

TORONTO STAFF REPORT

August 20, 2004

To: Economic Development and Parks Committee

From: Joe Halstead, Commissioner Economic Development, Culture and Tourism

Subject: Consolidation of By-laws Regarding Toronto Parks
City wide

Purpose:

To report on the consolidation of by-laws for enforcement in Toronto parks and establishment of the corresponding municipal code.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) City Council adopt the consolidation of by-laws regarding Toronto parks, as outlined in Appendix A;
- (2) the City Solicitor be authorized to introduce to Council, a bill generally in the form of the by-law attached as Appendix A;
- (3) a copy of this report be forwarded to the Works and Planning and Transportation Committees for information; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

Since amalgamation the Parks and Recreation Division has been operating under the authority of the various parks by-laws adopted by the former municipalities. They are all modelled upon the

former Metro Uniform Parks By-law #129-92, which was adopted by Metro Council on November 25, 1992 and was subsequently endorsed for application by all the municipalities making up the former Metropolitan Toronto.

The objective of this revised draft by-law is to formally harmonize the parks by-law for application Citywide and incorporate necessary updates and amendments to the articles and sections on park use. It will allow for co-ordination of Citywide enforcement efforts and provide for greater consistency of service delivery and public education on the appropriate conduct and uses of Toronto Parks.

This report, along with the draft by-law attached as Appendix A, is intended to create a new consolidated by-law to deal with parks regulation.

Comments:

Prior to amalgamation, all municipalities making up the former Metropolitan Toronto agreed to use the same form of parks by-law as the tool for setting and enforcing the rules of conduct in city parks. These by-laws are identical, with the exception of the by-law for the former City of Toronto, which includes additional schedules relating to filming, etc. These by-laws remain in effect at this time.

A review of the existing by-laws and chapters of the Municipal Code has identified a number of articles that require updating, including incorporation of new sections to address social, cultural and recreational trends. Harmonizing the by-law and including it in the municipal code will eliminate inconsistencies in interpretation and application by by-law enforcement officers and the Police Services.

Adoption of a consolidated Parks By-law will also facilitate a mechanism to provide education to parks users on appropriate uses of parks, environmental issues and concerns, waste diversion and effectively address inappropriate activities and behaviours in our parks.

The set fines set out in the existing by-law have been reviewed and will be increased where appropriate. The revised fines will be set at a level to deter inappropriate activities when educational efforts and compliance have not produced the desired results. The harmonized by-law will come into effect when the set fines (to be applied for by the City Solicitor in accordance with the authority delegated to her by the adoption by Council of Clause 9 of Report 5 of the Strategic Policies and Priorities Committee, on March 2, 3 and 4, 1999 for such purpose) have been approved. The set fines will be determined by Parks staff in consultation with the City Solicitor.

Conclusions:

This new harmonized by-law will create a consolidated framework to support Parks service delivery and deal with Citywide parks use.

This report has been prepared in consultation with Legal Services

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Joe Halstead
Commissioner Economic Development, Culture and Tourism

List of Attachments:

Appendix A – Toronto Parks By-law

Appendix A

Authority: _____ Committee Report No. _____, Clause No. _____, adopted by City Council
on _____

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No.

To adopt a new City of Toronto Municipal Code, Chapter 608, Parks, and to repeal various by-laws of the former municipalities relating to parks.

WHEREAS under sections 8 and 11 of the *Municipal Act, 2001*, S.O. 2001, c.25 the City may pass by-laws respecting parks; and

WHEREAS

WHEREAS

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code is amended by adding the following as a new Chapter:

Chapter 608

PARKS

ARTICLE I

Definitions

§ 1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACT – The *Highway Traffic Act*, R.S.O. 1990, c.H.8.

ADVERTISING DEVICE – A temporary notice of any kind, including but not limited to a notice, sign, advertisement, bill, handbill, leaflet, flyer or placard.

BICYCLE - Includes a tricycle and unicycle but does not include a motor assisted bicycle.

COMMISSIONER - The officer appointed by Council whose duties include the management, operation and maintenance of parks, or his or her designate.

DESIGNATED AREA - An area defined or constructed for a specific use that may include posted conditions.

DISABLED PERSON - Includes a person who is blind or who has any degree of physical disability, which requires the physical reliance on a wheelchair, crutches, braces, canes or other similar remedial appliance or device.

MOTOR VEHICLE - A motor vehicle within the meaning of the *Highway Traffic Act*, R.S.O. 1990, Chap.H.8.

MOTORIZED RECREATIONAL VEHICLE - A snowmobile, scooter, go-cart, trail bike, mini bike, all-terrain vehicle, or similar vehicle which is propelled or driven by any internal gas, electric, solar or other type of engine or motor.

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.

PARK - Land and land covered by water and all portions thereof owned by or made available by lease, agreement, or otherwise to the City, that is or hereafter may be established, dedicated, set apart or made available for use as public open space or golf course, and that has been or hereafter may be placed under the jurisdiction of the Commissioner including any and all buildings, structures, facilities, erections, and improvements located in or on such land, save and except where such land is governed by other by-laws of the City.

PARK OR PARKING – When prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and actually engaged in loading or unloading merchandise or passengers.

PERMIT - Any written authorization of Council, a Committee established by Council, or the Commissioner where such authority has been delegated.

PERSONALLY POWERED DEVICE – Skate boards, roller blades, scooters or similar apparatus and includes a bicycle.

PICNIC – Social gatherings of between 26 and 200 people.

POST or POSTED - Refers to the erection or presence of permissive, regulatory, restrictive, warning or prohibitive signs. "Posted area" means an area where such signs are erected.

SIGN - Includes any advertising device, structure or medium that uses any colour, form, graphic, illumination, symbol or writing to convey information of any kind placed or erected in or upon a park.

SPECIAL EVENT - A picnic, walkathon, fundraiser or gathering over 200 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.

VEHICLE - Includes a motor vehicle as defined under the Highway Traffic Act, R.S.O. 1990, c.H.8, and any bicycle, scooter, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power, but excludes a baby carriage or cart, child's wagon, child's stroller, child's sleigh, wheelchair or similar device (powered or otherwise) used by an individual due to a disability, or other conveyance of like nature.

WATERCRAFT - Any device for conveyance in or on water and includes but is not limited to boats, vessel, personal watercraft, rowboats, sailboards, canoes, kayaks, ice boats or dinghies.

WILDLIFE – Includes, without limitation, any coyote, fox, raccoon, bird, waterfowl, fish, goose or other animal.

ARTICLE II

Conduct

§ -2. Restricted Areas.

While in any park, no person shall enter into areas posted to prohibit or restrict admission of the public.

§ -3. Conduct

A. While in any park, no person shall:

- (1) Indulge in any riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language;
- (2) Cast, throw or in any way propel any object in such manner as may or does endanger or cause injury or damage to any person or property;
- (3) Create a nuisance by loitering, spying, accosting, frightening, annoying or otherwise disturbing other persons; or
- (4) Create a nuisance or in any way interfere with the use and enjoyment of the park by other persons.

B. No person shall remove, disturb, relocate, damage or destroy protective fencing, lifesaving equipment, barriers and warning signage put in place for protection of the public.

C. No person shall in any park release any balloons filled with lighter-than-air gases.

§ -4. Firearms and Offensive Weapons

While in any park, no person shall be in possession of or use any firearm, air gun, cross bow, bow and arrow, axe, paint guns or offensive weapon of any kind unless authorized by permit. Notwithstanding the foregoing, bows and arrows may be used in designated areas in accordance with posted conditions.

§ -5. Fireworks

While in any park, no person shall ignite, discharge or set off any firecrackers, rockets or other fireworks except as a fireworks display authorized by permit.

§ -6. Injury and Damage

No person shall in any park :

- A. Climb any building, structure or equipment, unless it is equipment designed for climbing;
- B. Break, injure, deface, destroy, move or remove the whole or any part of any flowers, plant material, fungus, trees or other vegetation or any building, structure, equipment or other property of the City;

- C. Unless authorized by permit, climb, move or remove the whole or any part of a tree, rocks, boulders, rock faces or remove any soil, sand or wood;
- D. In any manner, disturb ground which is under repair, prepared for planting, has been newly seeded or sodded or is in an area posted to that effect;
- E. Drive, park or walk in an area posted to prohibit the activity; or
- F. Unless authorized by permit, place, throw, cast or otherwise deposit snow.

§ -7. Encroachment

- A. Unless authorized by permit, no person shall encroach upon or take possession of any park by any means whatsoever, including the construction, installation or maintenance of any fence or structure, the dumping or storage of any materials or plantings, or planting, cultivating, grooming or landscaping, thereon.
- B. Where a person encroaches upon any park as set out in Subsection A, and such person fails to remove the encroachment within 30 days after being requested in writing by the City to do so, the City may remove the encroachment, install appropriate fencing and recover all expenses associated with such removal, including, but not limited to, soil testing, disposal fees, park restoration and fence installation, in like manner as municipal taxes.

§ -8. Alcohol

While in any park, no person shall consume, serve or sell alcoholic beverages unless in designated areas authorized by permit, and with the approval of the Liquor Licence Board of Ontario.

ARTICLE III

Parks Use

§ -9. Access

- A. Unless authorized by Parks Access Agreement, no person shall access or occupy any park for non-recreational uses, or to access an adjacent property.
- B. Unless authorized by permit, no person shall use, enter or gather in any park between the hours of 12:01 a.m. and 5:30 a.m..

§ -10. Campfires and Barbeques

While in any park, no person shall:

- A. Light, build or stoke an open fire or bonfire unless authorized by permit;
- B. Use any portable barbeques unless authorized by permit or where posted to allow same;

- C. Use fuel other than charcoal or briquettes in permanently fixed barbecues; or
- D. Leave a barbecue or campfire without extinguishing the fire and ensuring that the embers are cold.

§ -11. Organized Gatherings, Special Events, Festivals and Picnics

While in any park, no person shall:

- A. Unless authorized by permit, hold a picnic, organized gathering or special event for more than twenty-five persons;
- B. Interfere with a picnic, organized gathering or special event authorized by permit; or
- C. Move park furniture from one area or areas to another area or areas to accommodate their picnic, organized gathering or special event.

§ -12. Amplifiers and Loud Speakers

Unless authorized by permit, no person shall operate loud speakers or amplifying equipment from any source in any park.

§ -13. Camping and Lodging

Unless authorized by permit, no person shall dwell, camp or lodge in any park.

§ -14. Tents and Structures

Unless authorized by permit, no person shall place, install, attach or erect any temporary or permanent tent, structure or shelter at, in or to any park.

§ -15. Bathing, Swimming, and Sun Bathing

- A. No Person shall in any park:
 - (1) Enter any public swimming pool, except at times designated for swimming;
 - (2) In or adjacent to any swimming pool, fail to abide by posted signs or to obey the instructions of any lifeguard or other authorized person;
 - (3) Swim, bathe or wade in any fountain, pond, lake or stream, except in a designated area; or
 - (4) Utilize facilities without being properly attired including appropriate swimwear or beach clothing.
- B. Notwithstanding Subsection A, clothing shall be optional in the designated clothing optional beach area at Hanlan's Point Beach on Toronto Island.

§ -16. Use of Wash and Change Rooms

No person shall in any park enter any portion of any washroom, bathhouse, changeroom or recreation facility set apart for the opposite sex.

ARTICLE IV

Games, Sports And Organized Activities

§ -17. Organized Sports or Activities

A. While in any park, no person shall:

- (1) Arrange or engage in an organized sport or activity, unless authorized by permit; or
- (2) Interfere with an organized sport or activity authorized by permit.

B. In addition to the prohibitions set out in Subsection A, while in any park no person shall utilize a designated area without a permit where it is posted to prohibit or restrict such use.

§ -18. Golf

A. While in any park, no person shall play or practise golf or strike a golf ball except on a golf course or in a designated area.

B. No person shall on any golf course located in a park:

- (1) Play or practise golf unless registered on that day as a player;
- (2) Hunt for or pick up any lost, misplaced or abandoned golf balls provided that nothing herein shall prevent a person registered as a player or such player's caddy from retrieving or attempting to retrieve golf balls lost by the registered player; or
- (3) 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.

§ -19. Model Aircraft and Rockets

While in any park, no person shall operate any powered models of aircraft, rockets, watercraft or vehicles unless authorized by permit.

§ -20. Gliders and Hot Air Balloons

Unless authorized by permit, no person shall tether, launch or land any hot air balloon, hang glider, ultra light aircraft or similar conveyance in any park.

§ -21. Skating

- A. On any natural ice surface posted and designated for skating, or any artificial ice surface located in any park, no person shall:
- (1) Use speed skates unless authorized by permit or in a posted area in accordance with posted conditions;
 - (2) Skate or act in such a manner as to interfere with and/or endanger any other person using the surface;
 - (3) Use a stick of any kind except in accordance with posted conditions; or
 - (4) Disregard the instructions or information provided by designated ice patrollers, rink guards or supervisors.
- B. No person shall access or skate on any natural ice surface in any park where posted to prohibit.

§ -22. Skiing, Tobogganing and Sledding

While in any park, no person shall:

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

§ -23. Roller Skates and Skate Boards

While in any park, no person shall:

- (1) Operate or utilize roller blades, skate boards, linear skates or like conveyances where posted to prohibit or otherwise restrict the use of the same; or
- (2) Obstruct, inconvenience or endanger other users of the park while operating or utilizing roller blades, skate boards or like conveyances.

§ -24. Tennis

No person shall enter, walk, or play upon a designated area for tennis in any park, except in accordance with the posted rules and regulations.

§ -25. Kites

While in any park, no person shall:

- A. Fly a kite with a line that is metallic or contains wire;
- B. Fly a kite within 25 metres of any tree, building, light pole or hydro or other utility pole;

- C. Fly a kite in parking lots, roadways or pathways; or
- D. Leave any part of the kite, including the string or other type of tethering material, that could cause damage to any person, property or wildlife, in the park.

ARTICLE V

Vehicles

§ -26. Roadways

- A. The Council or, where such authority has been delegated, the Commissioner or Committee established by Council, is authorized to establish appropriate regulations to regulate the use of park roadways.
- B. Unless authorized by permit, and except as provided in section 29 with respect to bicycles, no person shall while in any park drive, operate, pull or ride any vehicle except on a roadway or parking area.

§ -27. Parking

No person shall in any park:

- A. Park a vehicle except in a designated area for parking;
- B. Park a vehicle between the hours of 12:01 a.m. and 5:30 a.m., except in a designated area allowing for such overnight parking, or where authorized by permit;
- C. Park a vehicle in a designated area for parking, except in a parking space and in accordance with posted conditions;
- D. Stop or park a vehicle in a designated disabled parking space, unless a disabled person parking permit issued in accordance with the provisions of the Act, is properly displayed on or in the vehicle;
- E. Use any parking space except while using the park; or
- F. Park any vehicle for a period longer than 24 hours.

§ -28. Other Activities

No person shall make use of any roadway or parking lot in any park for:

- A. Washing, cleaning, servicing, maintaining or, except in the event of an emergency, the repair of any vehicle; or
- B. Instructing, teaching or coaching any person in the driving or operation of a motor vehicle

§ -29. Bicycles

While in any park, no person shall:

- A. Ride or operate or be in possession of any bicycle where posted to prohibit same;
- B. Obstruct, inconvenience or endanger other users of the park while riding or operating a bicycle;
- C. Construct or assemble any ramps, jumps, pathways or obstacle courses; or
- D. Ride or operate a bicycle in a manner which results in damage to trails, vegetation, trees, fauna or other natural features.

§ -30. Motorized Recreational Vehicles

No person shall, ride, drive, park or be in possession or control of a motorized recreational vehicle in any park except in a designated area.

§ -31. Trucks and Commercial Vehicles

Unless authorized by permit, no person shall drive, operate, pull or ride in any park:

- A. Any heavy machinery or equipment of any description and whatever the mode of power; or
- B. Any truck, trailer or bus whatsoever except a vehicle that is,
 - (1) Being used for the purpose of making a delivery to a point within the limits of the park while it is proceeding to or from such point of delivery; or
 - (2) Operated for personal, recreational, or non-commercial use.

§ -32. Speed

The maximum rate of speed for vehicles, bicycles and personally powered devices in parks shall be 20 kilometres per hour.

ARTICLE VI

Animals

§ -33. Horses

- A. Unless authorized by permit, no person as owner or person having control of any horse shall permit it to enter or remain in a park unless:
 - (1) Within a designated area for use by horses; and
 - (2) It is well broken and wearing a bridle.
- B. No person riding or having control of a horse in any park shall obstruct, inconvenience or endanger other users of the park.

§ -34. Dogs

- A. While in any park, no person as owner or person having control of any dog shall:
- (1) Allow it to run at large, except in a posted designated off-leash area;
 - (2) Excluding blind persons reliant upon a guide dog, permit any dog to enter any beach, pond, swimming area, farm area, garden, landscaped area, playground, sports field, or any other area posted to prohibit it;
 - (3) Install or construct any type of dog control fence or barrier; or
 - (4) Use a stun gun or similar electronic or battery operated device to harm or control the dog(s).
- B. While in any park, every person as owner or person having control of any dog shall:
- (1) Ensure that it is on a leash or chain not exceeding 2.4 metres in length when not running at large in a posted designated off-leash area;
 - (2) Excluding disabled persons, pick up and remove forthwith excrement left by the dog and dispose of it in a sanitary manner in a receptacle for litter or in some other suitable container;
 - (3) Not leave the dog unattended in any park or designated off-leash area;
 - (4) Keep the dog in sight and under care and control at all times; and
 - (5) Repair any holes dug by the dog(s) under their control.
- C. While in any park, no person shall have the control of more than 3 dogs.

§ -35. Dangerous Animals

No person as owner or person having the control of any animal shall bring into or permit such animal to enter any park if it may or does constitute a danger to other park users or wildlife, or is reasonably likely to frighten other park users.

§ -36. Protection of Wildlife

While in any park, no person shall:

- A. Subject to the provisions of section 37, kill, attempt to kill, maim, injure, trap or disturb any wildlife without a permit;
- B. Touch, injure or remove any nest or egg therefrom without a permit;
- C. Feed or attempt to feed or deposit food for consumption by wildlife; or
- D. Release into any park any pets, animals or domesticated species.

§ -37. Zoos and Animal Displays

While in any park, no person shall:

- A. Feed or attempt to feed any animal owned by or under the control of the City unless posted otherwise;
- B. Throw, deposit, place or attempt to throw, material of any kind whatsoever in any area where animals are kept for public display;
- C. Release from captivity, kill, attempt to kill, maim or in any way injure or molest any animal, bird, waterfowl or fish that is kept for public display; or
- D. Add any animals, birds or fish to the displays.

§ -38. Fishing

While in any park:

- A. No person shall fish in an area posted to prohibit fishing;
- B. No person shall store or leave any lures, bait, hooks, lines, poles or other equipment in the park in a location or manner that may injure other park users; and
- C. All permitted fishing must be carried out in compliance with all Ministry of Natural Resources Rules and Regulations.

ARTICLE VII

Trees

§ - 39. Definitions

As used in this article, the following terms shall have the meanings indicated:

- A. DESTROY – To remove, cut down or in any other way injure a tree to such an extent that it is deemed necessary to remove or cut down the tree.
- B. INJURE– Failure to protect a tree in accordance with the City of Toronto’s “Tree Protection Policy and Specifications for Construction Near Trees” and/or other standards set out by the Commissioner, entirely or in part, and/or any act that will harm a tree’s health in any manner.
- C. STANDARDS – The minimum requirements or guidelines established by the Commissioner pertaining to the protection and preservation of trees.
- D. TREE PROTECTION POLICY AND SPECIFICATIONS FOR CONSTRUCTION NEAR TREES – The City of Toronto’s “Tree Protection Policy and Specifications for Construction Near City Trees”, as established by the Commissioner and as amended from time-to-time.

- E. TREE VALUE/APPRAISED VALUE – The monetary value of a tree as determined through calculations using the City of Toronto’s Tree Appraisal and Evaluation form.

§ -40. Prohibited Activities

- A. While in any park, no person shall:
- (1) Remove, cut down, destroy or injure any tree or part of a tree located in any park except with the prior written approval of the Commissioner;
 - (2) Mark, cut, break, peel, deface or bury the roots of any tree or any part of a tree located in any park;
 - (3) Undertake or cause to undertake any activities which are contrary to the City of Toronto’s “Tree Protection Policy and Specifications for Construction near Trees” and any other standards or conditions imposed or set out by the Commissioner pertaining to the protection of a tree located in any park except with the prior written approval of the Commissioner; or
 - (4) Attach in any manner any object or thing to a tree or part of a tree located in any park except with the prior written approval of the Commissioner.
- B. No person shall attach decorative lights to a tree located in any park except with the prior written approval of the Commissioner and upon production of satisfactory evidence that all other requisite approvals have been obtained. Such requests may be subject to conditions imposed by the Commissioner.

§ -41. Protection of Trees

- A. Every person doing any work in any park or accessing a property through any park shall carry out such work or access in accordance with the City’s “Tree Protection Policy and Specifications for Construction Near Trees” and any other standards or conditions imposed or set out by the Commissioner.
- B. The Commissioner is authorized to request funds to secure the protection of any tree in any park by posting a letter of credit in a form and content acceptable to the City, in an amount sufficient to cover the appraised value of the subject tree, as well as removal and replacement costs.

§ -42. Injury and Removal of Trees

- A. Any person who injures, destroys or removes a tree without the prior written approval of the Commissioner may be subject to providing payment to the City in an amount sufficient to cover the appraised value of the subject tree, as well as removal and replacement costs and the costs of any specific arboricultural procedures to be undertaken to remedy the tree.
- B. The Commissioner is authorized to remove or cause to be removed healthy trees located in any park. Approval for tree removal requests may be subject to conditions which include payment of tree value, removal and replacement costs and the replanting of a replacement tree or trees by the applicant.

§ -43. Pruning of Trees on Private Property

The Commissioner is authorized to prune or cause to be pruned all trees located on private property, the branches of which extend over any park, including the pruning of branches which are hazardous or create an unsafe condition.

ARTICLE VIII

Watercraft

§ -44. Boating

No person shall, subject to any right at law to do so, place, operate, drive or ride any watercraft in any park in any area posted so as to prohibit or restrict the type and allowable uses of watercraft.

§ -45. Mooring

A. In this section:

- (1) **COMMERCIALLY OPERATED BOAT** - A boat in which the owner or operator transports or offers to transport persons and/or personal property for a fee;
- (2) **FLOAT HOME** - A house-like structure incorporating a floatation system, intended for use or being used or occupied for residential purposes and not primarily intended for, or usable in, navigation;
- (3) **LIVEABOARD**- A vessel intended primarily for use in navigation and used incidentally as a residence; and
- (4) **PRIVATELY OPERATED PLEASURE BOAT** - A boat other than a commercially operated boat.

B. No operator or owner of a privately operated pleasure boat shall beach, moor, or allow to be beached or moored, the privately operated pleasure boat along any seawall or shoreline in any park for a period longer than two hours.

C. No operator or owner of a commercially operated boat shall beach, moor or allow to be beached or moored, the commercially operated boat along any seawall or shoreline in any park for a period longer than two hours.

D. Unless authorized by permit, no person shall, subject to any right at law to do so, moor watercraft in any park:

- (1) Except in a designated area;
- (2) For a period longer than 48 hours, except in a marina or yacht club authorized by Council, or as otherwise posted;

- (3) Contrary to posted restrictions or prohibitions or in any way that may or does endanger or inconvenience other watercraft or their use or other users of the park; and
- (4) Without prior payment of the fee therefor authorized by Council.
- E. No person shall moor a float home in any park.
- F. No liveboards are permitted in any park except in accordance with City policies and by-laws.

ARTICLE IX

Commercial Enterprises

§ -46. Sale of Merchandise, Trade or Business

- A. Unless authorized by permit, no person shall, while in any park, sell or offer or display for sale:
 - (1) Any food, drink or refreshment;
 - (2) Any goods, wares, merchandise or articles including promotional material, souvenirs and novelties; or
 - (3) Any art, skill, service or work.
- B. While in any park, no person shall practise, carry on, conduct or solicit for any trade, occupation, business or profession.

§ -47. Filming and Videotaping

While in any park, no person shall take or permit to be taken for remuneration any film, photograph, videotape or television broadcast unless permitted under the City's film by-law and authorized by permit from the Toronto Film and Television Office.

§ -48. Advertising Devices and Signs

- A. Unless authorized by permit, no person shall:
 - (1) While in any park distribute, discard, or display any sign or advertising device; or
 - (2) Post, nail, attach, stencil or otherwise fasten or erect any sign or advertising device to any park property.
- B. The Commissioner may, at any time and without notice, remove any sign or advertising device in the course of periodic cleaning or maintenance operations or where the sign or advertising device has been displayed contrary to the provisions of this by-law, unless erected in accordance with approval from the Commissioner as part of a promotional or sponsorship arrangement with the City, in which case the sign or advertising device shall not be removed until the time agreed between the parties.

- C. Any sign or advertising device removed under Subsection B may be destroyed or otherwise disposed of by the person authorized to remove it, without notice or compensation to any person who has an interest in the sign or advertising device.
- D. Where an illegal sign or advertising device has been removed under Subsection B, any person responsible for erecting, attaching, placing or displaying, or causing or permitting the erecting, attaching, placing or displaying of the sign or advertising device in contravention of this by-law shall, in addition to any other fine or penalty that may be imposed for an offence under this by-law, be required to pay the City the actual cost of removal and disposal of the sign or advertising device.

ARTICLE X

Regulation and Enforcement

§ -49. Permits and Licences

- A. Permits for activities contemplated in this by-law may be obtained by contacting the Customer Service Section of Parks and Recreation.
- B. Permits issued for activities contemplated in this by-law may be subject to such fees as shall from time to time establish.
- C. Permits issued for activities contemplated in this by-law may include conditions as to time, location, area, equipment, number of participants, type of activities, release, indemnity and insurance coverage.
- D. The issuance of a permit pursuant to this by-law shall not relieve any person from the necessity of acquiring any other licence or permit required for such activity by any governmental or public authority.
- E. No permit contemplated by this by-law shall be issued if it would result in the contravention of other applicable law.

§ -50. Posting of Signage by Commissioner

The Commissioner is authorized to post signage of permission, regulation, restriction, warning or prohibition with respect to uses of or activities in any park in accordance with the provisions of this by-law.

§ -51. Temporary Closure

The Commissioner is authorized to close off for such temporary period as the Commissioner deems appropriate any park or part or parts thereof to relieve or prevent overcrowding or traffic congestion, or in the interests of public safety, or as may otherwise be authorized by Council.

§ -52. Exclusions and Exemptions

- A. This by-law shall not apply to:

- (1) Personnel of Emergency Medical Services, Toronto Police Services or Fire Services while engaged in the performance of their duties;
 - (2) Employees or agents of the City while responding to an emergency situation occurring while engaged in works or services undertaken for or on behalf of the City, or as authorized by the Commissioner; or
 - (3) A park, property or building that is now or hereafter under the jurisdiction of a board established by the Council or by statute, the members of which are appointed by Council.
- B. This by-law shall be subject to provisions of contracts and agreements now in place or to be entered into by the City in the future, covering works or services to be performed in any park.

§ -53. Enforcement

- A. Any provincial offences officer or employee of the City designated by the Commissioner is authorized to inform any person of the provisions of this by-law and to request compliance therewith.
- B. Any provincial offences officer or employee of the City whose duties include the enforcement of this municipal by-law, is authorized to order any person believed by such officer or employee to be contravening or who has contravened any provision of this by-law, to
- (1) stop the activity constituting or contributing to such contravention;
 - (2) remove from the park any animal or thing owned by or in the control of such person which the officer or employee believes is or was involved in such contravention; or
 - (3) leave the park.
- C. Any provincial offences officer may enforce the provisions of this by-law.
- D. Where any person contravenes any of the provisions of this by-law, or fails to comply with any order referred to in Subsection B, the permission and licence of such person to remain in that park is revoked.

§ -54. Penalties

- A. Any person who contravenes or causes a contravention of any of the provisions of this by-law, other than Section 32 resulting from the operation of a motor vehicle, is guilty of an offence.
- B. Any person who contravenes the provision contained in Section 32 of this by-law, resulting from the operation of a motor vehicle, is guilty of an offence under the Highway Traffic Act.
- C. Where a motor vehicle has been left parked, stopped or standing in contravention of section 27, the owner of the motor vehicle at the time of the contravention is guilty of an offence and is liable to the fine prescribed for the offence unless at the time of the offence, the

motor vehicle was in the possession of some person other than the owner without the owner's consent.

§ -55. Removal of Vehicles

A provincial offences officer or the Commissioner, upon discovery of any vehicle parked or standing in contravention of section 27 of this by-law may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle which may be enforced in the manner provided by the Repair and Storage Liens Act.

ARTICLE XI

General

§ -56. Severability

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in full force and effect.

2. Repeal, transition.

The following are repealed, except that where a person is alleged to have contravened any of the by-law listed below before the date this by-law comes into force, they continue to apply for purposes of any enforcement proceedings brought against the person until the proceedings have been concluded:

- A. Former City of Toronto Municipal Code Chapter 255, Parks, as amended.
- B. Former City of Toronto By-law No. 1996-0170.
- C. Former City of Etobicoke Municipal Code Chapter 190, Parks.
- D. Former City of North York By-law No. 31885.
- E. Former City of Scarborough By-law No. 23728.
- F. Former City of York By-law No. 2619-92.
- G. Former Borough of East York By-law No. 94-92.
- H. Former Municipality of Metropolitan Toronto By-law No. 129-92.
- I. City of Toronto By-law No. 572-2000.
- J. City of Toronto By-law No. 434-2001.
- K. City of Toronto By-law No. 782-2001.

3. This by-law comes into force 30 days after the set fine order is signed by the Regional Senior Judge of the Ontario Court of Justice.
4. To the extent of any conflict between this by-law and any by-laws of the former municipalities respecting parks, this by-law prevails.

ENACTED AND PASSED this day of , A.D. 2004.

Mayor

City Clerk