

Authority: Public Works and Infrastructure Committee Item 21.7,
as adopted by City of Toronto Council on January 27 and 28, 2009
Enacted by Council: May 12, 2010

CITY OF TORONTO

BY-LAW No. 482-2010

To amend City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of, to regulate the temporary full or partial closure of City roads for a street event.

WHEREAS it is desirable to amend Municipal Code Chapter 743, Streets and Sidewalks, Use of, to provide for and consolidate the regulation of closing City highways for street events;

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 inserting a new Subsection C in § 743-1 as follows:

"C. As used in § 743-6 of this chapter:

(1) the following terms shall have the meanings indicated:

ADVANCE NOTIFICATION SIGN — a sign which notifies the public of an upcoming Closure for a Street Event and which is installed a minimum of 14 days in advance of the Closure.

AGENT — a person authorized in writing to act on behalf of a person, Business Improvement Area, corporation, company or organization where the person, Business Improvement Area, corporation, company or organization is responsible for meeting the conditions of § 743-6.

APPLICANT — a person or agent who applies for or receives a permit under § 743-6.

ARTERIAL ROAD — any major or minor arterial roadway that is designated as an arterial road in the City's road classification system, as amended from time to time, including a Major Arterial Road.

BOULEVARD — that part of a public Street that is not used, or intended to be used, for vehicular travel by the general public, and is situated between the travelled roadway and the adjoining property line.

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.

CITY — City of Toronto.

CLOSURE — a temporary full or partial closing of a Street for a period of no more than four consecutive days.

COLLECTOR ROAD — any roadway that is designated as a collector road in the City's road classification system, as amended from time to time.

EXPRESSWAY — the F.G. Gardiner Expressway, the Don Valley Parkway, the W.R. Allen Road, Black Creek Drive, Highway 2A or Highway 27, or any other roadway designated as an expressway in the City's road classification system, as amended from time to time.

FEES — fees and charges as set out in Municipal Code Chapter 441, Fees and Charges.

GENERAL MANAGER — the General Manager of Transportation Services for the City of Toronto and his or her designate or successor.

INSTALLATION — a traffic control device, article or thing temporarily installed for a Street Event.

LOCAL ROAD — any roadway that is designated as a local road in the City's road classification system, as amended from time to time.

LONGSTANDING MAJOR EVENT — a Street Event that has occurred for at least five consecutive years on a Major Arterial Road at that Traditional Location and Traditional Time.

MAJOR ARTERIAL ROAD — a roadway upon which traffic movement is a primary function, is subject to access controls, upon which greater than 20,000 vehicles per day travel, upon which greater than 5,000 bus passengers per day travel, with speed limits of 50 to 60/km/hr, and which is deemed by the City as high priority for winter maintenance.

NOTIFICATION LETTER — a letter from the General Manager to the organizers of a Longstanding Major Event advising the organizers that an application has been made for a Street Event permit for the Traditional Location(s) and Traditional Time(s) historically occupied by the Longstanding Major Event and advising the organizers of the Longstanding Major Event that, if the organizers of the Longstanding Major Event wish to preserve their priority for a Street Event at their Traditional Location(s) and

Traditional Time(s), the organizers must submit an application for a Street Event Permit within 10 business days of the date of the Notification Letter.

OBJECTION — a written notice of opposition to an application for a Street Event.

PERMIT — a permit issued under § 743-6.

ROAD — includes an Arterial Road, Collector Road and a Local Road.

SIDEWALK — that part of the Street located within the Boulevard that is improved for the exclusive use of pedestrians.

STREET — a highway as defined in the *Highway Traffic Act*.

STREET CONVERSION — the temporary conversion of vehicular traffic direction on a Road.

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

STREET EVENT GUIDELINES — policies and procedures for Street Events, as may be amended from time to time by the General Manager.

STREET EVENT NOTICE — written notification to inform residents and businesses of a Street Event application.

TRADITIONAL TIME — within that same calendar month.

TRADITIONAL LOCATION — within that same Ward(s).

TRAFFIC CONTROL AND PUBLIC SAFETY PLAN — a safety plan for a full or partial closure of a Street, as set out in the "Temporary Conditions" in the Ontario Traffic Manual Book 7 and in the Street Event Guidelines.

TRAFFIC CONTROL DEVICES — any sign, signal, marking, or other device placed upon, over or adjacent to a Street by a public authority or official having jurisdiction for the purpose of regulating, warning, guiding or informing road users as set out in the Ontario Traffic Manual or other device authorized by the General Manager.

WARD — a City ward as continued, created or amended pursuant to the authority of the *City of Toronto Act, 2006*.

WASTE MANAGEMENT PLAN — a plan for collecting, recycling, removing and storing garbage, litter and debris.

- (2) A term not defined in § 743-1C(1) of this chapter shall have the same meaning as the term has in the *Highway Traffic Act*."

B. By inserting a new § 743-6 as follows:

"§ 743-6. Street Events.

A. Issuance of Permits.

The General Manager is appointed as the officer of the City to issue Permits on behalf of the City for Street Events under this chapter.

B. Municipal Consent.

No person shall temporarily close or place an Installation upon, over, in, across or adjacent to a Street for a Street Event unless the person has, to the satisfaction of the General Manager:

- (1) complied with the requirements of § 743-6;
- (2) obtained all applicable permits required by the City;
- (3) paid all applicable fees and charges as required by the City; and
- (4) submitted applicable evidence of required insurance to the General Manager.

C. Application for Permits

- (1) Any person who is applying for a Closure for a Street Event and for permission to place an Installation upon, over, in, across or adjacent to a Street for a Street Event must submit an application on a prescribed form to the General Manager:
 - (a) at least eight (8) weeks prior to the first day of the proposed Closure on any Boulevard and on any Local Road;
 - (b) at least twelve (12) weeks prior to the first day of the proposed Closure on a Collector Road;
 - (c) at least sixteen (16) weeks prior to the first day of the proposed Closure on an Arterial Road; and

- (d) at least fifty-two (52) weeks prior to the first day of the proposed Closure on an Expressway.
- (2) Any application must include the following:
- (a) name, mailing and email address, phone and fax number of the Applicant;
 - (b) proposed location of the Street Event;
 - (c) type of Street Event;
 - (d) number of persons expected to attend the Street Event;
 - (e) date(s) and time(s) of the Street Event, Street closure/reopening times and proposed program;
 - (f) site plan with measurements of the location where each Installation is to be placed; and
 - (g) must comply with the application portion of the Street Event Guidelines.
- (3) Prior to the issuance of a Permit under § 743-6, the Applicant shall meet the following conditions to the satisfaction of the General Manager:
- (a) Where an application includes the service of alcohol within the Street Event, the General Manager shall require prior written confirmation of approval by City Council and the Licensing and Registration Department of the Alcohol and Gaming Commission of Ontario;
 - (b) Where an application includes a full or partial closure of an Expressway or a full or partial closure for a motor vehicle race on any Road, the application requires approval by City Council;
 - (c) The applicant shall submit to the General Manager a Traffic Control and Public Safety Plan that conforms to the Street Event Guidelines;
 - (d) Where an application includes a Closure of an Expressway, Expressway access/exit and diversions, the Applicant shall pay to the City the cost or estimated cost to install and remove any and all Installation(s);

- (e) Where an application includes a full closure of a roadway for more than twenty-four (24) hours or where otherwise determined by the General Manager, the Applicant shall be required to pay to the City the City's cost or estimated cost to manufacture, install and remove the Advance Notification Signs, or the Applicant shall, at its own expense, arrange for the manufacture, installation and removal of Advance Notification Signs, all to the satisfaction of the General Manager;
- (f) The Applicant shall pay to the City the City's cost or estimated cost to manufacture, install and remove Street Conversion signs;
- (g) The Applicant shall confirm to the General Manager that they have made arrangements with a private contractor, acceptable to the General Manager, to install and remove Traffic Control Devices according to the approved Traffic Control and Public Safety Plan;
- (h) The Applicant shall confirm to the General Manager that they have obtained any other permits or approvals that may be required by the City;
- (i) The Applicant shall submit to the General Manager a Street Event Notice advertising the proposed Street Event, such Street Event Notice to be acceptable to the General Manager, and submit to the General Manager proof of posting of the approved Street Event Notice;
- (j) The Applicant shall submit a Waste Management Plan satisfactory to the General Manager of Solid Waste Management Services of the City and undertake to comply with and implement this Waste Management Plan;

- (k) The Applicant, at its own expense, shall obtain and maintain a minimum of \$2,000,000 per occurrence limit of third party bodily injury and property damage liability insurance, or as directed by the General Manager or Chief City Official of the City. The policy will be written with an insurer that is licensed in the Province of Ontario and will include the City as an additional insured; a cross-liability/severability of interest clause; and a clause which states that the insurer shall provide the City with 30 days notice in the event that the policy is cancelled or materially changed to affect the coverage provided to the City. The policy of insurance will act as primary to any other insurance available to the City. The Applicant shall file a certificate of insurance in a form acceptable to the General Manager with the application evidencing the coverage; and
- (l) Any other conditions considered appropriate by the General Manager and the City Solicitor.

D. Issuance of Permits.

Subject to § 743-6E, where an application meets the requirements of § 743-6C and all applicable fees and charges have been paid, the General Manager shall issue the required Permit.

E. Refusal of Applications.

- (1) Where an application is submitted by an Applicant (the "Initial Applicant" in § 743-6E(1)) to the General Manager for a Street Event in a Traditional Location(s) and at a Traditional Time(s) historically occupied by a Longstanding Major Event, that Initial Applicant being someone other than the organizers of the Longstanding Major Event:

A. The General Manager shall:

- (a) pend the processing of the application by the Initial Applicant for 30 days; and send a Notification Letter.

- B. Where the organizers of a Longstanding Major Event submit an application for a Street Event permit within 10 business days of the date of the Notification Letter and meet the requirements of Subsection 743-6C and pay all applicable fees and charges, that Longstanding Major Event will continue to have the privilege of occupying its

Traditional Location(s) and Traditional Time(s) and the General Manager shall:

- (a) issue the required Street Event Permit to the organizers of the Longstanding Major Event; and
- (b) refuse to issue a permit to the Initial Applicant for a Street Event permit.

C. Where the organizers of a Longstanding Major Event do not submit an application for a Street Event permit within 10 business days of the date of the Notification Letter, the General Manager shall continue processing the application by the Initial Applicant.

- (2) With the exception of a situation outlined in § 743-6E(1)B, the General Manager shall refuse an application for a Street Event permit where a prior Street Event permit has been applied for or issued for a full road closure on the same Local, Collector or Arterial Road within the same Ward and in the same calendar month, unless the General Manager receives written approval from each City Councillor in whose Ward the road closure is requested;
- (3) The General Manager shall refuse an application for a Permit where the Applicant requesting the Permit has outstanding fees or charges to the City;
- (4) The General Manager shall refuse an application for a Permit where the application does not comply with the requirements of § 743-6C; and
- (5) The General Manager shall refuse an application for a Permit where the General Manager is in receipt of a written objection to the application and where, in the opinion of the General Manager, the objection is valid and irresolvable.

F. Reasons for Refusal.

The General Manager shall provide an Applicant whose application has been refused with written reasons for the refusal at the time that the Applicant is advised of the refusal.

G. Appeals.

- (1) Any Applicant whose application for a Permit has been refused may appeal the decision of the General Manager to and request to be heard by the applicable Community Council or, where the proposed Street Event is held within more than one Community

Council, to be heard by the Public Works and Infrastructure Committee, by filing with the General Manager, within seven days of the date of the General Manager's written decision, a notice of appeal requesting the right to be heard and including the Applicant's contact information, grounds for the appeal, any related submissions and appeal fee;

- (2) Upon receipt of an appeal notice as set out in § 743-6G(1), the General Manager shall prepare and forward a report to the applicable Community Council or the Public Works and Infrastructure Committee, or its successor, that shall include the information regarding:
 - (a) the application;
 - (b) the General Manager's decision and reasons for the refusal to issue the Permit; and
 - (c) a letter from the Applicant requesting an appeal.

H. Requirements.

No person shall temporarily close a City Street or place an Installation upon, over, in, across or adjacent to a City Street unless such Installation complies with the Street Event Guidelines or any other requirements considered appropriate by the General Manager.

I. Revocation/Cancellation.

- (1) Any Permit may be suspended or revoked at any time by the General Manager or his/her designate for failing to comply with the provisions of § 743-6, in the interests of pedestrian, vehicular or public safety, or when the Permit was obtained through the submission of false, misleading or fraudulent information;
- (2) Any one or more of the City, the Toronto Police Service, the Toronto Transit Commission and/or a public utility shall not be responsible for any claim for loss or damage as a result of a suspension or revocation under this subsection; and
- (3) The General Manager is not responsible for refunding any fees for any Permit that was obtained through the submission of false, misleading or fraudulent information.

J. Removal, Seizure, Disposal and Damage.

- (1) Any Installation that has been placed or maintained contrary to § 743-6 or contrary to any Permit shall be removed by the owner

immediately on notification by the General Manager, failing which the General Manager may seize and remove from the road the Installation which has been placed contrary to this § 743-6 or contrary to any Permit, and the General Manager shall store any Installation so seized and shall return any Installation to the owner upon the owner paying to the City the costs of removal and storage of the Installation;

- (2) Notwithstanding §743-6J(1), the General Manager may dispose of any Installation so seized at the expiry of sixty (60) days from the date of notification by the City to the Applicant or the owner of the Installation that the Installation has been seized;
- (3) Any recycling, garbage, litter and debris that is not removed from the Street by the Applicant contrary to the Waste Management Plan required by § 743-6C(3)(j) may be removed by the General Manager and the Applicant shall pay to the City the City's costs for removal and administration; and
- (4) The Applicant shall pay to the City the cost of repair, restoration or replacement and administration of any Street or street furniture arising from any damage to Street or street furniture caused by any Street Event Installation.

K. Fees.

- (1) The Applicant shall pay a permit fee and charges as set out in Municipal Code Chapter 441, Fees and Charges;
- (2) The Applicant shall pay to the City all costs associated with regulatory traffic changes, including Expressway closures, as determined by the General Manager; and
- (3) The Applicant shall pay any additional costs required for closing of the Street to hold the Street Event, as determined by the General Manager."

C. By inserting a new § 743-36 as follows:

"§ 743-36. Conflict.

In the event of a conflict between the provisions of § 743-6 and any other by-law of the former Borough of East York, the former Cities of Etobicoke, North York, York, Scarborough or Toronto, or the former Municipality of Metropolitan Toronto, the provisions of § 743-6 shall govern."

2. This by-law shall come into force on the latter of January 1, 2011 or 30 days after the date of approval by the Regional Senior Justice of the set fines required for the offences created by this by-law.

ENACTED AND PASSED this 12th day of May, A.D. 2010.

GLORIA LINDSAY LUBY,
Deputy Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)