

## Chapter 743

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[HISTORY: Adopted by the Council of the City of Toronto 2003-09-24 by By-law No. 960-2003.<sup>1</sup> Amendments noted where applicable.]

#### GENERAL REFERENCES

Fences — See Ch. 447.

Filming — See Ch. 459.

Idling of vehicles — See Ch. 517.

Signs — See Ch. 693.

Trees — See Ch. 813.

Waste collection from commercial properties — See Ch. 841.

Waste collection from residential properties — See Ch. 844.

Parking machines — See Ch. 910.

Permit parking — See Ch. 925.

Temporary closing of highways — See Ch. 937.

#### ARTICLE I Terminology

§ 743-1. Definitions.

[Amended 2005-12-07 by By-law No. 1070-2005]

A. As used in this chapter, the following terms shall have the meanings indicated:

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<sup>1</sup> Editor's Note: This by-law was passed under the authority of paragraph 1 of subsection 11(1) and section 128 of the *Municipal Act, 2001*, S.O. 2001, c. 25.

**AGREEMENT** — An agreement that contains one or more provisions for the granting of consent to a person to use, excavate in, encumber or obstruct a street during the construction, alteration, repair or demolition of a building or structure upon compliance by such person with all other applicable municipal requirements. **[Added 2006-05-25 by By-law No. 462-2006]**

**APPLICANT** — A person applying for a permit. **[Added 2006-05-25 by By-law No. 462-2006]**

**BOULEVARD** — That part of a public street that is not used, or intended to be used, for vehicle travel by the general public, and is situated between the travelled portion of the road and the adjoining property line.

**COSTS OWING** — The difference between the cost of restoring the street to its pre-construction condition and the amount of the municipal road damage deposit where the cost of restoration exceeds the amount of the municipal road damage deposit. **[Added 2006-05-25 by By-law No. 462-2006]**

**DAMAGE** — Harm or injury to the street, including without limitation, harm, injury, disturbance, cracking, gouging or displacement of or to the pavement, curb, boulevard, boulevard landscaping or sidewalk resulting from use of the street to access the work such that, in the sole opinion of the General Manager, the street is not in its pre-construction condition. **[Added 2006-05-25 by By-law No. 462-2006]**

**DIVISION** — The Transportation Services Division. **[Added 2006-05-25 by By-law No. 462-2006]**

**DEVELOPMENT APPLICATION** — A project as defined by the *Planning Act*,<sup>2</sup> which is the subject of review and approval through the site plan review process, prior to reaching the building permit stage. **[Added 2006-05-25 by By-law No. 462-2006]**

**EXECUTIVE DIRECTOR** — The Executive Director of Technical Services. **[Added 2009-10-01 by By-law No. 954-2009]**

**FASTRACK BUILDING PERMIT APPLICATION PROCESS** — A special over the counter service provided by the City to facilitate the building application process for certain types of residential or commercial/industrial projects. **[Added 2006-05-25 by By-law No. 462-2006]**

**GENERAL MANAGER** — The General Manager of the Transportation Services Division.

**INFORMATION FLYER** — Printed paper material, but does not include a free sample of an item, or forms in the nature of an application, entry form or ballot

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<sup>2</sup> Editor's Note: See R.S.O. 1990, c. P.13.

which are completed and returned at the time of distribution. **[Added 2010-06-09 by By-law No. 621-2010<sup>3</sup>]**

**LOCATION CERTIFICATE** — A sketch, as-built drawing or similar representation that: **[Added 2009-10-01 by By-law No. 954-2009]**

- (1) Is certified correct by a member of the Association of Ontario Land Surveyors, the Association of Professional Engineers of Ontario, the Association of Professional Geoscientists of Ontario or the Ontario Association of Certified Engineering Technicians and Technologists; and
- (2) Accurately indicates the as-built location, including depth of coverage and horizontal and vertical alignment of peripheral elements, of the completed equipment, plant or structure by reference to:
  - (a) The Central Meridian, 79 degrees 30 minutes West Longitude, in Zone 10 of the Ontario Coordinate System, North American Datum of 1927 (1974 adjustment); and
  - (b) Elevations derived from the Canadian Geodetic Vertical Datum of 1928, which is based on the mean sea level of tidal gauges.

**MUNICIPAL ROAD DAMAGE DEPOSITS** — The deposits referred to in § 743-4C. **[Added 2006-05-25 by By-law No. 462-2006]**

**OWNER** — The owner of the property immediately adjacent to the street where the proposed work will occur. **[Added 2006-05-25 by By-law No. 462-2006]**

**PERMIT** — A permit issued under this chapter. **[Added 2006-05-25 by By-law No. 462-2006]**

**PRE-CONSTRUCTION CONDITION** — The condition of the street as it existed before construction, alteration, repair or demolition of the building or structure adjacent to the street. **[Added 2006-05-25 by By-law No. 462-2006]**

**SIDEWALK** — That part of a public street located within the boulevard that is improved for the exclusive use of pedestrians.

**STREET** — A highway as defined in subsection 1(1) of the *Municipal Act, 2001*.<sup>4</sup>

**STREET PROMOTIONS** — The use or occupation of a street for the purposes of promoting goods, products, services or brands, including, without limitation, the distribution of free items or free samples, the distribution of free food or beverages,

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<sup>3</sup> Editor's Note: This by-law came into force 30 days from the date that this by-law was enacted by City Council.

<sup>4</sup> Editor's Note: See S.O. 2001, c. 25.

advertising, surveys, events, games, contests or other activities. **[Added 2010-06-09 by By-law No. 621-2010<sup>5</sup>]**

WORK — The construction, alteration, repair or demolition of a building or structure adjacent to the street. **[Added 2006-05-25 by By-law No. 462-2006]**

- B. As used in § 743-3 of this chapter, the following terms shall have the meanings indicated:

AGREEMENT — An agreement setting out the requirements of this section and such other terms and conditions as required by the General Manager and the City Solicitor for the granting of consent to a person to place, install and maintain publication dispensing boxes, units or kiosks on, along or within a street, subject to compliance with all other applicable municipal requirements.

APPLICANT — A person applying for a permit under § 743-3 of this chapter.

INSTALLATION — A publication dispensing box, unit or kiosk.

LOCAL STREET — Any street which is designated as such in the City's road classification system, as amended from time to time.

LOCATION — The portion of the street on which one or more publication dispensing boxes or units are placed, and shall include each corner of a street intersection on which one or more of these structures are placed.

PERMIT — A permit issued under § 743-3.

PUBLICATION — A newspaper or other similar printed document which is published at regular intervals.

PUBLICATION DISPENSING BOX — A container installed, used and maintained for the dispensing of a single publication to the general public, either for financial consideration or free of charge.

PUBLICATION DISPENSING KIOSK — An enclosure or pavilion where person(s) dispense publications, to the general public either for financial consideration or free of charge.

PUBLICATION DISPENSING UNIT — A single container installed, used and maintained for the dispensing of two or more publications of the same or different publishers to the general public, either for financial consideration or free of charge.

- C. As used in § 743-7 of this chapter: **[Added 2010-05-12 by By-law No. 482-2010<sup>6</sup>]**

(1) The following terms shall have the meanings indicated:

<sup>5</sup> Editor's Note: This by-law came into force 30 days from the date that this by-law was enacted by City Council.

<sup>6</sup> Editor's Note: This by-law comes into force on the latter of 2011-01-01 or 30 days after the date of approval by the Regional Senior Justice of the set fines required for the offences created by this by-law.

**ADVANCE NOTIFICATION SIGN** — A sign which notifies the public of an upcoming closure for a street event and which is installed a minimum of 14 days in advance of the closure.

**AGENT** — A person authorized in writing to act on behalf of a person, Business Improvement Area, corporation, company or organization where the person, Business Improvement Area, corporation, company or organization is responsible for meeting the conditions of § 743-7.

**APPLICANT** — A person or agent who applies for or receives a permit under § 743-7.

**ARTERIAL ROAD** — Any major or minor arterial roadway that is designated as an arterial road in the City's road classification system, as amended from time to time, including a major arterial road.

**BOULEVARD** — That part of a public street that is not used, or intended to be used, for vehicular travel by the general public, and is situated between the travelled roadway and the adjoining property line.

**BUSINESS IMPROVEMENT AREA** — An area designated as an improvement area by a by-law passed under the *City of Toronto Act, 2006*,<sup>7</sup> or a predecessor legislation.

**CITY** — City of Toronto.

**CLOSURE** — A temporary full or partial closing of a street for a period of no more than four consecutive days.

**COLLECTOR ROAD** — Any roadway that is designated as a collector road in the City's road classification system, as amended from time to time.

**EXPRESSWAY** — The F.G. Gardiner Expressway, the Don Valley Parkway, the W.R. Allen Road, Black Creek Drive, Highway 2A or Highway 27, or any other roadway designated as an expressway in the City's road classification system, as amended from time to time.

**FEES** — Fees and charges as set out in Municipal Code Chapter 441, Fees and Charges.

**GENERAL MANAGER** — The General Manager of Transportation Services for the City of Toronto and his or her designate or successor.

**INSTALLATION** — A traffic control device, article or thing temporarily installed for a street event.

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<sup>7</sup> Editor's Note: See S.O. 2006, c. 11.

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**LOCAL ROAD** — Any roadway that is designated as a local road in the City's road classification system, as amended from time to time.

**LONGSTANDING MAJOR EVENT** — A street event that has occurred for at least five consecutive years on a major arterial road at that traditional location and traditional time.

**MAJOR ARTERIAL ROAD** — A roadway upon which traffic movement is a primary function, is subject to access controls, upon which greater than 20,000 vehicles per day travel, upon which greater than 5,000 bus passengers per day travel, with speed limits of 50 to 60 km/hr, and which is deemed by the City as high priority for winter maintenance.

**NOTIFICATION LETTER** — A letter from the General Manager to the organizers of a longstanding major event advising the organizers that an application has been made for a street event permit for the traditional location(s) and traditional time(s) historically occupied by the longstanding major event and advising the organizers of the longstanding major event that, if the organizers of the longstanding major event wish to preserve their priority for a street event at their traditional location(s) and traditional time(s), the organizers must submit an application for a street event permit within 10 business days of the date of the notification letter.

**OBJECTION** — A written notice of opposition to an application for a street event.

**PERMIT** — A permit issued under § 743-7.

**ROAD** — Includes an arterial road, collector road and a local road.

**SIDEWALK** — That part of the street located within the boulevard that is improved for the exclusive use of pedestrians.

**STREET** — A highway as defined in the *Highway Traffic Act*.<sup>8</sup>

**STREET CONVERSION** — The temporary conversion of vehicular traffic direction on a road.

**STREET EVENT** — A temporary full or partial closing of a street to accommodate admission-free, or admission-restricted, races, runs, walks, and festivals.

**STREET EVENT GUIDELINES** — Policies and procedures for street events, as may be amended from time to time by the General Manager.

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<sup>8</sup> Editor's Note: See R.S.O. 1990, c. H.8.

**STREET EVENT NOTICE** — Written notification to inform residents and businesses of a street event application.

**TRADITIONAL LOCATION** — Within that same ward(s).

**TRADITIONAL TIME** — Within that same calendar month.

**TRAFFIC CONTROL AND PUBLIC SAFETY PLAN** — A safety plan for a full or partial closure of a street, as set out in the "Temporary Conditions" in the Ontario Traffic Manual Book 7 and in the street event Guidelines.

**TRAFFIC CONTROL DEVICES** — Any sign, signal, marking, or other device placed upon, over or adjacent to a street by a public authority or official having jurisdiction for the purpose of regulating, warning, guiding or informing road users as set out in the Ontario Traffic Manual or other device authorized by the General Manager.

**WARD** — A City ward as continued, created or amended pursuant to the authority of the *City of Toronto Act, 2006*.<sup>9</sup>

**WASTE MANAGEMENT PLAN** — A plan for collecting, recycling, removing and storing garbage, litter and debris.

- (2) A term not defined in § 743-1C(1) of this chapter shall have the same meaning as the term has in the *Highway Traffic Act*.<sup>10</sup>

## ARTICLE II Prohibited or Regulated Activities

### § 743-2. Sale of event tickets.

[Amended 2004-04-16 by By-law No. 274-2004]

No person shall use or occupy a street for the purposes of the sale, or offering for sale, of event tickets.

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<sup>9</sup> Editor's Note: See S.O. 2006, c. 11.

<sup>10</sup> Editor's Note: R.S.O. 1990, c. H.8.

**§ 743-3. Publication dispensing boxes.****[Added 2005-12-07 by By-law No. 1070-2005<sup>11</sup>]**

- A. No person shall place, install or maintain an installation on, along or in a City street unless the person has:
- (1) Complied with the requirements of this section;
  - (2) Obtained all applicable permits required by the City;
  - (3) Paid all applicable fees as required by the City;
  - (4) Submitted applicable evidence of required insurance; and
  - (5) Entered into and is in compliance with an agreement.
- B. All previous agreements pertaining to the placement, installation and maintenance of installations entered into prior to the date that this section is enacted are deemed to be null and void effective October 1, 2006, and all persons holding a permit for an installation shall enter into a new agreement as required under this section by that date. All installations shall be brought into compliance with this section by October 1, 2006, unless otherwise specified in this section.
- C. Application for a permit.
- (1) Any owner of a publication or the authorized agent of an owner of a publication who wishes to place, install or maintain publication dispensing boxes, units or kiosks on, along or in a City street shall submit an application to the General Manager on the prescribed form at least eight weeks prior to the proposed date for the placement of the installation, including the following:
    - (a) Name, address and telephone number of the applicant and any other person who may control the installation;
    - (b) Location where each installation is to be placed, which shall be in compliance with the requirements set out in § 743-3G;
    - (c) The name of the publication(s) to be offered for distribution;
    - (d) Two coloured drawings or photographs of the proposed installation, clearly showing height, width and depth dimensions;

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<sup>11</sup> Editor's Note: Section 2 of this by-law provided for the repeal of the following by-laws: By-law No. 1-87, as amended, To permit newspaper boxes on untravelled portions of the street (East York); Section 3A of By-law No. 3343-79, as amended, Respecting streets in the borough of York (York); By-law No. 11683, as amended, With respect to newspaper boxes in the Township of Scarborough (Scarborough); By-law No. 31680, as amended, Respecting the leasing and licensing of municipal boulevards for the purposes of the location of newspaper vending boxes (North York); Municipal Code Chapter 171, Newspapers (Etobicoke); and Section 313-44 of Municipal Code Chapter 313, Streets and Sidewalks (Toronto). Section 3 of this by-law stated that, despite Section 2 above and consistent with § 743-3I(1), the annual fee requirements contained in the by-laws listed in Section 2 shall continue in force until December 31, 2005.

- (e) Description of the material from which the installation is constructed and the door closure mechanism; and
  - (f) Certification of the recycled fibre content of the publication to be dispensed.
- (2) All installations shall be constructed of durable material satisfactory to the General Manager.
  - (3) No person shall sell or dispense, or permit the sale or dispensing of, any item from a publication dispensing kiosk other than one or more publications.
  - (4) No application will be accepted after September 8, 2004, for a permit for the placing or installation of new installation, provided that this will not apply to prevent the placing or installation of these structures by or on behalf of the City under a consolidated street furniture program.
  - (5) The moratorium on the acceptance of applications under Subsection C(4) for the placing or installation of new publication dispensing boxes under Subsection G(4) shall continue until October 1, 2006.
  - (6) Every applicant shall provide and maintain public liability and property damage insurance with an insurer satisfactory to the General Manager naming the City as an additional insured, in an amount not less than \$2,000,000, in a form approved by the Deputy City Manager and Chief Financial Officer, and shall file a certificate of insurance with the application evidencing the form and amount of coverage, a cross-liability/severability of interests clause; a provision that the insurance is primary before the insurance of the City and that the insurer shall provide the City with 30 days' notice of any intention to cancel or not renew the policy.
  - (7) Any application which does not include all of the information, insurance and the applicable fees as required under this § 743-3 at the time that the application is made shall be deemed to be incomplete and shall not be processed until such time as all required information is provided and the fees are paid.
  - (8) Prior to issuance of the permit and commencement of placement or installation of the publication dispensing box, unit or kiosk, the applicant shall agree, in a form satisfactory to the City Solicitor, to indemnify and save the City, its elected officials, officers, employees and agents, harmless with respect to any action, cost, claim, loss, injury or damage whatsoever arising from the placement or installation and occupation of the street by the installation.
  - (9) Any information submitted as part of an application for a permit which the applicant identifies as proprietary and confidential shall be treated as

confidential and, except where required by law, shall not be revealed to any person without the consent in writing of the applicant, until the permit is issued pursuant to § 743-3D or the applicant appeals the decision of the General Manager pursuant to § 743-3F.

D. Issuance of permit.

- (1) Where an application meets the requirements of this section and all applicable fees have been paid, the General Manager shall issue the required permit.
- (2) Subject to Subsections D(4), D(5) and H, a permit issued under this § 743-3 shall be for a term of one year, and shall renew automatically on January 1 of each year provided that the permit holder has paid the fees as required under this section and is not in violation of this section or the agreement.
- (3) A permit issued for an installation shall not be transferred or assigned in any manner whatsoever by the permit holder without the consent of the General Manager. For the purposes of this subsection, “assignment” or “transfer” shall not include a transfer to an affiliate, subsidiary or holding corporation of a corporate permit holder or a change in control of ownership in a corporate permit holder. No assignment shall be permitted under this section, with or without consent, unless the permit holder is in compliance with this section and the agreement and proposed the assignee has first entered into an agreement with the City as required under this section.
- (4) Any permit for an installation may, provided that the permit holder is first given an opportunity to be heard, be suspended or revoked at any time by Council for failure to comply with the provisions of this section or an agreement.
- (5) Despite Subsection D(4), the General Manager may, at the sole expense of the permit holder, require the temporary relocation of an installation or order the temporary suspension or revocation of a permit in the following circumstances:
  - (a) Where required in the interests of pedestrian, vehicular or public safety;
  - (b) Where required to accommodate a special event; or
  - (c) Where required to accommodate the installation, construction, maintenance or repair of a street, transit facilities or a public utility or service.
- (6) Neither the City, the Toronto Transit Commission or a public utility shall be responsible for any claim for loss or damage as a result of a relocation, suspension or revocation under Subsection D(4) or (5).

E. Rejection of permit application.

- (1) The General Manager shall reject an application for a permit where the application for the permit does not comply with the requirements of this § 743-3.
- (2) The General Manager shall provide an applicant whose application for a permit has been refused with written reasons for the refusal at the time that the applicant is advised of the refusal.

F. Appeals.

- (1) Any applicant whose application for a permit has been refused may appeal the decision of the General Manager and request to be heard by community council or, where the locations requested fall within more than one community council area, the Works Committee, by filing with the General Manager, within 30 days of the General Manager's written decision, a notice of appeal requesting the right to be heard and including the applicant's contact information, grounds for the appeal and any related submissions.
- (2) Upon receipt of an appeal notice as set out in Subsection F(1), the General Manager shall prepare and forward a report to community council or Works Committee that shall include:
  - (a) The application;
  - (b) The General Manager's decision and reasons for the refusal to issue the permit; and
  - (c) The notice of appeal.
- (3) Following receipt of the report prepared by the General Manager, the community council or Works Committee shall provide the applicant with the opportunity to be heard, after which time the community council or Works Committee shall recommend that Council either:
  - (a) Confirm the original decision made by the General Manager;
  - (b) Refer the matter back to the General Manager and direct the General Manager to reconsider the matter having regard to such considerations or directions as the Committee, community council or Council may recommend; or
  - (c) Direct the General Manager to issue a permit on such terms and conditions as Council may determine.

G. Requirements.

- (1) No person shall place, install or maintain an installation on any street except in compliance with the provisions of this § 743-3 and the agreement.

- (2) No installation shall be placed, installed or maintained:
- (a) Within an area comprised of the corner radius of any intersection and an additional two metres measured from the radius along each curb or roadway edge;
  - (b) In any curb cut designed to facilitate access by disabled persons or within one metre of the curb cut;
  - (c) Within any driveway or 0.6 of a metre of any driveway;
  - (d) Within two metres of a fire hydrant or other fire service connection;
  - (e) Within one metre of a traffic signal or other utility pole to which pedestrian activation buttons are attached, decorative street light pole, tree or bicycle ring;
  - (f) Within any bus or streetcar stop, crosswalk or pedestrian cross-over, or in a manner as to interfere with boarding, disembarking, or queuing by transit passengers, or pedestrian movement;
  - (g) On, over or within any part of the travelled surface of the portion of the street, including any curb;
  - (h) Unless a minimum of 2.1 metres of sidewalk width immediately adjacent to the installation is maintained clear of all obstructions and available for uninhibited pedestrian passage;
  - (i) Despite Subsection G(2)(h), where the sidewalk is 1.5 metres or less in width, unless the installation is located on a paved portion of the boulevard and set back a minimum of 0.6 of a metre from the edge of sidewalk so as to create at least 2.1 metres of space clear of all obstructions for uninhabited passage;
  - (j) In a manner that obstructs driver, or pedestrian sight lines, or otherwise compromises public safety;
  - (k) Within the area of a semicircle on the entrance side of a transit shelter, or any entrance to the Toronto Transit Commission subway system, having a diameter of no less than the length of the transit shelter or the width of the subway system entrance, so that an unobstructed access to or from the transit shelter or subway system entrance is maintained;
  - (l) On top of, or in a manner that interferes with access to, use of, or causes damage to any utility maintenance hole, vault, pole or other equipment or permitted encroachment;
  - (m) Where placed adjacent to a curb or edge of roadway, any closer than 0.5 metre from the curb face, or any closer than three metres from the edge

of roadway on streets without curbs, measured from the side of the box, unit or kiosk closest to the curb or edge of the roadway;

- (n) On any unpaved surface, lawn, shrub, tree or other landscaping within a boulevard or in a manner so that the placement or use of the installation may damage the boulevard;
  - (o) In a manner such that it is bolted to a sidewalk or other hard-surfaced portion of the boulevard, or chained to a decorative streetlight or utility pole, transit stop poles, or other City street furniture, unless expressly designated for such purpose, or attached with the consent of the owner of the pole or other structure;
  - (p) In a manner that obstructs the sightlines of an advertising or information panel on a transit shelter or other City street furniture element within a minimum distance of 25 metres;
  - (q) Within 3.6 metres of the curb on Yonge Street, from Queen Street to Bloor Street; and
  - (r) On any local street. This does not preclude the placement of the installation at the intersection of a local street and collector, minor arterial or arterial street as set out in the City's road classification system.
- (3) Each licensed installation must have affixed to it and readily visible and legible at all times effective June 1, 2006, the contact name, address, e-mail address (if applicable) and telephone number of the owner, circulation department of the publication owner or person in control of such structure.
  - (4) An installation shall remain situated at the location as approved by the General Manager, and no person shall relocate an installation unless the relocation has been authorized in advance by the General Manager.
  - (5) No more than one installation per publication shall be placed at any one location, and no location shall be positioned less than 40 metres from any other location for the same publication, except that this shall not apply to prevent locations at two corners of the same intersection.
  - (6) Where multiple publication dispensing boxes are placed at a location, they must be arranged in a single linear pattern, satisfactory to the General Manager and, where a "T-bar" or similar railing device is provided for the express purpose of securing publication dispensing boxes, no box will be permitted at the location unless it is so attached.
  - (7) Any concrete pad, "T-bar" or similar railing device required to be installed for the placement or installation of an installation will be installed by the

- applicant, at the sole expense of the applicant, to the satisfaction of the General Manager.
- (8) The maximum dimensions of any publication dispensing box or unit inclusive of any ballast shall be as follows:
    - (a) A height of 1.3 metres from grade;
    - (b) A width of 0.6 of a metre; and
    - (c) A depth of 0.6 of a metre.
  - (9) The dimensions set out in Subsection G(8) shall apply to all applications received under this § 743-3, and shall come into effect on January 1, 2009, with respect to any box or unit for which a permit has been issued as of the date that this § 743-3 comes into force.
  - (10) Subsection G(8) shall not apply to any publication dispensing unit that may be developed and deployed by or on behalf of the City under a consolidated street furniture program.
  - (11) In the event that a publication dispensing unit is deployed by or on behalf of the City under a consolidated street furniture program, no individual publication dispensing box or unit shall be permitted at the same location(s).
  - (12) Every person who owns or controls a publication dispensing box, unit or kiosk shall:
    - (a) Place or install each installation in a manner that will ensure it cannot be tipped over;
    - (b) Provide each installation with a secure self-closing door in good working order at all times to prevent the entry of snow, wind and rain, and to deter litter generation and use of the installation as a garbage receptacle;
    - (c) Maintain each installation in a neat, clean and rust-free condition at all times, including the removal of all graffiti, posters and third party advertising however affixed to the installation, within 24 hours of becoming aware of the condition; and
    - (d) Remove any garbage or litter accumulation in and around the installation within 24 hours of becoming aware of the condition.
  - (13) Every person who owns or controls an installation shall regularly monitor the condition and arrange for the pick-up and removal of surplus or stale-dated publications and any associated packaging. No person shall cause or permit these materials to be left in or near the installation, at the curbside or deposited into City litter or recycling receptacles.

- (14) No person who owns or controls an installation permitted under this § 743-3 shall allow the installation to go unstocked with current publications for a period of more than seven consecutive days unless the door of the installation is secured.
- (15) Where an installation is left unstocked for a period greater than 21 consecutive days, the General Manager may require that the permit holder remove the installation at no cost to the City.
- (16) Any installation that has been damaged or vandalised shall be repaired, replaced or removed by the owner or person in control within 48 hours of becoming aware of the condition, provided that where the damage or vandalism causes a danger to the public or property, the owner or person in control shall, upon notice from the General Manager, take immediate action to remedy the unsafe condition.
- (17) No electrical connection shall be permitted to any installation, except where the unit is a component of a City consolidated street furniture program.
- (18) No advertising, notices or signs shall be permitted on an installation other than the name of the publication, price or features contained within or sponsored by the publications, or advertising promotions sponsored by the publication which shall be displayed only on one side of the installation, provided that the restriction of advertising the name of the publication, price or features contained within the publication to one side of the installation shall take effect on January 1, 2009, with respect to any installation for which a permit has been issued as of the date that this § 743-3 comes into force. Despite anything else in this paragraph, third party advertising is expressly prohibited, except where a unit is a component of a City consolidated street furniture program.
- (19) All paper material used in publications dispensed by means of the installations permitted under this § 743-3 shall contain at least 40 percent recycled fibre calculated based on the aggregate weight of recycled fibre content used in the total production of the publication distributed from the installation in City street, provided that this requirement shall not come into effect until June 1, 2006, for those areas of the City not subject to this regulation at the time that this section comes into force.
- (20) A publication dispensing box which otherwise complies with the criteria of this Subsection G shall be located in a position satisfactory to the General Manager, having regard to such matters as the position of any existing installation at the location, the volume of pedestrian traffic at the location, snow removal, sidewalk cleaning and maintenance, vehicular traffic and safety, sight distances and any other public uses of the street in the vicinity of the location.

- (21) The City or any utility may enter the area occupied by an installation for the purpose of doing any work within the street, including the installation or maintenance of utility equipment.
- (22) On or before December 15 of each year, every person who has a permit with the City for the placement, installation and maintenance of one or more installations shall provide, on the prescribed form, to the General Manager:
  - (a) A detailed, accurate, up-to-date inventory of all such structures located on, along and within the City's streets; and
  - (b) Subject to Subsection G(19), written verification of the amount of recycled fibre content comprising the publications placed in the structures for the previous twelve-month period, including confirmation by the paper supplier.

H. Seizure and disposal.

- (1) Any installation that has been placed or maintained contrary to § 743-3 or contrary to any permit or agreement shall be removed by the owner or authorized agent within 48 hours of notification, failing which the General Manager or any person authorized by the General Manager may seize and remove from the street the installation which has been placed or maintained contrary to this § 743-3, or contrary to any permit or agreement, and the General Manager shall store any installation so seized, and shall return any installation to the owner upon the owner paying to the City the costs of removal and storage of the installation, plus administration costs as set out in § 743-3I(4) below. Despite any other provision of this § 743-3, no prior notice shall be required in the event that the installation, in the opinion of the General Manager, poses a risk to public safety.
- (2) The General Manager may dispose of any installation so seized at the expiry of 30 days from the later of the date of seizure of the installation and the date notice of the seizure is given to the owner of the installation.

I. Fees.

- (1) Effective January 1, 2006, the fees (2006) to be paid for the placement and on-going maintenance of a publication dispensing box or unit on a street of the City shall be:
  - (a) \$25, plus GST annually, for the first 100 publication dispensing boxes or units placed and maintained by a licensee; and
  - (b) \$100, plus GST annually, for each additional publication dispensing box or unit placed and maintained by a licensee.

- (2) Where an application is made to the General Manager for an installation under this section, the applicant shall be charged a non-refundable administration, survey and inspection fee (2005) in the amount of \$62.59 per box or unit plus GST.
- (3) The fees (2005) to be paid for the placement and on-going maintenance of a publication dispensing kiosk on a street of the City shall be:
  - (a) The greater of \$280 or \$280 per square metre of street occupied, plus GST annually;
  - (b) Where an application is made to the General Manager for a publication dispensing kiosk under this section, the applicant shall be charged a non-refundable administration, survey and inspection fee in the amount of \$68.27 plus GST per kiosk.
- (4) The fee (2005) to be paid in the event of removal, storage and release by the City of an installation under § 743-3H shall be \$300, plus any applicable taxes, per installation or structure, and must be paid prior to the release of the installation or structure.
- (5) All fees specified in § 743-3I(1), (2), (3) and (4) shall automatically increase on the first day of January in each year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the twelve-month period ending October 1 in the year immediately preceding the rate increase date.

**§ 743-4. Municipal road damage deposits.**

**[Added 2006-05-25 by By-law No. 462-2006]**

- A. No person shall undertake any work unless the person has:
  - (1) Obtained all applicable consents and permits required by the City, Province or other regulating body;
  - (2) Paid or agreed to pay all applicable fees or deposits, including a municipal road damage deposit as required by the City; and
  - (3) Entered into an agreement where required by the City upon terms and conditions and in a form satisfactory to the General Manager.
- B. Every person who wishes to undertake work shall submit an application to the General Manager on the form prescribed by the General Manager from time to time for authorization to use the City's infrastructure including but not limited to roads, curbs, boulevards and sidewalks in order to access the work, which application shall include the following:

- (1) Name, address, and telephone number of the applicant;
  - (2) Name, address, and telephone number of the owner;
  - (3) Type of work to be performed;
  - (4) Project location, including the address, building permit application number, lot and plan number.
- C. Upon any application being made pursuant to § 743-4B, the applicant shall pay to the General Manager a municipal road damage deposit in the amount specified below:
- (1) Where the work is related to a residential property: \$2,000 per unit; and
  - (2) Where the work is related to a commercial or industrial property: \$5,000 per property.
- D. Permits under § 743-4 and the payment of municipal road damage deposits are not required for work on the following properties:
- (1) Single-family dwellings and commercial/industrial properties where a building permit is requested pursuant to the City's "FASTRACK" program; and
  - (2) Properties where financial securities for street restoration have been secured as part of an authorized development application as defined in this chapter, or other similar agreement with the City.
- E. The amount of the municipal road damage deposits shall automatically increase on the first day of January in each subsequent year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the twelve-month period ending on October 1 in the year immediately preceding the fee increase date.
- F. Every person who undertakes work shall ensure that the street is at all times maintained in a condition that allows the safe passage of vehicle and pedestrian traffic.
- G. Every person who undertakes work shall fully restore the street, at no cost to the City, to its pre-construction condition, including boulevard landscaping, within the earlier of:
- (1) Thirty days after the completion of the work; or
  - (2) Two years from the date of deposit of the municipal road damage deposit.
- H. Where the applicant fails to repair the street to its original pre-construction condition within the timelines prescribed by § 743-4G:

- (1) The General Manager is authorized to fully restore the street;
  - (2) The applicant shall be responsible for any cost of repair or clean-up of the street;
  - (3) The General Manager shall deduct the cost of the repair or clean-up from the municipal road damage deposit; and
  - (4) Where the cost of the repair or clean-up exceeds the amount of the municipal road damage deposit, the applicant shall pay the costs owing to the General Manager within 90 days of notification from the General Manager.
- I. If the applicant declines or fails to pay the costs owing within 90 days of notification from the General Manager as provided by § 743-4H, the General Manager is authorized to recover the costs owing by adding them to the tax roll and collecting them in the same manner as taxes.
- J. The General Manager will refund any municipal road damage deposit after completion of the work to which it pertains subject to the following conditions:
- (1) The applicant who paid the municipal road damage deposit or his or her authorized agent must make an application in writing to the General Manager requesting the refund;
  - (2) The application in writing requesting the refund of the municipal road damage deposit must be submitted to the General Manager within two years from the date on which the municipal road damage deposit was made; and
  - (3) The sum refunded will be equal to the municipal road damage deposit less any costs incurred by the City for any required repair pursuant to § 743-4H.
- K. Despite § 743-4G(2), if the completion of the work takes longer than two years from the date that a municipal road damage deposit was deposited with the City, the applicant may request a one-time extension of two years after the initial two-year time limit.
- L. Municipal road damage deposits will be forfeited to the City of Toronto where an application for the return of the municipal road damage deposit has not been submitted to the General Manager:
- (1) Within two years from the date on which the municipal road damage deposit was initially made; or
  - (2) In the case of where an extension has been granted pursuant to § 743-4K, within four years from the date on which the municipal road damage deposit was initially made.

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- M. Municipal road damage deposits that have been forfeited will be placed in a Transportation Services Division account related to street maintenance and reconstruction.
- N. The General Manager is not obligated to refund deposits that were taken as a result of applications made using false or misleading information.
- O. Interest will not be paid on any municipal road damage deposits.
- P. Subsections 743-4A through to 743-4O apply to all municipal road damage deposits deposited and held by the City after January 1, 2003.

**§ 743-5. Provision of location certificate.**

**[Added 2009-10-01 by By-law No. 954-2009]**

- A. Any person applying to the City for a permit for the performance of work within a City street, including a sidewalk, boulevard or roadway, for the purposes of constructing or installing underground equipment, plant or structures, shall agree as a condition of receiving the permit to provide to the Executive Director and/or the General Manager, within 60 days of the completion of the work, a location certificate accurately indicating the as-built location, including depth of coverage, of the equipment, plant or structure, in such form and to such standards as may be required by the Executive Director and/or the General Manager.
- B. In the event that an applicant fails to provide the as-built drawings or location certificates as required under Subsection A, the Executive Director and/or the General Manager may, on 30 days' written notice to the applicant, perform (or cause to be performed) the work required to accurately determine the location of the equipment, plant or structure and prepare the location certificate as required under Subsection A, and the City may recover the cost of doing so from the applicant by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
- C. Where an applicant is in default of their obligations under Subsection A, the applicant shall not, except where, in the opinion of the General Manager, there is an emergency or the permit is required to perform work required by the City, be issued any further permit for the performance of work within the City street in respect of the particular equipment, plant or structure for which the location certificate is outstanding, including a sidewalk, boulevard or roadway, until such time as the location certificate as required under this § 743-5 has been provided by the applicant, or until the applicant has paid the City's costs as required under Subsection B.

- D. The provisions of this § 743-5 shall not apply to the extent that they conflict with the provisions of any agreement between the applicant and the City respecting the performance of work within a City street.

**§ 743-6. Utility cut permit conditions.**

**[Added 2010-04-01 by By-law No. 359-2010]**

In addition to the requirements under any other City by-law or permit issued under a City by-law, the following shall apply to any application for a permit to excavate or dig in a City street or install, replace, construct, maintain or repair equipment, plant or structures within a City street:

- A. The applicant shall pay all applicable fees as required under Municipal Code Chapter 441, Fees and Charges, including the utility cut billing fee, pavement degradation fee and full stream utility cut application fee.
- B. A permit under the full stream application process shall not be issued for an excavation longer than one kilometre.
- C. All temporary restoration and repair work required as a condition of a permit referred to in this section shall be done to the standards as required by the General Manager and, in the event that a failure to properly undertake such work results in the City being forced to repair the work on an emergency basis, the City may itself or by third party contractor undertake the necessary work to restore the pavement structure, and the City may recover the cost of doing so from the person responsible by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
- D. The applicant shall, during the performance of the work, provide the following methods of notification and information to the public in such manner as directed by the General Manager in the permit:
- (1) The applicant shall issue a printed public notice to the occupants of property impacted by the work which shall provide information on the type of work to be undertaken, details on the type of road repairs, the expected duration of the work, and the expected timing for permanent repair of the street;
  - (2) The applicant shall equip all vehicles with magnetic vehicle identification signs indicating the type of field work crew on site and identifying (including the display of corporate logo) the party for whom the work is being done;
  - (3) The applicant shall ensure that signs are erected at the location of the work which include the contract number, type of work to be done and the duration of the work for short-term projects and identifying (including the display of corporate logo) the party for whom the work is being done; and

- (4) The applicant shall, upon completion of any temporary repair to the street pavement, stamp or stencil the location of the temporary repair in a manner satisfactory to the General Manager to identify the party responsible for the inspection and maintenance of the temporary repair.

**§ 743-7. Street events.**

**[Added 2010-05-12 by By-law No. 482-2010<sup>12</sup>]**

A. Issuance of permits.

The General Manager is appointed as the officer of the City to issue permits on behalf of the City for street events under this chapter.

B. Municipal consent.

No person shall temporarily close or place an installation upon, over, in, across or adjacent to a street for a street event unless the person has, to the satisfaction of the General Manager:

- (1) Complied with the requirements of § 743-7;
- (2) Obtained all applicable permits required by the City;
- (3) Paid all applicable fees and charges as required by the City; and
- (4) Submitted applicable evidence of required insurance to the General Manager.

C. Application for permits.

- (1) Any person who is applying for a closure for a street event and for permission to place an installation upon, over, in, across or adjacent to a street for a street event must submit an application on a prescribed form to the General Manager:
  - (a) At least eight weeks prior to the first day of the proposed closure on any boulevard and on any local road;
  - (b) At least 12 weeks prior to the first day of the proposed closure on a collector road;
  - (c) At least 16 weeks prior to the first day of the proposed closure on an arterial road; and
  - (d) At least 52 weeks prior to the first day of the proposed closure on an expressway.

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<sup>12</sup> Editor's Note: This by-law comes into force on the latter of 2011-01-01 or 30 days after the date of approval by the Regional Senior Justice of the set fines required for the offences created by this by-law.

- (2) Any application must include the following:
  - (a) Name, mailing and email address, phone and fax number of the applicant;
  - (b) Proposed location of the street event;
  - (c) Type of street event;
  - (d) Number of persons expected to attend the street event;
  - (e) Date(s) and time(s) of the street event, street closure/reopening times and proposed program;
  - (f) Site plan with measurements of the location where each installation is to be placed; and
  - (g) Must comply with the application portion of the Street Event Guidelines.
- (3) Prior to the issuance of a permit under § 743-7, the applicant shall meet the following conditions to the satisfaction of the General Manager:
  - (a) Where an application includes the service of alcohol within the street event, the General Manager shall require prior written confirmation of approval by City Council and the Licensing and Registration Department of the Alcohol and Gaming Commission of Ontario;
  - (b) Where an application includes a full or partial closure of an expressway or a full or partial closure for a motor vehicle race on any road, the application requires approval by City Council;
  - (c) The applicant shall submit to the General Manager a Traffic Control and Public Safety Plan that conforms to the Street Event Guidelines;
  - (d) Where an application includes a closure of an expressway, expressway access/exit and diversions, the applicant shall pay to the City the cost or estimated cost to install and remove any and all installation(s);
  - (e) Where an application includes a full closure of a roadway for more than 24 hours or where otherwise determined by the General Manager, the applicant shall be required to pay to the City the City's cost or estimated cost to manufacture, install and remove the advance notification signs, or the applicant shall, at its own expense, arrange for the manufacture, installation and removal of advance notification signs, all to the satisfaction of the General Manager;
  - (f) The applicant shall pay to the City the City's cost or estimated cost to manufacture, install and remove street conversion signs;

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- (g) The applicant shall confirm to the General Manager that they have made arrangements with a private contractor, acceptable to the General Manager, to install and remove traffic control devices according to the approved Traffic Control and Public Safety Plan;
- (h) The applicant shall confirm to the General Manager that they have obtained any other permits or approvals that may be required by the City;
- (i) The applicant shall submit to the General Manager a street event notice advertising the proposed street event, such street event notice to be acceptable to the General Manager, and submit to the General Manager proof of posting of the approved street event notice;
- (j) The applicant shall submit a Waste Management Plan satisfactory to the General Manager of Solid Waste Management Services of the City and undertake to comply with and implement this Waste Management Plan;
- (k) The applicant, at its own expense, shall obtain and maintain a minimum of \$2,000,000 per occurrence limit of third party bodily injury and property damage liability insurance, or as directed by the General Manager or Chief City Official of the City. The policy will be written with an insurer that is licensed in the Province of Ontario and will include the City as an additional insured; a cross-liability/severability of interest clause; and a clause which states that the insurer shall provide the City with 30 days' notice in the event that the policy is cancelled or materially changed to affect the coverage provided to the City. The policy of insurance will act as primary to any other insurance available to the City. The applicant shall file a certificate of insurance in a form acceptable to the General Manager with the application evidencing the coverage; and
- (l) Any other conditions considered appropriate by the General Manager and the City Solicitor.

D. Issuance of permits.

Subject to § 743-7E, where an application meets the requirements of § 743-7C and all applicable fees and charges have been paid, the General Manager shall issue the required permit.

E. Refusal of applications.

- (1) Where an application is submitted by an applicant [the "initial applicant" in § 743-7E(1)] to the General Manager for a street event in a traditional location(s) and at a traditional time(s) historically occupied by a longstanding

major event, that initial applicant being someone other than the organizers of the longstanding major event:

(a) The General Manager shall:

[1] Pend the processing of the application by the initial applicant for 30 days; and send a notification letter.

(b) Where the organizers of a longstanding major event submit an application for a street event permit within 10 business days of the date of the notification letter and meet the requirements of § 743-7C and pay all applicable fees and charges, that longstanding major event will continue to have the privilege of occupying its traditional location(s) and traditional time(s) and the General Manager shall:

[1] Issue the required street event permit to the organizers of the longstanding major event; and

[2] Refuse to issue a permit to the initial applicant for a street event permit.

(c) Where the organizers of a longstanding major event do not submit an application for a street event permit within 10 business days of the date of the notification letter, the General Manager shall continue processing the application by the initial applicant.

- (2) With the exception of a situation outlined in § 743-7E(1)(b), the General Manager shall refuse an application for a street event permit where a prior street event permit has been applied for or issued for a full road closure on the same local, collector or arterial road within the same ward and in the same calendar month, unless the General Manager receives written approval from each City Councillor in whose ward the road closure is requested;
- (3) The General Manager shall refuse an application for a permit where the applicant requesting the permit has outstanding fees or charges to the City;
- (4) The General Manager shall refuse an application for a permit where the application does not comply with the requirements of § 743-7C; and
- (5) The General Manager shall refuse an application for a permit where the General Manager is in receipt of a written objection to the application and where, in the opinion of the General Manager, the objection is valid and irresolvable.

F. Reasons for refusal.

The General Manager shall provide an applicant whose application has been refused with written reasons for the refusal at the time that the applicant is advised of the refusal.

G. Appeals.

- (1) Any applicant whose application for a permit has been refused may appeal the decision of the General Manager to and request to be heard by the applicable community council or, where the proposed street event is held within more than one community council, to be heard by the Public Works and Infrastructure Committee, by filing with the General Manager, within seven days of the date of the General Manager's written decision, a notice of appeal requesting the right to be heard and including the applicant's contact information, grounds for the appeal, any related submissions and appeal fee;
- (2) Upon receipt of an appeal notice as set out in § 743-7G(1), the General Manager shall prepare and forward a report to the applicable community council or the Public Works and Infrastructure Committee, or its successor, that shall include the information regarding:
  - (a) The application;
  - (b) The General Manager's decision and reasons for the refusal to issue the permit; and
  - (c) A letter from the applicant requesting an appeal.

H. Requirements.

No person shall temporarily close a City street or place an installation upon, over, in, across or adjacent to a City street unless such installation complies with the Street Event Guidelines or any other requirements considered appropriate by the General Manager.

I. Revocation/cancellation.

- (1) Any permit may be suspended or revoked at any time by the General Manager or his/her designate for failing to comply with the provisions of § 743-7, in the interests of pedestrian, vehicular or public safety, or when the permit was obtained through the submission of false, misleading or fraudulent information;
- (2) Any one or more of the City, the Toronto Police Service, the Toronto Transit Commission and/or a public utility shall not be responsible for any claim for loss or damage as a result of a suspension or revocation under this subsection; and

- (3) The General Manager is not responsible for refunding any fees for any permit that was obtained through the submission of false, misleading or fraudulent information.

J. Removal, seizure, disposal and damage.

- (1) Any installation that has been placed or maintained contrary to § 743-7 or contrary to any permit shall be removed by the owner immediately on notification by the General Manager, failing which the General Manager may seize and remove from the road the installation which has been placed contrary to this § 743-7 or contrary to any permit, and the General Manager shall store any installation so seized and shall return any installation to the owner upon the owner paying to the City the costs of removal and storage of the installation;
- (2) Notwithstanding § 743-7J(1), the General Manager may dispose of any installation so seized at the expiry of 60 days from the date of notification by the City to the applicant or the owner of the installation that the installation has been seized;
- (3) Any recycling, garbage, litter and debris that is not removed from the street by the applicant contrary to the Waste Management Plan required by § 743-7C(3)(j) may be removed by the General Manager and the applicant shall pay to the City the City's costs for removal and administration; and
- (4) The applicant shall pay to the City the cost of repair, restoration or replacement and administration of any street or street furniture arising from any damage to street or street furniture caused by any street event installation.

K. Fees.

- (1) The applicant shall pay a permit fee and charges as set out in Municipal Code Chapter 441, Fees and Charges;
- (2) The applicant shall pay to the City all costs associated with regulatory traffic changes, including expressway closures, as determined by the General Manager; and
- (3) The applicant shall pay any additional costs required for closing of the street to hold the street event, as determined by the General Manager.

**§ 743-8. Street promotions adjacent to Yonge Dundas Square.****[Added 2010-06-09 by By-law No. 621-2010<sup>13</sup>]**

- A. This section applies to those streets or portions of streets adjacent to Yonge Dundas Square as follows:
- (1) Yonge Street, east side, between Dundas Square and Dundas Street East;
  - (2) Dundas Street East, south side, between Yonge Street and Victoria Street;
  - (3) Victoria Street, west side, between Dundas Street East and Dundas Square; and
  - (4) Dundas Square, north side, between Victoria Street and Yonge Street.
- B. No person shall at any time in, over or upon any street or portion of a street listed in Subsection A engage in any street promotions activity except as permitted under this section.
- C. For the purposes of this section, Subsection B shall not apply to activities consisting only of the distribution of information flyers, provided that the person is otherwise in compliance with applicable City by-laws and the requirements of Subsection D.
- D. No person shall, while undertaking activities permitted under Subsection C on a street or portion of a street listed in Subsection A:
- (1) Stop, park, place, store, stand or leave any object, vehicle or thing on a street;
  - (2) Obstruct, harass or intimidate persons on a street; or
  - (3) Be located so as to obstruct the entrance to any building, park, square or other property adjacent to a street.
- E. For certainty, this section shall not apply so as to prohibit or restrict activities otherwise authorized by, and undertaken in compliance with, a licence, permit or other permission granted by the City.
- F. Any object, vehicle or thing which is stopped, parked, placed, stored or left on a street or a portion of a street listed in Subsection A in contravention of the provisions of this section may be immediately removed and impounded by the City and the following shall apply:
- (1) Where an object, vehicle or thing has been removed and impounded, it may be returned to the legal owner upon the payment of the City's costs of removal and storage, plus administration costs, as set out in Subsection F(4) below.

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<sup>13</sup> Editor's Note: This by-law came into force 30 days from the date that this by-law was enacted by City Council.

- (2) Any perishable object or refreshment in the removed cart, vehicle or other object shall become the property of the City upon removal and may be destroyed or given to a charitable institution.
- (3) If the object, vehicle or thing is not claimed by the owner within 60 days after its removal, it shall become the property of the City and may be destroyed or given to a charitable institution.
- (4) The fees to be paid in the event of removal, storage and release by the City of an object, vehicle or thing under this section shall be as set out in Chapter 441, Fees and Charges, plus any applicable taxes, per item, and must be paid prior to the release of the item.

**§§ 743-9 through 743-32. (Reserved)**

ARTICLE III  
**Administration and Enforcement**

**§ 743-33. Offences.**

Any person who contravenes any provision of this chapter is guilty of an offence.<sup>14</sup>

**§ 743-34. Conflicting provisions.**

In the case of any conflict between § 743-2 and any other by-law of the former Borough of East York, the former Cities of Etobicoke, North York, York, Scarborough or Toronto, or the former Municipality of Metropolitan Toronto, § 743-2 shall prevail.

**§ 743-35. Conflict with other by-laws.**

**[Added 2006-05-25 by By-law No. 462-2006]**

In the case of any conflict between § 743-4 and any other by-law of the former Borough of East York, the former Cities of Etobicoke, North York, York, Scarborough, or Toronto, or the former Municipality of Metropolitan Toronto, § 743-4 shall prevail.

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<sup>14</sup> Editor's Note: This section was passed under the authority of section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, and, under section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, a person convicted of an offence under this section is liable to a fine of not more than \$5,000.

**§ 743-36. Conflict.**

**[Added 2010-05-12 by By-law No. 482-2010<sup>15</sup>]**

In the event of a conflict between the provisions of § 743-7 and any other by-law of the former Borough of East York, the former Cities of Etobicoke, North York, York, Scarborough or Toronto, or the former Municipality of Metropolitan Toronto, the provisions of § 743-7 shall govern.

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<sup>15</sup> Editor's Note: This by-law comes into force on the latter of 2011-01-01 or 30 days after the date of approval by the Regional Senior Justice of the set fines required for the offences created by this by-law.