

***TOWN OF MARKHAM***  
*Ontario*



**BY-LAW 167-92**

**A BY-LAW FOR THE GENERAL MANAGEMENT AND REGULATION OF PARKS  
WITHIN THE TOWN OF MARKHAM**

This By-law is printed under and  
by authority of the Council of  
the Town of Markham

(Consolidated for convenience only  
to July 5, 2007)

**AS AMENDED BY:**

By-law 118-99 - June 22, 1999

By-law 2007-173 – June 26, 2007

## **BY-LAW 167-92**

### **A By-law for the General Management and Regulation of Parks within the Town of Markham**

#### **THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM ENACTS AS FOLLOWS:**

1. In this by-law:

**"Vehicle"** includes an automobile, motorcycle, motor scooter, mini-bike, bicycle, motorized snow vehicle, farm tractor or any other type of vehicle drawn, propelled or driven by any kind of power, including muscular power;

**"Park"** includes any public park, athletic park or park lands established as community centres;

**"Town"** means The Corporation of the Town of Markham.

2. This by-law shall apply to all parks within the geographical limits of the Town of Markham.

3. No person shall hold or conduct any meeting in any park without the authority of Council, application for which shall be made in writing at least five (5) days prior to the holding of such meeting, provided however such permission may be revoked if the terms and conditions of the conduct of such meeting are not complied with or observed as the case may be.

4. No person shall:

(a) in any park, destroy or cut, mark, break, dig, tear up, burn or in any way damage, injure or deface:

(i) any tree, flower bed, shrub, plant or sod;

(ii) any pool, fountain, bridge, fence, wall, gateway, roadway, pavement, parking area, sidewalk, walk or other facility, erection or improvement;

(iii) any building or other structure, or any appurtenance thereof; or

(iv) any swing, slide, playground apparatus, table, seat, bench, sign, vase or other fixture, equipment or personal property or ornament or utility, located in or upon any park;

- (b) drive, operate, pull or ride:
  - (i) any vehicle, except on a roadway or a parking area, in or on any part of a park;
  - (ii) travel or cause any vehicle to travel at a greater speed than fifteen miles per hour on any of the roadways or parking areas of a park, or in any place so as to interfere with or endanger any person in a park; or
  - (iii) drive, operate, pull or ride any vehicle upon any roadway, parking area or path in a park which is not intended to be used for such purpose, or which has any official sign showing that such roadway parking area or path is closed to traffic;
- (c) park any vehicle in or on any part of a park except a parking area or a roadway or being the owner of a vehicle, allow any car to be parked in contravention of this section;
- (d) park any vehicle in a park in or on any part of a boulevard, or being the owner allow any car to be parked in contravention of this section;
- (e) where an official sign is displayed in a park, park a vehicle on a parking area between the times prohibited by such official sign;
- (f) where parking spaces are designated in a park, stop or park a vehicle in the parking area except within a part thereof designated as a parking space;
- (g) between the hours of 12:00 a.m. (midnight) local time or any day, and 6:00 a.m. of the same day:
  - (i) park any vehicle in a park; or
  - (ii) enter into or be in a park except with prior written authorization of the Town.  
(Amended by By-law 118-1999)
- (h) use any part of a park for the purpose of:
  - (i) washing, cleaning, polishing, servicing, maintaining or, except in the event of any emergency, repairing any vehicle, or
  - (ii) instructing, teaching or coaching any person in the driving or operation of a vehicle;

- (i) lead, carry or otherwise take any animal, with the exception of a dog into any park, and dogs shall not be permitted to run at large and must be on a leash in any park;
- (j) who owns, harbours or possesses an animal as a pet, allow it to defecate or defoul a park;
- (k) take into, deposit or scatter in or upon any part of a park, any garbage, ashes or rubbish of any kind;
- (l) post, nail, attach or otherwise fasten any poster, sign, notice, placard, circular, bill, advertisement or paper in or upon any part of a park, except with the written authorization of the Town;
- (m) sell, offer or expose for sale in any park, except with a license or permit issued by the Town:
  - (i) any food, drink or refreshments;
  - (ii) any goods, wares or merchandise, including souvenirs and novelties, or
  - (iii) any art, skill, service or work;
- (n) light, make or use any fire in or on any part of a park unless it is in a properly constructed barbecue or firepit designated for that purpose or in any approved barbecue or firepit;
- (o) kill, maim or in any way injure, molest or disturb any animal, bird or water fowl that is enclosed or whose habitat is in a park;
- (p) ignite, discharge or set off any fireworks in a park except pursuant to a permit issued under the authority of the Town;
- (q) skate on any natural or artificial ice rink located in a park that has been set apart or designated for pleasure skating:
  - (i) in such a manner or at such a speed as to endanger or jostle any other person using the rink, or
  - (ii) using racing or speed skates that are not properly equipped with manufactured toe-guards of a type in common use;

- (r) play hockey, use or carry a hockey or other stick of a similar nature on any natural or artificial ice rink located in a park except a rink that has been set apart or designated as a hockey rink;
- (s) play or practise golf or strike a golf ball in a park except in areas that may be set aside and posted for such purpose;
- (t) camp or lodge in any park or construct any tent or other structure except with written approval of the Town; or
- (u) throw any article or substance into any pool, pond, lake, stream or creek that is likely to endanger any person or pollute the waters.

4.1 No person shall use or shall cause to be used any park or any part of a park for the activity of wedding photography, including taking photographs of wedding participants, except under the authority of a permit issued by the Town.

- i) Applications for a permit issued pursuant to this section shall be on the form approved and provided by the Clerk and shall include the permit fee pursuant to By-law 2002-276.
- ii) Permits shall be issued by the Clerk once the application is completed in accordance with this By-law.
- iii) The Clerk may issue a permit with terms and conditions that relate to the permit holders and wedding photography participants. Such terms and conditions may include, but are not limited to:
  - a) a prohibition on the possession or consumption of alcohol;
  - b) a prohibition on the non-idling of motor vehicles, including vehicles for hire;
  - c) a prohibition against parking in non-designated areas;
  - d) a prohibition against trespassing on private property; and
  - e) a prohibition on disorderly or disruptive conduct.
- iv) All permit holders and wedding photography participants shall comply with the terms and conditions contained on the permit.
- v) The Clerk may deny the issuance of a permit if the applicant has not

complied with the conditions of previous permits issued pursuant to this By-law, or has previously violated any law during the activity of wedding photography.

- vi) A permit may be revoked by the Clerk for failure to comply with the terms and conditions of the permit. There shall be no refund of the permit fee upon revocation.
- vii) An applicant may appeal the refusal to issue a permit or the imposition of terms and conditions to the Licensing Committee of the Town of Markham.
- viii) At such a hearing, the applicant
  - (a) shall be accorded its rights pursuant to the *Statutory Powers Procedure Act* and any applicable procedural rules, including the right to appear and speak to the matter; and
  - (b) when he or she has been provided with notice of the meeting and does not attend, the Licensing Committee may proceed with the meeting in the absence of the applicant.
- ix) The Licensing Committee may recommend to Council and Council may,
  - (a) refuse to issue a permit; or
  - (b) impose other terms and conditions or confirm the terms and conditions recommended by the Clerk.
- x) Council shall exercise its power under subsection 4.1(ix) of this By-law where the applicant has not met the requirements of this By-law.

(Amended by By-law No. 2007-173)

- 5. (1) No person shall, being the owner or tenant of land abutting a park or valleyland, cause or permit the planting of any hedge, tree, shrub, garden, or construction of any fence, storage shed, retaining wall or structure of any kind, the keeping of any compost heap or the placing of any string, wire, chain, rope or any other material on park property:
- (2) Where a person is in contravention of this section, the Town shall send a notice by registered mail to the owner at his address according to the last revised assessment rolls requiring him to conform to the requirements of this by-law.

- (3) Where a notice has been sent pursuant to this section of the by-law and the requirements of the notice have not been complied with within fourteen (14) days, the Town shall cause the work to be done and the Town may recover such expense by action or in like manner to municipal taxes.
6. The Town is authorized to place or erect and to maintain such official signs as are required to give effect to the provisions of this by-law, or as are required to warn or guide the public for reasons of safety or convenience, such as:
  - (a) a tot lot or parkette, by reason of its size or shape to be maintained as a passive area only with no active recreation such as ball games or other active recreation uses;
  - (b) to post signs to control the age limit of persons in a park area for active recreation use, such as a tot lot or parkette.
7. (1) Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine in the amount provided for by section 61 of the Provincial Offences Act, R.S.O. 1990, c.P.33, or any successor legislation in substitution therefor.

- (2) The owner of any vehicle operated in breach of section 4(b) of this by-law shall, in addition to the driver thereof, be liable to the penalty above unless the offence was committed at a time when the vehicle was in the possession of a person, other than his chauffeur, without the owner's consent.
8. Town of Markham By-law No. 74-71 and all amendments thereto are hereby repealed.