

Authority: Public Works and Infrastructure Committee Item 9.10,
adopted as amended, by City of Toronto Council on February 6 and 7, 2012
Enacted by Council: March 7, 2012

CITY OF TORONTO

BY-LAW No. 375-2012

**To amend City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of
with respect to various matters.**

WHEREAS subsection 8(1) of the City of Toronto Act, 2006 (the "Act") provides the City with broad authority to provide any service or thing that the City considers necessary or desirable for the public; and

WHEREAS City Council has the authority to pass by-laws respecting matters related to public highways under its jurisdiction under subsection 32(1) of the Act; and

WHEREAS section 376 of the Act provides that the City may pass by-laws providing that the City may enter on land at any reasonable time for the purpose of carrying out an inspection; and

WHEREAS section 386 of the Act provides that where the City has the authority to direct or require a person to do a matter or thing, and that in default of it being done by the person, the matter or thing shall be done at the person's expense; and

WHEREAS the City regulates its public highways as a necessary and desirable service to the citizens of Toronto; and

WHEREAS it is necessary to amend Chapter 743, Streets and Sidewalks, Use of, of The Toronto Municipal Code to include definitions and regulations for prohibited and regulated activities, street work, encroachment in streets, maintaining boulevards, sidewalks, constructing and altering walkways and driveways, municipal remedial action, appeals, fees, administration and enforcement; and

WHEREAS it is necessary to make further technical amendments to Chapter 743, Streets and Sidewalks, Use of, of The Toronto Municipal Code; and

WHEREAS notice of the intention to enact this by-law has been posted on the City's website according to Chapter 162, Notice, Public, of The Toronto Municipal Code;

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

1. Chapter 743, Streets and Sidewalks, Use of, of The City of Toronto Municipal Code is amended as follows:
 - A. By renumbering Article III and § 743-33 to § 743-36, inclusive, to Article XI and § 743-51 to § 743-54, inclusive.

B. By amending § 743-1 by:

- (1) Deleting the definition of "Applicant" from Subsections A, B and C and substituting the following in Subsection A:

APPLICANT — A person applying for a permit or other consent.

- (2) Deleting the definition of "Arterial Road" from Subsection C and inserting the following in Subsection A:

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

- (3) Inserting the following definition in Subsection A:

BIA — A Board of Management for a Business Improvement Area established according to Chapter 19, Business Improvement Areas, of The City of Toronto Municipal Code.

- (4) Deleting the definition of "Business Improvement Area" from Subsection C and inserting the following in Subsection A:

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

- (5) Deleting the definition of "Local Street" from Subsection B and the definition of "Local Road" from Subsection C and inserting the following in Subsection A:

LOCAL ROAD — Any street that is not designated as a major arterial, minor arterial or collector street in the City's road classification system, as amended from time to time.

- (6) Deleting the definition of "Permit" from Subsections B and C.

- (7) Deleting the definitions of "Street" and "Sidewalk" from Subsections A and C and inserting the following in Subsection A:

STREET — A highway as defined in the *City of Toronto Act, 2006*.

(8) Adding a new subsection D as follows:

"D. As used in § 743-9 to § 743-19 of Article II, Article III, Article IV, Article V, Article VI, Article VII, Article VIII, Article IX and Article X of this chapter, the following terms shall have the meanings indicated:

ALIGNMENT — A location specified or approved by the City for locating equipment on, over, along, across, under, or in a street.

ARBOUR — A shelter made of wood, masonry or metal, usually covered with vines or branches or of latticework covered with climbing shrubs or vines.

AREAWAY — Tunnels, parking garages, elevated or below-grade walkways and other similar non-habitable structures that are situated above or beneath public lanes, public alleys and local roads.

AWNING — A removable or retractable unenclosed temporary structure, affixed to the adjacent building, that is made of light material having a light metal or reasonably equivalent frame covered by canvas or similar sail goods, that is installed over a permitted café or marketing area.

BANNER SIGN — A temporary sign that is suspended on, across or along a street, or a flag of non-rigid material that is suspended from a rigid arm fixed to a pole or utility pole, that:

- A. identifies or promotes charitable, community, philanthropic or other public events;
- B. identifies or promotes a BIA and any charitable, community, philanthropic or other public event that occurs within a BIA; and
- C. identifies or promotes public events, activities or locations that:
 - (1) are unique to the City of Toronto;
 - (2) are government owned or sponsored;
 - (3) form a major destination and attraction for visitors to the City of Toronto; and
 - (4) has a minimum annual attendance of at least 40,000 people.

BICYCLE - Includes a tricycle and unicycle but does not include a motor assisted bicycle.

BICYCLE TRAIL — That part of a boulevard that is improved for use by cyclists.

BOLLARD — Any of a series of short posts installed at intervals to delimit an area or to exclude vehicles.

BRIDGE — A bridge as defined in the *City of Toronto Act, 2006*.

BUILDING PROJECTIONS — Any structure, article or thing extending from an existing, or proposed, building or structure into a street, including but not limited to arbours, basement entrances, bay windows, building entrances, building walls, chimneys, cold storage rooms, columns, cornices, decorative walls, decorative lighting, doors, eavestroughs, exhaust ducts, fire escapes, flag poles, fuel fill pipes and connections for measuring and delivering public and private utilities, ornamental walls, pedestrian access ramps, pergolas, porches, railings, refacing walls, siamese connections, signs, stairs, storage sheds, utility vaults, ventilation shafts, verandas, walkways more than 1.5 metres in width, and window wells.

CANOPY — A fixed overhang built over the entrance to a building, or along the frontage of a building, that protects pedestrians from inclement weather.

CHIEF FINANCIAL OFFICER — The Deputy City Manager and Chief Financial Officer for the City, and his or her designate or successors.

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

CONDUIT — A pipe or tube for protecting electric and telecommunication wires, or for conveying liquids or steam.

DRIVEWAY — That portion of the boulevard improved for the purpose of providing vehicle access to an adjacent property.

EMERGENCY WORK — Work within a street that must be completed immediately due to health or safety concerns, or where the interruption or potential interruption of essential services is imminent.

ENCROACHMENT — Any device, equipment, object, structure or vegetation that is located on, over, along, across, under or in a street, or any portion thereof, but excluding any vegetation planted

or any device, equipment, object, or structure installed and maintained by the City.

EQUIPMENT — Includes any machinery, vehicles, construction materials, poles, cables, pipes, conduits, ducts, pedestals, antennas, towers, wires, amplifiers, vaults, maintenance holes, hand holes, support structures or other appurtenances or ancillary facilities, structures or devices.

EXCAVATING — The breaking, digging up, tearing up, tunneling, boring, coring, cutting into or removing of any portion of the surface or subsurface of a street, including pavement, sidewalk, curbs, gutter or landscaping.

FEES — The fees set out in Municipal Code Chapter 441, Fees and Charges, other by-laws, or the corresponding fees set out in an agreement with the City.

FENCE — A barrier, including one for noise attenuation, or any structure, except a structural part of a building, that wholly or partially screens from view, encloses or divides a yard or other land, or marks or substantially marks the boundary between adjoining land.

FIRE CHIEF — as defined in Municipal Code Chapter 79, Fire Services.

FIREWORKS — A combustible or explosive device producing a loud noise or display of lights.

FULL STREAM APPLICATION — An application for a street work permit that conforms to the requirements of full stream work as specified by the General Manager.

GRAFFITI — drawing or writing scratched, scribed or painted on a wall, sidewalk, walkway or bicycle trail that is not public art as approved by the General Manager.

INTERSECTION — The area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more streets or private driveways that join one another at an angle, whether or not one street or private driveway crosses the other.

LANDSCAPING — Trees, shrubs, grass, flowers and other vegetation, including maintained natural gardens, but excluding noxious weeds and local weeds designated under the provisions of the *Weed Control Act*, decorative stonework, walkways or other

horticultural or landscape-architectural elements or any combination of these that are situated in a street to improve its appearance or environmental quality, but excludes driveways or parking areas and any material that allows, or that can be made to allow, vehicle parking or driveway access.

MAINTAINED NATURAL GARDEN — soft landscaping consisting of wildflowers, shrubs, perennials, grasses or combination thereof, whether native or non-native, but excluding noxious weeds and local weeds designated under the provisions of the *Weed Control Act* that is planted to produce a ground cover consistent with a managed and natural landscape other than regularly mown grass.

MEDIAN — The portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement.

MOTOR VEHICLE — An automobile, motorcycle, motor assisted bicycle unless otherwise indicated in the *Highway Traffic Act*, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, other motor vehicles running only upon rails, a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act*.

NATURAL FORCES — Includes natural precipitation, snow melt, and water discharged from hoses or other mechanical or human action.

OFFICER — Any employee, by-law officer or agent designated by the General Manager.

PACK ANIMAL — Any four-legged animal that is used to transport people, goods or materials.

PERGOLA — A structure consisting of parallel colonnades supporting an open or partially covered roof of girders and cross-rafters.

PERMANENT MEMORIAL — Various kinds of tribute such as plaques, stone monuments, trees, benches and similar articles of a durable nature that are intended to remain in place for a long period of time and that are placed within a street to memorialize persons who have died in a motor vehicle crash or other tragic event.

PERMIT FEES — The fees set out in Municipal Code Chapter 441, Fees and Charges, and other City by-laws or the corresponding fees and other consideration charged for the issuance of a permit or consent.

POSTER — Any device, structure or medium that uses any colour, form, graphic, illumination, symbol or writing to convey information of any kind to the public, including but not limited to an advertisement, bill, handbill, leaflet, flyer or placard.

PUBLIC ART — Temporary or permanent art designed by, or in collaboration with, artists recognized in a process approved by the General Manager that is displayed in a street and which includes, without limitation:

- A. Sculptured art;
- B. Frescos, art murals or graffiti art as defined by Chapter 485, graffiti, mosaics, paintings and other works of visual or graphic art;
- C. Memorials or monuments;
- D. Fountains or water features;
- E. Lighting and street furniture;
- F. Hard and soft landscaping; and
- G. Special engineering or architectural features of existing capital projects that contributes aesthetically to their surroundings.

PUBLIC LANE OR PUBLIC ALLEY — A public highway improved for vehicle travel that is not designated as either an expressway, major arterial, minor arterial, collector or Local Road in the City's road classification system, as amended from time to time.

RETAINING WALL — A structure constructed for the purpose of holding back sliding earth.

ROAD — The portion of the street designed, improved and ordinarily used for vehicle traffic.

SECURITY — Financial security paid or pledged to the City as a condition of a permit or other consent granted under this chapter, including:

- A. Cash;
- B. An unconditional and irrevocable letter of credit;
- C. Cheque or certified cheque payable to the "Treasurer, City of Toronto";

- D. Securities paid by credit or debit card; and
- E. Any other form of financial security as approved by the City from time to time.

SHORT STREAM APPLICATION — An application for a street work permit that conforms to the requirements of short stream work as specified by the General Manager.

SOFT LANDSCAPING — Shrubs, hedges, grass, flowers, maintained natural gardens, fruit and vegetable gardens or other vegetation, excluding trees, noxious weeds and local weeds designated under the provisions of the *Weed Control Act*.

STOP WORK ORDER — A notice to cease any street work or temporary street occupation.

STREET LINE — The line dividing a street and a property.

STREET TREE — A tree planted and maintained by the City in a street.

STREET WORK — Includes any excavating in streets, and installing, repairing, replacing, extending or operating and maintaining any equipment, structure or device located in, on, over, along, across, or under a street.

TEMPORARY MEMORIAL — Various kinds of tribute such as decorations, flowers and other and similar articles that are neither durable nor intended to remain in place for a long period of time, that are placed within a street to memorialize persons who have died in a motor vehicle crash or other tragic event.

TEMPORARY STREET OCCUPATION — The occupation of any portion of a street for the placing of any barricade, covered pedestrian walkway, construction site fencing, hoarding, machinery, materials or other objects, hoisting, tower crane, or transporting excess loads, or carrying out any street work that does not require excavating in a street.

TORONTO PUBLIC UTILITIES COORDINATING COMMITTEE (TPUCC) — The organization, or any successor organization, comprised of member utility companies and the City who own and operate equipment in City streets.

UTILITY POLE — A utility pole, street lamp pole, traffic control signal pole, as well as any pole of the Toronto Transit Commission that is located within a street.

VEHICLE — A vehicle as defined by the *Highway Traffic Act*.

WALKWAY — That part of private property that is improved for the exclusive use of pedestrians, extending from private property into a street."

- C. By deleting the words "local street" and "arterial street" where they appear in § 743-3G(2)(r) and replacing them with "local road" and "arterial road" respectively.
- D. By inserting new §§ 743-9 to 743-19, inclusive, in Article II, Prohibited and Regulated Activities, as follows:

§ 743-9. Fouling and obstructing streets.

Unless specifically authorized by this Chapter:

- A. No person shall obstruct, encumber, damage, foul, or cause or permit the obstructing, encumbering, damaging or fouling of any street, or interfere with the clearing of snow, or install or place any unauthorized encroachment, object, article or thing, on, over, along, across, under, or in a street except as permitted under this chapter or any other City by-law.
- B. No person shall place any obstruction in, obstruct or cause to be obstructed, any ditch, culvert, drain or watercourse on any street.
- C. No person shall store, place or dispose of material, including fallen leaves, in such a way that it may enter onto a street by any means, including wind or water.
- D. No person shall cut, saw, break, split, place or pile firewood, lumber, blocks, rocks, stones, debris or other material, article or thing, or do any other act upon a street that may obstruct or impede vehicle or pedestrian traffic, or interfere with the maintenance of a street.
- E. No person shall damage the surface of a street, or cause an obstruction, nuisance, or dangerous condition.
- F. No person shall convey through the streets any solid or liquid waste except in a properly covered and secured vehicle or metal container that prevents the contents from falling on the street, and that protects the contents from vermin and controls, as far as possible, the escape of offensive odours.
- G. No person shall cause or permit a vehicle to leak or discharge engine or transmission fluids, or fluids of any type, so as to foul or damage a street.
- H. No person shall place or leave on or across any street, a pole, wire, cord or cable that may interfere with the safe passage of vehicles or pedestrians, or that is capable of transmitting electrical energy into a street from public or private property.

- I. With the exception of the police or the military, or during events authorized by the General Manager, no person shall ride a pack animal, or vehicle drawn by a pack animal, on any street.
- J. No person shall pull down, destroy, deface, place posters on, or in any way interfere with any post, surveyor's mark, benchmark, traffic control sign, street name sign, signboard, traffic control signal, traffic cone, or any other traffic control device that is placed in a street.
- K. No person shall climb on or over a railing, bridge or fence located along or across any street, or climb on any tree located in a street, or on any post, pole or structure installed on any street.
- L. No person shall, without the approval of the General Manager, ignite or discharge fireworks on, over or across a street.
- M. No person shall, without the approval of the General Manager, deface or damage any wall, fence, railing, sign, monument, post, pole or other property in any street by cutting, breaking or placing graffiti on it.
- N. No person shall, without prior authorization from the General Manager, move, or cause or permit to be moved, or assist in moving, any building, boat, machine or other article or thing in, along or across any street if such building, boat machine or other article or thing, while being moved, exceeds any of the height, width or weight restrictions specified under the *Highway Traffic Act*.
- O. No person shall mix concrete, mortar or other substance of a similar nature upon any street.
- P. No person shall, without prior authorization from the General Manager, chain, lock or otherwise attach any article or thing to a waste receptacle, streetlight, parking meter, utility pole, transit shelter, fence, tree or any other municipal property or authorized encroachment that is located in a street, and any article or thing that remains attached for more than 24 consecutive hours may be removed by the General Manager and disposed of pursuant to Article VIII.
- Q. No person shall, without the approval of the General Manager, camp, dwell or lodge on a street, subject to application of the City's Interdepartmental Protocol for Homeless People Camping in Public Spaces.

§ 743-10. Street cleaning and repair.

- A. The cleaning and repair of a street by any person, where required under this chapter, shall be performed to the satisfaction of the General Manager.

- B. No person hauling earth, sand, stone or other materials in a street shall load or operate their vehicle so as to permit or cause the contents thereof to fall, spill or be deposited on a street.
- C. No person in charge of a vehicle shall bring that vehicle, or permit it to be brought, upon a street unless there has been removed from the wheels, tires, tracks or treads of that vehicle, any excess mud, clay, lime, and similar material, or any fertilizer or manure that is likely, if not removed, to damage the surface of a street, or be deposited on a street so as to cause an obstruction, nuisance, or dangerous condition.
- D. The General Manager may remove any mud, clay or other material deposited on a street contrary to the provisions of this Section and may recover the clean-up costs pursuant to Article VIII.
- E. This section does not apply to sand, gravel, salt or City-approved de-icing materials or liquids placed on sections of a street to minimize the hazards resulting from slippery conditions.

§ 743-11. Fires on streets.

- A. No person shall, without authorization from the General Manager:
 - (1) Carry or use fire on a street; or
 - (2) Set fire to any shavings, papers, straw, leaves or any combustible matter, on a street.
- B. This section shall not apply to fires made by tinsmiths, plumbers, and other trades people engaged in a trade that requires using fire for melting lead or solder, or for boiling tar, pitch, or oil to be used in constructing or repairing a building, structure, or utility located on or under any street, but all such fires shall be under the control of a competent person, and shall, to the satisfaction of the General Manager and the Fire Chief, be made in a suitable furnace, burner or container of a portable nature protected in such a manner that no sparks or embers shall be emitted to endanger persons or adjacent property.

§ 743-12. Vegetation overhanging streets.

- A. No owner or occupier of land shall allow any part of a tree or other vegetation growing on their property to extend over, into or upon any street in a manner that obstructs fire hydrants, driver and pedestrian sight lines, or that interferes, impedes, or endangers persons and vehicles using the street.
- B. When considered necessary for the convenient and safe use of a street, the General Manager shall, after providing a minimum of 48 hours notice, trim any tree or other vegetation that extends into the street from the adjoining property, pursuant to Article VIII.

- C. Where such tree or vegetation interferes with a traffic control signal, STOP or YIELD sign, the General Manager is not required to provide notice to the adjoining owner or occupier of the land before removing any portion of the tree or other vegetation that extends into the street from the adjoining property, provided that the City shall be financially responsible for the costs associated with this work.

§ 743-13. Water on streets from buildings or structures.

- A. No person shall, without approval from the General Manager, permit or cause water from any land, building or structure located on land abutting a street to drain or discharge across any street in a manner that, in the General Manager's opinion, creates a hazard or nuisance to the public.
- B. Where any person causes or permits water to drain or discharge from any land, building or structure contrary to § 743-13A, the General Manager shall notify the owner or occupant of the property advising them of the contravention of § 743-13A, and require them to do any work that is necessary to prevent water from draining or discharging across the street, such work to be completed within 24 hours.
- C. Where a notice given under § 743-13B has not been complied with, the General Manager may perform the required work pursuant to Article VIII.
- D. No person operating a public garage, parking station, parking lot, used car lot or automobile service station shall, without authorization from the General Manager, permit or allow water used for the washing or cleaning of motor vehicles on the premises to drain or discharge upon, over, or across a street.

§ 743-14. Canopies and awnings.

- A. No person shall, without authorization from the General Manager and the Chief Building Official, install a canopy or awning on or over a street.
- B. Every person who proposes to install a canopy or awning on or over a street shall submit an application that includes the following information:
- (1) Name, address and telephone number of the applicant;
 - (2) The address where the canopy or awning will be installed, and the exact location of the proposed installation;
 - (3) If requested by the General Manager and the Chief Building Official, a drawing or drawings in an appropriate metric scale showing:
 - (a) The physical dimensions, appearance, height, weight and construction of the proposed installation; and

- (b) The method and means of installing, securing, and removing the canopy or awning.
 - (4) Any additional information considered appropriate by the General Manager, Chief Building Official or the City Solicitor; and
 - (5) The applicant pays the required fee as specified by Chapter 441, Fees and Charges.
- C. Where the owner possessing or the occupant occupying the ground floor of:
 - (1) property abutting a boulevard lawfully used for industrial or commercial purposes; or
 - (2) a residential building containing more than ten dwelling units on property abutting a boulevard,

has entered into an agreement with the City on the terms and conditions described in § 743-14D, the owner or occupant may use any portion of the boulevard adjoining the property that extends to a point located 0.50 metres from the edge of the sidewalk closest to the street line and parallel with the sidewalk, for the purpose of installing, constructing and maintaining a canopy or awning in compliance with the agreement.
- D. The agreement shall specify the following terms and conditions:
 - (1) If approved by the General Manager and the Chief Building Official, the owner or occupant shall install the canopy or awning to the satisfaction of the General Manager and the Chief Building Official;
 - (2) Unless authorized by the General Manager and the Chief Building Official, canopies and awnings shall not be physically attached to the surface of a street;
 - (3) No part of the framework of the canopy or awning, with the exception of the supporting poles or guy-wires, shall be less than 2.5 metres above-grade, and provided that no portion of a curtain shall be situated less than two metres above-grade;
 - (4) No part of a canopy or awning shall interfere with the healthy and vigorous growth of any street tree;
 - (5) That the canopy or awning shall be fireproof;
 - (6) That the canopy or awning shall not display any graphics other than as required to identify the business to which the canopy is attached;

- (7) The owner or occupant shall pay in advance an annual fee in the amount specified in Chapter 441, Fees and Charges;
 - (8) 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 done in connection with its use;
 - (9) The owner or occupant agrees to permit the General Manager or any public utility to enter any portion of the boulevard proposed to be used for the purpose of the installation, maintenance and repairs of pipes, cables, wires, poles and other installations;
 - (10) The owner or occupant shall maintain the canopy or awning in a state of good repair satisfactory to the General Manager, and shall immediately remove all graffiti and posters; and
 - (11) Any other conditions considered appropriate by the General Manager, Chief Building Official or the City Solicitor.
- E. The General Manager may request the removal of a canopy or awning for any reason and the owner or occupant shall, at his or her own cost and expense, remove the canopy or awning and all associated equipment from the boulevard within 30 days of receiving written notice from the General Manager requesting its removal.
- F. If the owner or occupant does not remove the canopy or awning and all associated equipment within 30 days, then the General Manager may remove the canopy or awning and all associated equipment and restore the street to a safe and proper condition pursuant to Article VIII.
- G. In the case of an emergency as described in Article VIII, the General Manager may, at the City's expense, remove the canopy or awning and all associated equipment without notice, and the General Manager is not obligated to restore the canopy and all associated equipment removed as a result of the emergency.
- H. The provisions of § 743-14A to § 743-14F shall not apply to canopies or awnings approved before the date that this by-law comes into force, provided that such installation complies with the terms and conditions of the original approval and agreement but any replacement or alteration of the canopy or awning shall be subject to the requirements of this chapter.

§ 743-15. Commercial and industrial boulevard parking.

- A. Every person who proposes to introduce industrial or commercial boulevard parking shall submit an application that includes the following information:

- (1) Name, address and telephone number of the applicant/agent and property owner;
 - (2) If the applicant is not the owner, the applicant shall provide the General Manager with a letter signed by the owner indicating that the owner does not object to installing boulevard parking adjoining their property, and that the owner recognizes that they are responsible for the cost of complying with the boulevard parking agreement in the event of default on the part of the person occupying the property;
 - (3) Detailed plans drawn in either 1:200, 1:250 or 1:500 metric scale, illustrating the design and location of the proposed boulevard parking stalls as well as all surface features surrounding the boulevard parking area, including structures, utilities, curbs, trees, driveways and landscaping;
 - (4) A detailed streetscape improvement and landscape plan provided to the satisfaction of the General Manager;
 - (5) Any additional information considered appropriate by the General Manager or the City Solicitor; and
 - (6) The applicant shall pay the required processing fee as specified by Chapter 441, Fees and Charges.
- B. The applicant shall enter into an agreement with the City that contains the following terms and conditions:
- (1) The owner or occupant shall construct and individually sign the boulevard parking stalls at their expense and to the satisfaction of the General Manager, and shall pay the annual license fee specified in Chapter 441, Fees and Charges;
 - (2) The owner or occupant shall permit the General Manager, or any public utility, to enter the portion of the street occupied by the boulevard parking stalls for the purpose of installing, maintaining, and removing or repairing pipes, cables, wires, poles and other authorized encroachments;
 - (3) The owner or occupant shall comply with the requirements of § 743-23;
 - (4) The owner or occupant shall maintain, at their expense, the boulevard parking stalls in a state of good repair, free of litter, snow, and ice;
 - (5) The owner or occupant shall not move, or permit to be moved, snow or ice from the boulevard parking stalls onto a sidewalk, bicycle trail or road;

- (6) The owner or occupant shall, upon termination of the agreement by either the City or the owner/occupant and at no expense to the City, restore the boulevard to the satisfaction of the General Manager;
 - (7) Boulevard parking stalls are for the exclusive use of the owner's or occupant's employees and customers, and shall not be leased, sold, rented or transferred;
 - (8) If considered appropriate, the General Manager may require that the applicant register on-title to the property, at no expense to the City and to the satisfaction of the City Solicitor, any commercial boulevard parking agreement required pursuant to this article;
 - (9) Boulevard parking agreements are not transferable to a new owner or occupant without the approval of the General Manager; and
 - (10) Any other conditions considered appropriate by the General Manager and the City Solicitor.
- C. Where the owner or the occupant of industrial or commercial property located adjacent to a street enters into an agreement with the City on the terms and conditions specified in § 743-15B, the owner or occupant may use a portion of the boulevard adjoining the property for the purpose of installing, constructing, and maintaining vehicle parking stalls.
- D. The General Manager shall not issue a permit to construct parking stalls within the boulevard until the owner or occupant signs an agreement with the City and pays the fees specified by Chapter 441, Fees and Charges.
- E. Boulevard parking stalls shall:
- (1) Be designed and located in compliance with any existing zoning by-laws and regulations;
 - (2) Not take individual vehicle access to a major or minor arterial road, and whenever practical, shall be located parallel to the road;
 - (3) Be designed to a minimum of 2.2 metres in width and 5.3 metres in length, or the minimum parking stall dimensions specified in any applicable zoning by-laws; and
 - (4) Be located not less than 0.90 metres from any sidewalk for a parallel parking configuration, and not less than 0.30 metres from any sidewalk for an angled or perpendicular parking configuration.
- F. Before approving an application for boulevard parking at a location that abuts a residential area, the General Manager shall provide the Ward Councillor with

30 days notice that the application has been received, and shall advise the Ward Councillor if the application complies with the requirements of this section.

- G. Notwithstanding § 743-15F, for those applications abutting residential areas the Ward Councillor may request that the General Manager conduct a poll to determine neighbourhood support for the application, such polling to comply with Chapter 190, Polling and Notification.
- H. The General Manager shall not approve any location where boulevard parking stalls will interfere with the healthy and vigorous growth of existing street trees, obstruct existing or proposed sidewalks and bicycle trails, restrict driver and pedestrian sight lines, or interfere with the safe operation of the adjoining street.
- I. Should the owner or occupant fail to comply with the terms of the agreement, then the General Manager may terminate the agreement after providing 30 days written notice, and may either physically block access to the parking stalls or restore the street and recover the costs from the owner or occupant pursuant to Article VIII.
- J. In the case of an emergency as described in Article VIII, the boulevard parking stalls may be removed without notice, and the General Manager is not obligated to restore the boulevard parking stalls removed as a result of the emergency.
- K. The provisions of § 743-15A to § 743-15J shall not apply to boulevard parking stalls approved before the date that this by-law comes into force, provided that such boulevard parking continues to comply with the terms and conditions of their original approval and agreement provided that such approval and agreement shall be considered null and void when the property is subject to an application for plan of subdivision, rezoning, official plan amendment, site plan approval, minor variance or consent.

§ 743-16. Banners.

- A. No person shall, without a permit from the General Manager, install a banner on, over, along or across a street.
- B. Any person who wishes to install a banner shall submit an application to the General Manager at least eight weeks before installing the banner.
- C. The application shall include the following information:
 - (1) Name, address and telephone number of the applicant;
 - (2) Name of any street where any banner is to be installed, and the exact location of the proposed installations;
 - (3) Dates and times for which the permit is required, and the date of removal;

- (4) Name, address and telephone number of the installation company;
 - (5) If requested by the General Manager, a drawing or drawings in an appropriate metric scale showing:
 - (a) The subject matter of the banner sign, including the text and any symbols/pictures;
 - (b) The names and identifying symbols of the sponsor(s);
 - (c) An exact description of any wire cable or brackets and other supports and fastening devices;
 - (d) The type of fabric of which the banner will be made;
 - (e) The method and means of installing, securing and removing the banner;
 - (6) Any additional information considered appropriate by the General Manager or the City Solicitor; and
 - (7) The applicant shall pay the required fees specified by Chapter 441, Fees and Charges.
- D. No permit shall be issued to install a banner until the applicant satisfies the following terms and conditions:
- (1) The applicant shall comply with the insurance and indemnity requirements of § 743-23, as well as any conditions to approval specified by any public or private utility whose existing equipment or utility poles will be used for the purpose of installing a banner;
 - (2) The applicant shall ensure that any corporate recognition on any banner does not exceed 20 per cent of the total surface area of each side of the banner;
 - (3) The applicant obtains written authorization from any public or private utility whose equipment or utility poles will be used for the purpose of installing a banner;
 - (4) The applicant shall ensure that the banner is not more than one metre wide, and does not interfere with pedestrian or vehicle traffic;
 - (5) The applicant shall install any banner only at the locations approved by the General Manager, and shall ensure that such signs do not obscure or interfere with regulatory traffic signage, pedestrian crossovers, or traffic control signals;

- (6) The applicant shall provide no electrical display of any kind that is attached to a banner;
 - (7) The applicant shall construct, install, and secure every banner according to the requirements of the General Manager;
 - (8) The applicant shall maintain any banner in a state of good repair satisfactory to the General Manager, including the immediate removal of all damaged, soiled or faded banners;
 - (9) The applicant shall remove any banner made from non-rigid material that is suspended on, across or along a street within 14 days of the installation date specified on the applicant's permit;
 - (10) The applicant shall remove any banner made of non-rigid material that is suspended from a rigid arm fixed to a pole or utility pole within 60 days of the installation date specified on the applicant's permit;
 - (11) Any banner installed in a BIA shall be removed by the applicant following expiry of the time period specified in a permit issued by the General Manager, but in no case shall any banner installed in a BIA remain in place longer than one year;
 - (12) Following removal of any banner, the applicant at their expense shall restore the street to the satisfaction of the General Manager;
 - (13) If the applicant fails to remove a banner, the General Manager may do so and the City may recover its costs pursuant to Article VIII; and
 - (14) Any other terms and conditions required by the General Manager and the City Solicitor.
- E. The applicant shall pay the permit fee specified in Chapter 441, Fees and Charges.
- F. The General Manager may request the removal of a banner for any reason at anytime, and the owner or occupant shall, at his or her own cost and expense, remove all installations from the street within 48 hours of receiving written notice from the General Manager requesting its removal.
- G. In the case of an emergency as described in Article VIII, the General Manager may, at the City's cost, remove the banner without notice, and the General Manager is not obligated to return or restore the banner removed as a result of the emergency.

§ 743-17. Temporary decorative lighting and decorations.

- A. No person shall, without a permit from the General Manager, install lighting, decorations and related equipment over, along or across any street for the purpose of temporarily decorating a street.
- B. Any person who wishes to install temporary decorative lighting or decorations shall submit an application to the General Manager at least eight weeks before the requested installation date.
- C. Every application to install temporary decorative lighting or decorations shall provide the following information:
 - (1) Name, address and telephone number of the applicant;
 - (2) Name of any street where the temporary decorative lighting or decorations will be installed, and the exact location of the proposed installation;
 - (3) Dates and times for which a permit is required, and the date of removal;
 - (4) If requested by the General Manager, a drawing or drawings in an appropriate metric scale showing:
 - (a) The design of the proposed temporary decorative lighting or decorations, including any text or symbols and pictures;
 - (b) The names and identifying symbols of any sponsors;
 - (c) An exact description of any wire cable or brackets and other supports and fastening devices;
 - (d) The method and means of installing and securing the temporary decorative lighting or decorations;
 - (e) The means by which the temporary decorative lighting or decorations will be removed;
 - (5) Any additional information considered appropriate by the General Manager or the City Solicitor; and
 - (6) The applicant shall pay the required processing fee as specified by Chapter 441, Fees and Charges.
- D. The General Manager shall not issue a permit until the applicant satisfies the following terms and conditions:

- (1) Any conditions specified by any public or private utility whose existing equipment or utility poles will be used for the purpose of installing temporary decorative lighting or decorations;
 - (2) The General Manager approves the installation and location of the proposed temporary decorative lighting or decorations;
 - (3) The applicant shall install any temporary decorative lighting or decorations only at the locations approved by the General Manager, and shall ensure that such lighting does not obscure or interfere with regulatory traffic signage, pedestrian crossovers, or traffic control signals;
 - (4) The applicant shall comply with the insurance and indemnity requirements of § 743-23;
 - (5) The applicant pays the permit fee as specified in Chapter 441, Fees and Charges; and
 - (6) Any other conditions considered appropriate by the General Manager or the City Solicitor.
- E. Temporary decorative lighting, decorations and related equipment shall be removed at no cost to the City by the date specified in the permit.
- F. The General Manager may request the removal of the temporary decorative lighting or decorations for any reason at any time, and the owner or occupant shall, at his or her own cost and expense, remove all installations from the boulevard within 30 days of receiving written notice from the General Manager requesting its removal.
- G. If it is necessary for the General Manager to remove the temporary decorative lighting or decorations, then the City may recover its costs to remove the lighting and restore the street pursuant to Article VIII.
- H. In the case of an emergency as described in Article VIII, the General Manager may, at the City's cost, remove the temporary decorative lighting and decorations without notice, and the General Manager is not obligated to return or restore the decorative street lighting or decorations removed as a result of the emergency.

§ 743-18. Temporary street occupations.

- A. Every person who wishes to temporarily occupy a street for purposes that do not involve either street work, or a street event as described in Article II, shall submit an application to the General Manager requesting permission to temporarily occupy a street, and this request shall be made on the prescribed form and shall include the following information:
- (1) The applicant's name, address, and telephone number;

- (2) The date and time period for which the permit is requested;
 - (3) Plans of the proposed temporary street occupation illustrating the geographic limits of the area and the reason for the temporary street occupation, including if required the transportation of excess loads and oversize vehicles, and such plans shall include any technical specifications required by the General Manager; and
 - (4) Any additional information that the General Manager or the City Solicitor may require.
- B. A permit may be issued under this section when it is required on behalf of an owner of lands abutting on the street, or portion thereof that will be occupied temporarily by equipment or material that has been used, or that is intended to be used, for constructing, repairing, or demolishing a building or structure situated on the lands, or that will be otherwise temporarily occupied in connection with the applicant's use of the lands.
- C. A permit issued under this Section shall not authorize the temporary occupation of any portion of the street beyond the limits of the subject property's frontage on the street, unless the adjoining property owner consents, in writing, to the General Manager issuing a permit for the temporary occupation of the street adjoining their property, and the adjoining property owner waives all claims against the City for any losses and damages that may arise or result directly or indirectly from this temporary occupation.
- D. Every person requesting a permit for a temporary street occupation shall comply with the requirements of § 743-20, § 743-23, § 743-24 to § 743-27, § 743-28 and § 743-29 of Article III.
- E. The General Manager may, at the expense of the person named on the permit, restore any portion of a street pursuant to Article VIII where, in the General Manager's opinion, a temporary street occupation has occurred that does not comply with the General Manager's requirements.
- F. A temporary street occupation undertaken for the purpose of constructing, installing and maintaining encroachments shall comply with the requirements of Article IV of this chapter.

§ 743-19. Memorials in streets.

- A. With the exception of street trees, no person shall install a permanent memorial on any street.

- B. No person shall install a temporary memorial:
- (1) On any street that is designated as an expressway in the City's road classification system, as amended from time to time;
 - (2) On any access ramp to or from an expressway;
 - (3) On medians, divisional or channelizing islands; or
 - (4) On any bridge, overpass, street tree, fence, utility pole or traffic control device.
- C. No person shall install a temporary memorial without receiving prior approval for the installation from the General Manager, and each installation shall comply with the following requirements:
- (1) The temporary memorial shall commemorate a fatal traffic crash or other tragic event that occurred at an identified location within the past 30 days, and the memorial shall be located as close as practical to the site;
 - (2) The temporary memorial:
 - (a) Shall be located within the boulevard, and shall be situated at least 0.60 metres from the travelled portion of the adjoining road;
 - (b) Shall conform to the size and weight limitations of the City's solid waste by-laws;
 - (c) Shall be self-supporting and shall not use wooden or metal stakes, metal struts or any other structural or supporting element that requires penetration into the surface of a street;
 - (d) Shall maintain a minimum unobstructed sidewalk width of 1.5 metres;
 - (e) Shall not extend past the street line without written permission from the adjoining property owner;
 - (f) Shall not obstruct ditches, culverts, bridges, or any other infrastructure requiring maintenance access, or make use of flares, candles, fire or flames;
 - (g) Shall maintain a minimum unobstructed clearance of one metre around fire hydrants;
 - (h) Shall be placed so that objects comprising the memorial do not, in the opinion of the General Manager, present a hazard to vehicle or

pedestrian traffic, interfere with sight distances or traffic control devices;

- (i) Shall be located behind the guardrail, if a guardrail is present, but may be mounted to a guardrail post using lightweight string, wire or tape that can be removed easily if placing the temporary memorial behind the guardrail is not practical;
 - (j) Shall be removed following expiry of 30 consecutive days from the installation date;
 - (k) Will be removed without further notice and disposed of pursuant to Article VIII if the General Manager has, without success following expiry of the 30 day period, used all reasonable efforts to contact either the family of the deceased or the person who installed the temporary memorial to request its removal; and
 - (l) Will be removed immediately, without notice and disposed of pursuant to Article VIII, if the temporary memorial does not comply with the requirements of this Section, is a hazard to public safety, interferes with street maintenance or access to public and private utilities, or is the subject of complaints from neighbouring properties.
- (3) The City is not financially responsible for any temporary memorial that is lost, stolen or vandalised while installed in a street.

E. By inserting the following as Article III – Street Work, as follows:

**ARTICLE III
Street Work**

§ 743-20. Municipal consent required before performing street work.

- A. No person shall commence or undertake any street work or temporary street occupation unless the person:
- (1) Obtains all consent and permits as required by the General Manager or City Council;
 - (2) Pays all fees as required by Chapter 441, Fees and Charges;
 - (3) Submits financial securities and provides evidence of insurance, as required by and to the satisfaction of the General Manager;
 - (4) Enters into and remains in compliance with an agreement where required by the General Manager or City Council on terms and conditions satisfactory to the General Manager and the City Solicitor; and

- (5) Complies with the terms and conditions of all consents and permits.

§ 743-21. Street work that does not require municipal consent.

- A. The provisions of this Chapter requiring municipal consent for street work shall not apply to street work undertaken by the General Manager to maintain, repair, restore or construct City streets, or to street work in the boulevard section of a street that is required to allow owners and occupiers of land adjoining a street to plant and maintain soft landscaping.

§ 743-22. Requesting permission for street work.

- A. Every person requesting permission to perform street work shall provide all of the information required for a permit, shall pay the applicable fees at the time that the application is made and as set out in Chapter 441, Fees and Charges, or in any agreement with the City.
- B. Before issuing a permit under this Section, and where, in the General Manager's opinion, a separate agreement with an applicant may be required that specifies additional terms and conditions, the General Manager shall prepare a report to City Council or a Standing Committee of Council requesting authority to enter into the agreement, and in the event of conflict between this chapter and an agreement, the agreement provisions will govern.
- C. Every person who obtains a permit to perform street work shall comply with the terms and conditions of that permit, including, without limitation, terms and conditions restricting work to the alignments, location or other portion of the street for which authorization is granted in the permit.
- D. The General Manager may cancel any permit issued under the provisions of this Article at anytime without notice where, in the opinion of the General Manager, the permit holder has violated the terms and conditions of the permit, and the General Manager shall not return any fees collected as a result of issuing the permit.
- E. The General Manager may cancel any permit issued under the provisions of this Article at anytime without notice where, in the opinion of the General Manager, the applicant used false or misleading information in their request for street work, and the General Manager shall not return any fees collected as a result of issuing the permit.
- F. Every person who intends to perform street work shall submit an application to the General Manager requesting permission for street work, and the applications shall be made on the prescribed form and shall include the following information:
- (1) The applicant's name, address, and telephone number;

- (2) The date and time period for which the permit is requested;
 - (3) The purpose for which the permit is requested;
 - (4) Plans of the proposed street work, drawn to an appropriate metric scale, showing the locations and depth of existing or proposed street work, summarizing the extent of the work and specifying the streets where the street work will occur;
 - (5) The technical specifications of any proposed work, equipment or encroachment;
 - (6) The General Manager may require that the applicant provide appropriate locate information for the private utilities, services, or facilities located close to the proposed street work, including:
 - (a) Private utilities, services, or facilities located within the street that are presently used, or proposed to be used, to install the requested equipment, including any poles, towers, pipes, ducts and conduits or equipment that may be affected by the work;
 - (b) Details of the location and depth of any private utilities, services, or facilities located within a street that are presently used or proposed to be used for the installation of the street work including any poles, towers, pipes, ducts and conduits, or that may be affected by the street work;
 - (c) The written consent and agreement, where applicable, of the person owning the private utility, service or facility that may be affected or used by the applicant in performing the street work; and
 - (7) Any other information that the General Manager or the City Solicitor considers appropriate.
- G. A permit issued under this Section shall not authorize street work beyond the limits of the subject property's street frontage unless the applicant provides written notice to the adjoining property owners advising them of the dates and times when the street work will occur.
- H. With respect to a full stream application for installing equipment:
- (1) Before the General Manager issues a permit to install equipment, the applicant shall certify to the General Manager and the Executive Director of the Technical Services Division and his or her designate or successors, that it has explored all other options for installing its proposed equipment that will avoid excavating in a street, including but not limited to, using the existing facilities of private parties or, in the case of telecommunications equipment, using the decommissioned high pressure

water main system in the downtown core area of the former City of Toronto;

- (2) Before submitting an application for a street work permit to the General Manager, the applicant shall circulate their application to the members of the Toronto Public Utilities Coordinating Committee for the purpose of receiving comments and determining if a joint installation with another person is feasible;
 - (3) In addition to the requirements specified in § 743-22A, the applicant shall provide the General Manager and the Executive Director of the Technical Services Division and his or her designate or successors, with the results of the circulation to Toronto Public Utilities Coordinating Committee members and any other agency, commission or person that may be impacted by the street work; and
 - (4) The applicant shall provide any other information that the General Manager, Executive Director of the Technical Services Division and his or her designate or successors, or the City Solicitor consider appropriate.
- I. In the case of emergency work that must occur before a permit can be obtained, the person who or on whose behalf the emergency work is done shall report the emergency work to the General Manager within 24 hours of commencing it, and shall apply for an appropriate permit as provided for in this Article, and in any case such emergency work shall, in all other respects, be subject to the conditions described in this Article.
 - J. The General Manager may, at the expense of the person named on the permit, restore any portion of a street pursuant to Article VIII where, in the General Manager's opinion, street work has occurred that does not comply with the General Manager's requirements.
 - K. Street work undertaken for the purpose of constructing, installing and maintaining encroachments shall also comply with the requirements of Article IV of this chapter.

§ 743-23. Insurance and liability.

- A. Every person who performs street work, maintains encroachments or temporarily occupies a street shall provide and maintain public liability and property damage insurance with an insurer satisfactory to the General Manager in an amount and form acceptable to the General Manager and the Chief Financial Officer, and shall, if required by the General Manager and the Chief Financial Officer, file a certificate of insurance with the application evidencing the form and amount of coverage, a cross-liability/severability of interest clause, a provision that the insurance is primary before the insurance of the City, and that the insurer shall provide the City with 30 days notice of any intent to cancel or not renew the policy.
- B. Before issuing any permit to commence street work or to temporarily occupy a street, the applicant shall agree to assume full liability for any action, cost, claim, loss, expense (including legal fees), injury or damage arising from the street work or temporary street occupation, and the existence of any equipment or encroachment, and shall indemnify and save the City harmless as set out in the terms and conditions contained in Appendix A of this chapter.

§ 743-24. Financial securities.

Subject to any agreement made pursuant to this chapter, and excluding municipal road damage deposits collected pursuant to § 743-4, or any financial security collected pursuant to an agreement with the City as described in § 743-20A(4):

- A. To secure the proper performance by the applicant of the street work or temporary street occupation authorized by the permit and the proper compliance by the permit holder with the conditions of permit approval, including restoring the street to a condition that is satisfactory to the General Manager, every applicant for a permit involving street work or temporary street occupation shall provide financial security in an amount acceptable to the General Manager.
- B. The payment of securities under this Section is not required where financial security for street work or temporary street occupation has already been secured as part of a development application as defined in this chapter, or other similar agreement with the City.
- C. The General Manager will refund any financial security after completion of the street work or temporary street occupation to which it pertains, subject to the following conditions:
 - (1) The applicant who paid the financial security, or his or her authorized agent, shall make an application in writing to the General Manager requesting the refund, and where the application for the refund is made by the applicant's authorized agent, the authorized agent shall provide a letter signed by the applicant authorizing the refund to the authorized agent;

- (2) The application, in writing, requesting refund of the financial security shall be submitted to the General Manager within the earlier of:
 - (a) Thirty days after completing the street work or temporary street occupation; or
 - (b) Two years from the date that the security was paid, whichever is earlier.
 - (3) The sum refunded will be equal to the financial security less the payment of fees and any costs incurred by the City for the permanent restoration and any additional required repairs;
 - (4) Where the amount payable to the City exceeds the amount of the financial security, the applicant shall pay the costs owing to the General Manager within 90 days of notification from the General Manager; and
 - (5) If the applicant declines or fails to pay the costs owing within 90 days of notification from the General Manager, the General Manager is authorized to recover the costs owing by adding them to the tax roll and collecting them in the same manner as taxes.
- D. The General Manager will refund any financial security held as a condition to a development application as defined in this chapter, or other similar agreement with the City, subject to the following conditions:
- (1) The applicant who paid the financial security, or his or her authorized agent, shall make an application in writing to the General Manager requesting the refund, and where the application for the refund is made by the applicant's authorized agent, the authorized agent shall provide a letter signed by the applicant authorizing the refund to the authorized agent;
 - (2) For street work limited to the boulevard only, one hundred per cent of the financial security shall be refunded following expiry of a one year warranty period, this warranty period to commence following the General Manager's acceptance of the street work;
 - (3) For street work in both the road and boulevard, eighty per cent of the financial security shall be refunded following the General Manager's acceptance of the completed street work, with the remaining security refunded following a two year warranty period during which the applicant shall be financially responsible for correcting, to the satisfaction of the General Manager, any defect in construction or restoration;
 - (4) Where the applicant does not correct any defect in construction or restoration within the warranty period or according to the terms and conditions described in a development agreement as defined by this chapter or other similar agreement with the City, or where the cost of these

repairs exceeds the amount of the financial security, the General Manager may complete the work and the applicant shall pay any costs owing to the General Manager within 90 days of receiving notice from the General Manager; and

- (5) If the applicant declines or fails to pay the costs owing within 90 days of notification from the General Manager, the General Manager is authorized to recover the costs owing by adding them to the tax roll and collecting them in the same manner as taxes.
- E. If completing the street work takes longer than two years from the date that the security was paid, the applicant may request extensions, and each extension shall not exceed a maximum of two years.
- F. Financial security held under this Article will be forfeit to the City of Toronto where an application to return the financial security is not submitted to the General Manager within two years from the date on which the financial security was originally paid, and in the case of where an extension is granted pursuant to § 743-24E, on or before expiry of the extension period.
- G. Any financial security that is forfeit to the City shall be placed in a Transportation Services Division account related to street maintenance and reconstruction.
- H. The City will not pay interest on any monies held as security or deposit.

§ 743-25. Application dates.

An application shall be submitted in writing to the General Manager prior to the date for which the permit is requested, as follows:

- A. For temporary street occupation for purposes not involving excavation or occupation for social, recreational, community or athletic purposes, and requests for transporting excess loads, a minimum of four working days;
- B. For short stream applications, a minimum of seven working days;
- C. For full stream applications, a minimum of 20 working days; and
- D. For all other applications, a minimum of eight weeks.

§ 743-26. Issuing permits.

- A. Once the information as required under this Article has been provided to the satisfaction of the General Manager, including the payment of all applicable fees, the General Manager shall issue the requested permit specifying the portion of the street and time period when the street work or temporary street occupation will occur, subject to such terms and conditions as the General Manager and the City Solicitor considers appropriate.

- B. Unless specified otherwise under the provisions of this chapter or otherwise inconsistent with a prior agreement between the applicant and the City pertaining to the street work, the terms and conditions contained in Appendix A to this chapter shall apply to every permit.
- C. The permit may provide that the street work and temporary street occupation shall be for a portion of the day only and only for the time period that the permit is in force.
- D. The permit shall become void if the street work or temporary street occupation authorized by the permit is not commenced within six months of the date of issue or within the specified time period requested by the applicant.
- E. The General Manager may, upon written request by the applicant, renew the permit for up to one additional six month period provided that the applicant requests this extension, in writing, within the initial six month period.
- F. The General Manager shall, as a condition to issuing a permit and in addition to any other required fees, require that any person who performs street work for the purpose of installing, maintaining, repairing or replacing underground equipment, services or structures, satisfy the utility cut permit conditions specified by § 743-6.
- G. The General Manager may issue permits for the use of a street by a vehicle, or combination of vehicles, that exceed the dimensional or weight limits set out in the *Highway Traffic Act*.

§ 743-27. Refusing applications.

The General Manager shall provide an applicant whose application is refused with the reason, in writing, for refusing it. The General Manager may refuse an application for a permit for street work or temporary street occupation where:

- A. The application is incomplete or has been submitted using false or misleading information;
- B. The applicant has not paid the required fees and securities;
- C. There has been non-payment of fees or other monies by the applicant to the City under a permit or agreement previously issued to the applicant under this Article;
- D. There has been violations of any condition of a permit or agreement previously issued to the applicant, or any provisions of this Article applicable to a previously issued permit or agreement, including the provision of location certificates as required by § 743-5;
- E. The applicant has not obtained consent from the City as required by § 743-20;

§ 743-28. Moratoriums.

- A. No street work shall be allowed:
- (1) Within three years from the date of:
 - (a) Maintenance or repair work undertaken on roads, curbs, sidewalks and boulevards; and
 - (b) Construction, reconstruction, maintenance, or repair of embankments, handrails of bridges and culverts.
 - (2) Within five years from the date of:
 - (a) Construction or reconstruction of roads, curbs, sidewalks and boulevards;
 - (b) Full resurfacing of roads including base repairs;
 - (c) Construction, reconstruction, maintenance or repair of abutment walls, piers, unwaterproofed bridge approaches, slope protection on bridges; and
 - (d) Construction, reconstruction, maintenance, or repair of culverts.
 - (3) Within ten years from the date of:
 - (a) Construction, reconstruction, maintenance or repair of bridge decks, sidewalks, parapet walls, asphalt wearing surface, deck waterproofing, superstructure, bearings, expansion joints, ballast walls and foundations of bridges; and
 - (b) Construction, reconstruction, maintenance, or repair of decks, parapet walls, superstructure, bearings, expansion joints, ballast walls, and foundations of any bridge located on, over, along, or across a railway.
- B. These moratoriums do not apply to:
- (1) Emergency street work;
 - (2) Street work authorized by the General Manager;
 - (3) Street work in the soft landscaped portion of a boulevard; and
 - (4) Street work specified in a development application as defined in § 743-1A of this chapter.

- C. Before the City undertakes reconstruction or overlay improvements to a street, members of the Toronto Public Utilities Coordinating Committee shall:
- (1) Examine their equipment in the affected location;
 - (2) Survey adjacent residents and businesses to determine the need for new or replacement services;
 - (3) Coordinate such installation, repairs, or improvements with the General Manager before the reconstruction or overlay occurs; and
 - (4) Give notice to all known adjacent residents and businesses.
- D. Where a permit is issued under any of the circumstances specified in § 743-28B, the applicant shall be responsible for any special provisions, the cost of restoring the street as determined by the General Manager, and paying the applicable fees as specified in Chapter 441, Fees and Charges.

§ 743-29. Commencing and conducting street work and temporary street occupations.

- A. No person shall perform street work without first confirming the location of public and private utilities, services, equipment, or facilities located in the street where the street work will occur.
- B. Every person who obtains a permit shall notify the General Manager, and any BIA situated within the area where the street work or temporary street occupation will occur, at least 48 hours before starting any street work or temporary street occupation, and shall comply with any further public notice requirements that the General Manager may specify.
- C. A copy of the permit and the approved plan(s) describing the measures that will be used to provide for the safe movement of vehicles and pedestrians shall be kept at the location of the street work or temporary street occupation during the times and dates that the permit is in effect and the permit must be shown when requested by any employee of the City of Toronto or any officer of the Toronto Police Service.
- D. When the street work or temporary street occupation will exceed 24 hours in duration, and where such activity will affect access to a property, then the permit holder shall deliver a notice to affected residents and businesses, in a form as determined by the General Manager, at least three working days before starting the street work or temporary street occupation advising them of the nature, location, expected duration and phone number of the permit holder.
- E. When street work or a temporary street occupation will continue for more than 24 hours and will obstruct a portion of the street, including a sidewalk or bicycle trail, or will close a portion of an arterial or collector road during any peak

operating period as determined by the General Manager, then the permit holder shall install traffic control and advisory signage at all approaches to the site that comply with the specifications required by the General Manager.

- F. To warn the public of any obstruction in a street and to maintain pedestrian and vehicle safety, every permit holder shall provide and maintain, to the satisfaction of the General Manager and the Toronto Police Service, signage stating the permit holder's name, twenty-four hour contact phone number and the name of the person who is working on their behalf.
- G. Every permit holder shall, to the satisfaction of the General Manager, provide adequate lighting at the work site, keep the work site clean and safe, and all signage, construction site fencing, barricades, hoarding or covered pedestrian walkways shall be painted, maintained in a state of good repair, and kept free of litter, mud, snow, dust, graffiti, unauthorized signage and posters.
- H. No permit shall authorize or is deemed to authorize the placing of any materials or doing of anything that will obstruct the free passage of water in ditches, drains, gutters, culverts or watercourses on any street.
- I. The permit holder shall ensure that:
 - (1) All excavated material is removed from the site or stockpiled and secured against wind at designated areas within the site;
 - (2) All construction materials shall be stored on-site in such a manner that sight restrictions for drivers and pedestrians are eliminated and obstruction to the public is minimized;
 - (3) Best efforts are used to ensure that dust and dirt generated by work occurring on-site is contained within the site; and
 - (4) No private vehicles not actively engaged in the work or temporary street occupation shall be parked or stored on-site.
- J. All temporary repairs to the street shall be made by the permit holder at no expense to the City and according to the specifications and standards required by the General Manager.
- K. All permanent repairs shall be done by the Transportation Services Division at the permit holder's expense, unless otherwise agreed to by the General Manager.
- L. The street work or temporary street occupation shall not continue for a longer period of time and shall not occupy or otherwise disrupt or result in the excavation or occupation of any larger portion of the street than is absolutely necessary in the opinion of the General Manager, having due regard to both the nature of the street work that the permit holder undertakes and the convenience of the public.

§ 743-30. Completing street work or temporary street occupations.

- A. Immediately after completing any street work, temporary street occupation, or following cancellation of a permit, the applicant or permit holder shall at its expense and without further notice from the General Manager, remove from the street all signage, construction site fencing, barricade, hoarding, covered pedestrian walkway, machinery or material associated with these activities, and shall clean the site, remove any debris, and restore the street to its original condition as it existed before the work started.
- B. If the applicant or permit holder fails to repair or restore the street, or, if appropriate, commence a diligent and continuous course of action to complete the restoration to the satisfaction of the General Manager within 48 hours of being notified by the City, then the applicant or permit holder shall be liable to the penalties provided by this chapter.
- C. The City may, at the expense of the applicant or permit holder, effect such cleanup, repairs, restoration, or removal of materials, and shall charge all costs associated with this work to the applicant or permit holder, and any expenses incurred by the City may be recovered pursuant to Article VIII.
- D. The permit holder shall notify the General Manager within seven days of completing temporary repairs to an excavation, in a form satisfactory to the General Manager, and unless otherwise agreed to, the General Manager shall make arrangements to permanently restore the street and shall charge all costs to the applicant, public or private utility pursuant to Article VIII.
- F. By inserting the following as Article IV – Encroachments in Streets:

ARTICLE IV
Encroachments in Streets

§ 743-31. Permitted encroachments.

- A. Owners and occupiers of land adjoining the street are permitted under this Article to maintain encroachments on a boulevard that consist of soft landscaping, precast concrete curb stones and driveway curbs, stairs, walkways less than 1.5 metres wide, fences and retaining walls measuring less than 0.90 metres in height above the traveled surface of the adjoining road, provided that the General Manager is satisfied that the encroachment conforms to the following criteria:
 - (1) It does not obstruct pedestrian and vehicle sight lines;
 - (2) It does not obstruct driveways, impede or pose a hazard or potential hazard to pedestrian or vehicle traffic;
 - (3) It does not interfere with the City's ability to maintain the street in a state of good repair or to keep it free of litter, snow and ice;

- (4) It does not interfere with traffic control devices or the existing and future location and maintenance of sidewalks, bicycle trails or utilities;
 - (5) It does not extend into the boulevard area fronting any neighbouring property when the common lot line is projected perpendicular to the road; and
 - (6) Any other criteria considered appropriate by the General Manager.
- B. Owners and occupiers of land to which the encroachments described in § 743-31A are appurtenant shall not be required to pay any permit or encroachment fee, but shall, at their expense, pursuant to Article V and to the satisfaction of the General Manager, maintain vegetation in a healthy and vigorous state of growth and maintain fences, retaining walls, stairs, walkways, concrete curb stones and driveway curbs in a state of good repair.
- C. A property owner or the occupier of land adjoining a boulevard may add soft landscaping in a boulevard provided that such landscaping complies with the requirements of Article V.
- D. No person shall install a permitted encroachment without first obtaining appropriate locate information for the public and private utilities, services, equipment or facilities situated in the street where the encroachment will be installed.
- E. Unless otherwise specified in this chapter, no encroachments other than soft landscaping are permitted:
 - (1) Within 0.50 metres of the curb line of any road with a speed limit of 60 kilometres per hour or less;
 - (2) Within 0.50 metres of the edge of sidewalk located closest to the street line;
 - (3) Within three metres of the traveled portion of any road without curbs that has a posted speed limit of 60 kilometres per hour or less; and
 - (4) Within nine metres of the traveled portion of any road without curbs that has a posted speed limit greater than 60 kilometres per hour.
- F. All encroachments not specifically permitted under Article II, III or IV of Chapter 693, Signs, Chapter 694, Signs, General, Chapter 918, Parking on Residential Front Yards and Boulevards, or § 743-3, § 743-7, § 743-14, § 743-15, § 743-16, § 743-17, § 743-18, § 743-19, § 743-31A and § 743-32A of this chapter, are prohibited except under an agreement with the City or as described in this Article.

- G. The City is not responsible for repairing or replacing any encroachment damaged as a result of clearing and removing litter, graffiti, posters, snow or ice, or as a result of street repairs or reconstruction, and the General Manager may remove or modify, at the property owner's expense, any encroachment situated within a street pursuant to Article V and Article VIII.

§ 743-32. Permitted encroachments in BIA areas.

- A. Street furniture, planter boxes, identification signage, historical markers, public art, landscaping, and permanent decorative lighting and decorations that are installed by, or on behalf of, a BIA shall be permitted by the General Manager provided that consent to construct and install the encroachments is obtained pursuant to Article III and that the encroachments comply with the requirements of the General Manager and this chapter.
- B. The BIA shall not be required to pay any permit or encroachment fee for the permitted encroachments specified in §743-32A, but shall maintain these encroachments, at no cost to the City, in a state of good repair, free of graffiti, posters, litter, snow, and ice, and in the case of vegetation, in a state of healthy and vigorous growth.
- C. The City is not financially responsible for repairing or replacing any encroachment in a BIA area, including encroachments that are damaged as a result of clearing and removing litter, graffiti, posters, snow or ice, or as a result of street repairs or reconstruction, and the City may remove or modify, at the BIA's expense, any encroachment situated within a street pursuant to Article V and Article VIII.

§ 743-33. Delegated authority for approving encroachments.

- A. The General Manager is hereby authorized to issue permits and enter into agreements allowing encroachments upon, along, across, under or in a street or any portion thereof, for the purposes of:
- (1) Installing public art;
 - (2) Installing fences, ornamental walls and retaining walls higher than 0.90 metres above the traveled surface of the adjoining road;
 - (3) Installing railings, bollards, building projections, air conditioning units, arbours and pergolas, piling and shoring;
 - (4) Planting trees and installing street furniture including, but not limited to, benches, bicycle stands and planter boxes;
 - (5) Installing electronic equipment and associated signage for the purpose of counting vehicles and pedestrians in BIA areas; and

- (6) Installing fountains, ornaments, statues, weigh scales, areaways, conduit, fuel tanks, snow melting systems, vegetation sprinkler systems, and vents providing access to public transit systems.

§ 743-34. Conditions to authorizing encroachments.

- A. Permission from the General Manager authorizing an encroachment pursuant to § 743-33 is subject to the provisions of § 743-34B, Article IV, the payment of fees as specified in Chapter 441, Fees and Charges, and this section, including the following conditions:
 - (1) When refacing walls encroaching in streets:
 - (a) The owner or occupant shall submit a plan, certified by an Ontario Land Surveyor, illustrating the location of the building, the extent of the encroachments and the limits of the property on which the building is situate, including the streets adjoining the property; and
 - (b) The owner or occupant shall, if required, obtain a building permit for the refacing of the building.
 - (2) When installing fences/ornamental and retaining walls higher than 0.90 metres above the traveled surface of the adjoining road, railings, bollards, arbours and pergolas:
 - (a) A fence located within a street can be built to a maximum height of 1.20 metres for that portion of the fence fronting the property, and 1.80 metres for any fence located in the flankage of the property, provided that to ensure unobstructed driver and pedestrian sight lines:
 - [1] No solid screen fence, privacy fence, railing, bollard, arbour, pergola, ornamental or retaining wall located within 70 metres of the intersection of any two or more streets shall exceed a height of one metre, with the height measured from the surface of the intersecting road; and
 - [2] No solid screen fence, privacy fence, railing, bollard, arbour, pergola, ornamental or retaining wall located within three metres of a driveway that is adjacent a sidewalk, or the travelled surface of any road without curbs, shall exceed a height of one metre, measured from the grade of the adjoining driveway.
 - (b) The footings for the fence, railing, bollard, arbour, pergola, ornamental or retaining wall that are located within the street shall not exceed a depth of 1.20 metres measured from the surface of the adjoining boulevard;

- (3) When installing doors, bay windows, air conditioning units, exhaust ducts, verandas and cornices:
- (a) To provide for the safe passage of pedestrians, a minimum of 2.50 metres of clear sidewalk or boulevard width shall be available adjacent the proposed installation;
 - (b) In the case of doors and bay windows, applications shall be considered for existing buildings only where the existing building constraints preclude confining the doors or bay windows to private property;
 - (c) In the case of air conditioning units or exhaust ducts, the proposed installation shall comply with municipal noise regulations and provide a minimum vertical clearance of 2.50 metres; and
 - (d) in the case of cornices, a vertical clearance of not less than three metres to the underside of the cornice must be provided.
- (4) When constructing verandas, balconies, building entrances, porches, access ramps for persons with physical disabilities and fire escapes, or any other means of pedestrian entrance to a building:
- (a) Footings within the street shall not have a depth greater than 1.20 metres measured from the surface of the adjoining boulevard, and shall not include the use of reinforcing steel or wire mesh; and
 - (b) Fire escapes shall comply with any applicable zoning by-law and the Ontario Building Code, and shall maintain a minimum vertical clearance of at least 4.5 metres measured from the traveled surface of the adjoining road.
- (5) When installing snow melting and vegetation sprinkler systems:
- (a) Sprinkler systems shall be oriented to direct water away from a road or sidewalk and shall be installed at a depth less than 0.60 metres below the surface of the boulevard;
 - (b) No snow melting system shall be permitted beneath a sidewalk; and
 - (c) The water service to all vegetation sprinkler systems shall be shut off annually no later than November 1st and shall remain shut off until April 1st of the following year.
- (6) When planting trees and installing street furniture including, but not limited to, benches, planter boxes or bicycle stands:

- (a) No advertising is allowed on any street furniture, planter box or bicycle stand, with the exception of the donor names on park benches, or as authorized by Council;
 - (b) The dimensions of each article of street furniture, planter box, tree or bicycle stand shall comply with the requirements of the General Manager;
 - (c) Trees shall be of a species approved by the City's General Manager of Parks, Forestry and Recreation Services, and the property owner shall agree to maintain the trees in a healthy and vigorous state of growth for a two year period, at which time the City will assume ownership and responsibility for the trees; and
 - (d) The provisions of § 743-34A(6) shall not apply to street furniture installed or street trees planted by the City or in an agreement with the City.
- (7) When installing ornaments, permanent decorative lighting, decorations and public art statues, memorials and monuments:
- (a) Footings proposed to be constructed within the street shall not exceed a depth of 1.20 metres measured from the surface of the adjoining boulevard; and
 - (b) Bollards with attached decorative lighting shall not exceed a height of one metre, measured from the curb lane of the adjoining road.
- (8) When installing areaways:
- (a) The areaway shall be located a minimum of 1.20 metres below the surface of the road or boulevard and shall not conflict with any existing utilities or structures, but where such a conflict is identified, all required mitigation measures shall be undertaken by the permit holder at no cost to the City; and
 - (b) The areaway must be designed and constructed to the satisfaction of the General Manager.
- B. Before approving the encroachment, the General Manager shall be satisfied that it conforms with the criteria specified in § 743-31A(1) to § 743-31A(6), and § 743-31E.
- C. No encroachment approved under the authority of the General Manager shall be used for the purpose of habitation.

- D. No permit shall be issued under this article until the applicant enters into an encroachment agreement with the City in a form and content satisfactory to the General Manager and the City Solicitor, and including the following conditions:
- (1) The applicant shall construct the encroachment to the satisfaction of the General Manager and shall maintain the encroachment in a state of good repair, at no expense to the City;
 - (2) The City shall not be responsible for repairing or replacing any encroachment damaged as a result of clearing or removing litter, graffiti, posters, snow or ice, or as a result of street repairs or reconstruction;
 - (3) The applicant shall comply with the insurance and indemnity requirements of § 743-23;
 - (4) The City shall maintain the right to place pipes, cables, wires, poles and other infrastructure within the encroachment;
 - (5) The applicant shall, if required by the General Manager, remove the encroachment and restore the street pursuant to Article VIII;
 - (6) The applicant shall pay the fees specified in Chapter 441, Fees and Charges;
 - (7) The applicant shall pay all costs associated with preparing the agreement; and
 - (8) Any other conditions considered appropriate by the General Manager or the City Solicitor.
- E. Before starting construction on any encroachment described in § 743-31, § 743-32, § 743-33 and § 743-34, the applicant shall obtain municipal consent pursuant to Article III.
- F. If considered appropriate, the City may require that the property owner register on-title to the property, at the expense of the applicant and to the satisfaction of the City Solicitor, any encroachment agreement required pursuant to this article.

§ 743-35. Grandparenting.

- A. The provisions of Article IV do not apply to encroachments approved before the date that this by-law comes into force, provided that such encroachments shall continue to comply with the terms and conditions of their original approvals and agreements, and that such approvals and agreements shall be considered null and void when the property is subject to an application for plan of subdivision, rezoning, official plan amendment, site plan approval, minor variance or consent.

G. By inserting the following as Article V – Maintaining Boulevards:

ARTICLE V
Maintaining Boulevards

§ 743-36. Property owner responsibilities.

The owner or occupier of land adjoining the street shall maintain the boulevard at their expense, as follows:

- A. Sustain all vegetation planted in the boulevard in a state of healthy and vigorous growth, and maintain the grassed portion of the boulevard at a height not exceeding 20 centimetres.
- B. Maintain any permitted encroachments described in Article IV.
- C. Maintain in a state of good and proper repair and free of graffiti and posters all encroachments, including fences, retaining walls, stairs and noise attenuation walls that they, or former owners or occupants of the property, constructed on the boulevard appurtenant to the property.
- D. Maintain all driveways, parking areas and walkways in a state of good and proper repair.
- E. Maintain the boulevard free of litter, rubbish, brush, leaves, lawn trimmings, tree trimmings and noxious weeds as defined by the *Noxious Weed Act*.
- F. Prune and trim hedges, trees, shrubs and soft landscaping to provide a minimum vertical clearance of 2.5 metres above a sidewalk, and 5.0 metres above a road.
- G. Ensure that driver and pedestrian sight lines at intersections, driveways, sidewalks, walkways, and visibility to all traffic control devices is not restricted by vegetation or other modifications to the boulevard that the property owner or occupant may undertake.
- H. Maintain an unobstructed two metre radius around fire hydrants or fire hydrant valves.
- I. Ensure adequate intersection turning sight distances by maintaining soft landscaping and other vegetation located in a boulevard at a height of not more than 0.85 metres measured from the traveled portion of the adjoining road.
- J. The General Manager may, if deemed necessary, revise the required height specified in § 743-36I to account for changes in road grade and horizontal alignment.

§ 743-37. Municipal responsibilities.

The responsibility of the owner or occupier of land adjoining the street to maintain the boulevard as described in § 743-36 does not apply to:

- A. Medians and traffic islands located in streets;
- B. The construction, repair and replacement of sidewalks, retaining walls, culverts, fences and noise attenuation walls constructed by the City;
- C. Public transit stops and transit shelters;
- D. Street trees, hedges, shrubs and maintained natural gardens planted by the City;
- E. Where, in the opinion of the General Manager, damage to a boulevard resulted from a motor vehicle crash; and
- F. Where, in the opinion of the General Manager, the property owner or occupier of the adjoining land cannot maintain the boulevard due to steep grades, walls, fences, or other constraints.

§ 743-38. Authority of the General Manager.

The General Manager may by giving notice to the owner or the occupier of land adjoining a boulevard pursuant to Article VIII require them to:

- A. Accommodate work that the City is undertaking by removing or modifying any encroachment, parking area, driveway, vegetation or landscaping located in a boulevard for which the owner or the occupier of land is responsible;
- B. Remove or modify any additions to the boulevard that have been made by the adjoining property owner or the occupier of the adjoining land;
- C. Remove or modify any encroachment, driveway or parking area located on the boulevard or trim any vegetation growing or standing on the boulevard where, in the General Manager's opinion, the safety or convenience of the public so requires, or where any such street work or vegetation may damage the street or interfere with existing or future utility locations and boulevard improvements.
- D. Where the owner or occupier fails to undertake the work as required under this section, the General Manager may undertake it and restore or repair the boulevard and recover the costs owing as set out under Article VIII.

§ 743-39. Using boulevards for municipal purposes.

Nothing in this chapter shall prevent the General Manager from altering, opening or otherwise using any boulevard for municipal purposes.

H. By inserting the following as Article VI – Sidewalks:

**ARTICLE VI
Sidewalks**

§ 743-40. Pack animals prohibited on sidewalks.

A. No person shall ride, drive, lead, or back any pack animal across, over or along any sidewalk.

§ 743-41. Clearing sidewalks and walkways.

A. Every occupant and, where there is no occupant, the owner of every house, shop, building, lot or parcel of land, and every person having charge or care of any church, school or other public building fronting or abutting on any street where public or private sidewalks and walkways are present, shall sweep and keep the sidewalks and walkways surrounding the premises free from obstruction by vegetation, dirt, dust, litter and other encumbrances that may interfere with the safe and convenient passage of pedestrians.

B. Every owner or occupier of land upon which there is located a building that is used, or intended to be used, for institutional or commercial purposes shall keep in a state of good repair any portion of the land lying between the building and the street line that is used by the public as a sidewalk or walkway.

C. Where the owner or occupier of land fails to undertake the work required by this section, the General Manager may undertake it and clear, restore or repair any sidewalk or walkway and recover the costs from the owner or occupier pursuant to Article VIII.

I. By inserting the following as Article VII - Constructing Walkways and Driveways:

**ARTICLE VII
Constructing Walkways and Driveways**

§ 743-42. Municipal consent required to construct or alter walkways and driveways.

The General Manager may permit a person to construct, reconstruct or alter walkways and driveways or widen or relocate existing walkways and driveways, and walkways wider than 1.5 metres, that cross the adjoining boulevard, provided that:

A. The property owner obtains a permit from the General Manager pursuant to Article III before starting the work.

B. Constructing or altering a private driveway shall be permitted only for the purpose of providing vehicle access to an authorized vehicle parking area, internal driveway system or boulevard parking stall approved by the City, and in no case

shall the width of a driveway or walkway exceed the requirements of any applicable by-law.

- C. Concurrent with constructing or altering a walkway or driveway, the owner shall remove any existing walkway or driveway that, in the opinion of the General Manager, is redundant as a result of constructing or widening a walkway or driveway, and shall restore that portion of the street previously occupied by the redundant walkway or driveway to the satisfaction of the General Manager.
- D. Unless authorized by the General Manager, walkways and driveways shall not contain heating devices installed over a public utility.
- E. The location and design of the walkway or driveway shall be to the satisfaction of the General Manager, including, if required by the General Manager and at no cost to the City, the installation of bioswales or culverts along streets with ditches.
- F. Walkways and driveways shall be constructed and maintained to prevent surface drainage, dirt, dust, and debris from the walkway or driveway entering the street from private property in an amount that, in the opinion of the General Manager, constitutes a hazard or nuisance.
- G. The person named on the permit shall pay the fees described in Chapter 441, Fees and Charges, including any additional financial securities required by the General Manager to ensure that the work described in the permit is completed to his or her satisfaction.
- H. The General Manager shall not require securities from any person where, in the opinion of the General Manager, payment of sufficient securities for this purpose has already been made as a condition of approval in a development or site plan agreement with the City.
- I. The person constructs the walkway or driveway to the satisfaction of the General Manager, subject to inspection by the General Manager, if required.
- J. Every person who closes or removes a walkway or driveway shall restore the boulevard, sidewalk and road, at their expense, to a standard equal to or better than that of the existing boulevard, sidewalk and road, and to the satisfaction of the General Manager.
- K. If the person does not complete the driveway or walkway and any associated street work to the satisfaction of the General Manager, then the security deposit shall not be returned, and the General Manager may use the securities to construct the walkway or driveway to the General Manager's satisfaction.
- L. Should this security deposit prove insufficient to cover the costs of construction or repair of said works, then the General Manager may recover the outstanding costs from the owner pursuant to Article VIII.

§ 743-43. Approving walkways and driveways.

- A. All vehicle access driveways shall be designed and located to minimize the driveway's impact on pedestrian and vehicle traffic, and will provide the stopping and turning sight distances required by the General Manager.
- B. Despite § 743-43A, the General Manager may approve a driveway with substandard sight distance where there is no other means of access to the property, and in such cases the General Manager may issue a permit subject to such special conditions as the General Manager considers appropriate.
- C. At driveway locations where there are limiting circumstances such as horizontal or vertical curves and auxiliary turning and storage lanes, the General Manager shall refuse access or approve access subject to such special conditions as the General Manager considers appropriate.
- D. The General Manager shall not allow any depressed driveway or loading dock to extend into a street, and any portion of the driveway or loading dock located in the street shall maintain a positive slope when measured between the street line and the travelled portion of the adjoining road.
- E. The General Manager shall not approve any loading dock or loading area that requires delivery vehicles to back into the loading dock or loading area directly from a major arterial or minor arterial road, or that requires the delivery vehicle to exit the loading dock or loading area by backing directly into a major arterial or a minor arterial road.
- F. No portion of any driveway shall be constructed within the corner radii of two intersecting streets.
- G. Except with the written consent of the adjoining property owner, no portion of any driveway shall be constructed so that the driveway, driveway corner radii or driveway flaring extends into the boulevard area fronting the adjoining property when the common lot line is projected perpendicular to the road.
- H. No person shall, without written authorization from the General Manager of Parks, Forestry and Recreation Services, or his or her designate or successor, remove a tree to construct a walkway or driveway, and no walkway or driveway will be authorized by the General Manager until the General Manager of Parks, Forestry and Recreation Services, or his or her designate or successor, is satisfied that the walkway or driveway can be constructed without damaging an adjoining tree.
- I. The General Manager shall not approve any new driveway to a controlled access highway.
- J. Sections 743-43D, § 743-43E, § 743-43F, § 743-43G, § 743-43I do not apply to driveways, walkways and loading docks approved by the City before the date that

this by-law comes into force, provided that such driveways and loading docks comply with the regulations in effect at the time the driveway or loading dock was originally approved, and that such previous approvals shall be considered null and void when the property is subject to an application for plan of subdivision, rezoning, official plan amendment, site plan approval, minor variance or consent to sever.

J. By inserting the following as Article VIII – Municipal Remedial Action:

ARTICLE VIII
Municipal Remedial Action

§ 743-44. Notification and cost recovery.

- A. An officer who is satisfied that a person or property is in contravention of this chapter shall, unless specified otherwise in this chapter, give written notice to the person, property owner, or occupier of the land requiring them to comply with this chapter, at no cost to the City, within 14 days of the date indicated on the notice:
- (1) The person, property owner, or occupier of the land shall, to the satisfaction of the General Manager, pay the survey and inspection fee as prescribed by Chapter 441, Fees and Charges; and
 - (2) The fee in § 743-44A(1) shall apply when the person, property owner, or occupier of the land does not comply with the initial notice to comply, and an officer is required to issue a second or subsequent notice, with the fee applying to each inspection made after a second or subsequent notice is issued.
- B. If a person, including an owner or occupier of the land, fails to comply with a notice issued under § 743-44A, then the General Manager may:
- (1) Direct municipal staff, or any person acting under the General Manager's direction, to undertake any remedial work, including any removal, restoration, repair, renovation or modification to a street that is required to ensure compliance with this chapter; and
 - (2) Invoice the person for the costs owing, including any outstanding survey and inspection fees.
- C. Where a person does not reimburse the City within 14 days of receiving an invoice from the City requesting payment of the outstanding amount, the City may recover the costs owing by action, or by adding the costs owing to the tax roll and collecting them in the same manner as municipal taxes.
- D. The General Manager shall not be required to provide notice to remove any fouling, obstruction or encumbrance, object, article, vehicle, or thing from a street

that, in the opinion of the General Manager, substantially interferes with drainage, vehicle and pedestrian traffic or is an emergency that presents a danger to public health or safety, and the City may undertake any remedial work required to ensure compliance with this chapter and recover the costs owing from the person responsible in the manner set out in § 743-44B and C.

- E. The City shall not be liable to any person, property owner, or occupier of the land for compensation on account of any remedial work, including the removal, restoration, repair, renovation, or modification to a street required to be undertaken by the City pursuant to this chapter.

§ 743-45. Impounding objects and vehicles on streets.

Unless specified otherwise in this chapter, the General Manager may, without notice, remove, impound, restrain or immobilize any object, article, vehicle or thing that is placed, stopped, standing or parking on, in or near a street contrary to the provisions of this chapter.

§ 743-46. Disposing of seized articles.

- A. Unless specified otherwise in this chapter and despite § 743-3H, the General Manager shall store any object, article, vehicle or thing that is impounded pursuant to this Article, and shall return the object, article, vehicle or thing to its lawful owner upon the owner paying to the City the costs of removing and storing the object, article, vehicle or thing.
- B. Unless specified otherwise in this chapter and despite § 743-45A, the General Manager shall dispose of any object, article, vehicle, or thing that remains unclaimed at the expiry of 60 days from the date of seizure, and no person shall be entitled to make any claim in respect of any object, article, vehicle or thing so disposed of.

§ 743-47. Powers and authority of the General Manager.

- A. Inspection
- (1) An officer of the City may enter on land adjoining a street, or portion of the property adjoining a street, excluding a dwelling house, at any reasonable time for the purpose of carrying out an inspection to either determine compliance with this chapter or an order or direction of the City or General Manager or an Order issued according to this Article.
 - (2) For the purposes of any inspection, the officer may:
 - (a) Require that the owner or occupier of the property produce for inspection any document, articles or things relevant to the inspection;

- (b) Inspect and remove any document, articles or things relevant to the inspection for the purpose of making copies or extracts;
- (c) Require information from any person concerning a matter related to the inspection; and
- (d) Alone or in conjunction with a person possessing special or expert knowledge, make examination or take tests, measurements, samples or photographs necessary for the purposes of the inspection.

B. Power of Entry

- (1) Where a person is directed or required to do a matter or thing under this by-law, in default of it being done by the person directed or required to do it, the General Manager may, if considered necessary to implement the provisions of this chapter, enter upon a property adjoining a street for the purpose of doing the matter or thing and the City may recover the cost of doing the matter or thing, and may add the cost to the tax roll and collect the costs in the same manner as property taxes.
- (2) The powers of entry of the General Manager may be exercised by an officer of the Transportation Services Division.

C. Obstruction

- (1) No person shall represent or cause to be represented that he or she is an owner or occupier of a property if he or she is not; and
- (2) No person shall prevent, hinder, obstruct or interfere, or attempt to prevent, hinder, obstruct or interfere, in any manner, with the officer's exercise of an activity, power or performance of a duty under this chapter or in the administration or enforcement of this chapter.

D. Limitations on Power of Entry

- (1) The powers of entry under this chapter are subject to sections 375 to 379, inclusive, of the *City of Toronto Act, 2006*.

K. By inserting the following as Article IX – Appeals:

ARTICLE IX
Appeals

§ 743-48. Appeal process for applications refused by the General Manager.

- A. Unless specified otherwise in the chapter, any applicant whose request for a permit or other authorization required under this chapter has been refused may

- appeal the decision of the General Manager to the applicable Standing Committee or Community Council by filing with the General Manager, within fifteen days of the General Manager's written decision, a notice of appeal containing the applicant's contact information and the grounds for requesting an appeal.
- B. Before accepting an appeal, the applicant shall pay a non-refundable appeal fee as set out in Chapter 441, Fees and Charges.
- C. The General Manager shall prepare and forward a report to the Standing Committee or Community Council describing the reasons for refusing the permit.
- D. Following receipt of the report prepared by the General Manager, the Standing Committee or Community Council shall, at its earliest convenience, review the General Manager's report and provide the applicant with the opportunity to be heard, after which the Standing Committee or Community Council may either:
- (1) Recommend confirmation of the original decision made by the General Manager;
 - (2) Refer the matter back to the General Manager, directing the General Manager to reconsider the matter having regard to such considerations or directions as the Standing Committee or Community Council may provide; or
 - (3) Direct that the General Manager issue a permit on such terms and conditions as may be required.
- E. Where an application has been considered and refused, the applicant shall not be entitled to make a further application for the same address or location for a period of two years after the date of the previous application.
- L. By inserting the following as Article X – Fees:

ARTICLE X

Fees

§ 743-49. Fees for encroachments, street work and temporary street occupations.

- A. With the exception of permitted encroachments as described in Article X, and unless otherwise stipulated in an applicable agreement or statute, every person whose equipment or encroachment is situated in, on, under, over, along, or across a street shall pay all applicable fees and charges relating to the encroachment, street work or temporary street occupation as described in Chapter 441, Fees and Charges.
- B. Revenues collected by the General Manager pursuant to this chapter shall be applied to the costs associated with managing and maintaining the City's streets.

§ 743-50. Fees for property information requests.

- A. Where a request is received for information on the status of a property with respect to development agreement compliance, local improvements, encroachments, permits and other matters under the jurisdiction of the General Manager, a non-refundable property information fee as specified in Chapter 441, Fees and Charges, shall be charged, and payment of this fee shall be required prior to providing the requested information.
- M. By deleting subsections § 743-52 to § 743-54 (as renumbered under Subsection 1A of this by-law) and substituting the following:

§ 743-52. Conflicting provisions.

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

- N. By inserting the following as Appendix A to Chapter 743:
1. These standard terms and conditions apply to all work conducted by or on behalf of the applicant.
 2. Unless otherwise specifically provided in these standard terms and conditions, the terms specified herein have the same meaning given to them in Chapter 743.
 3. All street work shall conform to all applicable federal, provincial and municipal statutes, laws and by-laws and other applicable legal requirements.
 4. All street work shall conform to City of Toronto construction standards and specifications, and shall be conducted and completed to the satisfaction of the General Manager.
 5. All street work shall be performed in a manner that safeguards and protects all other equipment, facilities and improvements of any kind ("improvements") present in, on, over, under, across, or along the street and the environment.
 6. The applicant shall take whatever steps are necessary to ensure the protection of the public.
 7. The applicant shall not unduly interfere with the use of the street for free passage by the public.
 8. The applicant shall make all necessary arrangements with traffic, police and fire authorities for the placing of barricades, notices, warning lights and signs and that all such barricades, notices, warning lights and signs shall conform with applicable law.

9. No street work shall block or impair the entrance to any premises abutting the work location unless the applicant has obtained and filed with the application for the permit the consent in writing of the owner and occupant of such premises.
10. All street work shall be conducted in a manner so as to maintain access for emergency vehicles.
11. The street work shall be completed without delay.
12. The permit shall not authorize occupying a larger portion of the street or extend for a longer period of time than may be necessary in the opinion of the General Manager, having due regard to the applicant's needs and the safety and convenience of the public.
13. After completing any street work, the applicant shall restore and/or leave the street in substantially the same condition in which it was before such street work was undertaken by the applicant, free from nuisance and to the satisfaction of the General Manager. If the applicant fails to repair and restore any street to the satisfaction of the General Manager within 48 hours of being notified by the City, the City may undertake such repairs and charge all costs owing to the applicant, and may draw on any financial security or deposits submitted by the applicant.
14. The applicant shall maintain the equipment in good and proper repair and in a condition satisfactory to the General Manager.
15. Should the General Manager deem it necessary for the equipment to be removed or altered in an emergency, including repairs or maintenance to equipment owned or operated by the City or any agency, board or commission of the City, the General Manager, without notice to the applicant, may alter or remove, or cause to be altered or removed, the equipment and, subject to the requirements of any applicable law or existing agreement, the cost of such alteration or removal of the equipment shall be borne by the applicant.
16. Should the General Manager deem it necessary for the equipment to be removed or altered for any municipal purpose, including installation or alteration of new or existing plant by any agency, board or commission, the General Manager may upon three months notice in writing to the applicant, alter or remove, or cause to be altered or removed, the equipment or such portions of same not already altered or removed by the applicant, and subject to the requirements of any applicable law or existing agreement, the cost of such alteration or removal of the equipment shall be borne by the applicant.
17. If the City requires that any street work be stopped, the applicant shall cease such street work following notice to the applicant provided by the General Manager.
18. The applicant shall be at all times responsible for all aspects of the street work, including the cost of such street work.

19. The applicant shall notify the City promptly of any damage caused by the applicant in connection with its street work.
20. The City has made no representations or warranties as to the state of repair of the streets or the suitability of the streets for any business, activity or purpose whatsoever, and the applicant hereby agrees to take the streets on an "as is" basis for the purpose of the carrying out of the applicant's street work and the City is not responsible, either directly or indirectly, for any damage to property or injury to a person, including death, arising from the escape, discharge or release of any hazardous substance from its streets.
21. The applicant shall conform and shall be responsible for the conformance by its officers, employees, agents, contractors and invitees to all health and safety laws including any regulations requiring installation of safety devices or appliances, and any applicable traffic laws or regulations (collectively "safety rules"). If in the opinion of the City the likelihood of harm to persons or property appears imminent, the City may suspend street work performed by or on behalf of the applicant where there appears to be a lack of compliance with the safety rules, or because conditions of danger exist that would likely result in injury to any person or property. Such suspension shall continue until the lack of compliance or danger is eliminated.
22. For the purpose of this provision, "hazardous substance" means any hazardous substance and includes, but is not limited to, radioactive substances, petroleum products and byproducts, industrial wastes, contaminants, pollutants, dangerous substances, and toxic substances, as defined in or pursuant to any law, ordinance, rule, regulation, by-law or code, whether federal, provincial or municipal. The applicant agrees to assume all environmental liability relating to its work in, on, over, under, across, or along the streets, including but not limited to any liability for clean-up of any hazardous substance in, on, under, along, across and around streets that result from:
 - (a) The operations of the applicant in, on, over, under, along, across or around the streets; or
 - (b) Any products or goods brought in, on, over, under, along, across or around the streets by the applicant, or by any other person with the express or implied consent of the applicant.
23. The applicant shall in writing, prior to any permit being granted by the General Manager, indemnify and save harmless the City, its elected and appointed officials, officers, employees, directors and agents from and against all actions, claims, executions, demands, damages, liabilities, liens, costs, expenses direct or indirect (including reasonable legal fees and disbursements), and losses whatsoever incurred by the City, its elected and appointed officials, officers, employees, directors and agents in connection with the issuing of the permit, the conduct of the applicant's street work or the use of applicant's equipment, including claims in respect of property damage or personal injury, including

death, and will pay to the City and to each such official, servant or agent on demand any loss, costs, damages and expenses, including legal fees and disbursements, that may be sustained, incurred or paid by the City or by any of its officers, servants and agents in consequence of any such action, claim, lien, execution or demand, including any monies paid or payable by the City or any of its officials, officers, servants or agents in settlement or discharge or on account thereof, provided that on default of such payment all loss, costs, damages and expenses and all such monies so paid or payable may be deducted from any security held by the City on account of the permit of the street work.

24. The City shall not be liable in any way for indirect or consequential losses or damages, or damages for pure economic loss, howsoever caused or contributed to, in connection with the applicant's street work.
25. The applicant shall, at their own expense and to the satisfaction of the General Manager, procure and carry, or cause to be procured and carried and paid for, full workers compensation coverage for itself and all workers, employees, and others engaged in or upon any street work.
26. The applicant shall deliver, when required by the General Manager, a performance bond or letter of credit in a form satisfactory to the City Treasurer and in an amount which is satisfactory to the General Manager to ensure proper compliance with this Chapter.
27. The applicant shall at all times during the term of the permit and subsequent to the completion of the street work provide an accurate and timely in-house "locate" service or be a member of a "locate" service, in which case the applicant shall advise the General Manager of its membership in such a service. Should the applicant fail to comply with this provision, the City shall not be required to make any special effort to determine or confirm the location of the equipment. The applicant shall, at the request of the City or any third party, provide or cause to be provided accurate on-site locates within 14 consecutive days of receiving a request for such information.
28. The applicant shall respond within 14 consecutive days to any request from the City for a mark-up of municipal infrastructure design drawings showing the location of any portion of the equipment located in, on, under, over, across, or along the streets shown on the plans, and shall provide such accurate and detailed information as may be required by the General Manager.
29. The applicant will, at its sole cost and expense, maintain the equipment according to the drawings or subsequent "as built" drawings and in a state of good order, condition and repair, to the full satisfaction of the General Manager, acting reasonably.

2. The following by-laws and policies are hereby repealed:
- A. By-law No. 111-92 "Boulevard Obstructions" of the former Borough of East York;
 - B. By-law No. 23-89 "Boulevard Use Restrictions" of the former Borough of East York;
 - C. By-law No. 1976 "Respecting Streets" of the former Borough of East York;
 - D. Chapter 231 "Streets and Sidewalks" of the Municipal Code for the former City of Etobicoke;
 - E. Encroachment Policy for the former City of Etobicoke as adopted by Council for the former City of Etobicoke on September 6, 1994;
 - F. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10 and 12 of By-law No. 211-74 "To regulate the use of Metropolitan Roads" of the former Municipality of Metropolitan Toronto;
 - G. By-law No. 54-81 "To delegate to the Commissioner of Roads and Traffic authority to permit certain encroachments on Metropolitan Roads" of the former Municipality of Metropolitan Toronto;
 - H. By-law No. 21621 "A By-law to prohibit or regulate the obstructing, encumbering, injury or fouling of highways" of the former City of North York;
 - I. By-law No. 20954 "A By-law to provide for the licensing of boulevards for parking purposes in the Township of North York" of the former City of North York;
 - J. Encroachment Policy for the former City of North York as adopted by Council for the former City of North York on April 17, 1996;
 - K. By-law No. 6567 "Being a by-law to regulate the construction of culverts upon highways under the jurisdiction of the Township of Scarborough" of the former City of Scarborough;
 - L. By-law No. 7322 "Being a by-law to amend By-law Number 6567" of the former City of Scarborough;
 - M. By-law No. 13778 "Being a by-law to regulate the erection of hoardings on Municipal Highways or Boulevards and require a permit to do so" of the former City of Scarborough;
 - N. By-law No. 16402 "Being a by-law to regulate temporary occupation of highways or portions thereof during the construction or repair of any work thereon" of the former City of Scarborough;

- O. By-law No. 17117 "Being a by-law concerning the removal of snow from sidewalks" of the former City of Scarborough;
- P. By-law No. 17306 "Being a by-law for prohibiting vehicles and conveyances of every description being upon or being used, drawn, hauled or propelled along or upon any sidewalk, pathway, footpath or boulevard" of the former City of Scarborough;
- Q. By-law No. 20304 "Being a by-law to regulate the crossing of curbs, sidewalks and paved boulevards by vehicles, and the requiring of owners to pay damage deposits upon the issuing of a building permit, pursuant to The Municipal Act, RSO 1980, Chapter 302, Section 315(2)" of the former City of Scarborough;
- R. By-law No. 20630 "Being a by-law to lease or license the use of sidewalks and untravelled portions of Metropolitan Toronto and other Municipal Roads in the City" of the former City of Scarborough;
- S. Sections 3(1), 4, 5 and 6 of By-law No. 21208 "Being a by-law to prohibit the obstructing, encumbering, or fouling of highways and the sale by retail in a highway or on a vacant lot adjacent to a highway" of the former City of Scarborough;
- T. By-law No. 23729 "Being a by-law to lease or license the use of sidewalks and untravelled portions of Metropolitan Toronto and other Municipal Roads in the City" of the former City of Scarborough;
- U. By-law No. 23907 "Being a by-law to lease or license the use of sidewalks and untravelled portions of Metropolitan Toronto and other Municipal Roads in the City" of the former City of Scarborough;
- V. Articles I, II, III, IV, V, VI (§§ 313.33.1, 313-34, 313-38, 313-39.1, 313-39.2, 313-40, 313.41, 313-42 and 313-43) VII, VIII, X, XI (§§ 313-74 to 313.78), with the exception of §§ 313-35 to 313-37, § 313-79, § 313-81, § 313-82, Schedule A and Schedule D of Chapter 313 "Streets and Sidewalks" of the Municipal Code of the former City of Toronto;
- W. Subsection 803.2.2 of Chapter 803 "Grass and Weeds" of the Municipal Code of the former City of York;
- X. Chapter 830 "Retaining Walls – Maintenance" of the Municipal Code of the former City of York;
- Y. Articles 2, 3, 4, 5, 6, 7, 9, 13, 15, 16, 17, 18 and Schedules A, B and C of Chapter 1004, "Street" of the Municipal Code for the former City of York;
- Z. Encroachment Policy for the former City of York as adopted by Council for the former City of York on July 8, 1992; and

- AA. By-law No. 23907 "Being a by-law to lease or license the use of sidewalks and untravelled portions of Metropolitan Toronto and other Municipal Roads in the City" of the former City of Scarborough.
3. Sections 1 and 2 of this by-law shall come into effect fourteen (14) days after receipt of set fine approval for the offences created by this by-law.

ENACTED AND PASSED this 7th day of March, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)