

Public Works and Infrastructure Committee

(City Council on November 29, 30 and December 1, 2011, deferred consideration of Item PW9.10 to the next regular City Council meeting on February 6 and 7, 2012.)

PW9.10	Action			Ward:All
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Amendments to Chapter 743, "Use of Streets and Sidewalks," of the Toronto Municipal Code - Final Report

Committee Recommendations

The Public Works and Infrastructure Committee recommends that:

1. City Council enact the amendments to City of Toronto Municipal Code Chapter 441, Fees and Charges, and Chapter 743, "Streets and Sidewalks, Use of", generally as set out in Attachment No. 1 to this report of the General Manager, Transportation Services, dated October 20, 2011, including the changes to the initial draft as set out in Attachment No. 2 of this report, subject to such technical and stylistic amendments as required by the City Solicitor and the General Manager, Transportation Services.
2. City Council amend the City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of, by adding a new section, as follows:

"Camping, dwelling and lodging prohibited.
 A. 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."
3. City Council authorize and direct the General Manager, Transportation Services, and the City Solicitor to rescind, at such time as they deem appropriate, the existing provisions in the Code Chapters, policies and by-laws, or relevant sections thereof, of the former municipalities described below, and any other provisions that the General Manager or City Solicitor may identify relating to and that have been superseded or replaced by the new Code Chapter:
 - 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. § 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. § 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, § 313-43) VII, VIII, X, XI (§ 313-74, § 313-75, § 313-76, § 313.78, § 313.77 excluding references to § 313-35, § 313.36 and

- § 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. § 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.
4. City Council authorize the City Solicitor to amend any City by-laws, policy or Code Chapters, or sections therein, that may contain references to any by-law, policy or Code Chapter, or section therein, that is to be superseded by the proposed amendments to Chapter 743 to eliminate and, where appropriate, correct such references.
5. City Council authorize and direct the City Solicitor, in consultation with the General Manager, Transportation Services, to make application to the Senior Regional Justice of the Ontario Court of Justice for set fines with respect to the offences created by the amendments to Chapter 743.

Committee Decision Advice and Other Information

The Manager, Traffic Planning/Right-of-Way Management, Etobicoke York District, gave a presentation to the Public Works and Infrastructure Committee on this item.

The Public Works and Infrastructure Committee held a public meeting on November 3, 2011, in accordance with the City of Toronto Act, 2006, and notice was posted on the City's website for a minimum of 5 days. Two persons addressed the Public Works and Infrastructure Committee.

Origin

(October 20, 2011) Report from the General Manager, Transportation Services

Summary

Transportation Services has completed a public and stakeholder consultation, as directed by Council, to gather feedback on proposed substantial amendments to Municipal Code Chapter 743 (“Use of Streets and Sidewalks”), which in effect form a new “Streets By-law,” to consolidate and simplify the management and administration of a comprehensive range of activities and uses in Toronto’s 5,600 kilometres of public rights-of-way.

The draft amendments and supporting documentation were posted on the City’s website for public review, and staff presented the proposed amendments to representatives of the City’s Business Improvement and Resident Associations, as well as interested Councillors. Public open houses were held in each Community Council district in September, 2011.

The attached by-law represents the results of this consultation. The original draft document presented to Public Works and Infrastructure Committee at its June 23, 2011, meeting has been

revised in response to public comment, with the recommended draft by-law presented here for approval.

Significant revisions resulting from the consultation program include: deleting the clause prohibiting camping, dwelling or lodging on a street; increasing the number of permitted encroachments for residents and Business Improvement Associations (BIA); requiring street work permit holders to provide BIAs with 48 hours advance notice before conducting their work; applying a survey and inspection fee to locations that do not comply with an initial notice from a By-law Officer; and, increasing the appeal period from ten working days to fifteen business days.

By working with the public and stakeholders, focusing on prevention by encouraging compliance with municipal regulations, the new provisions will promote efficiencies by reducing reliance on enforcement “after the fact.” Common municipal regulations governing the use of public rights-of-way will now apply City-wide, with application consistent throughout each operating District.

This report is scheduled as a deputation item. Public notice has been given in the manner prescribed by Chapter 162, Notice, Public, of the City of Toronto Municipal Code.

Background Information (Committee)

(October 20, 2011) Report from the General Manager, Transportation Services, on Amendments to Chapter 743, "Use of Streets and Sidewalks," of the Toronto Municipal Code - Final Report

(<http://www.toronto.ca/legdocs/mmis/2011/pw/bgrd/backgroundfile-41886.pdf>)

(October 20, 2011) Attachment No. 1 - Draft By-law

(<http://www.toronto.ca/legdocs/mmis/2011/pw/bgrd/backgroundfile-41983.pdf>)

(October 20, 2011) Attachment No. 2 - Recommended Revisions to Chapter 743 of the Toronto Municipal Code

(<http://www.toronto.ca/legdocs/mmis/2011/pw/bgrd/backgroundfile-41984.pdf>)

Communications (City Council)

(November 4, 2011) E-mail from Andra Zommers (CC.Main.PW9.10.1)

(November 5, 2011) E-mail from Matt Stata (CC.Main.PW9.10.2)

(November 29, 2011) Letter from Margaret Vandenbroucke, Chair, Advocacy Committee, Multifaith Alliance to End Homelessness (CC.New.PW9.10.3)

(<http://www.toronto.ca/legdocs/mmis/2012/cc/comm/communicationfile-27640.pdf>)

Speakers (Committee)

Hamish Wilson

Anthony Humphreys