

Authority: Economic Development and Parks Committee Report No. 6, Clause No. 10,
as adopted by City of Toronto Council on September 28, 29, 30 and
October 1, 2004
Enacted by Council: September 30, 2004

CITY OF TORONTO

BY-LAW No. 854-2004

**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 under section 425 of the *Municipal Act, 2001*, by-laws may be passed by a municipality for providing that any person who contravenes any by-law of the municipality passed under the authority of the *Municipal Act, 2001* is guilty of an offence; and

WHEREAS under section 427 of the *Municipal Act, 2001*, if a municipality has authority by by-law or otherwise to direct or require that a matter or thing be done, the municipality may, in the same or another by-law direct that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and the municipality may recover the costs of doing it by action, or the costs may be added to the tax roll and collected in the same manner as taxes;

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

§ 608-1. Definitions.

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

ACT – The *Highway Traffic Act*.

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*.

MOTORIZED RECREATIONAL VEHICLE – A snowmobile, go-cart, trail bike, mini bike, all-terrain vehicle, or similar vehicle, whatever the mode of power, but does not include a scooter.

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 of it owned by or made available by lease, agreement, or otherwise to the City, that is or may be established, dedicated, set apart or made available for use as public open space or golf course, and that has been or may be placed under the jurisdiction of the Commissioner including any and all buildings, structures, facilities, erections, and improvements located in or on the land, save and except where the 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 under delegated authority.

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: –

- A. Refers to the erection or presence of permissive, regulatory, restrictive, warning or prohibitive signs.
- B. “Posted area” means an area where the 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*, 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 similar conveyance.

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

WILDLIFE – Includes any coyote, fox, raccoon, bird, waterfowl, fish, goose or other animal.

ARTICLE II Conduct

§ 608-2. Restricted areas.

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

§ 608-3. Conduct.

A. While in a park, no person shall:

- (1) Indulge in riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language;
- (2) Cast, throw or in any way propel any object in a manner that may or does endanger or cause injury or damage to a 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 release any balloons filled with lighter-than-air gases in a park.

§ 608-4. Firearms and offensive weapons.

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

§ 608-5. Fireworks.

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

§ 608-6. Injury and damage.

No person shall in a park:

- A. Climb a 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 a flower, plant material, fungus, tree or other vegetation or a 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, rock, boulder, rock face or remove 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.

§ 608-7. Encroachment.

Unless authorized by permit, no person shall encroach upon or take possession of a park by any means whatsoever, including the construction, installation or maintenance of a fence or structure, the dumping or storage of materials or plantings, or planting, cultivating, grooming or landscaping.

§ 608-8. Alcohol.

While in a 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****§ 608-9. Access.**

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

§ 608-10. Campfires and Barbecues.

While in a park, no person shall:

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

§ 608-11. Organized gatherings, special events, festivals and picnics.

While in a park, no person shall:

- A. Unless authorized by permit, hold a picnic, organized gathering or special event for more than 25 persons;
- B. Interfere with a picnic, organized gathering or special event authorized by permit; or
- C. Move park furniture from an area to another area to accommodate their picnic, organized gathering or special event.

§ 608-12. Amplifiers and loud speakers.

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

§ 608-13. Camping and lodging.

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

§ 608-14. Tents and structures.

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

§ 608-15. Bathing, swimming, and sun bathing.

A. No person shall in a park:

- (1) Enter a public swimming pool, except at times designated for swimming;
- (2) In or adjacent to a swimming pool, fail to comply with posted signs or to obey the instructions of any lifeguard or other authorized person;
- (3) Swim, bathe or wade in a 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. Despite Subsection A, clothing shall be optional in the designated clothing optional beach area at Hanlan's Point Beach on Toronto Island.

§ 608-16. Use of wash and change rooms.

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

ARTICLE IV**Games, Sports and Organized Activities****§ 608-17. Organized sports or activities .**

While in a park, no person shall:

- A. Arrange or engage in an organized sport or activity, unless authorized by permit;
- B. Interfere with an organized sport or activity authorized by permit; or

- C. Utilize a designated area without a permit where it is posted to prohibit or restrict such use.

§ 608-18. Golf.

- A. While in a 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 a 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, 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
 - (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.

§ 608-19. Model aircraft and rockets.

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

§ 608-20. Gliders and hot air balloons.

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

§ 608-21. Skating.

- A. On a natural ice surface posted and designated for skating, or an artificial ice surface located in a 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 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
 - (4) Disregard the instructions or information provided by designated ice patrollers, rink guards or supervisors.
- B. No person shall access or skate on a natural ice surface in a park where it is posted to prohibit it.

§ 608-22. Skiing, tobogganing and sledding.

While in a park, no person shall:

- A. Ski, toboggan, snowboard, skibob or sled in an area in a park where it is posted to prohibit it; or
- B. Fasten or attach a 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.

§ 608-23. Roller skates and skate boards.

While in a park, no person shall:

- A. Operate or utilize roller blades, skate boards, linear skates or similar conveyances where posted to prohibit or otherwise restrict the use of the conveyances; or
- B. Obstruct, inconvenience or endanger other users of the park while operating or utilizing roller blades, skateboards or similar conveyances.

§ 608-24. Tennis.

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

§ 608-25. Kites.

While in a 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****§ 608-26. Roadways.**

- A. The Council or, under delegated authority, 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 § 608-29 with respect to bicycles, no person shall while in a park drive, operate, pull or ride a vehicle except on a roadway or parking area.

§ 608-27. Parking.

No person shall in a park:

- A. Park a vehicle except in an area designated 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 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 a parking space except while using the park; or
- F. Park a vehicle for a period longer than 24 hours.

§ 608-28. Other activities.

No person shall make use of a roadway or parking lot in a 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, unless authorized by permit.

§ 608-29. Bicycles.

While in a park, no person shall:

- A. Ride or operate or be in possession of a bicycle where posted to prohibit bicycles;
- 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.

§ 608-30. Motorized recreational vehicles.

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

§ 608-31. Trucks and commercial vehicles

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

- A. Heavy machinery or equipment of any description and whatever the mode of power; or
- B. A 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 the point of delivery; or
 - (2) Operated for personal, recreational, or non-commercial use.

§ 608-32. Speed.

The maximum rate of speed for vehicles, motorized recreational vehicles, bicycles and personally powered devices in a park is 20 kilometres per hour.

ARTICLE VI
Animals

§ 608-33. Horses.

- A. Unless authorized by permit, no person as owner or person having control of a 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 a park shall obstruct, inconvenience or endanger other users of the park.

§ 608-34. Dogs.

- A. While in a park, 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;
 - (2) Excluding blind persons reliant upon a guide dog, permit the dog to enter a 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.

B. While in a park, every person as owner or person having control of a 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 immediately remove 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 a 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 under their control.

C. While in a park, no person shall have the control of more than three dogs.

§ 608-35. Dangerous animals.

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

§ 608-36. Protection of wildlife.

While in a park, no person shall:

- A. Subject to the provisions of § 608-37, kill, attempt to kill, maim, injure, trap or disturb wildlife without a permit;
- B. Touch, injure or remove a nest or egg without a permit;
- C. Feed or attempt to feed or deposit food for consumption by wildlife; or
- D. Release into a park pets, animals or domesticated species.

§ 608-37. Zoos and animal displays.

While in a park, no person shall:

- A. Feed or attempt to feed an 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 an area where animals are kept for public display;
- C. Release from captivity, kill, attempt to kill, maim or in any way injure or molest an animal, bird, waterfowl or fish that is kept for public display; or
- D. Add animals, birds or fish to the displays.

§ 608-38. Fishing.

While in a 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 persons or wildlife; and
- C. All permitted fishing must be carried out in compliance with all Ministry of Natural Resources Rules and Regulations.

ARTICLE VII
Trees

§ 608-39. 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 the extent that it is considered 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” or other standards set out by the Commissioner, entirely or in part, or any act that will harm a tree’s health in any manner.
- C. **STANDARDS** – The minimum requirements or guidelines established by the Commissioner for the protection and preservation of trees.
- D. **TREE PROTECTION POLICY AND SPECIFICATIONS FOR CONSTRUCTION NEAR TREES** – The City’s Tree Protection Policy and Specifications for Construction Near City Trees.

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

§ 608-40. Prohibited activities.

- A. While in a park, no person shall:
- (1) Remove, cut down, destroy or injure a tree or part of a tree located in a park except with the prior written approval of the Commissioner;
 - (2) Mark, cut, break, peel, deface or bury the roots of a tree or any part of a tree located in a park;
 - (3) Undertake or cause to undertake any activities that are contrary to 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 for the protection of a tree located in a 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 a park except with the prior written approval of the Commissioner.
- B. (1) No person shall attach decorative lights to a tree located in a park except with the prior written approval of the Commissioner and upon production of satisfactory evidence that all other requisite approvals have been obtained.
- (2) The requests may be subject to conditions imposed by the Commissioner.

§ 608-41. Protection of trees.

- A. Every person doing any work in a park or accessing a property through a 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 a tree in a 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 tree, as well as removal and replacement costs.

§ 608-42. 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 tree, as well as removal and replacement costs and the costs of any specific arboricultural procedures to be undertaken to remedy the tree.

- B. (1) The Commissioner is authorized to remove or cause to be removed healthy trees located in a park.
- (2) Approval for tree removal requests may be subject to conditions imposed by the Commissioner that include payment of tree value, removal and replacement costs and the replanting of a replacement tree or trees by the applicant.

§ 608-43. 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 a park, including the pruning of branches that are hazardous or create an unsafe condition.

**ARTICLE VIII
Watercraft**

§ 608-44. Boating.

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

§ 608-45. Mooring.

- A. In this Section:
- (1) **COMMERCIALLY OPERATED BOAT** - A boat in which the owner or operator transports or offers to transport persons 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 a 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 a seawall or shoreline in a 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 a 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 for this use authorized by Council.
- E. No person shall moor a float home in a park.
- F. No liveboards are permitted in a park except in accordance with City policies and by-laws.

ARTICLE IX
Commercial Enterprises

§ 608-46. Sale of merchandise, trade or business.

- A. Unless authorized by permit, no person shall, while in a 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 a park, no person shall practise, carry on, conduct or solicit for a trade, occupation, business or profession.

§ 608-47. Filming and videotaping.

While in a 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.

§ 608-48. Advertising devices and signs.

- A. Unless authorized by permit, no person shall:
- (1) While in a park distribute, discard, or display a sign or advertising device; or

- (2) Post, nail, attach, stencil or otherwise fasten or erect a sign or advertising device to park property.
- B. The Commissioner may, at any time and without notice, remove a 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 chapter, 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. A 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 chapter shall, in addition to any other fine or penalty that may be imposed for an offence under this chapter, be required to pay the City the actual cost of removal and disposal of the sign or advertising device.

ARTICLE X Regulation and Enforcement

§ 608-49. Permits and licences.

- A. Permits for activities contemplated in this chapter may be obtained by contacting the Customer Service Section of the City's Parks and Recreation Division.
- B. Permits issued for activities contemplated in this chapter may be subject to fees established by the Commissioner.
- C. Permits issued for activities contemplated in this chapter 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 under this chapter does not relieve a person from the necessity of acquiring any other licence or permit required for the activity by any governmental or public authority.
- E. No permit contemplated by this chapter shall be issued if it would result in the contravention of other applicable law.

§ 608-50. 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 a park in accordance with the provisions of this chapter.

§ 608-51. Temporary closure.

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

§ 608-52. Exclusions and exemptions.

A. This chapter does 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 under the jurisdiction of a board established by Council or by statute, the members of which are appointed by Council.

B. This chapter is 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 a park.

§ 608-53. Enforcement.

A. Any provincial offences officer or employee of the City designated by the Commissioner is authorized to inform a person of the provisions of this chapter and to request compliance with it.

B. Any provincial offences officer or employee of the City whose duties include the enforcement of this chapter is authorized to order a person believed by the officer or employee to be contravening or who has contravened any provision of this chapter, to:

- (1) Stop the activity constituting or contributing to the contravention;
- (2) Remove from the park any animal or thing owned by or in the control of the person which the officer or employee believes is or was involved in the contravention; or
- (3) Leave the park.

C. Any provincial offences officer may enforce the provisions of this chapter.

D. Where a person contravenes any of the provisions of this chapter, or fails to comply with any order referred to in Subsection B, the permission and licence of the person to remain in that park is revoked.

- E. If a person encroaches upon a park and fails to comply with a notice given under Subsection F, the Commissioner, or persons acting upon his instructions, may remove the encroachment, install appropriate fencing and recover all expenses associated with the removal, including, but not limited to, soil testing, disposal fees, park restoration and fence installation.
- F. Notice to comply.
- (1) The notice to comply shall require compliance with this chapter within a specified time period but no sooner than 72 hours after the notice is given.
 - (2) Notice to remove the encroachment may be served personally on the person to whom it is directed or sent by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed.
 - (3) If there is evidence that the person in possession of the land is not the registered property owner, the notice shall be served on both the registered property owner and the person in possession of the land.
 - (4) If the address of the owner or occupant is unknown or the City is unable to effect service on the owner or occupant under Subsection F(2), a placard stating the terms of the notice and placed in a conspicuous place upon the property shall be deemed to be sufficient notice.
- G. Costs incurred by the City in doing the work required to be done by notice may be recovered by action or adding the costs to the tax roll and collecting them in the same manner as taxes.

§ 608-54. Penalties.

- A. Any person who contravenes any of the provisions of this chapter, other than § 608-32 resulting from the operation of a motor vehicle, is guilty of an offence.
- B. Any person who contravenes the provision contained in § 608-32 of this chapter, 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 § 608-27, 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.

§ 608-55. Removal of vehicles.

A provincial offences officer or the Commissioner, upon discovery of a vehicle parked or standing in contravention of § 608-27 of this chapter 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 of and storing the vehicle, if any, are a lien upon the vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*.

2. Transition.

- A. A by-law listed in Section 3 continues to apply for the purposes of any notice or order given under the by-law until the work required by the notice is completed or any enforcement proceedings have been completed.
- B. Where a person is alleged to have contravened a by-law listed in Section 3 before the date this by-law comes into force, the by-law continues to apply for purposes of any enforcement proceedings brought against the person until the proceedings have been concluded.

3. Repeal.

The following by-laws are repealed:

- A. Former City of Toronto Municipal Code Chapter 255, Parks.
- B. Former City of Toronto By-law No. 1996-0170, "To amend Municipal Code Ch. 255, Parks, to prohibit the feeding of Canada Geese."
- C. Former City of Etobicoke Municipal Code Chapter 190, Parks.
- D. Former City of North York By-law No. 31885, "A Uniform By-law for the Use, Regulation, Protection and Government of Parks."
- E. Former City of Scarborough By-law No. 23728, "A Uniform By-law for the Use, Regulation, Protection and Government of Parks."
- F. Former City of York By-law No. 2619-92, "A Uniform By-law for the Use, Regulation, Protection and Government of Parks."
- G. Former Borough of East York By-law No. 94-92, "A Uniform By-law for the Use, Regulation, Protection and Government of Parks."
- H. Former Municipality of Metropolitan Toronto By-law No. 129-92, "A Uniform By-law for the Use, Regulation, Protection and Government of Parks."
- I. Former Municipality of Metropolitan Toronto By-law No. 130-92, "To Delegate Authority to Issue Permits and Various Other Regulatory Parks Matters."

- J. City of Toronto By-law No. 572-2000, “A By-law to Amend Chapter 255 of the former City of Toronto Municipal Code – Clothing Optional Beach at Hanlon’s Point.”
- K. City of Toronto By-law No. 434-2001, “To amend the Uniform Parks By-laws of the former Borough of East York (94-92), the Cities of Etobicoke (Ch. 190), North York (31885), Scarborough (23728), Toronto (Ch. 255), York (2619-92) and the Municipality of Metropolitan Toronto (129-92) to prohibit the feeding of dangerous wildlife.”
- L. City of Toronto By-law No. 782-2001. “To amend the Uniform Parks By-laws of the former Borough of East York, the Cities of Etobicoke, North York, Scarborough, Toronto and York, and the former Municipality of Metropolitan Toronto to allow for the recovery of costs associated with the removal of encroachments in like manner as taxes”.
4. As section 1 of this by-law has the effect of repealing codified By-law No. 736-92 of the former City of Toronto and codified By-law No. 1992-226 of the former City of Etobicoke, By-law No. 736-92 being a by-law “To provide for the use, regulation, protection and government of parks”, as amended, and By-law No. 1992-226 being a by-law “To provide for the use, regulation, protection and government of parks”, as amended, are repealed for by-law record keeping purposes.

5. Commencement.

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.

ENACTED AND PASSED this 30th day of September, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)