

Authority: Parks and Environment Committee Item 10.1,
adopted as amended, by City of Toronto Council on February 6 and 7, 2012
Enacted by Council: February 7, 2012

CITY OF TORONTO

BY-LAW No. 144-2012

To amend City of Toronto Municipal Code Chapter 608, Parks, to add new offences and clarify existing ones, and to add and amend various definitions.

WHEREAS under sections 7 and 8 of the *City of Toronto Act, 2006* (the "Act"), the City may pass by-laws respecting structures, including fences and signs, and the safety of persons; and

WHEREAS City Council wishes to amend Municipal Code Chapter 608, Parks, to add new offences and clarify existing ones, and to add and amend various definitions;

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

1. Chapter 608, Parks, of The City of Toronto Municipal Code is amended as follows:

A. Section 447-1 is amended by deleting the definitions of "COMMISSIONER" and "PERMIT" and adding the following in alphabetical order:

"DOCUMENT — A permit, licence, agreement or other written authorization, other than a permit issued under this chapter, required to legally conduct an activity that is taking place in a park.

GENERAL MANAGER — The General Manager of Parks, Forestry and Recreation or his or her successor or designate.

LIQUOR — As defined in subsection 1(1) of the *Ontario Liquor Licence Act* as amended.

OFFICER — A police officer, a provincial offences officer, or any employee of the City assigned the responsibility of enforcing this chapter.

PERMIT — A City-issued permit, parks access agreement, lease, licence, letter of authorization, parking permit or any other written authorization issued by the City to engage in an activity in a park."

B. The word "Commissioner" is deleted and replaced with "General Manager" in the following subsections, and in all other instances where it may occur: Subsection 26A; 39 in the definition of "Injure"; 40A(1), (3) and (4); 40B(1) and (2); 41A and B; 42B(1) and (2); 43; 48B; 49B; 50 (including the section title); 51; 52A(2); 53E and 55.

- C. Section 608-3A is amended by deleting "or" at the end of Subsection (3), by replacing the period at the end of (4) with a semi-colon and adding the following after Subsection (4):

"(5) Engage in any form of sexual behavior; or

(6) Be nude."

- D. Section 608-3 is amended by re-numbering the existing Subsections B and C as D and E and adding the following as new Subsections B and C:

"B. For the purposes of Subsection A(6), a person is nude who is clad as to offend against public decency or order.

C. No person shall plant, tie, bury, insert or in any manner place an object that may endanger or cause injury to person or property while in a park."

- E. The following is added after Section 608-7:

"§ 608-7.1 Discharge.

No person shall cause or permit the discharge of water or waste water from sewage, any roof drainage system, hot tub, swimming pool or pond into or onto a park."

- F. Section 608-8 Alcohol is deleted and the following substituted:

"§ 608-8 Liquor.

While in a park no person shall:

- A. Have in their possession an open container of any liquor, unless in a designated area, authorized by permit and with the approval of the Alcohol and Gaming Commission of Ontario;
- B. Provide, supply or in any way make liquor available to persons who on the basis of age are not permitted to be supplied with liquor under the Ontario *Liquor Licence Act*; or
- C. Consume, serve or sell liquor unless in a designated area, authorized by permit and with the approval of the Alcohol and Gaming Commission of Ontario."

- G. Section 608-10B is amended by deleting "or" at the end of Subsection (3)(c), deleting the period at the end of Subsection (4) and substituting ";or" and adding the following as Subsection (5):
- "(5) Light, build, use or stoke an open fire, bonfire, bake oven, fixed or portable barbecue without having in their possession a sufficient amount of an appropriate extinguishing medium to extinguish any flame when required."
- H. Section 608-11 is amended by deleting "or" at the end of Subsection B, by deleting the period at the end of Subsection C and substituting "; or" and by adding the following as Subsection D:
- "D. Remove park furniture, equipment, signs or any other property of the City from the park without a permit."
- I. Section 608-28 is amended by deleting "or" at the end of Subsection A, by deleting the period at the end of Subsection B and substituting "; or" and by adding the following as Subsection C:
- "C. Storing a boat or trailer without a permit."
- J. Section 608-34C is amended by deleting "and" at the end of Subsection (5), by deleting the period at the end of Subsection (6) and substituting "; and" and by adding the following as Subsection (7):
- "(7) Not allow a dog to enter a designated off-leash area except in accordance with the posted conditions of use."
- K. Section 608-39 is amended as follows:
- (1) By deleting the definitions of "DESTROY" and "STANDARDS" and substituting the following:
- "DESTROY — To remove, cut down or in any other way injure a tree to such an extent that it is deemed by the General Manager to be an imminently hazardous tree or it becomes necessary to remove the tree."
- "STANDARDS — Minimum requirements or guidelines established by the General Manager pertaining to the protection and preservation of trees."
- (2) By adding the following definition between "Destroy" and "Injure":
- "IMMINENTLY HAZARDOUS TREE — A destabilized or structurally compromised tree that is in imminent danger of causing damage to life or property."

- L. Subsection 608-45D is amended by deleting the first sentence and substituting the following:
- "D. Unless authorized by permit, no person shall, subject to any legal right to do so, moor, anchor, tie-up or in any other way secure watercraft to or remove it from the shoreline or the seawall in a park."
- M. Subsection 608-46B is deleted and the following is substituted:
- "B. Unless authorized by permit, no person shall, while in a park, practice, carry on or solicit for a trade, occupation, business or profession."
- N. Section 608-49 is amended as follows:
- (1) By deleting the section title "Permits and licences." and substituting "Permits, licences and documents."; and
- (2) By re-numbering Subsection E as Subsection G and adding the following as new Subsections E and F:
- "E. Any person issued a permit or document shall be responsible for ensuring that all of the terms and conditions of the permit or document are complied with.
- F. A permit or document shall, if possible, be displayed in a manner that renders it easy to read and if not possible, it shall be produced for inspection at the request of an officer."
- O. Subsection 608-52A(1) is deleted and the following substituted:
- "(1) An officer or personnel of Emergency Medical Services or Fire Services while engaged in the performance of their duties;"
- P. Subsection 608-53 is amended as follows:
- (1) By deleting Subsection A and substituting the following:
- "A. Any officer is authorized to inform a person of the provisions of this chapter and request compliance with it."
- (2) By deleting the first sentence of Subsection B and substituting the following:
- "B. Any officer is authorized to order a person believed by the officer to be contravening or who has contravened any provision of this chapter to:"

(3) By deleting Subsection 53B(2) and substituting the following:

"(2) Remove from the park to a pound or storage facility any animal or thing owned by or in control of the person who the officer believes is or was involved in the contravention; or"

2. This by-law shall come into force on the day after the set fine order is issued by the Regional Senior Judge of the Ontario Court of Justice.

ENACTED AND PASSED this 7th day of February, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)