

Regulation of Queuing on the Public Sidewalk

Date:	June 13, 2007
To:	Public Works and Infrastructure Committee
From:	Executive Director, Municipal Licensing and Standards
Wards:	All Wards
Reference Number:	5395

SUMMARY

Staff will be exploring the development of a regulatory strategy to manage queuing on the public sidewalk associated with Entertainment Establishments and Nightclubs. The regulatory regime may include possible classes of permits; regulations for the formation of the queue outside of the establishment prior to entry; the location of line-ups; the installation of appropriate barriers; the requirement for liability insurance; the procedures used by the establishment to monitor the line-ups and to control the number of people in the line-ups; and a process for polling neighbouring properties prior to permit issuance.

The fee for the permit will be based upon a full cost recovery model for the administration and enforcement of the by-law provisions.

To implement the regulatory regime, amendments to the City of Toronto Municipal Code (“Municipal Code”) will be necessary including amendments to:

- Chapter 743, Streets, to add permit provisions;
- Chapter 441, Fees, to add permit fees; and,
- Chapter 545, Licensing, to require that Queuing Permit be a condition for issuance of an Entertainment Establishment/Nightclub business licence.

The internal and external stakeholder consultations will be undertaken through the summer. It is expected that the report on the outcome of the consultations and the recommendations for amendments to the Municipal Code will be brought forward in the fall of 2007.

RECOMMENDATIONS

The Municipal Licensing and Standards Division recommends that:

1. the appropriate internal and external consultations to develop the regulatory strategy to manage queuing on the public sidewalk be undertaken;
2. Municipal Licensing and Standards, in consultation with Transportation Services and the Toronto Police Service, report to the November 28, 2007 meeting of the Public Works and Infrastructure Committee on the necessary amendments to Chapter 743, Streets, Chapter 441, Fees, and Chapter 545, Licensing, of the City of Toronto Municipal Code to implement the regulatory regime;
3. notice of any proposed amendments to Chapter 545, Licensing, and Chapter 441, Fees, shall be given before the Committee meeting, as prescribed in the Toronto Municipal Code Chapter 162, Notice, Public; and,
4. the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any Bills that may be required.

Financial Impact

The public consultation process will include a series of focus groups and working groups. A budget of \$10,000 is required to support the consultation process to help ensure effective implementation.. While there are no funds specifically set aside in the Municipal Licensing and Standards Division budget for this purpose, this initiative will require a reallocation within the Division's budget.

If the amendments to the bylaw were to be adopted, the fees for the permits will be based on a full cost recovery model for the administration and enforcement of the bylaw provisions, including staff resources and equipment needed. The fees will account for the direct and indirect costs incurred by Municipal Licensing and Standards, Transportation Services, the City Clerk's Office, and Solid Waste Management divisions. The amendments to Chapter 743, Streets, of the Municipal Code will contain the applicable fees to be charged for a permit to queue on the sidewalk.

The financial impact in 2007 and 2008 will be determined from the report on the outcome of the consultations and the possible recommendations for amendments to the Municipal code. This report is expected to be brought forward in the fall of 2007. The financial implications of a Sidewalk Queuing Regulation will be deferred for consideration with the 2008 Operating Budget.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

ISSUE BACKGROUND

The Public Works and Infrastructure Committee received communications from Councillor Vaughan and Councillor Palacio, asking that the Public Works and Infrastructure Committee request a report and implementation plan from city staff with respect to the use of public sidewalks by licensed entertainment facilities.

The Committee referred these communications to the General Manager, Transportation Services, to report, in consultation with the Executive Director, Municipal Licensing and Standards, as part of the Streets By-law review, to the June 27, 2007, meeting on the following:

1. on amendments to implement a permitting scheme for entertainment and cultural facilities that regularly use the public sidewalk for queuing;
2. the permitting regime include regulations for the formation of the queue outside of the establishment prior to entry, including the location of such line-ups; the maximum number of people permitted to be in such line-ups; the procedures used by the establishment to monitor the line-ups and to control the number of people in the line-ups; the installation of appropriate barriers; the requirement for pay duty police to ensure orderly conduct by the people in the line-ups; and a process for polling neighbouring properties prior to permit issuance;
3. the fee for the permit be based upon a full cost-recovery model for the administration and enforcement of the by-law, as well as rent for the use of a public sidewalk in the same way that patio licences, fruit stands, boulevard parking applications and vending licences currently pay rent for their use of sidewalks;
4. the report include amendments to Article XLI, Entertainment Establishment/Nightclub, of Chapter 545, Licensing, to require that such a permit be a requirement of the crowd control plan to be filed;
5. the impacts of exempting art galleries, theatres, funeral homes, churches and special events from any such policy; and,
6. the enforcement personal available to ensure compliance with this proposed by-law, given the difficulty already experienced with enforcing the City's boulevard marketing by-laws across the City.

COMMENTS

Proposed Street Queuing Regulatory Strategy

Entertainment Establishments/Nightclubs and cultural facilities regularly use the public sidewalk for people seeking entry and re-entry into the establishment. These line-ups occupy the public boulevard without a permit.

Chapter 313 of the former City of Toronto Municipal Code did contain regulations related to theatre queues.

§ 313-5. Theatre queues.

The forming of theatre and other queues on any street or sidewalk shall be subject to the following regulations, and no person shall form, cause or permit the formation of a queue except as follows:

- A. No queue shall be comprised of more than two (2) files of persons.
- B. No queue shall be formed up so as to obstruct pedestrians or in any manner or location other than in a straight line adjacent and parallel to the curb or edge of the sidewalk closest to the roadway.
- C. A break shall be made in every queue at each street intersection and opposite the premises at the head of the queue.

Staff will be exploring the development of a regulatory strategy to manage queuing on the public sidewalk associated with Entertainment Facilities and Nightclubs. To implement the regulatory regime, amendments to the City of Toronto Municipal Code (“Municipal Code”) will be necessary including amendments to:

- Chapter 743, Streets,;
- Chapter 441, Fees,; and,
- Chapter 545, Licensing.

Chapter 743, Streets

The amendments to Chapter 743, Streets, of the Municipal Code will contain the specific regulations and standards to be applied and the requirement to obtain a permit to queue on the sidewalk.

The regulatory regime may include possible classes of permits; regulations for the formation of the queue outside of the establishment prior to entry; the location of line-ups; the installation of appropriate barriers; the requirement for liability insurance; the procedures used by the establishment to monitor the line-ups and to control the number of

people in the line-ups; and a process for polling neighbouring properties prior to permit issuance.

Schedule “A” contains the Principles of Queuing Regulations which will be used as the basis for the consultations to be undertaken.

Chapter 441, Fees

The amendments to Chapter 743, Streets, of the Municipal Code will contain the applicable fees to be charged for a permit to queue on the sidewalk.

The fee for the permit will be based upon a full cost recovery model for the administration and enforcement of the by-law provisions including staff resources and equipment needed. The fees will recognize the direct costs incurred by Municipal Licensing and Standards, Transportation Services, the City Clerk’s Office, and Solid Waste Management in the administration and enforcement of the by-law as well as other appropriate indirect costs.

Chapter 545, Licensing

Currently, Chapter 545, Licensing, of the Municipal Code contains business licensing requirements for Entertainment Establishments/Nightclubs. One of the conditions for such a licence is the requirement to file a crowd control plan.

If a queuing permit regime is adopted, the amendments to this Chapter would add a requirement that a Queuing Permit would be a condition for issuance of the class of business licence.

Consultations

It is recommended that internal and external consultations be held in connection with establishing the criteria for a queuing permit prior to any required Statutory Public Meeting.

The internal and external stakeholder consultations will be undertaken through the summer through a series of meetings and working groups. It is expected that the report on the outcome of the consultations and the possible recommendations for amendments to the Municipal Code will be brought forward in the fall of 2007.

Internal Consultations Groups

- Transportation Services
- City Clerk’s
- Toronto Police Service
- Solid Waste Management

- Legal Services
- Toronto Film Liaison Office
- Mayor's Protocol Office
- Pedestrian Committee
- Disability Committee

External Consultations Groups

- Entertainment Establishments/Nightclubs
- Hotel and Restaurant Association
- Affected Resident Associations
- Building Improvement Areas and TABIA
- Alcohol and Gaming Commission of Ontario
- Cultural Venues (galleries, museum)
- Sports Venues

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SIGNATURE

Lenna Bradburn
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ATTACHMENTS

Appendix A – Principle of Queuing Regulations

Appendix A Principle of Queuing Regulations

The following provides highlights of the principles to be discussed in relation to the regulation of queuing on the public sidewalk.

1. Applicability

Queuing permit is required for Entertainment Establishment/Nightclub
Religious institutions, places of worship, schools and funeral homes are exempt.

2. Class of Permit

In consideration of the fact that various establishments have varying needs consideration should be given to 2 classes of permit -

- Annual permit for locations where queuing takes place on a regular basis
- A special event/daily permit for event venues where occasional queuing may occur,

3. Location of Queue

- Maintain a minimum of 2.13 metres of unobstructed sidewalk
- Removable stanchions to delineate queuing area or painting of the queuing area at locations where an annual permit is issued and sidewalk is NOT decorative paving
- Line-up is to be located at curb side
- Extent of the line-up cannot extend beyond the limit of the business for which the patrons are seeking entrance

4. Polling provisions – geographical distances

Recommendation of

- 120m lineally measured from the front and rear lot line for corner properties or from both side lot lines for properties within a block or to the nearest intersecting street, not projected to the opposite side of the street or 120m radius around the property;
- Polling to be conducted in accordance with the provisions of Municipal Code Chapter 190

5. Crowd Control Plan

- To be submitted with permit application
- Discuss options of security to monitor patrons in the line-up versus a requirement for paid duty police

6. Liability Insurance Requirement

- Liability insurance to be provided at a minimum of \$2 million dollars, with cross liability naming City of Toronto to be included.