

**Attachment No.2
Recommended Revisions**

Original June 7, 2011 Draft	Recommended Additions [<i>emphasis</i>]/Deletions [—]
§ 743-1. Definitions	§ 743-1. Definitions
BUILDING PROJECTIONS – Any structure, article or thing extending from an existing or proposed building into a street, including but not limited to . . . refacing walls, siamese connections, stairs, . . .	BUILDING PROJECTIONS – Any structure, article or thing extending from an existing, or proposed, building <i>or structure</i> into a street, including but not limited to . . . refacing walls, siamese connections, <i>signs</i> , stairs, . . .
DIRECTOR – The Executive Director for the Municipal Licensing and Standards Division for the City, and his or her designate or successor.	Deleted.
EMERGENCY WORK - Work within a street that must be completed immediately due to health or safety concerns, or the interruption or potential interruption of essential services is endangered.	EMERGENCY WORK - Work within a street . . . due to health or safety concerns, or <i>where</i> the interruption . . . of essential services is <i>imminent</i> .
GRAFFITI - Drawing or writing, scratched, scribed or painted on a wall, sidewalk, walkway or bicycle trail.	GRAFFITI - Drawing or writing, scratched, scribed or painted on a wall, sidewalk, walkway or bicycle trail <i>that is not public art as approved by the General Manager</i>
SOFT LANDSCAPING – Shrubs, hedges, grass, flowers, maintained natural gardens and other vegetation, excluding trees, noxious weeds and local weeds designated under the provisions of the <i>Weed Control Act</i> .	SOFT LANDSCAPING – Shrubs, hedges, grass, flowers, maintained natural gardens, <i>fruit or vegetable gardens</i> or other vegetation, excluding trees, noxious weeds and local weeds designated under the provisions of the <i>Weed Control Act</i> .
STREET - Means a common and public highway . . . or other structure forming part of the highway.	STREET - A common and public highway . . . or other structure forming part of the highway.
UTILITY POLE - A utility pole, street lamp pole, traffic control signal pole, and any pole of the Toronto Transit Commission located within a street.	UTILITY POLE - A utility pole, street lamp pole, traffic control signal pole, <i>as well as</i> any pole of the Toronto Transit Commission <i>that is</i> located within a street.
§ 743-9. Fouling and Obstructing Streets	§ 743-9 Fouling and Obstructing Streets
F. No person shall convey through the streets any solid or liquid waste except in a properly covered . . . that protects the contents from vermin and controls, as far as possible, the escape of offensive odours.	F. No person shall convey through the streets any solid or liquid waste except in a properly covered . . . that protects the contents from vermin and controls, as far as possible, <i>and that prevents</i> the escape of offensive odours.
1. No person shall chain lock or otherwise attach any article or thing to a waste receptacle . . . may be removed by the	2. No person shall, <i>without prior authorization from the General Manager</i> , chain lock or otherwise attach any article or thing to

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General Manager without further notice and disposed of pursuant to Article XVIII.	a waste receptacle . . . may be removed by the General Manager without further notice and disposed of pursuant to Article XVIII.
§ 743-12. Camping, dwelling and lodging prohibited	Deleted
§ 743-16. Canopies and Awnings	§ 743-14. Canopies and Awnings
A. No person shall . . . install a canopy or awning on, over or across a street.	A. No person shall . . . install a canopy or awning <i>on or over a street</i> .
B(5). The applicant pays the required processing fee as specified by Chapter 441, Fees and Charges.	B(5). The applicant pays the required fee as specified by Chapter 441, Fees and Charges.
C. Where the owner possessing . . . may use any portion of the boulevard adjoining the property to a line located 0.50 metres from the edge of the sidewalk closest to the street line . . .	C. Where the owner possessing . . . may use any portion of the boulevard adjoining the property <i>that extends to a point</i> located 0.50 metres from the edge of the sidewalk closest to the street line . . .
H. The provisions of § 743-16 shall not apply to canopies and awnings approved before passage of this by-law . . . any replacement of the canopy or awning shall then be subject to . . .	H. The provisions of § <i>743-16A to § 743-16F</i> shall not apply to canopies and awnings approved before passage of this by-law . . . any replacement of the canopy or awning shall be subject to . . .
§ 743-17. Commercial and industrial boulevard parking	§ 743-15. Commercial and industrial boulevard parking
B. The agreement shall specify the following terms and conditions:	B. <i>The applicant shall enter into an agreement with the City that contains the following terms and conditions:</i>
B(1). The owner shall construct the boulevard parking stalls at their expense and to the satisfaction of the General Manager . . .	B(1). The owner shall construct <i>and individually sign</i> the boulevard parking stalls at their expense and to the satisfaction of the General Manager . . .
E. Boulevard parking stalls shall not take individual vehicle access to an arterial or minor arterial street, and whenever practical, shall be located parallel to the road.	E. <i>Boulevard parking stalls shall:</i> <ol style="list-style-type: none"> (1) <i>Be designed and located in compliance with existing zoning by-laws and regulations;</i> (2) <i>Not take individual vehicle access to a major or minor arterial street, and whenever practical, shall be located parallel to the road;</i> (3) <i>Be designed to the minimum parking stall dimensions specified in the applicable zoning by-laws; and,</i> (4) <i>Be located not less than 0.90 metres from any sidewalk.</i>
H. The design and location of boulevard parking stalls shall	Deleted.

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satisfy existing zoning by-laws and regulations.	
J. In the case of an emergency as determined by the General Manager . . .	J. In the case of an emergency <i>as described in Article XVIII</i> . . .
K. The provisions of § 743-17 shall not apply to boulevard parking stalls approved before . . .	K. The provisions of § 743-17A to § 743-17J shall not apply to boulevard parking stalls approved before . . .
§ 743-18. Banners	§ 743-16. Banners
D(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 180 consecutive days;	D(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 <i>one year</i> ;
G. In the case of an emergency as determined by the General Manager, the banner may be removed without notice, and the General Manager is not obligated to return or restore the banner removed as a result of the emergency.	G. In the case of an emergency <i>as described in Article XVIII</i> , the General Manager may, <i>at the City's cost</i> , remove the banner <i>without notice</i> , and the General Manager is not obligated to return or restore the banner removed as a result of the emergency.
§ 743-19. Temporary Decorative Lighting and Decorations	§ 743-17. Temporary Decorative Lighting and Decorations
H. In the case of an emergency as determined by the General Manager, the temporary decorative lighting or decorations may be removed without notice, and the General Manager is not obligated to restore the decorative street lighting removed as a result of the emergency.	H. In the case of an emergency <i>as described in Article XVIII</i> , the General Manager may, <i>at the City's cost</i> , remove the <i>temporary decorative lighting and decorations without notice</i> , and the General Manager is not obligated to return or restore the decorative street lighting or decorations removed as a result of the emergency.
§ 743-52. Requesting permission for street work	§ 743-22. Requesting permission for street work
H(2). Before submitting an application for a permit to the General Manager . . .	H(2). Before submitting an application for a <i>street work</i> permit to the General Manager . . .
H(3). In addition to the requirements specified in § 743-52A, the applicant shall provide the General Manager with . . .	H(3). In addition to the requirements specified in § 743-52A, the applicant shall provide the General Manager <i>and the Executive Director of the Technical Services Division and his or her designate or successors</i> , with . . .
H(4). The applicant shall provide any other information that the General Manager or the City Solicitor consider appropriate.	H(4). The applicant shall provide any other information that the General Manager, <i>Executive Director of the Technical</i>

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	<i>Services Division and his or her designate or successors, or the City Solicitor consider appropriate.</i>
§ 743-56. Issuing Permits	§ 743-26. Issuing Permits
E. The General Manager may, upon written request by the applicant, renew the permit for one additional six month period provided that . . .	E. The General Manager may, upon written request by the applicant, renew the permit for <i>up to</i> one additional six month period provided that . . .
§ 743-57. Refusing applications	§ 743-27. Refusing applications
C. There has been non-payment of fees or other monies by the applicant due to the City under a permit previously issued to the applicant under this Article;	C. There has been non-payment of fees or other monies by the applicant due to the City under a permit <i>or agreement</i> previously issued to the applicant under this Article;
D. There has been violations of any condition of a permit previously issued to the applicant, or any provisions of this Article applicable to a previously issued permit including the provision . . .	D. There has been violations of any condition of a permit <i>or agreement</i> previously issued to the applicant, or any provisions of this Article applicable to a previously issued permit <i>or agreement</i> , including the provision of location certificates . . .
§ 743-59. Commencing and conducting street work and temporary street occupations	§ 743-29. Commencing and conducting street work and temporary street occupations
B. Every person who obtains a permit shall notify the General Manager 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.	B. Every person who obtains a permit shall notify the General Manager, <i>and any BIA situated within the area where the street work or temporary street occupation will occur</i> , 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.
E. When street work . . . will continue for more than 24 hours . . . then the permit holder shall install signage to the specifications required by the General Manager that must be placed at all approaches to the site.	E. When street work . . . will continue for more than 24 hours . . . then the permit holder shall install <i>traffic control and advisory signage at all approaches to the site that comply</i> with the specifications required by the General Manager.
§ 743-90. Permitted encroachments	§ 743-31. Permitted encroachments
A. Owners and occupiers of land adjoining the street are permitted under this Article to maintain encroachments upon and along a street that consist of soft landscaping, walkways less than 1.5 metres wide, fences and retaining walls measuring less than 0.90 metres in height above the traveled	A. Owners and occupiers of land adjoining the street are permitted under this Article to maintain encroachments upon and along a street that consist of soft landscaping, <i>precast concrete curb stones and driveway curbs, stairs</i> , walkways less than 1.5 metres wide, fences and retaining walls

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surface of the adjoining road, and stairs providing pedestrian access to single family residential properties, provided that . . .	measuring less than 0.90 metres in height above the traveled surface of the adjoining road, provided that . . .
F. All encroachments not specifically permitted under Chapter 693, Signs, Chapter 694, Signs, General, Chapter 643, Chapter 918 . . .	F. All encroachments not specifically permitted under <i>Articles II, III or IV</i> of Chapter 693, Signs, Chapter 694, Signs, General, , Chapter 918 . . .
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 XVIII.	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 <i>Article XI and Article XVIII</i> .
§ 743-91. Permitted encroachments in BIA areas	§ 743-32. Permitted encroachments in BIA areas
A. Street furniture, decorative lighting, decorations, planter boxes, identification signage, historical markers, public art and soft landscaping installed by, or on behalf of, a BIA shall be permitted . . .	A. Street furniture, <i>planter boxes, identification signage, historical markers, public art, landscaping, and permanent decorative lighting and decorations that are</i> installed by, or on behalf of, a BIA shall be permitted . . .
C. The City is not responsible for repairing or replacing any encroachment in a BIA, 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 General Manager may remove or modify, at the BIA’s expense, any encroachment situated within a street pursuant to Article XVIII.	C. The City is not responsible for repairing or replacing any encroachment in a BIA, 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 General Manager may remove or modify, at the BIA’s expense, any encroachment situated within a street pursuant to <i>Article XI and Article XVIII</i> .
§ 743-92. Delegated authority for approving encroachments	§ 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 and retaining walls higher than 0.90 metres above the traveled surface of the	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 <i>fences, ornamental walls</i> and retaining walls higher than 0.90 metres above the traveled surface of the

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<p>adjoining road, railings, bollards, building projections, air conditioning units, arbours and pergolas, piling and shoring;</p> <p>(3) Planting trees and installing street furniture including, but not limited, to benches, bicycle stands and planter boxes; and,</p> <p>(4) Installing fountains, ornaments, statues, weigh scales, areaways, conduit, fuel tanks, snow melting systems, vegetation sprinkler systems, and vents providing access to public transit systems.</p>	<p>adjoining road;</p> <p>(3) <i>Installing</i> railings, bollards, building projections, air conditioning units, arbours and pergolas, piling and shoring;</p> <p>(4) Planting trees and installing street furniture including, but not limited, to benches, bicycle stands and planter boxes;</p> <p>(5) <i>Installing electronic equipment and associated signage for the purpose of counting vehicles and pedestrians in BIA areas; and,</i></p> <p>(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.</p>
<p>§ 743-101. Municipal responsibilities</p>	<p>§ 743-37. Municipal responsibilities</p>
<p>B. The construction, repair and replacement of sidewalks, retaining walls, fences and noise attenuation walls constructed by the City;</p>	<p>B. The construction, repair and replacement of sidewalks, retaining walls, <i>culverts</i>, fences and noise attenuation walls constructed by the City;</p>
<p>§ 743-160. Municipal consent required to construct or alter walkways and driveways</p>	<p>§ 743-42. Municipal consent required to construct or alter walkways and driveways</p>
<p>E. The location and design of the walkway or driveway shall be provided to the satisfaction of the General Manager, including, if required by the General Manager, the installation of bioswales or corrugated metal culverts along streets with ditches.</p>	<p>E. The location and design of the walkway or driveway shall be provided to the satisfaction of the General Manager, including, if required by the General Manager <i>and at no cost to the City</i>, the installation of bioswales or culverts along streets with ditches.</p>
<p>§ 743-171. Notification and cost recovery</p>	<p>§ 743-44. Notification and cost recovery</p>
<p>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.</p>	<p>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.</p> <p><i>(1) The person, property owner, or occupier of the land shall, to the satisfaction of the General Manager, pay the</i></p>

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	<p><i>survey and inspection fee as prescribed by Chapter 441, Fees and Charges; and,</i></p> <p>(2) <i>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.</i></p>
<p>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:</p> <p>(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,</p> <p>(2) Invoice the person for the costs owing.</p>	<p>C. 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:</p> <p>(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,</p> <p>(2) Invoice the person for the costs owing, <i>including any outstanding survey and inspection fees.</i></p>
<p>D. The General Manager, shall not, in the case of emergency, 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 represents an imminent 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 § 743-171B and C;</p>	<p>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, <i>or is an emergency that presents a danger to public health or safety,</i> 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-B and C;</p>
<p align="center">§ 743-172. Disposing of seized articles</p>	<p align="center">§ 743-46. Disposing of seized articles</p>
<p>A. Unless specified otherwise in this chapter and despite § 743-3H and § 743-3J, The General Manager shall store . . .</p>	<p>A. Unless specified otherwise in this chapter and despite § 743-3H, The General Manager shall store . . .</p>
<p align="center">§ 743-173. Powers and authority of the General Manager</p>	<p align="center">§ 743-47. Powers and authority of the General Manager</p>

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<p>A. Power of Entry The General Manager may, if considered necessary to implement the provisions of this chapter, enter upon a property adjoining a street:</p> <ul style="list-style-type: none">(1) To inspect, maintain, install, repair, alter or replace any article or thing that in the opinion of the General Manager affects the street or the safe operation of the street; and,(2) The powers of entry of the General Manager may be exercised by an officer of the Transportation Services Division. <p>B. Inspection</p> <ul style="list-style-type: none">(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:<ul style="list-style-type: none">(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.	<p>A. Inspection</p> <ul style="list-style-type: none">(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:<ul style="list-style-type: none">(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. <p>B. Power of Entry</p> <ul style="list-style-type: none">(1) <i>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.</i>(2) The powers of entry of the General Manager may be exercised by an officer of the Transportation Services
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	Division.
§ 743-250. Appeal process for applications refused by the General Manager	§ 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, . . . within ten working days of the General Manager’s written decision . . .	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, . . . within <i>fifteen business days</i> of the General Manager’s written decision . . .
§ 743-252. Fees for property information requests	§ 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, street allowance licensees or permits, historical environmental conditions or 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 the providing the requested information.	B. Where a request is received for information on the status of a property with respect to development agreement compliance, local improvements, encroachments, <i>permits</i> and other matters under the jurisdiction of the General Manager, . . .