

Authority: Executive Committee Item EX14.1, adopted as amended, by City of Toronto Council on June 29 and 30, 2020

## CITY OF TORONTO

### Bill 478

### BY-LAW -2020

**To amend City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, and City of Toronto Municipal Code Chapter 937, Temporary Closing of Highways to permit sidewalk cafés and public parklets with areas which allow for physical distancing until no later than November 15, 2020.**

Whereas under sections 7 and 8 of the City of Toronto Act, 2006, the City may pass by-laws in respect of the health, safety and well-being of persons and the economic, social and environmental well-being of the City; and

Whereas COVID-19 is present within the City of Toronto, and COVID-19 is a disease that is readily communicable from person to person, carries a risk of serious complications such as pneumonia or kidney failure, and may result in death; and

Whereas the spread of COVID-19 has been declared a pandemic by the World Health Organization; and

Whereas physical distancing measures have been recommended to prevent the spread of COVID-19; and

Whereas allowing sidewalk cafés and public parklets in more locations may allow for businesses to operate in accordance with provincial and municipal health orders and recommendations;

Whereas Council has authorized the General Manager, Transportation Services, to establish a program to allow for the review, approval and installation of sidewalk cafés, curb lane/parklet cafés or public parklets with areas denoted for physical distancing purposes from no earlier than July 1, 2020 to no later than November 15, 2020, inclusive, without applicants having to comply with all requirements of City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays;

The Council of the City of Toronto enacts:

1. Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, of the City of Toronto Municipal Code is amended by:

(a) adding a definition for "2020 CAFÉ" to § 742-1.1A as follows:

2020 CAFÉ – a sidewalk café or public parklet approved by the General Manager and installed from no earlier than July 1, 2020 to no later than November 15, 2020, inclusive, in accordance with a program established under Subsection § 742-2.1D(1).

(b) adding a new § 742-2.1D as follows:

D. 2020 cafés

(1) The General Manager may, in consultation with the Executive Director, establish a program to allow for the review, approval and installation of sidewalk cafés or public parklets with areas denoted for physical distancing purposes from no earlier than July 1, 2020 to no later than November 15, 2020, inclusive, without applicants having to comply with all requirements of this Chapter. In establishing the program, the General Manager shall consider the following:

- (a) which requirements from this Chapter should apply to 2020 cafés;
- (b) establishing appropriate guidelines for the General Manager to review and approve 2020 cafés;
- (c) establishing appropriate indemnification and insurance requirements to protect the City provided that any insurance requirement requested for 2020 for 2020 cafés require at least \$1 million in general liability coverage;
- (d) advice from the Medical Officer of Health to ensure the health and safety of all persons using 2020 cafés; and
- (e) defining location, materials, usage, maintenance and removal requirements for 2020 cafés to ensure the health and safety of all users of City highways.

(2) Despite Subsection A, from no earlier than July 1, 2020 to no later than November 15, 2020, inclusive, a person may install and maintain a 2020 café in accordance with an approval provided by the General Manager under the program established under Subsection D(1), and where the approval conflicts with this Chapter, the approval of the General Manager prevails to the extent of the conflict.

(3) No person shall install or maintain a 2020 café unless they comply with the program established by the General Manager under Subsection D(1) and an approval provided by the General Manager thereunder.

2. Chapter 937, Temporary Closing of Highways, of the City of Toronto Municipal Code is amended by adding the phrase ", or for a period up to and including 138 consecutive days where a 2020 café has been approved by the General Manager of Transportation Services from no earlier than July 1, 2020 to no later than November 15, 2020, inclusive, under

Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays" to § 937-3.13 so that it reads as follows:

**§ 937-3.13. Parklet cafés and public parklets.**

Despite any other by-law, the General Manager of Transportation Services may temporarily close to vehicular traffic the curb lanes or any portion thereof of any highway for a period up to and including 180 consecutive days from April 15 of one year to November 15 of that same year as required for the purposes of permitting parklet cafés or public parklets when an applicant has been issued a permit under Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, or for a period up to and including 138 consecutive days where a 2020 café has been approved by the General Manager of Transportation Services from no earlier than July 1, 2020 to no later than November 15, 2020, inclusive, under Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays.

3. This by-law shall come into force on the day it is passed.

Enacted and passed on June , 2020.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)