

Authority: Corporate Services Committee Report No. 17, Clause 16,  
as adopted by Council on November 25, 26 and 27, 1998  
Enacted by Council: November 26, 1998

## **CITY OF TORONTO**

### **BY-LAW No. 863-1998**

#### **To amend the former City of Toronto Municipal Code by adding Chapter 270, Public Squares.**

WHEREAS under paragraph 52 of section 207 of the Municipal Act a municipality may pass by-laws for exercising all or any of the powers that are conferred on boards of park management by the Public Parks Act; and

WHEREAS Council has determined that the proposed public square in the Yonge Dundas Redevelopment Project should be under the jurisdiction of the Commissioner of Corporate Services and regulated by a specific by-law instead of the Uniform Parks By-law (Municipal Code Chapter 255, Parks);

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The Municipal Code of the former City of Toronto is amended by adding the following chapter:

#### **Chapter 270**

#### **PUBLIC SQUARES**

##### **§ 270-1. Definitions.**

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

COMMISSIONER — The Commissioner of Corporate Services.

COMMUNITY COUNCIL — The Community Council for the part of the urban area in which the square is located.

PERMIT - Any written authorization of Council, or the Toronto Community Council or the Commissioner, under delegated authority.

PERMIT ZONE — Any part of a square that is designated by shading on a map in Schedule A at the end of this chapter.

SQUARE — The land delineated by a heavy line on a map in Schedule A at the end of this chapter.

**§ 270-2. Prohibited activities.**

No person shall, within the limits of a square:

- A. Climb or be on any, tree, roof of a building or any part of a building, structure or fixture, except any portion which is a public walkway.
- B. Set off fireworks except a theatrical special effects pyrotechnics under Class 7.2.5 of the Federal Explosives Regulations as authorized by permit.
- C. *Reserved*
- D. Stand on any receptacle or container for plants, shrubs or trees.
- E. Wear any ice skates other than on the part of a square that is physically laid out and intended for use by the public as an ice rink area.
- F. Drop or throw any object from a roof of a building.
- G. Throw or in any way propel any stone or other missile or projectile in a manner which may cause injury or damage to or endanger any other person or property or which interferes with the use and enjoyment of a square by any other person.
- H. Light any fire.
- I. Ride or stand on any skateboard, roller skate or roller blade.
- J. Release or hand out helium-filled balloons.
- K. Light or carry any candle or torch, except a light stick.

**§ 270-3. Activities requiring permits.**

No person shall, within the limits of a square, except in accordance with terms and conditions of any permit:

- A. Solicit for or engage in any trade, occupation, business or calling, including producing, manufacturing, selling or offering for sale any goods, wares or merchandise, but this subsection does not apply to the sale of newspapers.
- B. Sell items by registered charities and not-for-profit organizations.
- C. Ride a bicycle.
- D. Drive or park any motor vehicle.
- E. Use any apparatus, mechanism or device for the amplification of the human voice, music or other sound, or any sound-producing or noise-making instrument or device.

- F. Camp or erect or place a tent or temporary abode of any kind.
- G. Erect or place a tent, device, booth or structure of any kind.
- H. Affix any signage, flyer, fabric or other substance to any building, walkway or column.
- I. Set off any theatrical effects pyrotechnics under Class 7.2.5 of the Federal Explosives Regulations, and:
  - (1) Any application for a permit to set off these types of fireworks is subject to the approval of the Chief Fire Official.
- J. Display an exhibit of any kind.
- K. Carry on or engage in a demonstration of any sport.
- L. Present or take part in any dramatic, musical, artistic or other performance; and
  - (1) Poetry reading is deemed not to be an artistic or other performance within the meaning of this subsection, but is deemed to be public speaking.
- M. *Reserved*

**§ 270-4. Submission of permit applications.**

All applications for a permit for the use of a square shall be submitted to the Director, Special Events Division, who shall be responsible for:

- A. The management, design, development, delivery and monitoring of City events on a square; and
- B. The facilitating and monitoring of all other events on a square.

**§ 270-5. Permit zone permits.**

- A. The Commissioner shall issue permits, for activities or things within the permit zone, to:
  - (1) Carry on, engage in or do any of the activities or things in § 270-3I, J, K or L.
  - (2) Drive and park any motor vehicle on a square when it is essential to facilitate an event upon the following conditions:
    - (a) The motor vehicle is escorted by an employee of the City who walks in front of it.

- (b) The motor vehicle operates with flashing lights.
  - (c) The applicant provides a certified copy of a certificate of insurance, satisfactory to the Chief Financial Officer, in which the City is a named insured and is indemnified against all liabilities which may in any way arise from the motor vehicle being permitted on a square.
- (3) Use of any public address system, amplifier, loudspeaker or any other similar instrument or device upon the following condition:
- (a) If the instrument or device is under the control of an employee of the Corporate Services Department and, if owned by the City, the applicable charge is paid for the employee's services.
- (4) Erect any tent for the enhancement of events and for the provision of shelter from heat or inclement weather during the event upon the following conditions:
- (a) Any necessary permits are first obtained from the Chief Building Official.
  - (b) The tent is erected and secured by a professional tent erection company so that:
    - [1] The slabs on a square are not damaged; and
    - [2] All fastening devices are clearly marked.
    - [3] The applicant provides a certified copy of a certificate of insurance, satisfactory to the Chief Financial Officer, in which the City is a named insured and is indemnified against all liabilities which may in any way arise from the tent being permitted on a square.
- (5) Erect or place a platform, dais or similar structure or device.
- (6) *Reserved*
- (7) *Reserved*

**B. Sale of certain items.**

- (1) An applicant for a permit for an activity under Subsection A may also apply for permission, for the number of persons specified by the applicant, to sell or distribute items such as but not limited to buttons, t-shirts, books, magazines, literature or other publications, during the event and if the sale of the items is directly related to the activity.

- (2) Where a permit is issued for an activity under Subsection A, the Commissioner shall also issue identification markers for each person for whom permission has been sought to sell or distribute items during the activity, and no provision of this chapter shall apply to prevent the sale or distribution of any such item during the activity by a person displaying the identification marker if the sale or distribution of the item is otherwise lawful.
- C. No permit shall be issued for any of the activities or things described in Subsection A to a person who has been charged under any section of this chapter if the proceedings resulting from the charge have not been finally terminated.
- D. *Reserved*
- E. Despite any other provision of this chapter, the playing of unamplified musical instruments is prohibited during an activity for which a permit has been issued unless prior permission has been granted by the Commissioner, by the Toronto Community Council or by Council.

**§ 270-6. Permit restrictions.**

- A. No permit shall be issued by the Commissioner under § 270-5, and despite the issuance of a permit no person shall carry on, engage in or do, any activities or things described in § 270-5A:
  - (1) If the period and place have been in whole or in part previously approved under a permit issued to another person; or
  - (2) If the place is:
    - (a) Physically unfit for use by the public due to conditions caused by the weather or arising out of or related to square maintenance or development.
    - (b) A garden or grassed area.
- B. Whenever a permit is not issued for any reason in Subsection A, a suitable alternative period and place shall be offered by the Commissioner to the applicant.
- C. Despite Subsection A, if the Commissioner is of the opinion that the carrying on, engaging in or doing of any activity or thing referred to in § 270-5A may, if permitted, lead to or result in injury to persons or damage to property, a permit shall not be issued, but the Commissioner shall report the matter to Council for its decision.

**§ 270-7. Denial of permit; appeal.**

- A. Where the Commissioner determines that an application for permit as received does not comply with the provisions of this chapter, or the policies of Council, an applicant may appeal the refusal to the Community Council.
- B. Where an applicant has appealed the Commissioner's refusal to the Community Council, the Community Council, after affording the applicant, any objectors and any other interested persons the opportunity to be heard on the matter, shall recommend to Council whether a permit should be granted, but a permit shall not be recommended or granted unless the Community Council or Council is of the opinion that the application complies with the provisions of this chapter and the policies of Council.

**§ 270-8. *Reserved*****§ 270-9. Compliance with Human Rights Code.**

Persons or organizations seeking to hold events on squares shall sign a declaration stating that:

- A. In the services that are being provided to the public or by the person or organization seeking to hold the event, the person or organization complies in all respects with the Ontario Human Rights Code.
- B. Any event to be held on a square shall be open to all persons interested in attending the event.

**§ 270-10. Exempt activities.**

This chapter does not apply to:

- A. The driver, operator or crew member of an ambulance or police or fire department vehicle, or the rider or attendant of a police department horse, while in the performance of his or her duty.
- B. An employee of the City while doing work or performing services for or on behalf of the City.
- C. A person hired or engaged by the City to do any work or perform any services within the limits of a square.
- D. A person engaged in location filming during a period and at a place as have been first approved in a permit issued by the City's Film Liaison with the approval of the Commissioner if the activities under the permit are carried on, engaged in or done during the period and at the place and in a manner consistent with the permit.

**§ 270-11. Right of entry.**

In addition to any penalty provided by this chapter and subject to the provisions of this chapter, the right of any person to enter or be upon a square is conditional upon the person's refraining from carrying on, engaging in or doing any activity or thing that is prohibited under this chapter.

**§ 270-12. Offences.**

Any person who contravenes any provision of this chapter is guilty of an offence and, on conviction, is liable to a fine of not more than the maximum fine under section 61 of the Provincial Offences Act.

ENACTED AND PASSED this 26th day of November, A.D. 1998.

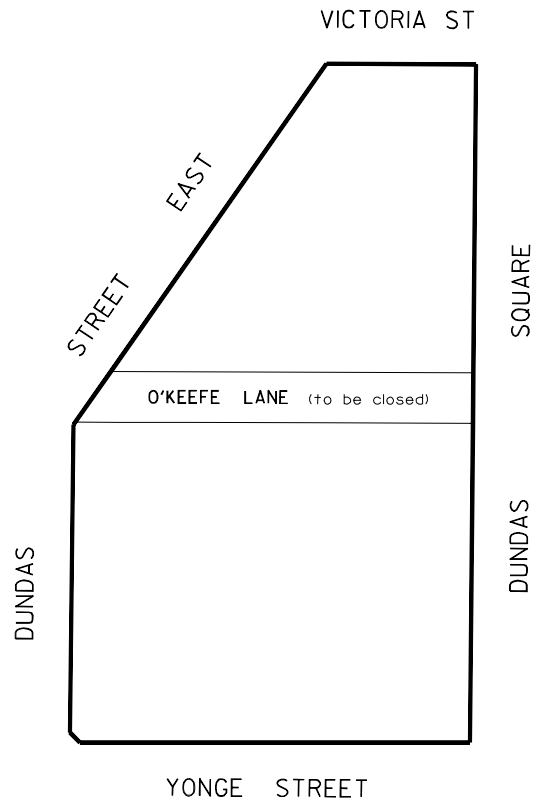
CASE OOTES,  
Deputy Mayor

NOVINA WONG,  
City Clerk

(Corporate Seal)

Chapter 270

SCHEDULE A



 YONGE DUNDAS SQUARE



WORKS AND EMERGENCY SERVICES  
SURVEY AND MAPPING SECTION  
TORONTO OCTOBER, 1998  
BL2/CHAP270.DGN  
FILES: 1304 & 2402.80  
MAP No. 518-11 DRAWN: PG