



## STAFF REPORT INFORMATION ONLY

### Delegation of By-law Exemptions for Art Murals and Natural Gardens

<b>Date:</b>	December 16, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Municipal Licensing and Standards Division, Toronto and East York District
<b>Wards:</b>	All
<b>Reference Number:</b>	p:\2009\cluster b\mls\tey community council\january 2009\delegation of by-law exemptions fo graffiti murals and natural.doc

#### **SUMMARY**

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The Municipal Licensing and Standards division, in consultation with the City Manager's Office, the Clean and Beautiful Secretariat and Legal Services Division, will review the delegation to Community Councils with respect to art mural exemptions under Municipal Code Chapter 484, Graffiti and natural garden exemptions under Municipal Code Chapter 489, Grass and Weeds, with a view to evaluating these matters for further delegation to City officers. Staff will report to Executive Committee in 2009 with respect to the delegation of art mural exemptions and natural garden exemptions from Community Council to City officers as this has City-wide implication and affects all four Community Councils.

This report was prepared in consultation with the City Manager's Office and the Clean and Beautiful Secretariat.

#### **Financial Impact**

This report will have no financial impact beyond what has already been approved in the current year's budget

#### **DECISION HISTORY**

Toronto and East York Community Council at its meeting of September 9, 2008 requested the Executive Director, Municipal Licensing and Standards, in consultation

with appropriate staff, to report to the Toronto and East York Community Council on the present process dealing with art mural applications in the Toronto and East York District, and any possible amendments respecting delegation of decision making to staff, in consultation with the appropriate Ward Councillor(s), which the Community Council could submit to the appropriate standing committee for consideration.

At that same meeting, the Community Council requested the Executive Director, Municipal Licensing and Standards, in consultation with appropriate staff, to report to the Toronto and East York Community Council on the present process dealing with natural garden applications in the Toronto and East York District. Any possible amendments respecting delegation of decision making to staff in consultation with the appropriate Ward Councillor(s), the Community Council could submit to the appropriate standing committee for consideration.

## **ISSUE BACKGROUND**

### **Chapter 485, Graffiti**

The Chapter provides that a notice related to graffiti when issued by staff shall contain the statement that the owner or occupant may request that the issuance of the notice may be reviewed by the community council on the basis that the markings are exempt as an art mural.

When a request for review as an art mural has been received, the Municipal Licensing and Standards division prepares a report for the community council for its consideration. Until the matter is dealt with by the Community Council, no further action is taken.

An owner requesting a review of a notice, and any other interested person, shall be heard by the Community Council.

The Community Council may either grant the exemption, with or without conditions and cancel the notice; or confirm the notice and direct that a second notice be given under this section. Where a second notice is given as a result of the decision of Community Council, there is no further appeal.

### **Chapter 489, Grass and Weeds**

This Chapter similarly provides that a notice related to grass and weeds when issued by staff shall contain the statement that the owner or occupant may request that the issuance of the notice may be reviewed by the community council on the basis that the markings are exempt as a natural garden.

When a request for review as a natural garden has been received the Municipal Licensing and Standards Division prepares a report, premised upon a review of the site by the Urban Forestry Branch of the Parks, Forestry & Recreation Division, for the community council for its consideration. Until the matter is dealt with by the Community Council, no further action is taken.

An owner requesting a review of a notice, and any other interested person, shall be heard by the community council.

The Community Council may either grant the exemption, with or without conditions, and cancel the notice; or confirm the notice and direct that a second notice be given under this section. Where a second notice is given as a result of the decision of community council, there is no further appeal.

## **COMMENTS**

### **Graffiti / Art Murals**

Apart from addressing graffiti, wall murals have been shown to have a positive impact on the public realm. However, with the growth in popularity of wall murals it is becoming apparent that a more formal review process may be required to achieve suitable quality in the appropriate context. Wall murals are often executed by non-artists, youth and community groups, who may not have experience with projects of this magnitude, nor the artistic or financial resources to ensure adequate implementation. The public art secured by the Culture Division and Urban Design's 1% for public art program involve juried competitions with submissions from professional artists, reviewed by a City board of experts. While a wall mural may have the same impact as that of public art, there is no process in place to approve its design selection.

In 2006, the Clean & Beautiful City Secretariat, Transportation Services, set up an inter-divisional staff mural committee which includes members of city divisions that fund or supervise the production of murals, including Culture, Economic Development, Social Development, Finance & Administration, Municipal Licensing and Standards and Urban Design, City Planning. This committee was established in order to avoid overlap of services, discuss best practice relating to health and safety and insurance, mural maintenance and to prepare an inventory of all the city's murals, including their provenance.

This staff group is now in the process of developing a series of guidelines for community art murals across the city that would deal with a set of pre-determined criteria to assure appropriate execution. The progress of this work will be included in the report to Executive Committee in 2009.

### **Natural Gardens**

Similarly we are seeing increasing numbers of natural garden exemption requests. Although many are legitimate, some requests are an attempt to stall or avoid enforcement action by the City. Staff of Municipal Licensing and Standards have reviewed the current Natural Garden exemption process with staff of Parks, Forestry and Recreation and have implemented changes to facilitate a more effective process. As part of the revised process, community councils will be provided with a definitive recommendation in each report.

**Delegation to Staff**

The Municipal Licensing and Standards Division, in consultation with the City Manager's Office, the Clean and Beautiful Secretariat, and Legal Services Division, will review the delegation to Community Councils with respect to art mural exemptions under Municipal Code Chapter 484, Graffiti and natural garden exemptions under Municipal Code Chapter 489, Grass and Weeds, with a view to evaluating these matters for further delegation to City officers. Staff will report to Executive Committee in 2009 with respect to the delegation of art mural exemptions and natural garden exemptions from Community Council to City officers as this has City-wide implication and affects all four Community Councils.

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**SIGNATURE**

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