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CHAPTER 789, TELECOMMUNICATIONS EQUIPMENT

**Chapter 789**

**TELECOMMUNICATIONS EQUIPMENT**

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**[HISTORY: Adopted by the Council of the City of Toronto 1999-09-29 by By-law No. 665-1999.<sup>1</sup> Amendments noted where applicable.]**

**General References**

*Municipal Act* - See R.S.O. 1990, c. M.45.

**§ 789-1. Definitions.**

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

COMMISSIONER - The Commissioner of Works and Emergency Services.

STREET - A "highway" as defined in subsection 1(1) of the *Municipal Act*.

TELECOMMUNICATIONS NETWORK - Telecommunications and ancillary equipment, and includes poles, towers, wires, cables, amplifiers and other accessory equipment for providing telecommunications services and pipes, ducts or conduits for enclosing the equipment.

TELECOMMUNICATIONS SERVICES - The meaning as set out in section 2 of the Telecommunications Act, S.C.1993, c.38.

**§ 789-2. Municipal access agreement required; application.**

- A. No person shall erect, place, maintain, construct or lay down a telecommunications network on, across or along any street or public place under the jurisdiction of the City without the consent of the Council of the City.
- B. Every person who wishes to erect, place, maintain, construct or lay down a telecommunications network on, across or along any street or public place under the

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<sup>1</sup> Editor's Note: This by-law was passed under the authority of the *Telecommunications Act, Municipal Act* (R.S.O. 1990, c. M.45), *City of Toronto Act, 1972* (No. 2) and *The Borough of Scarborough Act, 1973*. This by-law repealed Ch. 323, Telecommunications Cable and Ancillary Equipment, of the Municipal Code of the former Corporation of the City of Toronto.

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jurisdiction of the City for the purpose of providing telecommunications services, or to install a telecommunications network upon or within any poles, towers, ducts or conduits already erected, constructed or laid down, shall submit an application for permission to access the streets or public place to the Commissioner, including the following:

- (1) Plans of the proposed telecommunications network, showing the locations of proposed or existing telecommunications equipment, summarizing the extent of the telecommunications network and specifying the boundaries of the area within the City for which access is required.
  - (2) Technical specifications of the proposed telecommunications network.
  - (3) List of third-party facilities located within a street presently used or proposed to be used for the installation of telecommunications equipment, including any poles, towers, pipes, ducts and conduits.
  - (4) The written consent, where applicable, of the third party in which is vested the management and control of third-party facilities allowing for their use by the applicant.
  - (5) A certificate of general liability insurance in which the City is a named insured, insuring the City in the amount of \$5,000,000 inclusive coverage for loss or injury to persons or property arising out of any one incident, and including a cross-liability clause.
  - (6) A performance bond or letter of credit in a form satisfactory to the City Treasurer and in an amount which is satisfactory to the Commissioner to ensure proper compliance with this chapter.
- C. Once the information as required under Subsection B has been provided, the Commissioner shall prepare a report to Council seeking authority to enter into a municipal access agreement with the applicant granting an access licence for use of the streets upon such terms and conditions as agreed.

**§ 789-3. Encroachments.**

**[Amended 2000-10-05 by By-law No. 869-2000; 2000-10-12 by By-law No. 958-2000]**

Despite § 789-2C, an application under this chapter may be processed and approved by Council as an encroachment, subject to such terms and conditions as may be recommended by the Commissioner and approved by Council, where access to a street is required by an applicant for the following:

- A. On a location-specific basis to install a telecommunications network for the internal business purposes of the applicant;

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- B. To construct lateral connections from the high pressure water main system leased from the City and operated by MetroNet Communications Group Inc.; or
- C. In such circumstances or for such purposes as may, in the opinion of the Commissioner, justify it.

**§ 789-4. Offences.**

Any person who contravenes § 789-2A of this chapter is guilty of an offence.<sup>2</sup>

**§ 789-5. Conflicting provisions.**

This chapter shall prevail to the extent of any conflict with any other City by-law.

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<sup>2</sup> Editor's Note: This section was passed under the authority of sections 320 and 331 of the *Municipal Act*, R.S.O. 1990, c. M.45, and, under section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, a person convicted of an offence under this section is liable to a fine of not more than \$5,000.