

# Defending Your Table

## Handing Out *Free* Flyers in Toronto

It is apparent that many Toronto Police officers either do not know the by-laws that govern Toronto's streets or willing twist them to harass and dissuade those who speak the truth. If you hand out *free* Truth Seeker materials and need a defense for you sidewalk table use this guide to demonstrate the law to any officer who might prey on ignorance.

There are four essential Chapters of Municipal Code that deal with streets and sidewalks. Each has a unique pattern to its enforcement and thus these by-laws must be discussed separately.

### **THE LAW**

#### **Chapter 313**

#### **STREETS AND SIDEWALKS**

§ 313-2. Obstruction or fouling of streets or ditches prohibited.

A. No person shall obstruct, encumber, injure or foul or cause or permit the obstructing, encumbering, injuring or fouling of any street.

B. No person shall place any obstruction in or obstruct or cause to be obstructed any ditch, culvert, drain or watercourse on any street.

#### **Use of Metropolitan Roads**

§ 313-45. Lease or licence for certain purposes.

A. [Amended 1995-03-27 by By-law No. 1995-0249] An owner or occupant of land that may be lawfully used for commercial or industrial purposes which abuts on the sidewalk, boulevard or untravelled portion of a Metropolitan road within the City's boundaries may apply to the Commissioner to lease or licence the use of the sidewalk, boulevard or untravelled portion of the Metropolitan road for the purposes

of:

(1) Display of merchandise under § 313-35.

(2) Operation of boulevard cafes under §§ 313-36 and 313-37.

(3) Installation of bicycle stands under § 313-38.

(4) Holding of sidewalk sales under § 313-25.

**STREET** — A "highway" as defined in subsection 1(1) of the Municipal Act,<sup>1</sup> but does not include a highway that is a Metropolitan road.

"**highway**" means a common and public highway, and includes a street and a bridge forming part of a highway or on, over or across which a highway passes; ("voie publique") Municipal Act, R.S.O. 1990, c. M.45

### **THE SOLUTION**

In the event that an officer attempts to charge a person for impeding the sidewalk with a table that is giving away free materials, under Chapter 313, you may reject his charges under this logic:

A street is only a highway when it is connected to a bridge, that is to say, a sidewalk along a bridge counts as a highway. Any tables on a sidewalk that is not along side a bridge is actually a Metropolitan road. Only people selling goods are required to get a permit when on a Metropolitan Road.

## **THE LAW**

### **Chapter 315**

#### **STREET VENDING**

§ 315-2. Vending restricted. [Amended 1996-04-29 by By-law No. 1996-0228]

Subject to §§ 315-5, 315-19 and 315-20, no person shall at any time in, over or upon the road, sidewalk or boulevard of any public highway vend or otherwise stop, park, place, store, stand or leave any object, vehicle or thing on the road, sidewalk or boulevard for the purposes of vending unless the use of the road, sidewalk or boulevard is by a farmer or market gardener selling or delivering goods to any place of business or residence adjacent to the road, sidewalk or boulevard, if the farmer or market gardener is not selling or delivering from a vehicle parked, stopped or standing in a designated area established under this Article.

**VEND** - To sell or offer to sell by retail or to manufacture, display, place or expose for the purposes of sale by retail any service or any goods, wares, merchandise, products, crafts, jewellery, refreshments, foodstuffs, flowers or any other items whatsoever, and "vending" shall have a corresponding meaning. [Amended 1995-04-24 by By-law No. 1995-0276]

## **THE SOLUTION**

If an officer attempts to charge you under Chapter 315 of the Municipal Code you may use this logic to reject his charges:

Vending is 'to sell or offer to sell' only and does not include materials handed out for free.

## **THE LAW**

### **Chapter 743**

#### **STREETS AND SIDEWALKS, USE OF**

§ 743-3. Publication dispensing boxes.

[Added 2005-12-07 by By-law No. 1070-200511]

A. No person shall place, install or maintain an installation on, along or in a City street unless the person has:

- (1) Complied with the requirements of this section;
- (2) Obtained all applicable permits required by the City;
- (3) Paid all applicable fees as required by the City;
- (4) Submitted applicable evidence of required insurance; and
- (5) Entered into and is in compliance with an agreement.

**INSTALLATION** — A traffic control device, article or thing temporarily installed for a street event.

**STREET EVENT** — A temporary full or partial closing of a street to accommodate admission-free, or admission-restricted, races, runs, walks, and festivals.

## **THE SOLUTION**

If an officer attempts to charge you under Chapter 743 of the Municipal Code you may use this logic to thwart him:

The act restricts only 'installations' on city sidewalks. An installation is installed for the purposes of a 'street event.' A street event only includes races, runs, walks and festivals and not a table used for passing out free materials.

## **THE LAW (1 of 2)**

### **Chapter 693**

#### **SIGNS**

§ 693-17. Temporary signs; general requirements.

A. General.

(1) No person shall erect, display, place or maintain a temporary sign except as permitted by this article.

(2) Temporary signs shall comply with all other applicable City by-laws.

(3) Where the provisions of this article are in conflict with any other by-law applicable to temporary signage, this article shall prevail to the extent of the conflict.

**TEMPORARY SIGN** — A sign that is not permanently installed or affixed to any structure or building, and: [Amended 2010-08-27 by By-law No. 1072-201016]

A. Includes:

(1) A mobile sign;

(2) A portable sign;

(3) A real estate sign;

(4) An open house directional sign;

(5) A new development sign;

(6) A garage sale sign;

(7) A ground-mounted sign; and

(8) A construction hoarding sign.

B. Does not include a poster.

#### **MOBILE SIGN:**

A. A sign that is:

(1) Temporary;

(2) Designed for the rearrangement of copy on the sign face; and

(3) Part of, or attached to, a readily re-locatable wheeled trailer or frame without wheels.

B. Does not include a sign attached to a vehicle where the principal use of that vehicle is the transportation of people, goods or other materials.

**PORTABLE SIGN**— A rigid free-standing moveable sign not fastened by any means to the ground or any structure, and includes an A-frame sign.

**REAL ESTATE SIGN** —An on-premises sign advertising the sale, rent or lease of the premises.

**OPEN HOUSE DIRECTIONAL SIGN**— A sign intended to direct traffic to a residence for sale or lease, but does not include a new development sign.

**NEW DEVELOPMENT SIGN** —A sign that is not permanently installed or affixed to the ground and where the purpose of the sign is to direct attention to the sale of new developments.

**GARAGE SALE SIGN** — A sign advertising the sale of merchandise in a private sale held on a property zoned residential.

**GROUND-MOUNTED SIGN**— A sign upheld by one or more supports constructed or driven into the ground for the sign's exclusive support but excludes both a real estate sign and a sign that is affixed to the ground by a self-supporting structure that has a permanent foundation below grade or above grade.

**CONSTRUCTION HOARDING SIGN PROVIDER**—A person who carries on or engages in the business of:

- A. Installing construction hoarding or construction hoarding signs on behalf of others; or
- B. Leasing or renting construction hoarding or construction hoarding signs to others.

### **THE SOLUTION**

If you have signs displayed on your table and the officer attempts to charge you under Chapter 693-17 of the Municipal Code you may use this argument to dissuade him:

Temporary signs only include signs that are advertising sales and which are freestanding, affixed to the ground, driven into the ground or built to rearrange. A fabric or cardboard sign held in the hands or attached to a display table use to distribute free materials is not subject to these laws.

### **THE LAW (2 of 2)**

**§ 693-29.** General restrictions.

A. Except as authorized by by-law, article in this chapter, or by agreement with the City, no person shall erect, attach, place or display, or cause or permit to be erected, attached, placed or displayed, any poster on, over or to any structure or thing, located on land owned by the City or any of its agencies, boards or commissions, including but not limited to:

- (1) Parking meter ticket dispensers (pay and display machines) and parking meters, including the vertical support posts;
- (2) Parking and traffic signs, including the vertical support posts;
- (3) Street litter disposal containers;
- (4) Newspaper boxes;
- (5) Traffic control devices and signal control boxes;
- (6) Trees;
- (7) Street furniture;
- (8) Bus shelters;
- (9) Bicycle racks;
- (10) Fire hydrants;
- (11) Post boxes;
- (12) Phone booths and call stations;
- (13) Switching cabinets;
- (14) Fencing of a construction site or demolition site required under Chapter 363, Building Construction and Demolition, Article III, Fencing of Construction and Demolition Sites;
- (15) Kiosks;
- (16) Utility poles; and
- (17) Privately owned poles.

**KIOSK** — A structure, approved by the General Manager of Transportation Services, placed on a highway within the City for the purpose of posting posters and includes a poster board, a designated wall or other designated locations.

### **THE SOLUTION**

If an officer attempts to charge you under Municipal Code 693-29 for hanging a poster on a table used for handing out free materials use the following argument:

The restrictions for hanging posters are limited to objects owned or maintained by the city placed on city property. Since we the citizens own that property, the restriction only applies to objects owned by the city on city property. A 'kiosk' only includes designated areas approved by the General Manager of Transportation, thus, anything not approved by the General Manager cannot be considered a 'kiosk.'