, Enbridge, Alectra are excepted in this By-law;

2. Employees or agents of EMS, Fire, or Police Services acting in the scope of their duties to provide emergency services or enforcement;
3. City staff or agents working on the City's behalf acting in the scope of their duties to provide services or enforcement;
4. The Director may exempt people from all or part of the requirements and prohibitions of this By-law from time to time if such exemption is required for the beneficial administration of a park or public facility;

## **SECTION V: PERMITS**

### **5. General Conditions**

1. A person may apply for a permit under this By-law if the person:
  - a. Completes an application for the permit on the forms as provided by the Director;
  - b. Submits the application along with the applicable fees and charges; and
  - c. Provides any documentation, deposit, security or insurance certificates, as required by the Director as prerequisites and requirements for the issuance of the permit;
2. The issuance of a permit under this By-law does not relieve any person from the necessity of acquiring any other license or permit or complying with any other applicable laws, By-laws, regulations and requirements of other governmental authority;
3. A permit is the property of the City and is not transferable unless otherwise authorized by the Director;
4. A permit holder shall comply or ensure compliance with all provisions and conditions of the permit and this By-law;
5. A permit holder shall provide and maintain a contact phone number that the Director or an Officer may reach the permit holder at all times;
6. Failure to comply with any provision or condition of a permit or this By-law may result in the revocation of the permit by the Director, in addition to any other enforcement proceedings against the permit holder as permitted By-law;
7. The permit holder of a revoked permit shall immediately cease or ensure the immediate cessation of all the activities for which a permit has been issued upon revocation of the permit under PART V.

### **6. Special Events:**

While in a park or on the grounds of a public property or facility no person shall:

1. Unless authorized by permit, hold an organized gathering, special event, festival, or picnic for more than ten (10) persons with the exception of Milne Dam Park which is designated as a site for larger permitted gatherings;
2. Interfere with an organized gathering, special event, festival, or picnic authorized by permit;
3. Move any furniture or equipment from an area to another area to accommodate their organized gathering, special event, festival, or picnic; or
4. Remove any furniture, equipment, signs or other property of the City without a permit;

### **7. Use Of Athletic Fields and Courts:**

While in a park or on the grounds of a public property or facility no person shall:

1. Arrange or engage in an organized sport or activity on City owned athletic fields or parklands unless authorized by permit; or
2. Interfere with an organized sport or activity authorized by permit;
3. Paint or install lines on any field for the purpose of using an athletic field for another use;
4. Arrange, engage or conduct an organized sport, activity or event in a public park, on the grounds of public property or a facility or on a public pathway or trail including but not limited to cycling, rollerblading, running, golfing which interferes with or limits the use by the general public without having a permit for this explicit use;

## **SECTION VI: HOURS**

8. Parks and grounds of public properties close at 11:00PM where lit, and at dusk when unlit, and shall remain closed until dawn the following day, unless otherwise posted or specified in this By-law;
  1. Lighted pathways and security lighting at structures does not remove or alter the conditions set out in PART VI SECTION 8.1, and are meant to assist residents in safely exiting the park or public facility;
  2. All lighted sports amenities shall close no later than 11:00pm and remain closed until 7:00am the following day unless otherwise posted or specified in this By-law;
9. Notwithstanding PART VI SECTION 8, the Director of Operations may close a park or portion of a park for a period of time where it is determined necessary:
  - i. To maintain the safety and security of the public;
  - ii. To conduct an investigation;
  - iii. To allow the director or operations to adequately administer this By-law;
10. The Director of operations shall not close a park or portion of a park as provided in PART VI SECTION 10 for more than six (6) consecutive months without council approval;

## **SECTION VII: GENERAL PROHIBITION**

### **A. PARK AND PUBLIC PROPERTY ENTRY**

11. No person shall:
  1. Enter or remain in a park or public property after it has been closed unless by permit;
  2. Enter or remain in an area of a park or public property where admission is prohibited or restricted without a permit; or
  3. Enter or access through a park or public property for the purpose of conducting any work on private property or Park property without a Permit; or
  4. Enter or access through a Woodland between dusk and dawn; or
  5. Loiter anywhere within a park or public property from 11:01PM to dawn;

- i. for the purpose of this subsection only, the word “loiter” shall mean the act of staying at or near a particular place for more than twenty (20) minutes; and
  - ii. every person who, without lawful excuse, the proof of which lies upon them, loiters within the meaning of this subsection, shall be guilty of an offence;
- 6. In addition to general prohibition provisions in PART VII SECTION 11 of this By-law, while on the grounds of the Civic Centre no person shall:
  - i. climb, break, deface or alter any structure, fountain, peace flame, equipment or growing plants of any kind or mark or write upon any building, structure or equipment;
  - ii. enter or be in the lake or fountains;
  - iii. hold any function or assembly on the grounds without a Permit;
  - iv. throw any objects or use the water surface for any activity;
  - v. tamper in any way with the fountains or peace flame;
  - vi. erect or place a platform, dais or similar structure or device;
  - vii. take part in a demonstration or act in such a manner as to yell, fight or otherwise disturb in any way or intimidate passers-by or cause damage to any City property;
  - viii. light or carry fires or torches, signs or placards;
  - ix. engage in playing any games that involves the projecting of any object through the air unless permitted by the City;

## **B. GENERAL CONDUCT**

### **12. While in a park or public property no person shall:**

- 1. Being the owner or tenant of land abutting a park or valley land, cause or permit the planting of any hedge, tree, shrub, garden, or construction of any fence, storage shed, swimming pool, retaining wall or structure of any kind, the keeping of any compost heap or the placing of any string, wire, chain, concrete of any kind, rope or any other material on park property;
- 2. Being the owner or tenant of land abutting a park or valley land climb, commemorate, prune, affix, hand or otherwise damage or destroy any tree, shrub, bush, flowers, plant, roots or rock, cut, mow, burn or remove any grass tree or plantings in a park or public facility;
- 3. Where a person is in contravention of this section, the City shall send a notice to discontinue/work order by regular mail to the owner at his/her address according to the last revised assessment;
- 4. Climb, remove, break, deface, or otherwise damage any statute, monument, artwork, public art installation, park building or structure, display, cage, pen, gate, seat, bench, picnic table, fence, posted sign, lock, barrier or any other equipment of the City located therein;
- 5. Discharge or permit the discharge of any water from private properties, including pool water and water from a roof drainage system, onto, into or over any park, park pathway, or public facility with the exception of natural over land flow from adjacent yards;
  - i. Dump, place, deposit or permit to be dumped, placed or deposited any waste material or household waste;

- ii. Throw, dispose of, or abandon any garbage, construction materials or debris from a household;
  - iii. Throw, bury, dispose or place any waste, yard or household waste, fill, ashes or any other material in any part of a park;
  - iv. Abandon, dispose or bury any animal (dead or alive) in any part of the park;
  - v. Discharge water or wastewater from sewage, any roof drainage system, hot tub, swimming pool, or pond into or onto a park;
  - vi. Pump, collect, or remove water from a park pond or watercourse unless for the purpose of extinguishing a fire;
6. Post, nail, attach or otherwise fasten any poster, sign, banner notice, placard, circular, bill, handbill, advertisement or paper in or upon any part of a park or public facility, except with the written authorization of the City;
  7. Place or deposit any handbill in or upon any sign, structure, vehicle or;
  8. Stand, sit, climb or jump on containers for plants, shrubs and trees, signs, poles or other receptacles;
  9. Engage in riotous, boisterous, violent, threatening, or illegal activity; or use abusive, threatening or profane language;
  10. Engage in any activity that creates a nuisance or that interferes with the use and enjoyment of the park or public facility;
  11. Mark, write or vandalize any building, equipment or structure;
  12. Place donation or collection bins, except with the written authorization of the City;
  13. Utilize a designated area without a permit where it is posted to prohibit or restrict such use;
  14. Release any balloons unless authorized by permit;
  15. Fail to comply with the restrictions of any sign;
  16. Take part in any demonstration;
  17. Solicit or engage in any trade, occupation, business, lessons or calling, unless authorized by permit;
  18. Charge admission to any event, unless authorized by permit;
  19. Present or take part in any drama, musical, artistic or other performance, unless authorized by permit;
  20. Engage in playing any organized/league games such as baseball, cricket, croquet, football, rugby, soccer, nor any game that involves the projecting of any object through the air, nor any foot races or horse race; unless activity authorized by a sign or permit in a designated area;
  21. Operate any remote-controlled or powered devices, including but not limited to, model versions of aircrafts, rockets, watercraft, and vehicles, other than in a designated area without a permit;
  22. Operate a drone for any purpose;
  23. Erect, place or install any tent or similar temporary or permanent structure;
  24. Erect, place or install any inflatable amusement, toy, climber, slide or objects
  25. Urinate or defecate except in a designated washroom;
  26. No person shall enter or access through a park at any time for the purpose of conducting any work on private property unless authorized by permit;
  27. No person shall use stakes, net anchors, or any object that punctures the ground in a park;

28. No person shall smoke, vape, or burn tobacco or cannabis products of any kind regardless of their intention;
29. Notwithstanding any provision of this By-law, where access to a park or public facility may constitute an immediate hazard to a person, animal or property an officer, fire chief, director or manager may temporarily close a park or public facility or an area thereof, by erecting or displaying signs at the entrances or near the temporarily closed area;
30. No person shall, unless authorized by permit remain, enter or be in any area in a park or public facility where a sign prohibiting admittance or trespassing is displayed or where admission is otherwise prohibited or restricted;
31. Bury/inter scatter, or otherwise dispose of any biological or cremated remains of any kind unless within the grounds of a recognized cemetery;
32. Cause to take place or participate in a funeral service except in a recognized cemetery;

#### **C. DAMAGE TO PROPERTY**

**13.** While in a park or public property no person shall:

1. Plant, prune, remove or damage any tree, shrub, plant, flower, flowerbed, bush, sod, grass, or any other vegetation unless otherwise authorized by the Director; or
2. Plant, prune, climb, remove, damage, or deface any tree, tree roots or parts of a tree; or
3. remove, damage, disturb or deface any park amenity; or
4. climb any park amenity, unless the amenity is designated for climbing; or
5. remove any soil, sand, gravel, stone, rocks, wood, or any other material located in the park;
6. dump, place, deposit or permit to be dumped, placed or deposited any waste material or non-native soil or fill;

#### **D. SMOKING, VAPING, CANNABIS**

**14.** While in a park or public property no person shall:

1. Smoke, vape, hold lighted tobacco, cannabis or use any tobacco or vaping product on or in any park or public facility regardless of whether or not a "No Smoking" sign is posted in compliance with *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26, Sched. 3;
2. Notwithstanding subsection 1 above, such prohibition shall not apply to a highway and to those areas designated by the Director or designate as Designated Smoking Areas;

#### **E. ENCROACHMENTS**

**15.** Unless authorized by permit, no person, being the owner or tenant of land adjacent to a park or public facility, shall encroach upon or take possession of a park or public property by any means whatsoever, cause or permit;

1. Planting of any hedge, tree, flower, shrub, garden or vegetable garden in a park or public facility or part thereof;

2. Construction of any fence, gate, storage shed, retaining wall, stairs, swimming pool play apparatus or other structure of any kind in a park or public facility or part thereof;
3. Keeping or dumping of any composting receptacle or pile in a park or public facility or part thereof;
4. Placing of any string, wire, chain, rope, post or similar material in or on park or public facility or part thereof; or
5. Placing or installing any landscape or construction material in a park or public facility or part thereof;
6. Place, throw, cast or otherwise deposit snow;
7. No person, being the owner or tenant of land adjacent to a park or public facility, shall cause or permit to be caused vehicular access for any purpose, through a park or public facility, unless authorized by a permit.

#### **F. NOTICE OF ENCROACHMENTS**

16. If an Officer determines that an encroachment of a park or public facility exists, the Officer may issue a Notice of Encroachment requiring the owner, occupant and/or contractor of the property from which the encroachment comes from, relates to, or was created for, to discontinue causing the encroachment and to remove the encroachment and repair, as necessary, at the expense of the owner, occupant and/or contractor so that the park or public facility is brought back to its former condition prior to the encroachment within the time period specified therein;
17. Where the Notice of Encroachment described in PART VII section 16 is not complied with within the time period specified therein, the City may remove the encroachment and repair, as necessary, the park or public facility and all the costs incurred by the City in undertaking this work shall be expenses owed to the City by the owner, occupant and/or contractor of property from which the encroachment comes from, relates to, or was created for. Any costs incurred by the City pursuant to PART VII section 16 may be added to the tax roll and collected in the same manner as property taxes;

#### **G. NOTICE OF ENCROACHMENT– DELIVERY- WHEN DEEMED SERVED**

18. The Notice of Encroachment from the City may be:
  1. Served personally upon the owner, contractor, or permit holder;
  2. Posted on site; or
  3. Mailed by regular mail to the last known address of the owner, contractor, or permit holder according to the current assessment rolls;
  4. If served by regular mail, a notice of encroachment under part vii section 18 shall be deemed to have been served on the fifth (5) day after mailing;

#### **H. REMOVAL OF HAZARDOUS CONDITION**

19. Where an Officer determines that an obstruction or encroachment of a park or public facility is, or may create, a hazardous condition to the safety of any person using the park or public facility, the Officer may take any action necessary to have the obstruction or encroachment immediately removed and the park or public facility repaired or restored, if necessary, and all the costs incurred by the City in undertaking this work shall be expenses owed to the City by the owner, occupant and/or contractor of the



property from which the obstruction or encroachment comes from, relates to, or was created for;

#### **I. DISPOSING OF MATERIAL AND EQUIPMENT**

**20.** Any obstruction, encroachment, landscape or construction material removed by the City from a park or public facility under this By-law may be directly deposited onto the property from which the obstruction, encroachment, landscape or construction material comes from, relates to, or was created for, or the material may be treated as refuse by the City or become property of the City which can be disposed of in any manner or used for any City purpose at the sole discretion of the City;

1. Any motorized equipment, containers, trailers, or motorized tools removed by the City may, at the discretion of the Officer, be deposited at the property from which the obstruction, encroachment, landscape or construction material comes from, relates to, or was created for, or be stored at a City facility for sixty (60) days at the owner's expense;
2. Any item in PART VII subsection 20(1) shall only be released to its owner after the owner has paid the City any applicable expense for the removal and storage of the item;
3. Any item in PART VII subsection 20(1) that is stored at a City facility for more than sixty (60) days and for which an owner has not been identified may be disposed of by the City in any manner that it deems appropriate;
4. Any item in PART VII subsection 20(1) that is stored at a City facility for more than sixty (60) days and for which the owner, having been notified, has failed to pay the applicable expenses and claim the item, may be disposed of pursuant to the provisions of the *Repair Storage and Liens Act*, R.S.O. 1990, c.R.25, as amended;

#### **J. ORDER TO DISCONTINUE ACTIVITY**

**21.** An Officer may issue an Order requiring any person to discontinue the activity:

1. An Order under this section shall identify:
  - a. the location of the Property on which the contravention occurred;
  - b. the reasonable particulars of the contravention of the By-law; and,
  - c. the date and time by which there must be compliance with the Order.
2. An Order under this section may be given orally or in writing, and if in writing, may be served personally on the person to whom it is directed or sent by regular mail to the last known address of that person. Service on a corporation can also be effected by regular mail to the corporate mailing address as shown on the Corporation Profile Report filed with the Ontario Ministry of Government Services for a Provincial Corporation, or on a Federal Corporate Search for a Federal Corporation, or on the assessment roll records of the City. If the Order is delivered by regular mail to the last known address of that person, it shall be deemed to have been received on the third day after it is mailed. An Affidavit of Service shall be admissible in evidence in any proceeding as proof of service of mailing of the Order;

## **K. WORK ORDERS**

**22.** Where a person contravenes this By-law, an Officer may issue a Work Order to the person of the property where the contravention occurred, directing them to do the work set out in the Work Order to correct the contravention. The person shall repair, remove or clean up all contraventions identified in the Work Order within the time specified in the Work Order, failing which the City may do so at the person's expense and may enter upon the property at any reasonable time for such purpose.

1. Any costs incurred by the City pursuant to PART VII subsection 30 may be added to the tax roll and collected in the same manner as property taxes.
2. A Work Order shall set out:
  - a. the reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred; and
  - b. the work to be done and the date by which the work must be done;
3. A Work Order may be served personally on the person to whom it is directed or sent by regular mail to the last known address of that person. Service on a corporation can also be effected by regular mail to the corporate mailing address as shown on the Corporation Profile Report filed with the Ministry of Government Services for a Provincial Corporation, or on a Federal Corporate Search for a Federal Corporation, or on the assessment roll records of the City. If the Order is delivered by regular mail to the last known address of that Person, it shall be deemed to have been received on the third day after it is mailed. An Affidavit of Service shall be admissible in evidence in any proceeding as proof of service of mailing of the Order;

## **L. REBUTTABLE PRESUMPTION**

**23.** Where dumping, alteration or encroachment to a park or public facility of land adjacent to a property is found in contravention of the By-law, the owner of abutting the park will have presumed to have dumped, encroached, altered, placed, deposited or permitted to be dumped, encroached, altered, placed deposited on any park or public facility in the City which presumption may be rebutted by evidence to the contrary, on a balance of probabilities;

## **M. SERVICE FEES**

**24.** The municipal service fees for the administration and enforcement of this By-law shall be in accordance with the fees established by the City and any revisions thereto;

1. The amount of said fee or charge shall be the amount of administrative costs, costs of enforcement and all other costs incurred by the City in accordance with City By-law 2012-137, as amended, in responding to and addressing violations of this By-law;
2. Fees and charges imposed on a person pursuant to this By-law constitute a debt of the person to the City and can be collected in a like manner as municipal taxes;
3. Service fees for the administration and enforcement of this By-law may be applied when a contravention has been confirmed by an Officer;

#### **N. RECOVERY OF COSTS**

25. Where the City, its employees or authorized agents have performed the work required to bring the park or public facility into compliance with this By-law, all expenses incurred by the City in doing the work as well as any related fees, shall be deemed to be a debt to the City and may be collected by action or the costs may be added to the tax roll for the property and collected in the same manner as taxes;

#### **O. OFFENCES AND PENALTIES**

26. Any person who contravenes or fails to comply with any provision of this By-law, an Order, a Work Order, or any other Order issued pursuant this By-law is guilty of an offence;
1. No person shall fail to comply with any condition or term of any Order, Work Order, or any other Order issued under this By-law. If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected;
  2. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended;

#### **P. ADMINISTRATIVE PENALTIES**

27. Instead of laying a charge under the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended, for a breach of any provision of this By-law, an Order, a Work Order, or any other Order issued pursuant this By-law, an Officer may issue an administrative penalty to the person who has contravened this By-law;
1. The Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the *Provincial Offences Act*. If an administrative penalty is issued to a person for the breach, no charge shall be laid against that same person for the same breach;
  2. The amount of the administrative penalty for a breach of a provision of this By-law, a Work Order or Order issued under this By-law is fixed as set out in AMPS By-Law No. 2024-137;
  3. A person who is issued an administrative penalty shall be subject to the procedures as provided for in AMPS By-Law No: 2024-137;
  4. An administrative penalty imposed on a person pursuant to this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the person to the City and may be added to the tax roll and collected in the same manner as municipal taxes.

#### **Q. PENALTIES**

28. Every person who is guilty of an offence under this By-law, and upon conviction shall be subject to the following penalties as established pursuant to the *Municipal Act*:
1. Upon first conviction, to a fine of not less than Three Hundred Dollars (\$300.00) and not more than Fifty Thousand Dollars (\$50,000.00);
  2. Upon a second or subsequent conviction for the same offence, to a fine of not less than Four Hundred Dollars (\$400.00) and not more than One Hundred Thousand (\$100,000.00);

3. Upon conviction for a continuing offence, to a fine of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each day or part of the day that the offence continues. The total of the daily fines may exceed One Hundred Thousand Dollars (\$100,000.00);
4. Where a person convicted of an offence is a corporation, the corporation is liable to a fine not less than \$500 and not more than \$100,000;

#### **R. COLLECTION OF UNPAID FINES**

**29.** Pursuant to Subsection 441.1 of the *Municipal Act*, 2001, S.O. 2001. C25, the Treasurer of a municipality may add any part of a fine for a commission of a provincial offence that is in default under Section 69 of the *Provincial Offences Act* to the tax roll for any property in the local municipality of which all of the owners are responsible for paying the fine and collecting it in the same manner as municipal taxes.

### **SECTION VIII: SPECIFIC PARK USES**

#### **A. OPEN AIR BURNING AND BARBEQUES**

**30.** While in a park or public facility, no person shall:

1. Light, build or stoke an open fire or bonfire unless in a designated area and authorized by permit from Markham Fire & Emergency Services Department;
2. Use portable barbecues, or any other cooking equipment unless authorized by permit or where posted to allow the use;
3. Leave a barbecue or open fire unattended without extinguishing the fire and ensuring that the embers are cold;
4. Dispose embers or ashes anywhere other than a designated disposal location or container;
5. Leave or dispose of empty gas cylinders (propane, butane) in any park or park waste receptacle unless in a designated area;

#### **B. AMPLIFIERS, SPEAKERS, NOISE**

**36.** While in a park or public facility no person shall:

1. Except in accordance with the By-law to regulate Noise in the City of Markham No 2017-74, as amended and unless authorized by permit, no person shall in a park or public facility operate or use any sound amplifying or equipment, including but not limited to a radio, tape player, compact disc player, and car radio in a manner that, in the opinion of a park staff or an Officer, disturbs or interferes with other persons;

#### **C. FIREWORKS**

**37.** While in a park or public facility, no person shall ignite, discharge or set off firecrackers, rockets or other family fireworks except as a fireworks display authorized by permit and Markham Fire and Emergency Services;

1. Store for sale, display, sell or discharge fireworks within a park or public facility in a manner contrary to the Criminal Code, R.S., 1985, c.C-46, as amended, the *Explosives Act*, the *Fire Protection and Prevention Act*, 1997 or any other applicable laws; if any provision in this chapter conflicts with the *Explosives Act*, the more stringent requirements will prevail;

2. Possess any fireworks in a public park except for fireworks to be discharged in a public park by persons in accordance with a valid authorized fireworks discharge permit;

#### **D. WATERCRAFT**

**38.** While in a park or public facility no person shall:

1. Launch any watercraft into a stream or watercourse by any means which results in damage to property;
2. Enter a park, leaving the road or parking lot in a vehicle to launch any watercraft;
3. Operate any watercraft in close proximity to dangerous structures such as dams;
4. Operate a watercraft in any way which interferes with the natural habitat of the pond or watercourse or interferes with any animal;
5. Operate any watercraft unless in accordance with Transport Canada and the *Canada Shipping Act*, 2001, S.C. 2001, c.26;

#### **E. BATHING, SWIMMING, SPLASH PADS**

**39.** No person shall in a park or public facility:

1. Enter any public swimming pool or splash pad except at times designated for swimming;
2. Disobey posted sign or instructions of any lifeguard or officer in or adjacent to any swimming pool;
3. Swim, bathe or wade in any fountain, pond, lake, stream, or any body of water signed to prohibit it;
4. Take any inflatable device, swimming assist, snorkel, or other underwater breathing device into any body of water unless otherwise permitted; or
5. Misuse, damage, make inoperable or remove the City's lifesaving equipment;
6. Use or operate or turn on any photographic devices, including cameras, video equipment, and cellular phones with video or photographic functions, in or around a splash pad, indoor or outdoor swimming pool;

#### **F. WASHROOMS AND CHANGEROOMS**

**40.** While in a park or public facility no person shall:

1. Enter or use gender segregated facilities that do not correspond to their lived gender identity, in any park or facility, set apart for the opposite gender. This shall not apply to children who are 10 years of age or younger and who are, at the time accompanied by a parent, guardian, caregiver or caretaker;
2. Use or operate or turn on any photographic devices, including cameras, video equipment, and cellular phones with video or photographic functions, in a washroom, bathhouse, or change-room located in a park or public facility;
3. Loiter in any washroom or change room or engage in conduct that could reasonably be considered to be offensive;

#### **G. CAMPING AND TENTS**

**41.** While in a park or public facility, unless authorized by permit, no person shall:

1. Dwell, camp or lodge in a park or public facility;
2. Despite the requirements of subsection g 40 (1) temporary erection of a tent or structure may be permitted provided that:

- i. Tent or structure is erected solely for the purpose of shade during an organized gathering, special event, festival, or picnic; and
- ii. Tent or structure is not regulated under the *Ontario Building Code Act*, 1992, S.O. 1992, c.23;
- iii. Per 1.3.1.1. (5) of the Building Code A tent or group of tents is exempt from the requirement to obtain a permit under section 8 of the Act and is exempt from compliance with the Code provided that the tent or group of tents are,
  - 1. Not more than 60 m<sup>2</sup> in aggregate ground area;
  - 2. Not attached to a building; and
  - 3. Constructed more than 3 m from other structures;

#### **H. STRUCTURES AND INFLATABLE AMUSEMENTS**

**42.** While in a park or public facility, unless authorized by permit, no person shall:

- 1. Place, install, attach or erect a temporary or permanent structure or inflatable amusement device in or to a park or public facility;

#### **I. WEAPONS**

**43.** While in a park or public facility no person shall:

- 1. Be in possession of or use a firearm, air gun, cross bow, bow and arrow, axe, paint guns or offensive or dangerous weapon of any kind unless authorized by permit;
- 2. Engage in archery, unless authorized by a permit and advance approval from the Manager;
- 3. In the event of any conflict between this By-law and the City of Markham Discharge of Firearms and Bows By-law 2012-233, as amended, the Discharge of Firearms and Bows By-law 2012-233, as amended shall prevail;

#### **J. LIQUOR/ALCOHOLIC BEVERAGES**

**44.** No person shall in a park or public facility no person shall:

- 1. Have in their possession an open container of any liquor or alcoholic beverages unless in a designated area, authorized by permit and with the approval of the Alcohol and Gaming Commission of Ontario;
- 2. Consume, serve or sell liquor or alcoholic beverages unless in a designated area, authorized by permit and with the approval of the Alcohol and Gaming Commission of Ontario;

#### **K. KITES**

**45.** While in a park or public facility, no person shall:

- 1. Fly a kite with a string made of hazardous materials;
- 2. Fly a kite within twenty-five (25) meters of any tree, building, light pole or hydro or other utility pole;
- 3. Fly a kite in parking lots, highways or pathways;
- 4. Fly a kite for the purpose of competitive flying unless authorized by permit;
- 5. Fly a kite where posted to prohibit kite flying; or
- 6. Leave any part of the kite, including the string or other type of tethering material, except in a waste disposal container;

#### **L. ROLLER BLADES, SKATEBOARDS, SCOOTERS**

**46.** While in a park or public facility, no person shall:

1. Operate or utilize roller blades, skateboards, scooters, linear skates or similar conveyances unless in a designated skate board park; or
2. Obstruct, inconvenience or endanger other users while operating or utilizing roller blades, skateboards, linear skates, scooters or similar conveyances.
3. Fail to share the trail or pathway equally with pedestrians;

#### **M. BICYCLES, MOTOR-ASSISTED BICYCLES, ELECTRIC KICK-SCOOTERS**

**47.** While in a park or public facility:

1. No person shall operate a motor-assisted bicycle or electric kick-scooter;
2. No person shall operate a bicycle, except on multi-use trails or multi-use pathways;
3. No person shall obstruct, inconvenience, or endanger other users while operating or utilizing a bicycle;
4. Cyclists are required to share the trail or pathway with other users;
5. Cyclists must yield to pedestrians;
6. Cyclists are required to dismount and walk their bicycles for public safety at places of frequent pedestrian usage;
7. Cyclists are required to follow all signage and pavement markings provided on the trail or pathway.

#### **N. SKIING, TOBOGANNING AND SLEDDING**

**48.** While in a park or public facility, no person shall:

1. Ski, toboggan, snowboard, skibob or sled in an area where it is posted to prohibit it; or
2. Fasten or attach a ski, toboggan, snowboard, skibob or sled to any vehicle or motorized recreational vehicle for the purpose of being towed, dragged or otherwise pulled;

#### **O. SKATING**

**49.** On City maintained natural ice surfaces posted and designated for skating, or an artificial ice surface located in a park or public facility, no person shall:

1. Use speed skates unless authorized by permit or except in accordance with the posted rules and regulations;
2. Skate or act in a manner as to interfere with or endanger any other person using the surface;
3. Use a stick of any kind except in accordance with posted conditions; or use hockey pucks or other objects as to endanger or interfere with any other person unless during posted times for such use;
4. Disregard the instructions or information provided by a Bylaw officer, City employee, designated ice patrollers, rink guards or supervisors;
5. No person shall access or skate on a natural ice surface or an artificial ice surface in a park or public facility where it is posted to prohibit it;

#### **P. GLIDERS AND HOT AIR BALLOONS**

**50.** While in a park or public facility, no person shall:

1. Tether, launch or land a hot air balloon, hang glider, ultra-light aircraft or similar conveyance, unless authorized by permit;

**Q. MODEL AIRCRAFT, ROCKETS, WATERCRAFT AND UNMANNED AIR VEHICLES INCLUDING DRONES**

**51.** While in a park or public facility, no person shall:

1. Operate powered models of aircraft, rockets or watercraft unless authorized by permit;
2. Land or take-off unmanned air vehicle unless authorized by permit;
3. Operate unmanned air vehicle unless in compliance with aeronautics act and its regulations as amended;
4. Operate a drone for any purpose;

**R. GOLF**

**52.** While in a park or public facility, no person shall:

1. Play or practice golf or strike a golf ball except on a golf course or in a designated area;
2. No person shall on a golf course owned or operated by the City:
  - i. Play or practice golf unless registered on that day as a player;
  - ii. Hunt for or pick up any lost, misplaced or abandoned golf balls, except a person registered as a player or the player's caddy who is retrieving or attempting to retrieve golf balls lost by the registered player; or
  - iii. Enter in or upon the playing area when the golf course is open unless the person is registered on that day as a player, or accompanying a player as a caddy, and in accordance with any golf course rules;

**SECTION IX: COMMERCIAL ACTIVITIES**

**A. GENERAL**

**53.** While in a park or public facility, no person shall:

1. conduct any business, trade or sale of merchandise, goods, or services unless authorized by permit

**B. FOOD AND BEVERAGES, SOUVENIRS AND NOVELTIES**

**54.** While in a park or public facility, no person shall:

1. Sell or offer display for sale any food, drink or refreshment; or
2. Any goods, wares, merchandise or articles, including promotional material, souvenirs and novelties;
3. Park or set-up any vehicle, trailer or stand for the purposes of conducting business without a permit;

**C. INSTRUCTIONAL CLASSES AND LESSONS**

**55.** While in a park or public facility, no person shall:

1. Conduct a fitness or instructional class or lesson without a permit
2. Collect fees for instructional classes, lessons or memberships unless authorized through a partnership agreement with the City;



## **D. COMMERCIAL PHOTOGRAPHY AND VIDEOGRAPHY**

**56.** While in a park or public facility, no person shall:

1. Take or permit to be taken any film, photograph, videotape or television broadcast for commercial, financial or personal gain, unless authorized by permit;
2. Make a television or social media broadcast except if the broadcast is made by the news media;
3. Photograph or video any person within a park or facility without their express permission to do so;
4. Photograph or video any person within a washroom or change room;

## **SECTION X: ANIMALS**

### **A. DEFINITIONS**

**“Animal”** means any member of the animal kingdom, other than human, as defined in the *Ontario Fish and Wildlife Conservation Act*, 1997, S.O. 1997, c.11, as amended;

**“At Large”** means not being under care and control of its owner or handler and in the case of dogs including not being put on a leash;

**“Leash”** means a rope or other restraining device for a dog which may not exceed 2.0 meters (6 feet) in length;

**“Off Leash Area”** means a Designated Area officially recognized by the City for the purpose of permitting a Dog to be at Large;

**“Owner”** means a person who keeps, harbors, have temporary or permanent possession of an animal, and, in the case of a minor, “Owner” means the person responsible for the custody of the minor; and

**“Wildlife”** means any animal that is indigenous to North America, wild by nature or disposition (ferae natural);

### **B. ANIMALS AND WILDLIFE IN PARKS**

**57.** While in a park or public facility no person shall:

1. Take an animal into a park or public facility, or any part thereof that is designated by signage as an area where animals are prohibited either at any time, or during specific designated times, or in specific designated areas in a park or public facility areas;
2. Allow an animal to be at large, unrestrained or unleashed in a park or public facility;
3. Allow an animal to enter any beach, pond, swimming area, splash pad, garden, landscaped area, playground or sports field, or any other area posted to prohibit the animal;
4. Allow an animal to disturb or harm whether with or without intent any wildlife in a park or public facility; or
5. Bring any animal other than a domesticated animal into a park or public facility
6. Ride, lead or drive a single or group of horse, pony, donkey or mule in any park or on any pathway or trail with or without a wagon or sleigh;

7. Remove any wildlife from City property at any time unless authorized to do so by a manager or designate and the removal is done so in a humane way and in accordance with all legislation;
8. Section 2 does not apply to a person who has control of a guide dog or service animal within the meaning of the *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c.11 and its regulations, which is being used to aid a person with a disability;

**58. While in a public park or public facility no person shall:**

1. Kill, attempt to kill, hunt, trap, or otherwise pursue an animal in any manner so as to disturb its presence, unless in a designated area;
2. Feed or attempt to feed or deposit food for consumption by wildlife; or
3. Release pets, animals, fish or any other domesticated species;
4. Disturb any nests, dens or other sort of animal shelter;
5. Remove, harvest, injure, climb, destroy or burn any tree, flower, shrub, or other plant without a permit;
6. In the event of any conflict between this By-law and the City of Markham Animal Protection and Services By-law 2018-92, as amended, the Animal Protection and Services By-law 2018-92 shall prevail;

**59. While in a park or public facility, no person as owner or person having control of a dog shall:**

1. Allow the dog to run at large, except in a posted designated off-leash area, excluding a working dog providing a service to the City;
2. Allow the dog to enter a prohibited area, excluding a person with a disability accompanied by a service animal, or a working dog providing a service to the City,
3. Install or construct any type of dog control fence or barrier;
4. Use a stun gun or similar electronic or battery-operated device to harm or control the dog;
5. Ensure that it is on a leash not exceeding 2.0 meters in length when not running at large in a posted designated off-leash area;
6. Pick up and immediately remove excrement left by the dog and dispose of it in a sanitary manner in a Green Bin receptacle only. If there is no Green Bin pet waste is to be taken and placed in the resident's Green Bin for curbside municipal collection;
7. Not leave the dog unattended in a park or designated off-leash area and further keep the dog in sight and under care and control at all times;

**C. OFF LEASH DOG AREAS**

**60.** An owner of a dog is not required to keep a dog leashed within an enclosed, fenced area, designated as an Off Leash Dog Area, but must adhere to the following regulations while utilizing the area:

1. All persons using the dog park do so at their own risk;
2. All dog owners are subject to *Dog Owner's Liability Act* and the City of Markham Animal Protection and Services By-law 2018-91 as amended. Limit of 3 dogs per owner; unless employed as a dog walker and therefore have no more than 6 dogs in their care at any time;
3. Dogs must be accompanied by a person at least 16 years of age or older;

4. Handlers must be inside fenced area with their dogs at all times and not leave dogs unattended or unsupervised at any time;
5. Handlers must “stoop and scoop” and dispose of excrements in the containers provided;
6. Children under the age of 12 must be always supervised by an adult;
7. The following dogs are not permitted within the off-leash area:
  - i. Unlicensed dogs;
  - ii. Dogs are required to be muzzled pursuant to *Dog Owners’ Liability Act*;
  - iii. Dogs 6 months and younger;
8. Dogs must be leashed when entering and exiting the off-leash area;
9. No dog treats in the park;
10. Aggressive dogs exhibiting aggressive/bullying like behaviors are not to be in the off-leash area and must be removed if behavior is displayed;
11. Designated small dog area is reserved for dogs 20lbs or less with a maximum height of 12 inches at the shoulder;
12. All dogs have valid vaccinations (ex. rabies);
13. All dogs are subject to health and tag inspections by the City of Markham; and
14. No glass containers or food permitted in the off-leash areas;

#### **D. FISHING**

**61.** While in a park or public facility no person shall:

1. Fish in any area signed as No Fishing Allowed;
2. Deliberately snag turtles;
3. Store or leave any lures, bait, hooks, lines, poles or other equipment in a location or manner that may injure other persons or wildlife; and
4. Violate any legislation, rules and regulations under the Ontario Ministry of North Development, Mines, Natural Resources and Forestry while fishing in designated permitted areas;

### **SECTION XI: VEHICLES**

#### **A. EXEMPTIONS**

**62.** Emergency maintenance vehicles including but not limited to City of Markham Operations, Waterworks, Environmental Services, Bylaws, Police, Fire, EMS, Enbridge, Alectra are accepted in this By-law;

#### **B. GENERAL PROHIBITION**

**63.** While in a park or public facility no person shall drive, operate, pull, move or ride:

1. Unless otherwise permitted under this By-law, no person shall drive, operate, pull, or ride any motor vehicle in a park except on a roadway or parking area;
2. Unless otherwise permitted under this By-law, no person shall allow another person to drive, operate, pull, or ride any motor vehicle that is in their care or possession in a park except on a roadway or parking area;
3. In addition to Part XI section 63.1, no person shall drive or operate or park:
  - i. Any heavy machinery or equipment of whatever mode of power; or
  - ii. Any truck or trailer except for the purpose of making a delivery to a point within the limits of the park; or

- iii. Any motorized recreational vehicles commonly known as “RV”s which may provide living accommodations for persons; or i.e. any motorized recreational vehicles;
- 4. Subsection Part XI section 63.2 does not apply to an owner of a Park Vendor Vehicle, or their designated operator, who holds a valid Park Vendor Permit issued under this By-law for the purpose of operating a Park Vendor Vehicle in the park;
- 5. No person shall use a roadway or parking area in a park for:
  - i. Washing, cleaning, servicing, maintaining or the repair of a vehicle; or
  - ii. Instructing, teaching, or coaching any person in the driving or operation of a vehicle, except for a bicycle; or
  - iii. Games or sport activities;

### **C. PARKING**

- 64.** No person shall in a park or public facility park or leave a vehicle:
- 1. In a park or public facility between the hours of 11:00 p.m. And 6:00 a.m., except in a designated area allowing for such overnight parking, or where authorized by permit;
  - 2. Where a sign is displayed, between the times prohibited by such sign, in a park or public facility; or
  - 3. In a park or public facility, where parking spaces are designated, except within a designated parking space;
- 65.** No person shall use any part of a park or public facility for the purpose of:
- 1. Emergency maintenance vehicles including but not limited to City of Markham Operations, Waterworks, Environmental Services, Bylaws, Police, Fire, EMS, Enbridge, Alectra are excepted in this By-law;

### **D. COMMERCIAL VEHICLES**

- 66.** In addition Part XI Section 63 no person shall drive, operate, pull, ride, or park any commercial vehicles in a park unless the person and/or the owner of the vehicle:
- 1. Has a valid permit issued by the Director to conduct commercial activities using the vehicle in the park; and
  - 2. Satisfies all licensing requirements as provided in other applicable City By-laws for the operation of such commercial Vehicle in the City; and
  - 3. Complies with all the provisions in the Permit as issued by the Director;

### **E. SPEED**

- 67.** No person shall operate a vehicle on a roadway in excess of the posted limit;
- 68.** All roadways in a park shall have a maximum speed limit of 25 kilometers per hour for all vehicles, unless otherwise posted;

### **SECTION XII: ENFORCEMENT**

- 69.** Officers are hereby authorized and empowered to enforce the provisions of this By-law;
- 70.** No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law;
- 71.** Officers and persons under their direction may at any reasonable time enter onto any lands within the City to determine if the provisions of this By-law are being complied with

or may enter onto to any lands within the City to carry out the remedial actions required to bring the property into conformity with the By-law.

**72.** Officers are empowered for the purposes of inspection to determine compliance with the By-law to:

1. Require the production for inspection of documents or things relevant to the inspection, including the removal of the documents for the purposes of making copies or extracts;
2. Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of inspection; and
3. Require information from any person concerning a matter related to the inspection;

**73.** Notwithstanding that any section or sections of this By-law, or any part, or any part thereof, may be found by any court of law to be invalid or beyond the power of the Council to enact, such clause, Schedule or parts thereof shall be deemed to be severable, and all other clauses and Schedules of this By-law or parts thereof, are separate and independent therefrom and enacted as such;

**74.** The court in which the conviction has been entered, and any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted, and such order shall be in addition to any other penalty imposed on the Person convicted;

**75.** By-laws 167-92 (Parks) and 279-96 (City Owned Property), as amended, are hereby repealed;

**76.** The provisions of Part VI of the Legislation Act, 2006, S.O. 2006, c. 21, Schedule F shall apply to this By-law. The provisions of the *Legislation Act*, 2006, S.O. 2006, c. 21, Sched. F, shall apply to this By-law;

**77.** This By-law shall come into force and effect on the date of enactment and passage;

### **SECTION XIII: VALIDITY**

**78.** If a court of competent jurisdiction declares any section or part of the By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force;

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS 22<sup>ND</sup> DAY OF APRIL, 2025.

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KIMBERLEY KITTINGHAM  
CITY CLERK

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FRANK SCARPITTI  
MAYOR