

Authority: Policy and Finance Committee Report No. 16, Clause No. 27,
adopted as amended, by City of Toronto Council on December 4, 5 and 6, 2001
Enacted by Council: December 6, 2001

CITY OF TORONTO

BY-LAW No. 1001-2001

To amend the City of Toronto Municipal Code by adding Chapter 636, Public Squares.

WHEREAS Chapter 207, paragraph 58 of the *Municipal Act* provides that a Council of a municipality may pass a by-law for operating or managing recreation areas or other places of amusement and may appoint such number of persons who are qualified to be elected as members of the council as it deems appropriate to act on its behalf as a board of management for any undertaking under that paragraph;

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

1. The Municipal Code of the former City of Toronto is amended by deleting Chapter 270, Public Squares.
2. The Municipal Code of the City of Toronto is amended by adding the following as Chapter 636 to Part Two:

Chapter 636 PUBLIC SQUARES

ARTICLE General

§ 636-1. Definitions.

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

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

PERMIT – Any written authorisation of Council, or the Toronto Community Council or the Board of Management of Square.

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

§ 636-2. *Reserved*

§ 636-3. *Reserved*

ARTICLE II
Yonge Dundas Square Board of Management

§ 636-4. Board of Management established and defined.

A Board of Management is established to act on behalf of Council with respect to the Yonge Dundas Square situated on land delineated by a heavy line on a map in Schedule A at the end of this chapter, being referred to in this Article and in Article III as the "Square". In this Article and in Article III the Board of Management shall be referred to as the "Board".

§ 636-5. Maintenance and operation of Square.

The maintenance, operation and control of the Square shall be exercised by the Board.

§ 636-6. Powers and duties of Board.

- A. Subject to § 636-9, the Board shall assume overall financial and operational responsibility for the Square on behalf of the City with the objective of financial self-sufficiency with respect to operations and future capital maintenance of the Square by 2005.
- B. The Board shall be responsible for developing a long-term needs assessment of the Square with regard to refurbishment and equipment replacement.
- C. The Board shall at all times manage and operate the Square on behalf of the City in accordance with prudent business practices and in accordance with any agreements entered into by the City or the Board from time to time.
- D. The Board shall at all times fully observe and comply with, and endeavour to ensure strict observance of and compliance with, all statutes, regulations, by-laws and lawful rules and applicable contractual obligations which, in any manner, affect or relate to the Square or the use of the Square or any part of it.
- E. The Board shall also establish booking policies for the Square.
- F. The Board may engage staff and consultants and enter into contracts for services as may be required in connection with its role of managing the Square.
- G. The Board shall prepare a three-year business plan each year with the assistance of staff from the City of Toronto's Economic Development, Culture and Tourism Department and in consultation with the Chief Financial Officer and Treasurer. The first such plan shall be prepared for the years 2003 to 2005 with the goal of achieving financial self sufficiency by 2005.

§ 636-7. Board structure and procedures.

- A. The Board shall consist of thirteen members appointed by Council as follows:
- (i) the City Councillor for Ward 27, Toronto Centre-Rosedale (the “Ward Councillor”);
 - (ii) four members of the Downtown Yonge Street Business Improvement Area as nominated by the BIA;
 - (iii) one member nominated by Ryerson Polytechnic University;
 - (iv) one member nominated by the Toronto Parking Authority, who shall be a staff member acting in an ex officio capacity;
 - (v) one member nominated by the Yonge Street Mission;
 - (vi) one member nominated by the Toronto Theatre Alliance;
 - (vii) one member nominated by a residents’ association; and
 - (viii) three staff members including one employee of the Police Services Board and two City staff, who shall all be ex officio members, without a vote.
- B. The Ward Councillor shall cease to be a member of the Board upon ceasing to hold the office of City Councillor for Ward 27. Other members of the Board shall hold office at the pleasure of the Council that appointed them and, unless sooner removed, shall hold office until the expiration of the term of the Council that appointed them and until their successors are appointed, and are eligible for reappointment. The members of the Board shall be appointed and hold office subject to and conditional upon their observance of and compliance with the provisions of this Article.
- C. The Board shall, as soon as possible after the first day of January in each calendar year, elect a Chair and Vice-Chair and a Secretary and Treasurer or Secretary-Treasurer and other officers as it may deem necessary to conduct the business of the Board during the year.
- D. The Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of the minutes and records to all members of the Board, to the Commissioner of Economic Development, Culture and Tourism and to the City Clerk.
- E. The Board, once constituted, shall, subject to the provisions of this Article, be responsible for establishing its own procedure, but shall meet at least seven times per year.
- F. The members of the Board shall not be paid any remuneration but may be reimbursed for reasonable receipted out of pocket expenses incurred during the conduct of Board business in accordance with Board policy.

§ 636-8. Consent of City Council required.

- A. The Board shall not make or cause, commit or allow to be made to the Square any structural addition, alteration or improvement without the consent of City Council.
- B. The Board shall seek City Council approval for any lease of space on the Square.

§ 636-9. Fiscal matters.

- A. The fiscal year of the Board shall be from the first day of January to the thirty-first day of December in each year.
- B. The Board shall submit to the Commissioner of Economic Development, Culture and Tourism an annual budget in a form and at a time as prescribed.
- C. Within the limits of the budget as approved by Council, any money to be provided by Council shall be paid out by the Chief Financial Officer, as the Board shall from time to time require.
- D. The Board shall adopt and maintain banking arrangements and accounting practices that are acceptable to the Chief Financial Officer of the City and the City Auditor and keep books of account and submit statements, from time to time, as the Chief Financial Officer and the City Auditor may require.
- E. The City Auditor and the Commissioner of Economic Development, Culture and Tourism shall have at all reasonable times access to all the books of account and records of the Board for inspection or audit purposes.
- F. The Board shall, as soon as possible after the 31st day of December in each year, submit to the Commissioner of Economic Development and Tourism and the Chief Financial Officer, financial statements that have been audited in all aspects by the City Auditor, covering the maintenance, management and operation of the Square by the Board for the previous year and showing all revenue and expenditures and assets and liabilities as on the 31st day of December of the previous year.
- G. The Board shall, as soon as possible after the end of each fiscal year, pay to the City all revenue that is derived by the Board from the management of the Square during the fiscal year in excess of the moneys required to pay all the charges, costs and expenses resulting from or incidental to the management of the Square. The funds will be held by the City for the purpose of providing for future capital maintenance and improvements to the Square.

§ 636-10. Insurance.

The Board shall be responsible for the cost of all insurance required by the Chief Financial Officer including but not limited to a public liability and property damage indemnity policy in respect of the Square. Premiums charged in respect of all required insurance shall be paid as required by the Board.

ARTICLE III
Use of the Square

§ 636-11. 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 authorised 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.

§ 636-12. 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 organisations.
- 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*

§ 636-13. Submission of permit applications.

All applications for a permit for the use of a square shall be submitted to the Yonge-Dundas Board of Management, 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.

§ 636-14. Permit zone permits.

- A. The Yonge-Dundas Board of Management 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 § 636-12 I, 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 Yonge-Dundas Board of Management 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 them 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 Yonge-Dundas Board of Management, by the Toronto Community Council or by Council.

§ 636-15. Permit restrictions.

- A. No permit shall be issued by the Yonge-Dundas Board of Management under § 636-14, and despite the issuance of a permit no person shall carry on, engage in or do, any activities or things described in § 636-14A:
- (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 Yonge-Dundas Board of Management to the applicant.
- C. Despite Subsection A, if the Yonge-Dundas Board of Management is of the opinion that the carrying on, engaging in or doing of any activity or thing referred to in § 636-14A may, if permitted, lead to or result in injury to persons or damage to property, a permit shall not be issued, but the Yonge-Dundas Board of Management shall report the matter to Council for its decision.

§ 636-16. Denial of permit; appeal.

- A. Where the Yonge-Dundas Board of Management 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 Yonge-Dundas Board of Management'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.

§ 636-17. Reserved**§ 636-18. Compliance with Human Rights Code.**

Persons or organisations 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 organisation seeking to hold the event, the person or organisation complies in all respects with the Ontario Human Rights Code.

§ 636-19. 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 Yonge-Dundas Board of Management 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.

§ 636-20. 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.

§ 636-21. 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.

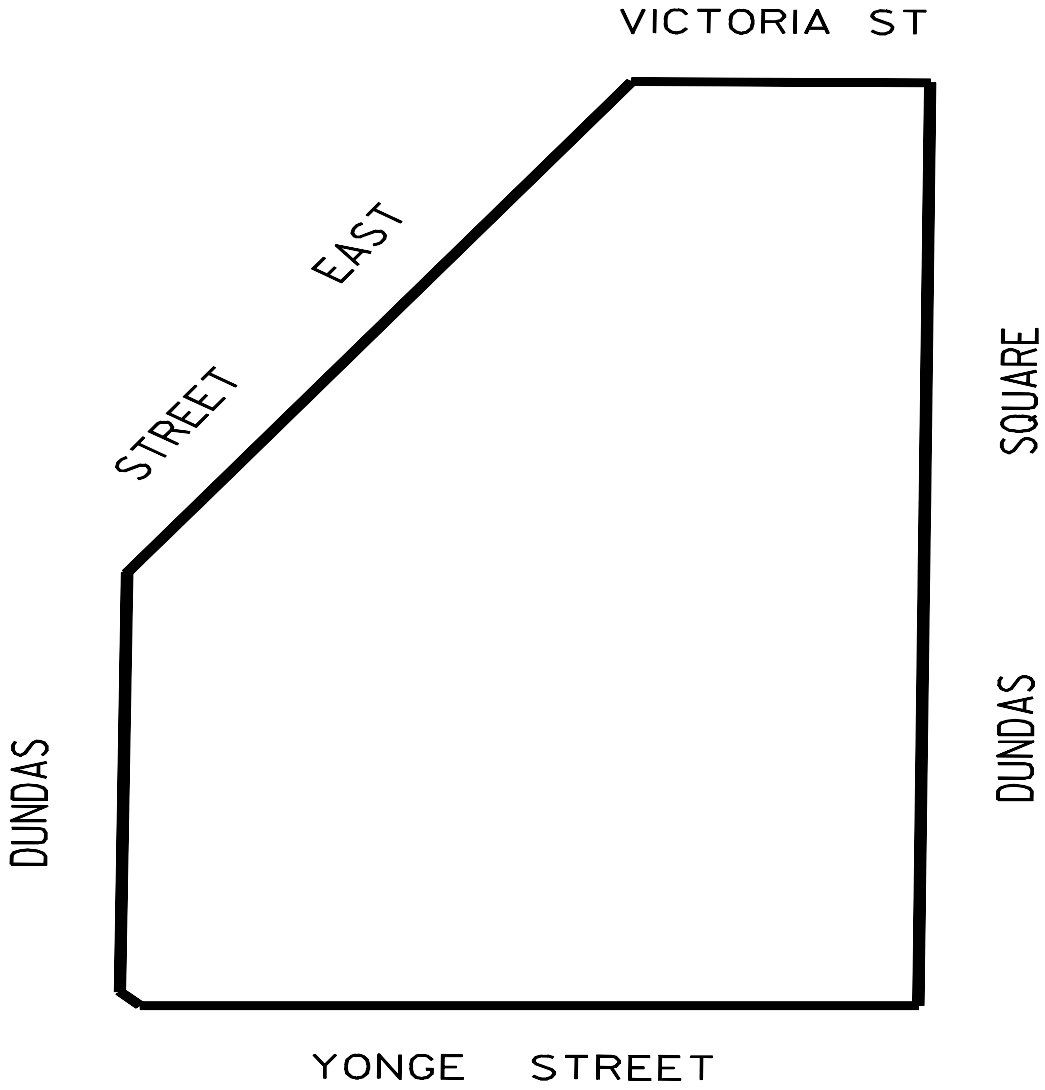
ENACTED AND PASSED this 6th day of December, A.D. 2001.

CASE OOTES,
Deputy Mayor

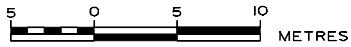
ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE A



YONGE DUNDAS SQUARE



WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SECTION
TORONTO OCTOBER, 2001
BLD1/CHAP270.DGN
FILES: 1304 & 2402.80
MAP No. 51H-11 DRAWN: PG