

Governance and Policy Framework for Toronto's Public Squares

Date:	September 10, 2013
To:	Executive Committee
From:	City Manager
Wards:	City-wide

SUMMARY

This report recommends a Governance and Policy framework for Public Squares to improve their management and operation including harmonizing the rules and regulations pertaining to their use. This strengthened approach will improve the use of Public Squares overall and streamline permitting and operational processes, of particular significance to a revitalized Nathan Phillips Square, Toronto's seat of government, where new program features will be operational in 2014.

The Governance and Policy Framework for Public Squares includes the following key components:

- Establish a Public Square Official as a single point of accountability responsible for the overall management, permitting and programming of Toronto Public Squares except Yonge-Dundas Square. The Public Square Official will be supported in discharging their official duties through a Public Square Program Advisory Body composed of industry stakeholders and external experts; service level agreements with relevant City divisions to more clearly define responsibilities and services provided to Public Squares; and, an internal cross corporate steering group to facilitate enterprise-wide stewardship of Public Squares. The City Manager recommends that the General Manager of Economic Development and Culture be designated as the Public Square Official.
- Continue Yonge-Dundas Square Board of Management responsible for the management and control of Yonge-Dundas Square with strengthened collaboration between the Board and the Public Square Official.

- Harmonize provisions pertaining to the use of Public Squares particularly related to prohibited and permitted activities and apply these provisions across all Public Squares including Yonge-Dundas Square.
- Establish a provision to set fees under Toronto Municipal Code Chapter 441, Fees for permit applications and to recover costs of City services required for some events on Public Squares.
- Harmonize and update the City's fines for contravening provisions related to Public Squares.

This report recommends that City Council amend Chapter 636, Public Squares to include the provisions set out in sections 1 to 5 of this report and summarized in Attachment 1 and authorize the City Solicitor to bring forward a bill directly to City Council to effect these changes.

Input and feedback from the public and stakeholders provided to the City over the last number of years related to special events and public squares has been considered and integrated in the development of the Governance and Policy Framework for Public Squares. The proposed framework is also consistent with the recommendations from the Nathan Phillips Square Advisory Committee related to the governance and management of Nathan Phillips Square.

A separate report is being submitted by the General Manager of Economic Development and Culture recommending measures to clarify and streamline special event services and permitting processes for all City events including events on Public Squares, focusing on strategies and standards for efficient, transparent, customer-driven service to the public. The report recommends creating consistent language and definitions for special events, establishing policies to hold and reserve dates at major City event locations and developing a Special Event User Fee Waiver Policy for Council's approval. These measures will assist in streamlining and improving permitting processes related to events across the City, including on Public Squares.

The City Manager will evaluate the effectiveness of the Governance and Policy Framework including the effectiveness and strengthened collaboration between Yonge-Dundas Square and the Public Square Official and report back to City Council with any recommended changes in the 2014 to 2018 term of City Council.

RECOMMENDATIONS

The City Manager recommends that City Council:

1. Approve the Governance and Policy Framework for Public Squares as described in sections 1 to 5 of this report to improve the accountability, management and operation of the City's Public Squares;
2. Request the Board of Yonge-Dundas Square and the General Manager of Economic Development and Culture to undertake a collaborative events and program planning process, in order to coordinate and optimize events on Yonge-Dundas Square and other Public Squares;

3. Establish a Public Square Official responsible for the management, programming and permitting of Public Squares, with the exception of Yonge-Dundas Square, and designate the General Manager of Economic Development and Culture as the Public Square Official with the duties and authorities outlined in section 1 of this report and summarized in Attachment 1
4. Continue Yonge-Dundas Square Board of Management with responsibility to manage, operate and control Yonge-Dundas Square as currently established in Chapter 636, Public Squares;
5. Amend the necessary by-laws to delegate the authority to Community Councils to make final decisions regarding appeals of a denial of a permit request under Toronto Municipal Code Chapter 636 for all Public Squares, except Nathan Phillips Square, and including amending Toronto Municipal Code Chapter 27, Council Procedures;
6. Authorize the City Solicitor to prepare and introduce in Council any bills required to enact the Governance and Policy Framework for Public Squares, generally in accordance with the report recommendations and provisions described in sections 1 to 5 of this report and summarized in Attachment 1, including amending Toronto Municipal Code Chapter 636, Public Squares, and direct that the by-law changes come into force on January 1, 2014;
7. Request the General Manager of Economic Development and Culture to bring forward a proposal through the 2014 budget process to harmonize fees and charges pertaining to Public Squares, other than Yonge-Dundas Square, including for commercial, private and gated activities approved for use on Public Squares by City Council, for inclusion in Toronto Municipal Code Chapter 441, Fees and Charges and criteria to waive fees and charges under certain conditions;
8. Repeal the following by-laws and authorities of the former municipalities related to Public Squares:
 - i. Former City of North York By-law No. 30809, being a by-law “to regulate the conduct of persons using Mel Lastman Square”, as amended;
 - ii. Former City of Scarborough By-law No. Number 24415, being a by-law “to regulate vending in and the conduct of persons using the Albert Campbell Square”, as amended;
 - iii. Former City of Toronto Municipal Code, Chapter 237, Nathan Phillips Square, as amended; and
 - iv. Portions of Clause No. 3, Metro Hall – Use of Public Spaces, of Report No. 45 of the Management Committee, adopted as amended by the Former Municipality of Metropolitan Toronto on December 8, 1993; necessary to bring about recommendations 1 to 6 of this report.

Implementation Points

Changes to Toronto Municipal Code Chapter 636, Public Squares, resulting from the approval of the Governance and Policy Framework will come into force on January 1, 2014.

The harmonized by-law will contain a "grandparenting" clause to allow current permits to continue after enactment of these changes. Full implementation of the approved framework will take place over 2014 and 2015.

The General Manager of Economic Development and Culture will submit, through the 2014 budget process, a comprehensive business case with the organizational requirements to implement these changes, as well as a proposal to set permit fees and charges and considerations to waive fees and charges under certain conditions.

A periodic review of the Governance and Policy Framework will be undertaken to ensure its continued effectiveness and changes brought forward for Council's consideration as required.

Financial Impact

The recommendations in this report will result in a new governance structure and harmonized by-law for Public Squares. Associated financial impacts will be submitted as part of a comprehensive business case being prepared by the General Manager of Economic Development and Culture for consideration through the 2014 budget process.

The business case will identify financial impacts to implement the duties and responsibilities of the Public Square Official and recommend harmonized fees and charges pertaining to Public Squares, including charges for the use of Public Squares for commercial, private and gated events approved by City Council, and criteria to waive fees and charges under certain conditions.

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

DECISION HISTORY

EX36.8: A Governance Model for Nathan Phillips Square Governance.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.EX36.8>. At its meeting of November 30, December 1, 2, 4 and 7, 2009, City Council approved a new governance model for Nathan Phillips Square including a centralized management function within Economic, Development and Culture and reconstitution of the Nathan Phillips Square Revitalization Community Advisory Committee.

EX14.1: 2012 Capital and Operating Budgets

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX14.1>.

City Council in section 312, adopted a decision to request the City Manager undertake a strategy to ensure consistent use of the City's public squares, and report back through the budget process.

Council also requested a comprehensive review of special events related services, fees and permitting processes, which is the subject of a separate report before Council.

EX5.3: Council Advisory Bodies and Working Committees. City Council on May 17, 2011, did not re-establish the Nathan Phillips Square Community Advisory Committee as a Council Advisory Body, and referred this matter to the General Manager of Economic Development and Culture to determine future requirements. Government Management Committee in Item GM9.19 referred a request for the reinstatement of this committee to the City Manager:
<http://app.toronto.ca/tmmis/decisionBodyProfile.do?function=doPrepare&meetingId=5073#Meeting-2011.GM9>

GM 10.2: Update on Re-Establishment of Nathan Phillips Square Community Advisory Committee. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.GM10.2>. GMC received this report from the City Manager that a review the by-laws governing the City's public squares would be undertaken, and would consider the feasibility of reinstating the Nathan Phillips Square Community Advisory Committee.

GM 21.11: Nathan Phillips Square Revitalization Project - Project Update
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.GM21.11>
At its meeting of May 7,8,9 and 10, 2013, Council adopted several motions pertaining to the revitalization and governance of Nathan Phillips Square including re-establishing the Nathan Phillips Square Community Advisory Committee to advise staff on the next stages of the revitalization, and directed the City Manager to report back to the September 24, 2013 Executive Committee meeting on the progress of reviewing the by-laws governing Nathan Phillips Square, and on the feasibility of Yonge-Dundas Square Board managing Nathan Phillips Square.

ISSUE BACKGROUND

Toronto's Public Squares are currently managed through a decentralized model with no single administrative lead with overall responsibility for coordinated oversight and accountability. Various City divisions have responsibilities for parts of the management, maintenance and operation of each square and many divisions are involved in their planning, operation, and services. Each division sets its own objectives, standards, budgets and timelines, resulting in conflicting schedules and a lack of an overall Public Square strategy.

City Council approved a new governance model for Nathan Phillips Square in late 2009 based on recommendations of the Nathan Phillips Square Revitalization Community Advisory Group that the best governance model would have the following characteristics: a clear, central authority that is empowered to plan and direct all aspects of the Square, integrated programming set out in a strategic plan to ensure the Square is managed as a whole program, enhanced standards for maintenance and repair and beautification, a public advisory committee to ensure the standards are upheld and a protected and sustainable funding structure.

Council requested that the City Manager evaluate the new Nathan Phillips Square governance model after a year of operation, and if appropriate, consider replicating the model for other

public squares. Having reviewed the by-laws and management structures for the other squares, the City Manager recommends that the most appropriate approach to address Council directions is to establish integrated management for Public Squares under a single authority, and a harmonized by-law as set out in this report.

COMMENTS

Public squares are important public space for gathering, celebrating and participating in civic society and are often the gateway to government services for citizens, businesses and visitors. Public squares have a long history as a focal point of civic life and continue to achieve important civic objectives to provide space to meet and exchange ideas, participate in cultural and other activities, and sometimes serve as a staging area for civic demonstrations and protests.

Toronto has the following public spaces that are recommended be included as Public Squares:

- Nathan Phillips Square, the seat of City government;
- Albert Campbell Square;
- Mel Lastman Square;
- David Pecaut Square at Metro Hall;
- the external grounds at the Etobicoke Civic Centre, East York Civic Centre and York Civic Centre; and
- Yonge-Dundas Square.

The City's Public Squares have evolved over time with their own unique features, atmosphere and programming developed to meet local needs and interests. Public Squares at the civic centres of the founding municipalities continue to hold historical, cultural and civic significance.

Yonge-Dundas Square is unique from Toronto's other Public Squares as it was established by City Council as a key driver to promote economic development in the Yonge-Dundas area. Unlike other Public Squares that are attached to civic centres, Yonge-Dundas Square is intended primarily for commercial events and activities. City Council established a Board of Management to manage, operate and control Yonge-Dundas Square that was purposely structured to ensure representation from the immediate business community.

Toronto's other Public Squares are currently managed through a decentralized delivery model involving many City divisions and subject to a range of City by-laws and policies, including by-laws of the former municipalities. There is a need to strengthen the overall stewardship and governance of Public Squares particularly given the revitalization of Nathan Phillips Square with expanded programming anticipated for 2014.

This report recommends a Governance and Policy Framework for Public Squares which includes the following key components:

- Establishing a Public Square Official (the General Manager of Economic Development and Culture) with responsibility to oversee, manage, program and permit Public Squares except

for Yonge-Dundas Square within the parameters of City by-laws and policies and any limitations set out by City Council;

- Continuing Yonge-Dundas Square Board of Management with responsibility to maintain, operate and control Yonge-Dundas Square given its commercial focus and distinction from other Public Squares;
- Harmonizing the rules and regulations for the use of Public Squares including Yonge-Dundas to promote a consistent and coordinated approach across the City;
- Establishing a provision to enable City Council to charge fees for issuing permits on Public Squares, other than Yonge-Dundas Square, and to recover costs, including for the use of Public Squares for commercial, private and gated events approved by City Council, and costs associated with City services required for some events on Public Squares; and
- Updating and harmonizing categories for fines pertaining to prohibited activities on Public Squares.

This report also responds to directions from City Council related to the feasibility of Yonge-Dundas Square Board of Management assuming management of Nathan Phillips Square. The analysis and evaluation of this option is discussed further in section 7 of this report and is not recommended.

1. Establish a Public Square Official

This report recommends that City Council establish a Public Square Official responsible to manage, program and permit Public Squares, with the exception of Yonge-Dundas Square, and within the parameters established by Council through by-laws and policies.

A central accountability for Public Squares will ensure they are managed as a whole City program with improved business processes related to their operation, maintenance and services. Currently the management, programming and permitting related to Public Squares is provided through a range of City divisions and should be centralized.

The Public Square Official will have the following duties, responsibilities and authorities:

- Approving permits for activities on Public Squares in compliance with City by-laws and policies and authority to set general limitations related to time, location, types of activities, equipment and insurance coverage required for the proposed use. The types of activities that may be permitted are also recommended be harmonized and expanded and are discussed further in section 3 and summarized in Attachment 1.
- Imposing conditions when issuing permits to protect the safety of people and property and restricting permits for activities that may compromise the safety of people and property.
- Revoking or suspending a permit that does not comply with applicable law, by-laws and policies, was issued in error, issued under false or misleading information, or involves an applicant with unpaid permit fees.

- Reserving the use of a Public Square for particular events in compliance with City by-laws and policies.
- Engaging in a competitive procurement process from time to time to solicit interest in holding events on Public Squares particularly on premium dates for recommendation to City Council.
- Authority to enter into Agreements where the City agrees to sponsor or enter into a co-production arrangement with a third party.
- Authority to approve vending on Public Squares.
- Authority to create guidelines and procedures pertaining to the use of Public Squares consistent with applicable legislation, Council by-laws and policies.
- Levying fees and charges set by City Council in Chapter 441, *Fees and Charges*, except as specifically waived, to issue a permit and recover costs associated with City services that may be required for some events on Public Squares.

Long term leases involving Public Squares, including Yonge-Dundas Square, or portions of Public Squares and structural additions, alterations or improvements will continue to require City Council approval.

The Public Square Official will not have authority to declare events on Public Squares municipally significant – a designation required for the purpose of applying for a Special Occasion Permit issued by the Alcohol and Gaming Commission to purchase and serve alcohol at events. City Council delegated declaring events of municipal significance to Community Councils for final decision in 2007 and this report does not propose any changes to this decision-making. The Public Square Official may however provide comment on requests to declare an event of municipal significance on Public Squares to support Community Council's decision-making.

This report recommends that the General Manager of Economic Development and Culture be designated and assigned the duties and responsibilities of the Public Square Official. Designating this position as the single accountable lead for Public Squares is appropriate given their current responsibilities for cultural and special event programming including Public Squares, designated program liaison with Yonge-Dundas Square, and permitting responsibility for Nathan Phillips Square.

i. Governance Mechanisms to Support the Public Square Official

The effective operation of Public Squares will continue to rely on the roles and services provided by other City divisions including Facilities Operations and Parks, Forestry and Recreation. Key roles and responsibilities related to the management, operation and services pertaining to Public Squares will be formalized in service level agreements to ensure clear roles and responsibilities going forward.

An internal steering committee will also be established to facilitate enterprise-wide stewardship of Public Squares, ensuring local needs are considered in the development of guidelines and procedures required to implement Council by-laws and policies pertaining to Public Squares and will monitor the implementation of the Governance and Policy Framework.

The Public Square Official will establish a Public Square Program Advisory Committee composed of citizens, stakeholders and external experts appointed by and reporting to the Public Square Official to provide advice across all Public Squares on programming, marketing and fundraising strategies, allocation of funds secured from external contributors and other issues affecting Public Squares. The Committee will assist in developing a broad, consistent and equitable approach to Public Squares across the City and will provide important external advice to the Public Square Official in discharging his or her duties. This approach is consistent with Council's recent direction for the Nathan Phillips Square Community Advisory Committee to provide advice to City staff.

The Public Square Program Advisory Committee will be established in 2015 following the completion of the current Nathan Phillips Square Community Advisory Committee's mandate. The Nathan Phillips Square Community Advisory Committee will continue their mandate set out by City Council, until the completion of these tasks or the end of Council term whichever comes first, to advise staff on the re-opening of the relocated Peace Garden and provide advice on the implementation of the Request for Proposal for the restaurant.

2. Continue Yonge-Dundas Square

This report recommends that the Yonge-Dundas Board of Management continue to be responsible for the management, programming and permitting of Yonge-Dundas Square with stronger collaboration between Yonge-Dundas Square and the Public Square Official pertaining to events and programming across Public Squares.

Continuing Yonge-Dundas Square Board of Management with responsibility to manage, operate and control Yonge-Dundas Square is appropriate given its focus to spur economic growth in the local area and its predominantly commercial model. Unlike the City's other Public Squares, it does not exist as an entry point to local government and was not established to achieve similar civic objectives.

There are however opportunities to better leverage synergies and collaboration between Yonge-Dundas Square and other Public Squares. This report therefore recommends that the Board of Yonge-Dundas Square and the General Manager of Economic Development and Culture undertake a collaborative events and program planning process, in order to coordinate and optimize events across the City's Public Squares.

The City Manager will evaluate the effectiveness of the Governance and Policy Framework, including the effectiveness of strengthened collaboration between Yonge-Dundas Square and the Public Square Official, and report back to City Council with any recommended changes.

3. Harmonize Provisions Pertaining to the Use of Public Squares

This report recommends that the provisions pertaining to the use of Public Squares be updated and harmonized. There is currently a patchwork of requirements and regulations in place as pre-amalgamation by-laws are still in-force that prohibit and permit a tremendous range of activities at Public Squares across the City.

There are currently no specific by-laws in place related to the use of the external grounds at East York Civic Centre, Etobicoke Civic Centre, and York Civic Centre. Although the external grounds at the Civic Centres are not used for activities as often as the other Public Squares, provisions should be established when used for permitted activities.

This report recommends that City Council approve the prohibited and permitted activities as summarized in Attachment 1 and apply these activities to all Public Squares including Yonge-Dundas Square. Clear and harmonized criteria pertaining to prohibited and permitted activities on Public Squares is particularly important to support the role, function and responsibilities of the Public Square Official that this report recommends that City Council establish.

i. Commercial, Private and Gated Activities on Public Squares

This report does not recommend changes to the permitting and approvals required for commercial, private and gated activities on Public Squares (private and gated events are events not open to the general public). Currently, Toronto Municipal Code Chapter 636, Public Squares permits commercial, private and gated activities on Yonge-Dundas Square only and in compliance with applicable law, City by-laws and policies; and as approved by the Board of Management. Former municipal by-laws still in force do not contemplate commercial, private and gated activities on Public Squares. Applications to use Public Squares, other than Yonge-Dundas Square, for commercial, private and gated events brought forward on a case-by-case basis to City Council for approval will continue.

However, the use of Public Squares approved by City Council for commercial, private and gated events should be subject to greater fees and charges given the economic or preferred advantage that the use of the public space provides them. This report recommends that the General Manager of Economic Development and Culture bring forward a business case through the 2014 budget process with a fee proposal for the use of Public Squares for commercial, private and gated events as approved by City Council.

Permitting commercial, private and gated activities at the City's Public Squares requires careful consideration given the important role and function that Public Squares play in civic life. Commercial activities on Public Squares need to be balanced with the civic principles and objectives that Public Squares advance, particularly important on Nathan Phillip's Square – the seat of Toronto's government – and the Public Squares attached to Civic Centres that provide a gateway to a range of key government services and programs. Any future delegation of authority to the Public Square Official to issue permits for commercial, private and gated activities on Public Squares needs to be based on clear criteria and parameters established by City Council to

ensure an appropriate decision-making framework is in place and to protect the stewardship of these important civic assets.

Parks and Environment Committee will consider a report from the General Manager of Parks, Forestry and Recreation at its meeting on September 16, 2013 proposing a pilot to permit commercial, private and gated events at select City parks. If approved, the City Manager will evaluate the outcomes of this pilot in relation to its potential application to Public Squares and report further with recommended changes for Council's consideration.

ii. Permit Appeal

A provision to appeal the denial of a permit by a City official is provided in by-laws in-force for Nathan Phillips Square, Albert Square and Yonge-Dundas Square and is not currently in place for the City's other Public Squares. The appeal provision in place for Albert Campbell Square and Yonge-Dundas Square is considered by Community Council for final decision while the appeal provision for Nathan Phillips Square is considered by Community Council and decided by City Council. Although appeals of the denial of a permit have been very low over the years, an appeal provision is an important mechanism to ensure that the public has an opportunity to be heard and as a check and balance on City officials responsible to interpret and enforce the by-law.

This report recommends that a provision be established across all Public Squares to enable an applicant to appeal the decision of the Public Square Official to deny a permit pursuant to Chapter 636, Public Squares to the Community Council in which the Public Square is located for a final decision. Council will retain the ability to make final decisions regarding an appeal for a denial of a permit on Nathan Phillips Square.

4. Harmonize Fees and Charges Pertaining to Public Squares

The City does not have a consistent approach to fees and charges pertaining to its Public Squares. Charging fees for permit applications to use Public Squares and cost recovery associated with City services required for some events on Public Squares varies across pre-amalgamation by-laws and needs to be harmonized.

This report recommends that the General Manager of Economic Development and Culture bring forward a fee proposal through the 2014 budget process with specific recommendations to establish harmonized fees and charges, including for commercial, private and gated events approved for use on Public Squares, for inclusion in Toronto Municipal Code Chapter, 441, Fees and Charges including criteria to waive fees under certain circumstances and conditions.

Yonge-Dundas Square Board of Management has authority to set fees and charges pertaining to the use of Yonge-Dundas Square. The Public Square Official will work collaboratively with Yonge-Dundas Square on proposed fees and charges for commercial, private and gated events approved for use on Public Squares to ensure that the rates are coordinated.

5. Update and Harmonize Fines for Offences on Public Squares

This report recommends that the provisions to set fines for offences on Public Squares be harmonized across all Public Squares. Currently the fine provisions and structure is varied across the former by-laws and needs to be consistent. The by-law provisions to set fines for offences also need to update Council's authority in this regard, as the former by-laws rely on out-dated authorities.

This report also recommends that fines for offences on Public Squares include a progressive fine structure which enables fines to be levied for each day an offence continues. A progressive fine structure for offences is consistent with the structure in place across most City by-laws.

6. Reflect Governance and Policy Changes in a Harmonized By-law

This report recommends that the governance and policy framework outlined in sections 1 to 5 of this report and summarized in Attachment 1 be incorporated and consolidated into Toronto Municipal Code Chapter 636, Public Squares and that the by-law provisions from the former municipalities be repealed. Current governance provisions in Toronto Municipal Code Chapter 636, Public Squares related to Yonge-Dundas Square will continue with minor technical and housekeeping amendments to reflect common language and updated authorities where appropriate.

A harmonized by-law will require general housekeeping changes across all in-force by-laws to harmonize definitions and provisions including those that will bring the by-law up to date with respect to the City's powers under the *City of Toronto Act, 2006*. A grandparenting clause in the harmonized By-law will allow applications made or permits or authorizations granted to January 1, 2014 to be processed under former by-laws.

7. Feasibility of Transferring the Management of Nathan Phillips Square to the Board of Yonge-Dundas Square

Council directed the City Manager to report back on the feasibility of expanding the responsibilities of Yonge-Dundas Square to manage, operate and program Nathan Phillips Square.

The City Manager has assessed the merits of this proposal and does not recommend that City Council expand the responsibilities of the Yonge-Dundas Square Board of Management to manage, operate and program Nathan Phillips Square. The civic objectives related to Nathan Phillips Square as the seat of City government are unique and distinct from the commercial business model of Yonge-Dundas Square and would not be compatible with this proposed expansion.

The governance model for Yonge-Dundas Square is appropriate at this time to meet City Council's objectives to use Yonge-Dundas Square as a mechanism to spur economic growth and development in the immediate local area and to focus the commercial objectives at this particular Public Square.

There are opportunities however to better leverage synergies and collaboration between Yonge-Dundas Square and other Public Squares. This report therefore recommends that the Board of Yonge-Dundas Square and the General Manager of Economic Development and Culture undertake a collaborative events and program planning process, in order to coordinate and optimize events across the City's Public Squares.

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SIGNATURE

Joseph P. Pennachetti
City Manager

ATTACHMENTS:

Attachment 1: Summary of Key Provisions for Inclusion in a Harmonized Public Squares Bylaw

Summary of Key Provisions for Inclusion in Chapter 636, Public Squares

#	Provision	Description
1.	Public Square Official: Establishment and Duties	<p>The by-law will establish a Public Square Official responsible for the management, control, programming, permitting and monitoring of events on Public Squares in accordance with applicable law, Council by-laws and policies.</p> <p>The Public Square Official will have the following responsibilities and duties:</p> <ul style="list-style-type: none"> • Approving permits for activities on Public Squares in compliance with City by-laws and policies and authority to set general limitations related to time, location, types of activities, equipment and insurance coverage required for the proposed use. • Imposing conditions when issuing permits to protect the safety of people and property and restricting permits for activities that may compromise the safety of people and property. • Revoking or suspending a permit that does not comply with applicable law, by-laws and policies, was issued in error, issued under false or misleading information, or involves an applicant with unpaid permit fees. • Reserving the use of a Public Square for particular events in compliance with City by-laws and policies. • Engaging in a competitive process from time to time to solicit interest in holding events on Public Squares particularly on premium dates for recommendation to City Council. • Authority to enter into Agreements where the City agrees to sponsor or enter into a co-production arrangement with a third party. • Authority to approve vending on Public Squares. • Authority to create guidelines and procedures pertaining to the use of Public Squares consistent with applicable legislation, Council by-laws and policies. • Levying fees and charges set by City Council in Chapter 441, <i>Fees and Charges</i>, and except as specifically waived to issue a permit and recover costs associated with City services that may be required for some events on Public Squares.

#	Provision	Description
2.	Yonge-Dundas Square	The By-law will continue the Board of Management for Yonge-Dundas Square including its powers, duties, structure and relationship to the City.
3.	Prohibited Activities	<p>The By-law will include provisions related to prohibited activities. Prohibited activities within the limits of a Public Square will include:</p> <ul style="list-style-type: none"> • Unlawful conduct and activities that contravene a federal or provincial Act or City by-law or policy. • Commercial, private and gated events that are not open to all persons interested in attending them, other than Yonge-Dundas Square. • Injure or damage trees or other vegetation. • Stand or sit on containers or receptacles, including containers for plants, shrubs, and trees. • Interfere with the use and enjoyment by any other person. • Use the parking lots for purposes other than ingress and egress to parking places, for parking vehicles, as a public walkway, or an event if authorized by the Public Square Official. • Act in an aggressive manner that intimidates other users or passers-by. • Release or hand out helium-filled balloons, or balloons filled with gasses lighter than air. • Chain, lock or attach any article or thing to a waste receptacle, pole, railing, fence, or without authorization (and authorize the seizure and potential disposal of such items). • Set off fireworks. • Enter or be on artificial ice surfaces, reflecting pools or other water features under certain conditions related to maintenance and public safety.
4.	Permitted Activities	<p>The By-law will include provisions related to permitted activities. Permitted activities within the limits of a Public Square will include:</p> <ul style="list-style-type: none"> • Affix signage, flyers, fabrics or other substances to any building, structure, walkway, colonnade, column, arch, reflecting pool or other water feature, or artistic work. • Erect or place a booth or structure for use as a shelter or storage area.

#	Provision	Description
		<ul style="list-style-type: none"> • Climb any arch, tree, roof of a building or any part of a building, structure or fixture. • Drop or throw any object from the roof of a building or from any raised area or structure. • Light or carry any fire, candle or torch or create an open or contained flame. • Use any apparatus, mechanism or device for the amplification of the human voice, music, or other sound, or any sound-producing or noise-making instrument or device. • Rappel down or off of a building. • Engage in sports related activities. • Present or take part in any drama, musical, artistic, or other performance. • Camp or place a tent, booth, trailer, temporary abode or other structure of any kind. • Store personal belongings. • Ride a bicycle. • Ride or stand on any skateboard, scooter, roller skate, or roller blade. • Drive or park any motor vehicle, including but not limited to an electronic bicycle, except a motorized wheelchair. • Lead or let loose any animals except dogs led by a leash that do not exceed two metres in length, or horses being ridden or led by a police officer. • Panhandle, canvass, or solicit money or assets of a monetary nature or charge entrance fees for an event. • Vend or otherwise stop, park, place, store, stand, or leave any object, vehicles or thing for the purposes of vending. • Take or permit to be taken for remuneration any film, photograph, video tape, digital video, or television broadcast. • Set off fireworks classed as theatrical special effects pyrotechnics. • Enter or be on the artificial ice surface at certain times and under certain conditions. • Throw or place objects into or onto a reflecting pool, water feature or artificial ice surface.

#	Provision	Description
		<ul style="list-style-type: none"> Consume, serve, sell or distribute alcoholic beverages, unless by permit and in the designated areas as authorized by the Public Square Official and under a special occasion permit or other permit issued under the <i>Liquor Licence Act</i>.
5.	Appeal Provision	The by-law will continue an appeal for denial of permits to the local Community Council found in several Public Squares by-laws but also extend the appeal process to other Public Squares. Community Councils will be delegated the final decision making authority for all Squares except for Nathan Phillips Square. Council will retain the ability to make final decisions regarding an appeal for a denial of a permit on Nathan Phillips Square.
6.	Provision to Set Fees and Charges	The by-law will have a provision for establishment of permit fees and recovery of costs for externally sponsored events. The By-law will not set out a specific fee schedule, which must be approved by Council under Chapter 441, <i>Fees and Charges</i> .
7.	Fines for Offences on Public Squares	The by-law will update the authority to set fines for offences. The fine structure will be harmonized and include a provision to impose progressive fines for continuing offences committed on Public Squares, consistent with other City by-laws.
8.	Insurance	The by-law will continue the requirement that event organizers holding events on Public Squares obtain adequate liability insurance.
9.	Long Term Leases and Vending	<p>The by-law will continue to require Council approval for any lease of a Public Square or a portion of a Public Square.</p> <p>The by-law will authorize the Public Square Official to designate areas on the Public Squares that may be used for vending. The Public Square Official may undertake a competitive procurement process for the operation of Portable Display Units for vending in designated areas of a Public Square for approval by City Council.</p>
10.	Other Provisions	A grandparenting clause will allow applications made, permits, or authorizations granted to January 1, 2014, to be processed under the former squares by-laws.