

Authority: Executive Committee Item EX20.6, as adopted
by City of Toronto Council on February 2, 3 and 5, 2021

CITY OF TORONTO

BY-LAW 51-2021

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 under the CaféTO program until no later than April 14, 2022.

Whereas Council previously authorized the General Manager, Transportation Services, to establish a program to allow for the review, approval, installation and maintenance of sidewalk cafés, curb lane/parklet cafés or public parklets for a period ending no later than April 14, 2021 without applicants having to comply with all requirements of City of Toronto Municipal Code Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays; and

Whereas Council wishes to extend the program until no later than April 14, 2022;

The Council of the City of Toronto enacts:

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

- (a) replacing the terms "2020/21 café" and "2020/21 cafés" wherever they occur in Chapter 742, Sidewalk Cafés, Parklets and Marketing Displays, of the City of Toronto Municipal Code with "2020/22 café" and "2020/22 cafés" respectively;
- (b) amending the definition for "2020/22 CAFÉ" in § 742-1.1A so the definition reads as follows:

2020/22 CAFÉ – a sidewalk café or public parklet approved by the General Manager and installed in accordance with a program established under § 742-2.1D(1) during the following terms:

- (1) a sidewalk café or public parklet from no earlier than July 1, 2020 to no later than November 15, 2020, inclusive; and/or
- (2) a curbside café or frontage café from no earlier than November 16, 2020 to no later than April 14, 2021, inclusive; and/or
- (3) a curbside café or frontage café from no earlier than April 15, 2021 to no later than April 14, 2022, inclusive; and/or
- (4) a parklet café or public parklet from no earlier than May 8, 2021 to no later than November 10, 2021, inclusive.

- (c) amending § 742-2.1D(1)(e) so it reads as follows:
 - (e) defining location, materials, usage, maintenance and removal requirements for 2020/22 cafés to ensure the health and safety of all users of City highways; including:
 - i. that a 2020/22 café on a local street be closed and cleared of customers by 11:00 p.m. unless hours of operation have been imposed previously by a Community Council for an existing sidewalk café or public parklet, in which case the 2020/22 café must be operated in accordance with the Community Council-imposed hours for the associated existing sidewalk café or public parklet;
 - ii. where conditions other than hours of operation have been imposed previously by Community Council for an existing sidewalk café or public parklet, that both the 2020/22 café and associated existing sidewalk café or public parklet must be operated in accordance with the Community Council-imposed conditions; and/or
 - iii. where conditions have been imposed by Community Council on sidewalk cafés or public parklets in similar circumstances, that those Community Council-imposed conditions should apply;
- (d) amending § 742-2.1D(2) by deleting the phrase "April 15, 2021" and replacing it with the phrase "April 14, 2022";
- (e) amending § 742-14.3D so that it reads as follows:
 - D. If there is evidence that a person or permit holder is not the registered property owner of the associated establishment, the notice may be served on both the registered property owner of the associated establishment and the person or permit holder;
- (f) amending § 742-14.5A so that it reads as follows:
 - A. The Executive Director or General Manager may move, take, or store a person's or permit holder's sales goods or café elements and any other things placed or installed on a street in accordance with the Repair and Storage Liens Act where a person or permit holder is in contravention of this Chapter; and
- (g) amending § 742-14.5B so that it reads as follows:
 - B. The Executive Director or General Manager may charge the costs of the removal and storage to the person or permit holder and/or owner of the associated establishment and/or recover those costs by adding them to the tax roll and collecting them in the same manner as property taxes.

2. City of Toronto Municipal Code Chapter 937, Temporary Closing of Highways, is amended so that § 937-3.13 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 187 consecutive days where a 2020/22 café has been approved by the General Manager of Transportation Services from no earlier than May 8, 2021 to no later than November 10, 2021, 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 February 5, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
Interim City Clerk

(Seal of the City)