

STREETS AND SIDEWALKS

Chapter 313

STREETS AND SIDEWALKS

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(Reserved)**

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[HISTORY: Adopted by the Council of The Corporation of the City of Toronto 1994-10-11 as By-law No. 1994-0774. Amendments noted where applicable.]

GENERAL REFERENCES

Obstruction of sidewalks near museums — See Ch.
68. Right of entry — See Ch. 146, Art. III.
Fences — See Ch. 182.
Filling and grading — See Ch. 184.
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306. Street vending — See Ch. 315.
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ARTICLE I (Reserved)

§ 313-1. Reserved.¹

ARTICLE II (Reserved)

§§ 313-2 to 313-17. Reserved.²

ARTICLE III (Reserved)

§§ 313-18 to 313-26. Reserved.³

¹ Editor's Note: Article I, Definitions, was repealed by By-law No. 375-2012. By-law No. 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012.

² Editor's Note: Article II, Prohibited or Regulated Activities, was repealed by By-law No. 375-2012. By-law No. 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012.

³ Editor's Note: Article III, Permitted Temporary Use of Streets, was repealed by By-law No. 375-2012. By-law No. 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012.

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ARTICLE IV (Reserved)

§§ 313-27 to 313-28. Reserved.⁴

ARTICLE V (Reserved)

§ 313-29 to 313-33. Reserved.⁵

ARTICLE VI Uses Requiring a Licence or Permit

§§ 313-33.1 to 313-34. Reserved.⁶

§ 313-35. Temporary marketing enclosures.⁷

- A. Definition; use of a portion of the boulevard under certain circumstances.
[Amended 1995-03-27 by By-law No. 1995-0241]

- (1) For the purposes of this section, a "temporary marketing enclosure" means a temporary structure composed of the following elements and materials:

Elements	Construction Requirements
Frame equivalent	Steel, wood or reasonable
Removable wall panels	Fireproof canvas or similar sail goods, fibreglass, light aluminum, plywood wall panels with steel, aluminum or vinyl siding, glazed wall

⁴ Editor's Note: Article IV, Sidewalk Regulations, was repealed by By-law No. 375-2012. By-law No. 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012.

⁵ Editor's Note: Article V, Boulevards, was repealed by By-law No. 375-2012. By-law No. 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012.

⁶ Editor's Note: Section 313-33.1. Objects and installations to be kept free of graffiti and Section 313-34. Marquees were repealed by By-law No. 375-2012. By-law No. 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012.

⁷ Editor's Note: This section was passed under the authority of paragraph 73 of section 210, paragraph 3 of section 308 and section 310 of the Municipal Act, R.S.O. 1990, c. M.45., and the City of Toronto Act, 1993 (No. 3).

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	panels, vinyl coated chain link panels (insulation optional)
Roof covers	Plastic, fibreglass, light aluminum, plywood with asphalt shingles (insulation optional)
Doors	Roll-up type, folding doors, retractable metal grills, removable glass doors
Electrical wiring and lighting	Electrical wiring in accordance with the Electrical Safety Code
Heating	Electric panel board, radiant or gas
Roof skylights	Variable shapes
Glazing	Removable glazed panels
Insulation	Fire retardant rigid foam

- (2) Despite any City by-law, where the owner in possession or the occupant of the ground floor of property which may be lawfully used for industrial or commercial purposes and which abuts on a boulevard has entered into an agreement with the City on the terms and conditions in Subsection B and a suitable number of official signs have been erected and continue to be erected, the owner or occupant may use any portion of the boulevard between the street line and a line forty-six hundredths (0.46) metre back of and parallel to the sidewalk for the display and sale of merchandise, including the use of a temporary marketing enclosure for that purpose, if that use is in compliance with the agreement.

B. The following are the terms and conditions of the agreement:

- (1) The owner or occupant shall pave and maintain any portion of the boulevard to the complete satisfaction of the Commissioner.
- (2) The owner or occupant shall submit to the Commissioner for approval detailed plans, including the framing, mounting and materials to be used in any awning, temporary marketing enclosure or similar temporary installation

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proposed to be placed within the untravelled portion of the street and, when approved by the Commissioner, the owner or occupant shall erect the temporary marketing enclosure or similar temporary installation under the supervision and inspection of the Commissioner.

- (3) Display stand design.
 - (a) The owner or occupant shall submit to the Commissioner and the Medical Officer of Health, for their approval, designs of display stands, including materials to be used.

(b) The display stands shall be constructed of wood with epoxy resin paint, stainless steel, galvanized metal, plastic fibreglass, aluminum or steel with baked enamel finish and shall be designed so as to maintain the merchandise a minimum of sixty-one hundredths (0.61) metre above grade and so as to ensure that the area under the merchandise is clear and unencumbered at all times.
- (4) The owner or occupant shall pay in advance an annual charge per square metre for any portion of the boulevard proposed to be used as required under this section.
- (5) The owner or occupant shall pay in advance an additional annual charge for each awning, temporary marketing enclosure or similar temporary installation to be located on any portion of the boulevard.
- (6) The owner or occupant agrees to permit the Commissioner or any public utility to enter any portion of the boulevard proposed to be used for the purpose of the installation, maintenance and repair of pipes, cables, wires, poles and other installations.
- (7) The owner or occupant shall indemnify and save harmless the City from any action, claim, damage or loss whatsoever arising from the use of the boulevard or anything undertaken or neglected to be undertaken in connection with the use.
- (8) Removal of installations.
 - (a) The owner or occupant shall at its own cost and expense remove all installations from the boulevard upon thirty (30) days' notice in writing from the Commissioner to do so and shall not make any claim against the City on account of the removal and shall replace and restore the boulevard to a safe and proper condition to the satisfaction of the Commissioner.

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- (b) If the owner or occupant neglects, refuses or fails to do so within the time specified in the notice, then the Commissioner may remove all installations from the boulevard and restore the boulevard to a safe and proper condition and may charge the costs to the owner or occupant.
 - (c) The certificate of the Commissioner of the costs shall be final and the City may recover the costs from the owner or occupant in any court of competent jurisdiction as a debt owing by the owner or occupant to the City.
- (9) The owner or occupant shall maintain the temporary marketing enclosure in good and proper repair and condition satisfactory to the Commissioner, including the immediate removal of all graffiti. **[Added 1997-09-22 by By-law No. 1997-0504]**
- (9)⁸ **[Added 1998-07-31 by By-law No. 553-1998; amended 1998-10-30 by By-law No. 797-1998]** The owner and occupant shall ensure that no goods are displayed or sold within the licensed portion of the boulevard except goods which are the same or similar to those sold as part of the primary business carried on within the abutting premises occupied by the owner or occupant.
- C. Despite any City by-law, where an application has been considered and refused by the Commissioner or by City Council under this section, a further application for the same address or location shall not be considered within two (2) years from the date of the prior application.
- D. Fees and charges.
 - (1) The owner or occupant shall pay in advance to the City a non-refundable administration, survey and inspection fee in the amount specified in Schedule A at the end of this chapter.
 - (2) A licence issued under this section shall, except as indicated in Subsection (4) of the Subsection, be issued on a yearly basis (April 1 to March 31), and the owner or occupant shall pay in advance an annual charge per square metre for any portion of the boulevard to be used for the purpose of the display and sale of merchandise, including the use of a temporary marketing enclosure for such purpose in the amount specified in Schedule A at the end of this chapter

⁸ Editor's note: technical amendment required to change second para (9) to (10).

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calculated for the following areas: **[Amended 2012-05-09 by By-law No. 664-2012]**

- (a) Area 1, being an area composed of:
 - [1] The area bounded by and including Spadina Avenue, Spadina Crescent, Bloor Street West and East, Sherbourne Street, Lower Sherbourne Street and the Lakefront, excluding Area No. 2.
 - [2] The area bounded by and including Spadina Avenue, Dundas Street West, Bathurst Street and College Street.
 - [3] Yonge Street, from Bloor Street to North City limit.
 - [4] St. Clair Avenue East and West, from Avoca Avenue to Avenue Road.
 - [5] Eglinton Avenue East and West, from Mount Pleasant Road to Duplex Avenue.
 - (b) Area 2, being an area bounded by and including York Street, University Avenue, Dundas Street West and East, Victoria Street, Colborne Street, Church Street, The Esplanade, Yonge Street and the Lakefront.
 - (c) Area 3, being any portion or portions of the boulevard proposed to be used within any area not in Area 1 or Area 2.
- (3) The owner or occupant shall pay in advance an additional annual charge for each awning, temporary marketing enclosure or similar temporary installation to be located on any portion of the boulevard in the amount specified in Schedule A at the end of this chapter.
- (4) **[Added 2012-05-09 by By-law No. 664-2012]** Despite anything in this subsection, effective June 1, 2012, the following requirements shall apply to the renewal of permits under this section:
- (a) For permits requiring a business licence, the term and renewal date of the permit shall be harmonized to the term and anniversary of the date upon which the associated business licence was issued, and the permit fee shall be adjusted on a pro-rated basis to reflect the renewal date of the related business licence held by the permit holder;

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- (b) For permits issued after June 1, 2012 that do not require a business licence, the renewal date shall be the anniversary of the date of issuance of the permit; and
 - (c) For new permits which require a business licence issued after June 1, 2012 within 90 days prior to the business licence renewal date, the permit fees shall be increased on a pro-rated basis to align with the business licence renewal date in the following year.
- E. Maintenance costs. **[Added 1995-09-18 by By-law No. 1995-0560]**
 - (1) Where an owner or occupant, or the employee or agent of the owner or occupant, fails to maintain any portion of the boulevard to the satisfaction of the Commissioner as required by Subsection B(1) and the agreement, the Commissioner shall provide the owner or occupant with a notice requiring that the area be cleaned to the satisfaction of the Commissioner within twenty-four (24) hours of the date of the notice and stating that failure to do so may result in the work being done by the City and a cost of forty dollars (\$40.) for each cleaning of the location charged to the licence holder.
 - (2) Failure to comply with (3) three written notices issued under Subsection E(1) shall disentitle the licence holder to further notices, and the Commissioner shall be authorized to undertake all further cleaning as necessary and charge the cost to the licence holder.
 - (3) No licence issued under this section shall be renewed unless all charges made under Subsection E(1) and (2) have been paid in full to the City by the licence holder prior to April 1 of the year of renewal.
- F. Any holder of a licence under this section shall as of July 31, 1998 ensure that no goods are displayed or sold within the licensed portion of the boulevard except goods which are the same or similar to those sold as part of the primary business carried on within the abutting premises occupied by the owner or occupant. **[Added 1998-07- 31 by By-law No. 553-1998; amended 1998-10-30 by By-law No. 797-1998]**
- G.
 - (1) The Commissioner may, after providing the holder of a licence under this section with notice and an opportunity to be heard by the Committee, recommend to the Committee and Council that the size of the licensed area be reduced so as to ensure sufficient space for the safe passage of pedestrian traffic on the sidewalk. **[Added 1998-07-31 by By-law No. 553-1998]**
 - (2) Where Council directs that the size of the licensed area shall be reduced, subsection 313-35B(8) shall apply with respect to the

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reduction of the licensed area by the licensee. **[Added 1998-07-31 by By-law No. 553-1998]**

§ 313-36. Boulevard cafes.⁹

- A. Despite any City by-law, where the owner or occupant of property, which may be lawfully used for industrial or commercial purposes and which abuts on a boulevard, lawfully operates on the property a licensed victualling house, restaurant, take-out restaurant, refreshment establishment or lunch counter which is subject to inspection by the Medical Officer of Health and in which washroom facilities are located, the owner or occupant may apply to establish, maintain and operate a boulevard cafe in conjunction with that operation on the portion of the boulevard between the street line and a line located forty-six hundredths (0.46) metre back of and parallel to the sidewalk and that is not less than two and one-tenth (2.1) metres from the curb.
- B. Application procedure.
- (1) The owner or occupant shall complete an application in the form prescribed by the Commissioner, and shall pay in advance a processing fee in the amount specified in Schedule A at the end of this chapter.
 - (2) The Medical Officer of Health shall report to the Commissioner with respect to the application and the existence of approved washroom facilities to be used in conjunction with the boulevard cafe.
 - (3) The Commissioner of Buildings and Inspections shall report to the Commissioner indicating whether the boulevard cafe is located in an area which may be used for commercial or industrial purposes.
 - (4) Where the application is for a boulevard cafe to be located on a residential flankage, the Commissioner shall require that a poll be conducted under City of Toronto Municipal Code Chapter 190, Polling and Notification. **[Amended 1996-09-16 by By-law No. 1996-0450; 1997-10-06 by By-law No. 1997-0633; 2006-07-27 by By-law No. 677-2006]**
 - (5)¹⁰ Where the application is for a boulevard cafe to be located on a commercial frontage, the Commissioner shall prepare a notice advising

⁹ Editor's Note: This section was passed under the authority of paragraph 3 of section 308 and section 310 of the Municipal Act, R.S.O. 1990, c. M.45., and the City of Toronto Act, 1993 (No. 3).

¹⁰ Editor's Note: Former Subsection B(5), regarding boulevard cafes located on a residential flankage, amended 1995-05-16 by By-law No. 1995-0367, was repealed 1996-09-16 by By-law No. 1996-0450.

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of the application and shall post the notice on the property in a manner so that the notice is visible to passersby, for a period of not less than fourteen (14) days before a date specified by the Commissioner. **[Added 1997-10-06 by By-law No. 1997-0633]**

- (6)¹¹ Where the Commissioner determines that the application does not comply with this chapter and the policies of Council, where the results of the poll taken under Subsection B(4) are that the majority, are not in favour of the application, or where the Commissioner receives one or more letters of objection in response to the public notice posting set out in Subsection B(5), the Commissioner shall refuse the application. **[Added 1997-10-06 by By-law No. 1997-0633; amended 2006-07-27 by By-law No. 677-2006]**
- (7)¹² Upon receipt of the public notice results regarding a boulevard cafe, the Commissioner shall inform the Ward Councillor and the Ward Councillor may bring the application before the next regular meeting of the City Services Committee for consideration. **[Added 1997-10-06 by By-law No. 1997-0633; amended 2006-07-27 by By-law No. 677-2006]**
- (8) If the application is not refused under Subsection B(6) or referred to the City Services Committee under Subsection B(7), the Commissioner shall approve the application. **[Added 1997-10-06 by By-law No. 1997-0633¹³]**
- (9) **[Repealed 2006-07-27 by By-law No. 677-2006]**
- (10) **[Added 1995-03-27 by By-law No. 1995-0215; repealed 2006-07-27 by By-law No. 677-2006]**

C. **[Amended 1996-09-16 by By-law No. 1996-0449]** Where the application includes permission to place and operate a portable propane heating unit or a barbecue within the licensed boulevard cafe areas, the following provisions apply in addition to those set out in Subsection A:

- (1) In the case of a barbecue:

¹¹ Editor's Note: Former Subsection B(6), regarding polls requested by a Councillor, was repealed 1995-05-16 by By-law No. 1995-0367.

¹² Editor's Note: Former Subsection B(7), regarding the Commissioner's right to refuse an application, amended 1995-05-16 by By-law No. 1995-0367, was repealed 1996-09-16 by By-law No. 1996-0450.

¹³ Editor's Note: This by-law also provided for the redesignation of former § 313-36B(8) and (9) as § 313-36B(9) and (10), respectively.

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- (a) The operator shall obtain a certificate from the Medical Officer of Health respecting compliance with the regulations made under the Health Protection and Promotion Act¹⁴ with respect to the barbecue food preparation and service area.
 - (b) A clearance of one and two-tenths (1.2) metres shall be maintained between the barbecue and cafe seating areas, and the clearance shall be defined by a portable physical barrier made of a fireproof material, with dimensions of not less than one and two-tenths (1.2) metres in width and two (2) metres in height.
 - (c) Where the barbecue is proposed to be fuelled by or equipped with propane, Subsection C(2)(d) and (e) apply with necessary modifications.
- (2) In the case of a portable propane heating unit:
- (a) The propane heating unit shall be installed and operated in conformity with the manufacturer's instructions and specifications, including clearance from combustibles.
 - (b) The propane heating unit shall be secured to the boulevard utilizing the manufacturer's listed part.
 - (c) The propane heating unit shall be located so that it does not present a hazard to cafe patrons or pedestrians.
 - (d) The operator shall attach a locking device of a design satisfactory to the Commissioner to the propane heating unit.
[Added 1997-05-12 by By-law No. 1997-0203¹⁵]
 - (e) The operator shall obtain evidence satisfactory to the Commissioner respecting completion of a training course in the use of propane by all persons intended to be operating the propane heating unit.
 - (f) The operator shall obtain a report from the holder of a certificate under Ontario Regulation 348/96 made under the Energy Act with respect to propane heating units, that the proposed propane heating unit meets the requirements of the

¹⁴ 53Editor's Note: See R.S.O. 1990, c. H.7.

¹⁵ Editor's Note: This by-law also provided that former § 313-36C(2)(d) and (e) be redesignated as § 313-36C(2)(e) and (f), respectively.

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Propane Storage, Handling and Utilization Code (Ontario Regulation 250/94).

C.1 Boulevard Cafe Decks [**Added 1999-03-04 by By-law No. 121-1999**]

- (1) Where the application includes permission to construct and maintain a boulevard cafe deck within the licensed boulevard cafe area, the following provisions apply in addition to those set out in Subsections A and C:
 - (a) Boulevard cafe decks shall only be permitted on sidewalks or boulevards that exceed a slope of 5% and over.
 - (b) The deck shall be no higher than what is required to accommodate a level area and the deck framing members (which shall be the minimum depth required).
 - (c) A skirt or screen shall be provided where the distance between the grade and the top of the deck is greater than the total thickness of the deck and framing members.
 - (d) Wood used for the decking, skirt, uprights, or railing shall be treated, painted, or stained.
 - (e) When wood is used for the uprights;
 - (i) post widths shall not exceed 0.10 m x 0.10 m (4 x 4 inches);
 - (ii) top and bottom railings shall not exceed 0.06 m x 0.09 m (2.5 x 3.5 inches);
 - (iii) pickets or balusters shall not exceed 0.04 m x 0.04 m (1.5 x 1.5 inches); and
 - (iv) the spacing between the pickets or balusters shall not exceed 0.10 m (4 inches).
 - (f) A minimum width of 1.03 m (3.3 ft.) break in the railing shall be provided at the high side of the slope to provide wheelchair access.
 - (g) Boulevard cafe decks shall not be constructed over existing underground services (i.e. hydro vaults, chambers, maintenance holes, etc.), except with prior written approval given by the relevant public utility.

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- (h) Should future installation of services within the boulevard area be required, the boulevard cafe owner shall, upon receipt of a 30 day notice, remove the boulevard cafe deck.
 - (i) The owner or occupant shall ensure that the boulevard cafe deck is removed at the end of the cafe season.
 - (j) Prior to receiving a licence or permission, the boulevard cafe owner shall enter into a written agreement with the City of Toronto, the terms, conditions, and form of the agreement to be satisfactory to the City Solicitor.
- (2) Boulevard cafe decks approved by the former City of Toronto Council on or before December 31, 1997 are exempt from the requirements in Subsection C.1 (1).
- D. Subsection B applies with necessary modifications to applications to expand a boulevard cafe that already has an unexpired boulevard cafe licence.
- E. Prior to receiving a licence or permission, enter into an agreement with the City containing the following terms and conditions, and any other terms and conditions as may be agreed upon by the owner or occupant and the City:
 - (1) The owner or occupant shall pave and maintain any portion of the boulevard to be used for the purpose of the boulevard cafe to the satisfaction of the Commissioner.
 - (2) Where the owner or occupant places outdoor carpeting, artificial turf or other similar surface material upon the paved surface of any portion of the boulevard:
 - (a) The surface material shall not be affixed in any way to the paved surface and shall be maintained in a condition satisfactory to the Commissioner.
 - (b) The surface material shall be designed and installed to prevent hazardous conditions at any entrance to a boulevard cafe area.
 - (c) The surface material shall be removed from within the street allowance when the boulevard cafe ceases to be in regular daily use.
 - (3) The owner or occupant shall not use the area occupied for any purpose other than a boulevard cafe and shall not serve or permit to be served anything not served from the abutting premises.

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- (4) The owner or occupant shall pay in advance an annual charge per square metre of any portion of the boulevard proposed to be used for the purpose of the boulevard cafe in accordance with Subsection H.
- (5) The owner or occupant agrees to permit the Commissioner or any public utility to enter any portion of the boulevard proposed to be used, for the purpose of the installation, maintenance and repair of pipes, cables, wires, poles and other installations.
- (6) The owner or occupant shall indemnify and save harmless the City from any action, claim, damage or loss whatsoever arising from the use of the boulevard or anything undertaken or neglected to be undertaken in connection with the use.
- (7) The owner or occupant shall not use the cafe or the boulevard in whole or in part for any purpose other than the operation of a boulevard cafe in accordance with this chapter.
- (8) The owner or occupant shall, at all times and at his or her own expense, keep and maintain any portion of the boulevard proposed to be used in a clean, sanitary, attractive condition satisfactory to the Commissioner and the Medical Officer of Health and shall keep and preserve good order in and around the cafe and shall keep the boulevard and sidewalk surrounding or adjacent to the cafe free from papers, rubbish and debris of all kinds.
- (8.1) In addition to the requirements of subsection (8), the occupant or owner shall, at all times and no less than on a daily basis, at his or her own expense, sweep and clear the boulevard and the sidewalk surrounding and within the boulevard café and ensure that they are clear of all debris, including cigarette butts. **[Added 2004-10-28 by By-law No. 978-2004]**
- (9) The owner or occupant shall pay all water and hydro-electric rates and charges made or chargeable in respect to the operation of the cafe.
- (10) The owner or occupant shall at all times observe and comply with, and endeavour to ensure strict observance of and compliance with, all statutory requirements, rules, regulations and by-laws of every municipal or other authority which in any manner affect or relate to the cafe or the use of the boulevard and operation of the cafe, including, without limitation the by-laws of the Metropolitan Corporation and The Metropolitan Toronto Police Services Board.
- (11) Removal.

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- (a) Upon the termination of the permission for the use of any portion of the boulevard, the owner or occupant shall, at his or her expense, remove all equipment, furnishings and personal property from the boulevard upon thirty (30) days' notice in writing from the Commissioner to do so and shall not make any claim against the City on account of the removal and shall replace and restore the boulevard to a safe and proper condition to the satisfaction of the Commissioner.
 - (b) If the owner or occupant neglects, refuses or fails so to do within the time specified in the notice, then the Commissioner may remove all installations from the boulevard and restore it to a safe and proper condition and may charge the costs of it to the owner or occupant.
 - (c) The certificate of the Commissioner of the costs shall be final and the City may recover the costs from the owner or occupant in any court of competent jurisdiction as a debt owing by the owner or occupant to the City.
- (12) The owner or occupant shall, during the period of use of any portion of the boulevard and at the owner's or occupant's expense, cause to be maintained at all times a policy of insurance satisfactory to the City Treasurer in which the City is named insured and is indemnified against all liabilities which may in any way arise from the use of the boulevard.
 - (13) The owner or occupant agrees that the Council may at any time, without reason, cancel permission for the use of any portion of the boulevard for the cafe, after giving written notice to the owner or occupant and providing the owner or occupant with an opportunity to speak to the matter before the Committee.
 - (14) The owner and occupant agrees that the Commissioner may, upon giving notice in writing to the owner or occupant, suspend permission for the use of the boulevard where the Commissioner has reason to believe that the provisions of the agreement are being violated by the owner or occupant, pending the consideration by the Committee of a report from the Commissioner respecting the violations, and the owner or occupant agrees that boulevard cafe shall not be operated during any suspension.
 - (15) The owner or occupant shall not assign or transfer the permission for the use of any portion of the boulevard without the prior consent of Council.
 - (16) The owner or occupant agrees that if permission has been granted to place and operate a barbecue or a propane heating unit within the licensed boulevard cafe areas, the owner or occupant shall operate and maintain the

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barbecue or propane heating unit as required by this chapter and shall at any time provide the Commissioner with a report from the holder of a certificate under Ontario Regulation 348/96 made under the Energy Act with respect to the propane heating unit or the barbecue if it is fuelled or equipped with propane. **[Added 1996-09-16 by By-law No. 1996-0449]**

- (17) **[Added 1999-03-04 by By-law No. 121-1999]** The owner or occupant agrees that, where permission has been granted after December 31, 1997 to construct and maintain a boulevard cafe deck, the owner or occupant shall construct and maintain the boulevard cafe deck as required by this chapter, and agrees that:
- (a) Should future installation of services within the boulevard area be required, the boulevard cafe owner shall, upon receipt of a 30 day notice, remove the boulevard cafe deck.
 - (b) The owner or occupant shall ensure that the boulevard cafe deck is removed at the end of the cafe season.
- (18) **[Added 2002-08-01 by By-law No. 600-2002]** For applications received on or after May 23, 2002, the owner or occupant agrees that:
- (a) where he is notified by the City that he should do so, he shall arrange with EDCT for an inspection for one tree installation at the location;
 - (b) the decision on the feasibility of tree planting is to be made by EDCT and its decision is final;
 - (c) should the installation inspection by EDCT find that the location is suitable for tree planting, EDCT will advise the applicant;
 - (d) where EDCT has advised that the location is suitable for a tree to be planted, the applicant shall pay to the City a non-refundable fee in the amount of \$2,900.00 for the planting of a tree by the City; and
 - (e) the licence will not be granted until the fee for the tree installation has been collected by the City.

F. Additional terms and conditions for cafe located on residential flankage.

- (1) In addition to the provisions of the agreement set out in Subsection E, where a boulevard cafe is located on a residential flankage, the agreement shall contain the terms and conditions in Subsection F(2) or the other terms and conditions as may be agreed upon by the owner or occupant and the City.

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- (2) The owner or occupant shall:
- (a) Ensure the boulevard cafe is closed and cleared by 11:00 p.m. or, where Council has authorized extended hours of operation, the closing time as authorized by Council. **[Amended 1996-09-16 by By-law No. 1996-0443]**
 - (b) Ensure there is no outdoor music or amplified sound.
 - (c) Ensure doors and windows located on the residential flankage of the refreshment establishment shall not be left open or propped open while there is music or amplified sound in the interior.
 - (d) Erect visual barriers satisfactory to the Commissioner between the boulevard cafe and the abutting residential area.
 - (e) Maintain a minimum separation of one (1) metre between the boulevard cafe perimeter and any entrance to a dwelling unit located within an adjacent building or within the building containing the refreshment establishment.
 - (f) Ensure that no part of the boulevard cafe is less than twenty-five (25) metres from a residential zone.
 - (g) Ensure that there is a minimum separation of six (6) metres between the boulevard cafe perimeter and the extended boundary of a residential zone district containing properties fronting on the opposite side of the street across from the proposed boulevard cafe.
- F.1 (1) **[Added 1999-04-15 by By-law No. 185-1999]** In addition to the provisions set out in Subsection E, where a boulevard cafe is located on the Queen Street East frontage, between Coxwell Avenue and Victoria Park Avenue, the agreement shall be deemed to include the requirement that the owner or occupant ensure that the cafe is closed and cleared by 11:00 p.m.
- (2) **[Added 1999-04-15 by By-law No. 185-1999]** The restriction on the hours of operation as set out in Subsection F.1(2) shall not apply:
- (a) Where Council has imposed a specific closing time restriction on an affected cafe.
 - (b) On special event days as determined by the Commissioner.
- G. The owner or occupant of every boulevard cafe shall provide in conjunction with the boulevard cafe a fence as follows:

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- (1) The fence shall be located on the perimeter of the licensed boulevard cafe area and shall be constructed of materials such as metal railings and posts with or without fabric inserts, which enhance the light appearance of the fence and permit visual accessibility to the cafe.
- (2) Proximity to fire hydrants; access.
 - (a) The fence shall not be located less than one (1) metre from any fire hydrant.
 - (b) Pumper connections on the face of the abutting building shall be clearly visible and directly and easily accessible from the street.
 - (c) The location of access openings in the fence shall be satisfactory to the Fire Chief and the Commissioner.
- (3) The entrance/exit openings in the fence shall have a minimum width equal to that of the entrance of the adjacent eating establishment or eight-tenths (0.8) metre, whichever is the greater.
- (4) The fence shall provide at least one (1) entrance having a width of not less than one (1) metre that is located and designed so as to permit easy access by a person in a wheelchair. **[Amended 1995-03-27 by By-law No. 1995-0249]**
- (5) Where the boulevard cafe is permitted to extend around the eating establishment on two (2) boulevard areas, any enclosing fence shall be rounded or splayed at the curb radius to facilitate pedestrian movement.
- (6) To maximize visual access between the sidewalk and the cafe:
 - (a) The height of the railing of the fence shall not be less than nine-tenths (0.9) metre or more than one and two-tenths (1.2) metres.
 - (b) The fence shall not be more than nine-tenths (0.9) metre in height within thirty (30) metres of an intersection.
- (7) The fence may be free-standing if its supports do not project beyond the limits of the boulevard cafe area, or the fence may be supported on removable plates anchored to the paved surface of the boulevard cafe area, as determined satisfactory by the Commissioner, but any post shall not penetrate below the surface grade and footings shall not be used.
- (8) The fence shall be easily removable.

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- (9) The fence shall be removed from within the street allowance during any period when the boulevard cafe operation is not in regular daily use.
 - (10) The owner or occupant of the boulevard cafe shall indemnify and save harmless the City from any action, claim, damage or loss whatsoever arising from the erection and maintenance of the fence on the City boulevard.
- H. A licence issued under this section shall, subject to the requirements of Subsection K, be issued on a yearly basis (April 1 to March 31), and the owner or occupant shall pay in advance an annual charge per square metre for any portion of the boulevard to be used for the purpose of the boulevard cafe in the amount specified in Schedule A at the end of this chapter calculated for the following areas:
[Amended 2012-05-09 by By-law No. 664-2012]
 - (1) Area 1, being an area composed of:
 - (a) The area bounded by and including Spadina Avenue, Spadina Crescent, Bloor Streets West and East, Sherbourne Street, Lower Sherbourne Street and the Lakefront, excluding Area No. 2.
 - (b) The area bounded by and including Spadina Avenue, Dundas Street West, Bathurst Street and College Street.
 - (c) Yonge Street, from Bloor Street to north City limit.
 - (d) St. Clair Avenue East and West, from Avoca Avenue to Avenue Road.
 - (e) Eglinton Avenue East and West, from Mount Pleasant Road to Duplex Avenue.
 - (2) Area 2, being an area bounded by and including York Street, University Avenue, Dundas Street West and East, Victoria Street, Colborne Street, Church Street, The Esplanade, Yonge Street and the Lakefront.
 - (3) Area 3, being any portion or portions of the boulevard proposed to be used within any area not in Area 1 or Area 2.
- H.1 **[Added 2002-08-01 by By-law No. 600-2002]** A boulevard cafe licence issued prior to May 23, 2002 and subsequent renewals of that licence are exempt from the requirements in § 313-36E(18) provided the boulevard cafe licence continues to be held by the original applicant.
- I. Transfer of boulevard cafe licences.

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- (1) Despite Subsection A, an application for the transfer of an existing boulevard cafe licence may be reviewed and approved by the Commissioner and no public notice or poll as required under Subsection B shall be required if:
 - (a) The previously licensed boulevard cafe is not altered in any way, physically and operationally.
 - (b) The Councillor for the ward in which the property is located has been notified of the transfer and has expressed no concerns.
 - (c) Where extended hours of operation were approved by Council in relation to the previous operation of the boulevard cafe, the closing hours proposed for the boulevard cafe under the transferred licence are now consistent with the requirements of this chapter.
 - (2) Where an application for the transfer of an existing boulevard cafe licence does not comply with Subsection I(1), the application shall be processed in accordance with the procedure set out in Subsection B.
 - (3) Where an application for the transfer of an existing boulevard cafe licence is made on or after May 23, 2002, the applicant shall comply with § 313-36E(18). **[Added 2002-08-01 by By-law No. 600-2002]**
- J. Boulevard cafes on College Street between Spadina Avenue and Bathurst Street. **[Added 2006-09-27 by By-law No. 774-2006]**
- (1) The owners or occupants of boulevard cafes fronting on College Street between Spadina Avenue and Bathurst Street may, in addition to or in place of a café otherwise permitted by this chapter abutting the building wall, relocate the café or add additional café space to the curbside at a location 0.8 metres back from the curb of the street until, April 1, 2007.
 - (2) Despite Subsection (1), no curbside café on the north side of College Street shall extend any further toward the buildings on the north side than the concrete expansion joint on the road allowance that runs parallel to the building walls along the northerly side of the tree pits located there. On either side of College Street, the City shall only permit boulevard cafes such that there is at all times a minimum of a 2.1 metres wide clear and unobstructed straight corridor along the public right of way.
 - (3) In addition to the provisions set out in § 313-36, all boulevard cafes located on the College Street frontage, not abutting the building, between Spadina Avenue and Bathurst Street shall meet the following requirements with respect to any fence required under this Chapter:

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- (a) the fence shall be free standing and extendable and located on the perimeter of the licensed boulevard café area;
 - (b) the height of the extendable fence must not exceed 1.2 metres;
 - (c) the fence must be located not less than one (1) metre away from any fire hydrant; and
 - (d) the fence shall provide not less than one (1) metre separation between each boulevard café/marketing for pedestrian access from the curb.
- (4) In addition to the provisions set out in § 313-36, all boulevard cafes located on the College Street frontage, not abutting the building, between Spadina Avenue and Bathurst Street shall meet the following requirements and conditions:
- (a) no lights, fences or signs, may be attached or affixed to City-owned trees;
 - (b) waste receptacles or work stations for servers shall be located entirely within the fenced boulevard café area;
 - (c) all entrances to the café area must always be open and unobstructed and have a minimum width of one (1) metre;
 - (d) no enclosures or structures shall be installed or placed over the boulevard café area;
 - (e) no outdoor food preparation may be located in the boulevard café area; and
 - (f) where the boulevard café is proposed to extend across an adjacent property in full or in part, a letter of consent must be provided to the City by the adjacent property owner or occupant authorizing the extension of the boulevard café in front of his property. Should the adjacent property owner or occupant subsequently decide to use the area fronting his property for the purpose of a boulevard café or marketing, a 30 day notice must be provided by the adjacent property owner or occupant to the boulevard café owner in order to terminate his consent.
- (5) In the event of a conflict between a requirement in § 313-36J, and any other provision of this Chapter, the provisions of § 313-36J shall govern.

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- K. **[Added 2012-05-09 by By-law No. 664-2012]** Despite anything in this section, effective June 1, 2012, the following requirements shall apply to the renewal of permits under this section:
- (1) For permits requiring a business licence, the term and renewal date of the permit shall be harmonized to the term and anniversary of the date upon which the associated business licence was issued, and the permit fee shall be adjusted on a pro-rated basis to reflect the renewal date of the related business licence held by the permit holder;
 - (2) For permits issued after June 1, 2012 that do not require a business licence, the renewal date shall be the anniversary of the date of issuance of the permit; and
 - (3) For new permits which require a business licence issued after June 1, 2012 within 90 days prior to the business licence renewal date, the permit fees shall be increased on a pro-rated basis to align with the business licence renewal date in the following year.

§ 313-37. Temporary partial cafe enclosure or boulevard cafe awning.¹⁶

- A. The holder of a boulevard cafe area licence who wishes to erect a temporary partial cafe enclosure on the licensed boulevard cafe area shall submit an application to the Commissioner, together with any drawings, plans or details of the structure as the Commissioner deems necessary for the processing of the application.
- B. Despite any City by-law, where an application has been considered and refused by the Commissioner or by Council under this section, a further application for the same address or location shall not be considered within two (2) years from the date of the prior application.
- C. Where an application has been refused by the Commissioner, the applicant may appeal the refusal under § 313-77. **[Added 1997-10-06 by By-law No. 1997-0633¹⁷]**
- D. Where a refusal is appealed in writing under § 313-77, the Commissioner shall prepare and forward a report to the Committee setting out the grounds for refusal of the application, which shall be considered in conjunction with the appeal. **[Added 1997-10-06 by By-law No. 1997-0633]**
- E. Restrictions and requirements.

¹⁶ Editor's Note: This section was passed under the authority of paragraph 3 of section 308 and section 310 of the Municipal Act, R.S.O. 1990, c. M.45., and the City of Toronto Act, 1993 (No. 3).

¹⁷ Editor's Note: This by-law also provided for the redesignation of former § 313-37C, D and E as § 313-37E, F and G, respectively

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- (1) A temporary partial cafe enclosure shall be not less than forty-five hundredths (0.45) metre from the rear of an existing sidewalk or two and thirteen hundredths (2.13) metres from an existing curb, whichever location is furthest from the curb; or where, in the opinion of the Commissioner, a sidewalk of more than one and sixty-eight hundredths (1.68) metres in width is required, the temporary partial cafe enclosure shall be not less than forty-five hundredths (0.45) metre from the rear of the sidewalk.
 - (2) A temporary partial cafe enclosure shall not be built over gas mains, transformer vaults and manholes, unless with the expressed consent of any owner of the service.
 - (3) A temporary partial cafe enclosure shall not interfere with the operation of, or access to, any utilities or services above or below ground.
 - (4) Canvas or similar sail goods material used as part of a temporary partial enclosure shall conform to ULC-5109-1969, "Standard for Flame Tests of Flame Resistant Fabrics and Films."
 - (5) The entrance/exit to a temporary partial cafe enclosure shall have a width of not less than the greater width of the entrance of the adjacent cafe premises or ninety-one hundredths (0.91) metre.
 - (6) The roof of a temporary partial cafe enclosure shall be not less than two and thirty-six hundredths (2.36) metres above grade, but the curtain of the awning shall be not less than two and thirteen hundredths (2.13) metres above grade.
 - (7) The roof of a temporary partial cafe enclosure with a slope and of more than three and five-tenths (3.5) metres wide shall have a means for the removal of surface run-off, including the temporary connection to an appropriate storm drain.
- F. A permit shall not be issued for a temporary partial cafe enclosure until the holder of the boulevard cafe licence has entered into an agreement with the City containing the following terms and conditions:
- (1) The permit holder shall construct the temporary partial enclosure under the supervision and inspection of the Commissioner and maintain the temporary partial cafe enclosure in good and proper repair and condition satisfactory to the Commissioner, including the immediate removal of all graffiti.
[Amended 1997-09-22 by By-law No. 1997-0504]

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- (2) The permit holder shall remove the temporary partial cafe enclosure from the boulevard during any periods when the boulevard cafe operation is not in regular daily use.
- (3) The boulevard cafe operator may, at his or her own discretion, during the period when the boulevard cafe operation is in regular daily use, lower or retract the awning, affix or remove the canvas material on the two (2) sides of the structure extending from the building and affix or remove the screens between the top and bottom rail of the fence.
- (4) Removal.
 - (a) The temporary partial cafe enclosure shall be removed from the boulevard by the permit holder, at his or her expense, upon thirty (30) days' notice in writing from the Commissioner so to do and shall not make any claim against the City on account of the removal and shall restore the boulevard to the satisfaction of the Commissioner.
 - (b) If the permit holder neglects, refuses or fails so to do within the time specified in the notice, then the Commissioner may remove the temporary partial cafe enclosure and restore the boulevard to a safe and proper condition and may charge the costs of it to the owner or occupant.
 - (c) The certificate of the Commissioner of the costs shall be final and the City may recover the costs from the permit holder in any court of competent jurisdiction as a debt owing by the permit holder to the City.
 - (d) In the case of an emergency, as determined by the Commissioner, the temporary partial cafe enclosure shall be removed with or without notice.
- (5) The permit holder shall accept responsibility for the cost of relocating any existing utility or municipal service required to accommodate the construction of the temporary partial cafe enclosure.
- (6) The permit holder agrees to permit the Commissioner or any public utility to enter any portion of the boulevard partially enclosed for the purpose of constructing, reconstructing, installing, maintaining or repairing any utility or municipal service.
- (7) Access to carry out construction, reconstruction, maintenance or repairs to underground utilities and municipal services located beneath the temporary partial cafe enclosure shall be available twenty-four (24) hours per day.

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- (8) The permit holder shall be responsible for any costs associated with the removal or partial removal of the temporary partial cafe enclosure to accommodate the construction, reconstruction, maintenance or repairs to underground utilities and municipal services.
- (9) The permit holder shall indemnify and save harmless the City from any action, claim, damage or loss whatsoever arising from the granting of permission to erect a temporary partial cafe enclosure and provide proof of having general liability insurance coverage satisfactory to the Commissioner of Finance, the coverage to contain a cross-liability clause and to include the City as a named insured.
- (10) The permit holder shall pay an initial inspection fee in the amount specified in Schedule A at the end of this chapter.
- (11) Any additional terms and conditions which Council or its officials may deem necessary in the City's interest.

G. Boulevard cafe awning.

- (1) The holder of a boulevard cafe licence who wishes to erect a boulevard cafe awning over licensed boulevard cafe area may submit an application to the Commissioner and Subsections A, B, E and F apply with necessary modifications.
- (2) Section 313-64 does not apply to a boulevard cafe awning that is erected under Subsection G(1) or a predecessor to this subsection in By-law No. 12519.

§ 313-37.1. Temporary full cafe enclosure. [Added 1997-10-06 by By-law No. 1997-0633]

- A. The holder of a boulevard cafe area licence who wishes to erect a temporary full cafe enclosure on a licensed boulevard cafe area shall submit an application to the Commissioner, together with any drawings, plans or details of the structure as the Commissioner deems necessary for the processing of the application.
- B. Despite any City by-law, where an application has been considered and refused by the Commissioner or by Council under this section, a further application for the same address or location shall not be considered within two (2) years from the date of the prior application.
- C. Where an application has been refused by the Commissioner, the applicant may appeal the refusal under § 313-77.

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- D. Where a refusal is appealed in writing under § 313-77, the Commissioner shall prepare and forward a report to the Committee setting out the grounds for refusal of the application, which shall be considered in conjunction with the appeal.
- E. Restrictions and requirements.
- (1) A temporary full cafe enclosure is permitted only during the periods April 1 to May 30 and September 15 to November 1.
 - (2) The temporary full cafe enclosure area plus the existing area of the related restaurant operation is equal to or less than the maximum gross floor area permitted for a restaurant or take-out restaurant use under the applicable zoning by-law.
 - (3) The owner or operator of the temporary full enclosure shall pay to the City an additional fee to be calculated as follows:

(estimated annual market value of the licensed boulevard cafe area per square metre as determined by the City's Commissioner of Corporate Services x the rate of return (Chartered Bank's Prime Rate) x .33 x the licensed boulevard cafe area in square metres)
 - (4) The restrictions and requirements set out in § 313-37E shall apply with necessary modifications.
- F. A permit shall not be issued for a temporary full cafe enclosure until the holder of the boulevard cafe licence has entered into an agreement with the City containing the following terms and conditions:
- (1) The permit holder shall construct the temporary full enclosure under the supervision and inspection of the Commissioner and maintain the temporary full cafe enclosure in a condition satisfactory to the Commissioner, including the immediate removal of all graffiti.
 - (2) The permit holder shall not increase the area of the related restaurant operation on private property so that the temporary full cafe enclosure area plus the area of the related restaurant operation is more than the maximum gross floor area permitted for a restaurant or take-out restaurant use under the applicable zoning by-law.
 - (3) The temporary full cafe enclosure shall be used only during the periods April 1 to May 30 and September 15 to November 1.

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- (4) No smoking shall be permitted in the full temporary boulevard cafe enclosure.
- (5) The enclosed area of the boulevard cafe shall not be taken into consideration when calculating any permitted designated smoking area.
- (6) No heat-generating equipment shall be located within any part of the temporary full boulevard cafe enclosure.
- (7) The terms and conditions set out in § 313-37F shall apply with necessary modifications.

§ 313-38. Reserved.¹⁸

§ 313-39. Reserved.¹⁹

§§ 313-39.1 to 313-43. Reserved.²⁰

§ 313-44. Reserved.²¹

§ 313-44.1. Buskers and sidewalk artists. [Added 1995-04-24 by By-law No. 1995-0277]

- A. No person shall perform as a busker or carry on activities as a sidewalk artist upon the road, sidewalk or boulevard of any public highway unless they have obtained a permit issued on a yearly basis (April 1 to March 31) from the Commissioner under this section.
- B. Despite any other provision in this section, no person shall perform as a busker or carry on activities as a sidewalk artist upon any portion of the public highway listed in Schedule C at the end of this chapter. **[Added 1997-10-06 by By-law No. 1997-0525²²]**

¹⁸ Editor's Note: Section 313-38. Bicycle stands was repealed by Section 2 of By-law No. 375-2012. By-law No. 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012.

¹⁹ Editor's Note: Section 313-39. General requirement for parking on boulevards was repealed December 11, 2014 by By-law No. 82-2015.

²⁰ Editor's Note: Section 313-39.1. Applications for parking on boulevards in residential areas; Section 313-39.2. Issuance of parking licences to other occupants; Section 313-40. Parking on boulevards in residential areas; Section 313-41. Parking on boulevards in industrial or commercial areas; Section 313-42. Parking on boulevards in residential areas where property is used for non-residential uses; and Section 313-43. Tunnels, areaways and other openings was repealed by By-law No. 375-2012. By-law No. 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012.

²¹ Editor's Note: This section was repealed by By-law No. 1070-2005, see now (new) City of Toronto Municipal Code Chapter 743.

²² Editor's Note: This by-law also provided for the redesignation of former § 313-44.1B, C, D and E as § 313-44.1C, D, E and F, respectively.

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- C. Any person wishing to obtain a busker or sidewalk artist permit may do so by applying to the Commissioner and paying in advance a non-refundable administration fee calculated in the amount specified in Schedule A at the end of this chapter.
- D. Any person occupying the public highway under the authority of a busker or sidewalk artist permit shall comply with the following regulations:
- (1) No portion of the area used by a busker or a sidewalk artist and occupied by an audience shall:
 - (a) Create an obstruction so that there is less than three (3) metres of paved and passable space exclusive of the area so used and occupied.
 - (b) Be located less than nine (9) metres from the intersection of two (2) or more public highways.
 - (c) Obstruct passage to any transit stop, postal box, phone booth or driveway.
 - (d) Be located directly in front of the entrance to or exit from a building.
 - (e) Block a display window or a fire hose connection.
 - (f) **[Amended 1997-10-06 by By-law No. 1997-0525]** Be located within:
 - [1] Any portion of a public highway listed in Schedule C at the end of this chapter; and
 - [2] Any designated area as defined in Municipal Code Chapter 315, Street Vending, Article I.
 - (g) In the case of a busker who is a musician, be located less than fifty (50) metres from any other area being legally used by a musician or group of musicians.
 - (2) No materials and equipment used for any activity authorized by the permit shall be left unattended.
 - (3) No performance shall be undertaken or equipment placed or used which may pose a danger to the public.

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- (4) No pavement or any installation within the public highway shall be damaged, permanently marked or in any way rendered unsafe for pedestrian use.
- (5) The permit holder shall, upon the request of a police officer or any person designated by the Commissioner for reasons of public safety, immediately cease any activity and remove any equipment located within the public highway.
- (6) The permit holder shall at all times observe and comply with the requirements of Municipal Code Chapter 241, Noise, where applicable, and all other statutory requirements, rules, regulations and by-laws of the City or other authority which in any manner affect or relate to the use of the sidewalk, boulevard or public highway, including, without limitation, the by-laws of the Metropolitan Corporation and The Metropolitan Toronto Police Services Board.
- (7) **[Added 1996-03-05 by By-law No. 1996-0142]** The following materials and equipment shall not be used for any activity authorized by the permit:
 - (a) Spray paint or spray solvent.
 - (b) Generator, amplifier or sound system.
- (8) No musical or theatrical activity authorized under the permit, except a mime, shall take place on any road, sidewalk or boulevard on the public highways or portions of the public highways listed in Schedule B, at the end of this chapter, during the time periods set out in Schedule B. **[Added 1996-03-05 by By-law No. 1996-0142; amended 1996-04-01 by By-law No. 1996-0165]**

E. No permit holder shall use a permit except in accordance with Subsection D and the terms and conditions of the permit.

F. No person shall transfer or assign a permit or the right to use a permit.

§ 313-44.2. Special event permits. [Added 1995-04-24 by By-law No. 1995-0277]

- A. Despite § 313-44.1A, persons seeking busker or sidewalk artist permits in relation to special events may apply to the Commissioner by providing the following information:
 - (1) Location of the event.
 - (2) Duration of the event.

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- (3) Nature of the activity and materials or equipment proposed to be used.
- B. Where the Commissioner is of the opinion that the activity and event as proposed will not present a hazard to the public, he or she may issue a permit authorizing the specific activity at the location and for the duration of the event.
- C. The person to whom the permit has been issued shall comply with the conditions for the use of a permit as set out in § 313-44.1 and shall pay in advance a non-refundable administration fee calculated in the amount specified in Schedule A at the end of this chapter.

ARTICLE VII (Reserved)

§§ 313-45 to 313-49. Reserved.²³

ARTICLE VIII (Reserved)

§§ 313-50 to 313-55.1. Reserved.²⁴

ARTICLE IX Signs²⁵

§ 313-56. Applicability.²⁶

- A. Sections 313-57 to 313-63 of this Article apply to all signs lighted by gas, electricity or other illuminant, and to all non-illuminated projecting signs having an area in excess of one and thirty-nine hundredths (1.39) square metres erected or maintained wholly or partly within the limits of any street, or attached to the face of any building, post, structure or other erection, when face or any part of it abuts any street or property used as a street in the City.

²³ Editor's Note: Article VII, Use of Metropolitan Roads, was repealed by By-law No. 375-2012. By-law No. 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012.

²⁴ Editor's Note: Article VIII, Encroachments on Streets, was repealed by By-law No. 375-2012. By-law No. 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012.

²⁵ Editor's Note: This Article was passed under the authority of paragraph 3 of section 308, section 310 and section 326 of the Municipal Act, R.S.O. 1990, c. M.45.

²⁶ Editor's Note: See also Ch. 297, Signs.

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- B. Any fixture, wire or fitting used in illuminating a sign shall be deemed a part of the sign.

§ 313-57. Permit required for erection of signs.

- A. Permit required.
 - (1) No person shall attach to any lamp post, telegraph, telephone, electric light or other pole or to any erection or building any sign, for any purpose, without first having obtained a permit from the Commissioner, and upon payment to the City Treasurer of the fees under § 313-61 to cover the cost of inspection, and undertaking to remove the sign when notice is given for removal by the Commissioner, in accordance with § 313-61 or 313-63A.
 - (2) (Reserved)²⁷
- B. A plan or drawing of a proposed sign shall be submitted to the Commissioner, along with a written application for a permit signed by the applicant. The plan or application must state in detail the kind and character of the sign proposed to be erected or maintained, the actual area of the exterior surface of such sign, and the place where and the manner in which it is proposed to erect the sign, and any further details as the Commissioner shall require.

§ 313-58. Location.

- A. No sign shall be permitted to project beyond the curbline, and in no event shall any sign extend more than three and four hundredths (3.04) metres over the street line.
- B. Every sign shall have a minimum clearance of two and seventy-four hundredths (2.74) metres above the level of the sidewalk or street.

§ 313-59. Location; specifications.

- A. No sign shall obstruct or be attached to any part of a fire escape and where a sign is hung near any fire escape it must be arranged to swing free from the fire escape.
- B. Where an iron ladder is attached to a sign, it shall be erected on the side adjacent to the building.

²⁷ Editor's Note: Former Subsection A(2), which dealt with advertisements for tobacco products, was deleted 1995-10-16 by By-law No. 1995-0603.

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- C. There shall be a minimum clearance between any sign and any electrical wire, other than the wires attached for the purpose of servicing the sign, of:
 - (1) Sixty-one hundredths (0.61) metre where the wire carries up to and including four thousand (4,000) volts; and
 - (2) One and eighty-three hundredths (1.83) metres where the wire carries up to and including thirteen thousand two hundred (13,200) volts.
- D. A sign shall be maintained at all times in a safe condition and in good and proper repair and condition satisfactory to the Commissioner, including the immediate removal of all graffiti, and shall be painted at least once every two (2) years. **[Amended 1997-09-22 by By-law No. 1997-0504]**

§ 313-60. Alterations.

No alteration shall be made to any sign unless all the provisions of §§ 313-57, 313-58 and 313-59 are complied with, and unless a permit expressly issued for the purpose of allowing the alteration is first obtained from the Commissioner.

§ 313-61. Fees.

- A. The owner or person having charge or control of any sign shall pay in advance to the City an annual fee computed at the rate specified in Schedule A at the end of this chapter.
- B. The first fee payable for any sign shall bear the same proportion to the amount of the annual fee as the period of time remaining after the date of permit for erection of sign in that calendar year bears to the whole year.
- C. In default of payment of the annual fee for thirty (30) days after notice requiring payment, the right to maintain the sign shall cease, and the permit issued shall be deemed to be revoked, and the Commissioner may order the sign to be taken down, and in the event of the sign not being removed within a reasonable time, the Commissioner may remove the sign at the expense of the owner of the sign or the occupant of the property to which it is attached.
- D. Failure to illuminate the sign, in the case of an illuminated sign, does not exempt the owner or person having charge or control of the sign for payment of the fee.

§ 313-62. Removal of unauthorized signs.

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If the owner or occupant of any premises before which any sign is erected, which has not been approved or authorized by the Commissioner refuses or neglects to remove the sign, after fourteen days' notice to do so, the Commissioner may remove the sign at the expense of the owner of the sign or the occupant of the property to which it is attached and the City may recover the expenses incurred in doing so by action or in like manner as municipal taxes.

§ 313-63. Revocation of permit; removal of sign.

- A. Revocation.
 - (1) Any permit for a sign may be revoked at any time by the Commissioner after receiving authority therefor from the Committee and upon giving two (2) weeks' notice.
 - (2) If, after the expiry of the period, the owner or person having charge or control of the sign has refused or neglected to remove the sign, the Commissioner may effect removal at the expense of the owner of the sign or the occupant of the property to which it is attached.
- B. Where a sign is removed during any year for which the fee has been paid in full, a refund of an apportionate part of the fee shall be made by the City Treasurer to the owner or person paying it, upon receiving a report and statement from the Commissioner as to the amount of the refund, but only if there has been no default under the terms and provisions of this chapter.

§ 313-64. Awnings, canopies, fire escapes and similar structures.

- A. No person shall erect or continue any awning, projecting canopy, sign post or non-illuminated sign that is not described in § 313-56 or electric, gas or other lamp or fixture, or fire escape which shall be wholly or partly within the limits of any street, or attached to the face of any building, post, structure or other erection which abuts any street, in the City without first having obtained a permit from the Commissioner, and undertaking to remove the erection when notice is given for its removal by the Commissioner, in accordance with this chapter.
- B. The provisions of §§ 313-58, 313-59, 313-60, 313-62 and 313-63A shall, except as otherwise indicated in this section, apply to any of the erections referred to in Subsection A.
- C. Where a fire escape is proposed to be constructed which encroaches upon the street, the following requirements shall apply:
 - (1) The erection shall be in compliance with the zoning by-law and the Ontario Building Code.

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- (2) Where the fire escape is proposed to be constructed over travelled streets or laneways, the minimum clearance shall be that required by the Highway Traffic Act.
- D. The provisions of § 313-58B shall not apply to projecting canopies or awnings.
- E. Fees.
 - (1) Every person proposing to erect or maintain any of the objects in Subsection A, with the exception of signs and projecting canopies, shall pay in advance to the City the fee set forth in Schedule A at the end of this chapter.
 - (2) Every person proposing to erect or maintain a sign under Subsection A or projecting canopy shall pay in advance to the City the fee set forth in Schedule A at the end of this chapter.

§ 313-65. Construction and location of awnings and projecting canopies.

- A. No awning or projecting canopy shall be supported on or by any permanent iron or other support extending to the sidewalk in front of any building, but every awning or projecting canopy which overhangs a street or sidewalk or which abuts a street or property used as a street shall be supported on an iron, steel or other metal framework secured to the building.
- B. No part of any awning framework or awning, except its curtain, or projecting canopy shall be less than two and thirty-six hundredths (2.36) metres above the level of the street or sidewalk and no curtain shall be less than two and thirteen hundredths (2.13) metres above the level of the street or sidewalk.

§ 313-66. Issuance of permit.

- A. Upon the compliance with all the requirements of this chapter by any applicant for a permit under § 313-57A, 313-60 or 313-64A, the Commissioner may issue the permit, but the Commissioner shall report to the Committee and Council all applications which in the Commissioner's opinion should be refused.
- B. Any person who objects to the issuance of any permit by the Commissioner under the Subsection A may file his or her objections thereto with the City Clerk for consideration by the Committee and Council.

ARTICLE X (Reserved)

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§§ 313-67 to 313-73. Reserved.²⁸

ARTICLE XA

Election Signs

[Added 1997-08-21 by By-law No. 1997-0428; amended 1997-09-23 by By-law No. 1997-0514; superceded by By-law No. 316-2000]

§ 313-73.1. Reserved.

ARTICLE XB

Posters

[Added 1997-09-23 by By-law No. 1997-0514; repealed 2010-08-27 by By-law No. 1074-2010]

ARTICLE XI

Administration and Enforcement

§§ 313-74 to 313-78. Reserved.²⁹

§ 313-79. Duties to be performed by Commissioner of Buildings and Inspections.

With the exception of the billing and collection of fees, the duties imposed upon the Commissioner in respect of signs, illuminated and otherwise, lamps, projecting canopies, awnings and fire escapes encroaching upon the street, shall be performed by the Commissioner of Buildings and Inspections.

§ 313-80. Exemptions. [Amended 1996-03-05 by By-law No. 1996-0142]

None of the provisions of this chapter shall apply so as to prohibit the parking of motor vehicles on the boulevard of Carlton Street, north side, from Sumach Street to Riverdale Park Road, by permit issued under Municipal Code Chapter 400, Traffic and Parking, for permit parking under § 400-38.

²⁸ Editor's Note: Article X, Banner Signs, was repealed by By-law No. 375-2012. By-law No. 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012.

²⁹ Editor's Note: Sections 313-74. Enforcement authority; 313-75. Right of entry; 313-76. Revocation of permission; 313-77. Appeals; and 313-78. Property information fee were repealed by By-law No. 375-2012. By-law No. 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012.

§ 313-81. Offences.

Any person who contravenes any provision of this chapter is guilty of an offence.³⁰

§ 313-82. Transition. [Amended 1995-03-27 by By-law No. 1995-0249]

An unexpired agreement, permit, licence or lease issued under or permission granted under By-law Nos. 12519, 279-73, 180-93 and 23044 with respect to use of a street, Metropolitan road or any part of a street or Metropolitan road that has not been revoked, is deemed to be the agreement, permit, licence, lease or permission required for the same use of the street, Metropolitan road or the part of the street or Metropolitan road under this chapter.

³⁰ Editor's Note: This section was passed under the authority of sections 320 and 331 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, and, under section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, a person convicted of an offence under this section is liable to a fine of not more than five thousand dollars (\$5,000.).

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Schedule A Reserved³¹

³¹ Editor's Note: Schedule A, Fees, was repealed by By-law No. 375-2012. By-law No. 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012.

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Schedule B

Busker and Sidewalk Artist Permits Under § 313-44.1 Time and Day Restrictions [Added 1996-03-05 by By-law No. 1996-0142]

1. No activity authorized under the permit shall take place on the following streets between the hours of 9:00 a.m. to 12:00 noon and 2:00 p.m. to 5:00 p.m. on Monday through Friday, inclusive, except on a statutory holiday:

Street	Side	From	To
Bay Street	East	Dundas Street West	Queen Street West
City highway (7.9 metres wide) adjacent to the original south limit of Dundas Street West	All of highway	Yonge Street	Bay Street
City highways adjacent to the original west limit of Yonge Street, being the strips of land 3.1 metres wide and the remnant parts of Teraulay Street, Trinity Street, Louisa Street and Albert Street	All of highway	Dundas Street West	26.13 metres north of Queen Street West
Queen Street West	Both	Bay Street	Yonge Street

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Schedule C **Busker and Sidewalk Artist Permits Under §** **313-44.1 Excluded Public Highways** **[Added 1997-10-06 by By-law No. 1997-0525]**

1. No activity by a busker authorized under the permit shall take place on the following streets:

Street	Side	From	To
Queen Street East	North	Woodbine Avenue	41.3 metres east of Neville Park Boulevard
Queen Street East	South	Woodbine Avenue	Nursewood Road

2. No activity by a sidewalk artist authorized under the permit shall take place on the following streets:

Street	Side	From	To
Queen Street East	South	70.9 metres east of Waverley Road	86.4 metres east of Waverley Road

STREETS AND SIDEWALKS

Schedule D Reserved³²

³² Editor's Note: Schedule D, Setbacks for Certain Uses on Metropolitan Roads, was repealed by By-law No. 375-2012. By-law No. 375-2012, enacted March 7, 2012 has received set fine approval and came into effect June 28, 2012.