



Report to: General Committee

Meeting Date: June 03, 2025

SUBJECT: Amendment to Road Occupancy By-law 2018-109
PREPARED BY: Negar Mahmoudi, Manager-Utility & ROW, Operations, Ext 2842

RECOMMENDATION:

- 1) That the report titled “Amendment to Road Occupancy By-law 2018-109” be received; and,
- 2) That Council approve the proposed amendments to the Road Occupancy By-law to improve clarity, reflect current practices and align with operational needs, best practices and latest legislation; and,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to seek Council’s approval for administrative amendments to the Road Occupancy By-law 2018-109. These amendments aim to improve clarity and effectiveness by:

- Incorporating new and revised definitions
- Removing outdated or redundant provisions
- Formalizing current operational practices and procedures

These changes allow the City to better regulate the use of municipal rights-of-way, protect public safety, safeguard municipal infrastructure, and streamline the coordination of works to support public and development needs, while minimizing traffic disruption within the City’s transportation network for all road users.

BACKGROUND:

The Road Occupancy By-law 2018-109 governs access to and the use of municipal rights-of-way during construction or other activities.

As the City continues to grow since the by-law’s enactment in 2018, staff have identified several areas where the by-law requires updates and clarification. The proposed amendments aim to balance right-of-way activities and operational needs with public safety and accessibility through codifying practices already in place.

DISCUSSION:

To ensure a comprehensive review, staff consulted with internal departments and benchmarked against similar by-laws from other municipalities. This helped to identify necessary updates and ensure alignment with current operational practices and latest legislation and by-laws.

The proposed changes include:

- Editorial and formatting improvements
- Updated and new definitions
- Minor revisions based on current legislation and operational practices
- Clarification of current permit process and enforcement requirements
- Alignment with other City By-laws and applicable legislations

SUMMARY OF PROPOSED AMENDMENTS AND JUSTIFICATIONS:

Section 1.0 – Short Title:

No changes proposed.

Section 2.0 – Definitions:

Key changes to this section are administrative amendments including the addition of new definitions and updates to existing ones to improve clarity for by-law users, enforcement officers, and the public. They also ensure consistency with current municipal practices and alignment with the latest legislations and by-laws.

- ***Updated definitions:*** Boulevard, Boulevard Patio, Damage, Highway, landscape and construction material, Municipal Access Agreement, Municipal Law Enforcement Officer (MLEO), Obstruction, Owner, Person, Publication, Publication Dispensing Box, Road Occupancy Permit, and Street Furniture.
- ***New definitions added:*** Banner, Device, Dumpster Bin, Driveway, Emergency, Encroachment, Landscaping, Multi-Use Path, Officer, Order, Road Closure, and Winter Maintenance Season.

Section 3.0 – General Provisions:

Changes include editorial updates and the inclusion of missing terms to better reflect existing permit processes and enforcement practices.

- ***New clauses 3.4.16 and 3.4.17:*** These new clauses were added to support enforcement and ensure public safety during emergencies and other permitted work within the City's right-of-way.

Section 4.0 – Use of Boulevard:

Proposed administrative amendments include:

- ***Editorial refinement:*** Minor editorial amendments to provide clarity and consistency, remove redundancy, and streamline enforcement.
- ***New clause 4.1.3:*** The added clause addresses missing information in the current by-law by reflecting existing practices and requirements for culvert modifications, ensuring alignment with the City's current policy.
- ***New clause 4.2:*** This clause is added to ensure consistency with Keep Markham Beautiful By-law 2024-50.

Section 6.0 – Boulevard Patio:

The changes are editorial updates to reference the latest applicable legislation and By-laws.

Section 7.0 – Placement of Device:

The title and content updated to modernize and broaden applicability beyond publication boxes, aligning with operational and enforcement needs.

Section 8.0 – Over-Dimensional Vehicle:

No changes proposed.

Section 9.0 & 10.0 – Removal of Highway Obstruction / Hazardous Conditions:

The proposed update to this section is editorial changes for consistency with revised definitions.

Section 11.0 – Road Occupancy Permit - Administration:

The proposed updates to this section are administrative changes to reference By-law 2012-137 (Licensing, Permit and Service Fees) and update the payment methods to reflect current practices.

Section 12.0 – Permit Conditions:

The key changes to this section are administrative and editorial in nature.

New clause 12.8 & 12.10: These clauses have been added to clarify operational requirements based on current practices and to accommodate urgent construction projects, while ensuring proper coordination to avoid conflicts between projects.

Section 13.0 to 15.0 – Enforcement and Notices:

The proposed update to this section is editorial changes and terminology refinements.

Section 16.0 – Disposing of Material and Equipment:

The changes to this section are minor editorial updates for consistency based current enforcement practice.

Section 17.0 – Exemptions:

The key change to this section in addition to editorial update is the clarification and expansion of language to improve transparency, permitting efficiency and streamlining permit requirements for internal city construction works.

Section 18.0 – Rebuttable Presumption:

No changes proposed.

Section 19.0 – Fees and Charges for Recovery of Costs of Enforcement:

The updates to this section reflect current practices and remove redundancy.

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- ***Removed clause 19.1.4:*** Fee Descriptions under Schedule A is repealed as fee schedule is governed under By-law 2012-137.
 - ***New clause 19.3:*** This clause clarifies the permit process and formalizes existing practices to support enforcement and government agencies in addressing the public interest. It streamlines approvals, defines requirements, ensures transparency for permit administrators, and enhances efficiency and service levels.

Section 20.0 – Administrative Penalties:

The updates are editorial to reference current versions of applicable by-laws and Acts.

Section 21.0 – Offences:

The updates include editorial improvements to align with the Administrative Monetary Penalty By-law.

Section 22.0 to 28.0:

Changes include minor formatting and editorial.

Schedule A: Fee Schedule

The Schedule A - Road Occupancy Fee is removed to avoid duplication and inconsistencies, since fee schedule including descriptions, units and rates are already included and governed under By-law 2012-137 (Licensing, Permit and Service Fees). This change streamlines updates and avoids unnecessary confusion.

CONCLUSION AND RECOMMENDATION:

The proposed amendments to the Road Occupancy By-law improve road occupancy management, reduce public confusion, and improve coordination among stakeholders. These changes will provide clarity for all users through administrative update, removal of redundant provisions to better reflect the current practices and applicable laws.

Staff recommends that Council endorse this report and the amended By-law and authorize staff to proceed with implementation.

FINANCIAL CONSIDERATIONS

There are no direct financial implications associated with the approval of the By-law amendments. The changes are administrative, reflecting current practices and will be implemented using existing staff and resources.

HUMAN RESOURCES CONSIDERATIONS

The amendments will support staff by clarifying procedures and enhancing work efficiency in administering the By-law. No additional staffing resources are required.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This By-law amendment aligns with the City's strategic priorities, including:

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- **Good Governance:** Keeping By-laws current, transparent, and enforceable.
 - **Operational Excellence:** Enhancing clarity, internal efficiency and improving service levels
 - **Safe and Sustainable Community:** Supporting safe and coordinated use of public rights-of-way and infrastructures.

BUSINESS UNITS CONSULTED AND AFFECTED:

By-law and Enforcement Services, Legislative Services, Legal Services, Planning, Engineering, Operations, Environmental Services, Special Events, and Finance.

RECOMMENDED BY:

Alice Lam – Director of Operations

Morgan Jones – Commissioner
Community Services

ATTACHMENTS:

Road Occupancy By-law 2018-109 – Current version

Draft Road Occupancy By-law Amendment 2025-xxx

Road Occupancy By-law 2025-xx – Highlighting Changes