



**BY-LAW 2023 - 165**

**TO AMEND BY-LAW 2018-109 BEING A BY-LAW TO  
REGULATE THE USE, ALTERATION, AND OCCUPANCY OF HIGHWAYS  
WITHIN THE CITY OF MARKHAM.  
("Road Occupancy By-law")**

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

That the Road Occupancy By-law 2018-109 be amended as follows:

- 1) That in Section 2 (DEFINITIONS), the following definitions be deleted:

***"Boulevard Tree"***

***"Root Zone"***

- 2) That in Section 2 (DEFINITIONS), the following definitions be deleted and replaced as follows:

***"Damage"*** means harm or injury to the street, including without limitation, harm, injury, disturbance, cracking, gouging, rutting or displacement of or to the pavement, curb, boulevard, landscaping, retaining walls, street furniture or sidewalk resulting from the use of the street to access work such that, in the sole opinion of the *Director*, the street is not in its pre-construction condition.

- 3) That Section 3.2 be repealed and replaced as follows:

***"No person shall undertake construction on land abutting on a highway which may affect the drainage of the highway, or require alteration of street furniture without first having obtained a Road Occupancy Permit;"***

- 4) That Section 3.4.9 be repealed and replaced as follows:

***"the excavation or damage to any portion of a highway, including sod, light poles, street signs, or other objects within the highway without having obtained a Road Occupancy Permit;"***

- 5) That Section 5.0 to 5.4 be deleted and replaced with the following sentence:

“Section 5.0 to 5.4 (BOULEVARD TREES) repealed by By-law 2023-164.”

- 6) That Section 24.4 be deleted and replaced with the following sentence:

“Schedules ‘A’ and ‘B’ attached to this by-law shall form part of this by-law.

- 7) That in Schedule A (ROAD OCCUPANCY FEE DESCRIPTIONS), the following fee items be deleted:

***“Boulevard Trees”***

***“Removal Application Fee”***

***“Cost Per Replacement Tree 1 to 20 trees”***

***“Cost Per Replacement Tree >21 trees”***

- 8) That Schedule C (CITY TREE REPLACEMENT METHOD) be deleted.

- 9) That Schedule D (TREE PROTECTION DETAIL) be deleted.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED ON  
DECEMBER 13, 2023.

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KIMBERLEY KITTERINGHAM  
CITY CLERK

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FRANK SCARPITTI  
MAYOR