



## STAFF REPORT ACTION REQUIRED

### Street Events – By-law Consolidation and Implementation Guidelines

<b>Date:</b>	December 18, 2008
<b>To:</b>	Public Works and Infrastructure Committee
<b>From:</b>	General Manager, Transportation Services
<b>Wards:</b>	All Wards
<b>Reference Number:</b>	Pw08022te.row

#### SUMMARY

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Street events encompass a variety of charitable, promotional and recreational activities, ranging from races, runs, walks, festivals, cultural and social events, parties, etc. Such events have grown significantly in both numbers and size over the past few years and have come to be an important part of Toronto’s fabric and symbolize its vitality and diversity. Street events undoubtedly enhance the liveability and contribute to the urban experience for residents as well as attracting visitors to the City.

By definition, street events involve the full or partial closure of one or more streets. This introduces a natural tension in terms of accommodating and facilitating the events and the many positive attributes they bring, and mitigating the sometimes considerable impacts on normal accessibility and transit, pedestrian and traffic flow. This report recommends a series of measures in the form of a new consolidated by-law and implementation guidelines, to balance these interests.

Due to concerns of traffic interruptions because of events, it is recommended that no roadway be fully closed for more than one event per calendar month in a Ward. Exceptions would require the written approval of an affected Business Improvement Area (BIA) and the Ward Councillor.

It is recommended that the new consolidated by-law be introduced effective January 1, 2009.

Finally, it is noted that this report does not propose any changes to the current fee structure applicable to street events at this time. Fees for use of the City streets for these purposes were harmonized in 1999. Further consideration of this aspect will be more

appropriately done in the context of future reports the Economic Development, Culture and Tourism Division will be preparing in accordance with the Event Enhancement Strategy, approved by Council in 2006.

## **RECOMMENDATIONS**

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### **Transportation Services recommends that:**

1. authority be granted to submit any Bills required to amend Municipal Code Chapter 743, Streets and Sidewalks, pertaining to a consolidated street event by-law, generally in accordance with Appendix A of this report, subject to any necessary refinements as may be identified by the General Manager of Transportation Services and the City Solicitor;
2. at such time as the General Manager of Transportation Services, and the City Solicitor deem appropriate, the existing provisions in the Code Chapters and by-laws, or relevant sections thereof, of the former municipalities as set out below, and any other provisions that may be identified by the General Manager or City Solicitor, that relate to and have been superseded or replaced by the new Code Chapter, be repealed;
  - By-law No. 92-91 Streets Closings, as amended, to provide for the temporary closing of highways (East York);
  - Article IIA , Temporary Closures of Streets for Special Events of Municipal Code Chapter 231, Streets and Sidewalks (Etobicoke);
  - Municipal Code Chapter 233, Sunday Activities (Etobicoke);
  - Section 4(5) of By-law No. 211-74, To regulate the use of Metropolitan Roads (Municipality of Metropolitan Toronto);
  - Section 1(1)(d) of By-law No. 41-93, To delegate to certain area municipalities the authority to lease or license the use of sidewalks, boulevards and untravelled portions of Metropolitan Roads (Municipality of Metropolitan Toronto);
  - By-law No. 27433 (North York);
  - Section 3 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 (Scarborough);
  - Sections 313-19, 313-19.1, 313-25 and 313.19.21 of Municipal Code Chapter 313, Street and Sidewalks (former Toronto);

- Sections 313-19 and 313-25 of Schedule A of Municipal Code Chapter 313, Street and Sidewalks (former Toronto);
  - Sections 937-3, 937-3.1, 937-4 and 937-5 of Municipal Code Chapter 937, Temporary Closing of Highways (City of Toronto); By-law No. 455-2000, Street Event definition; By-law No. 869-2000, Street Event definition; and By-law No. 398-2005, Grand Prix;
  - Articles 4 and 14 of Municipal Code Chapter 1004, Street (York); Section 2 of By-law No. 3343-79, Streets; and Section 3E of By-law No. 3823-81, Temporary Sidewalk Sales; Article 4 could include a closure for an event;
3. the City Solicitor, in consultation with the General Manager of Transportation Services, be authorized and directed to make application to the Senior Regional Justice of Ontario Court of Justice for set fines with respect to the offences created by the above noted proposed section of Municipal Code Chapter 743, Streets and Sidewalks; and
  4. authority be granted to the General Manager of Transportation Services to amend the Street Event Implementation Guidelines from time to time to ensure the most up to-date requirements of the affected agencies are in place.

### **Financial Impact**

There will be no change in financial impact to the City as a result of the adoption of this report and enactment of the proposed consolidated by-law governing street events.

### **DECISION HISTORY**

City Council, at its meeting of October 26, 27, 28 and 31, 2005, adopted, as amended, Motion J(12), Use of Public Roads for Special Events, and in doing so requested the Deputy City Manager to report to the Works Committee on:

- (1) a protocol for the use of public roads by charitable events/athletics that will minimize disruption;
- (2) a protocol to provide greater public notice; and
- (3) the issue of insurance.

Previous consideration by Council of street event related matters, either on an individual basis or in a broader context have set a supportive policy direction for street events. For example, in 2000 Council, in considering “Annual Marathons in the City of Toronto” (Clause No. 4 of Report No. 6 of Economic Development and Parks Committee) directed, among other things, that any permit application submitted to the City of Toronto that meets the City’s criteria be granted. Council in 2005 and 2006 adopted the “Event Enhancement Strategy” (Clause No. 8 of Report No. 6 of the Economic Development and Parks Committee) to foster, support and promote Toronto’s festival and event industry.

The approach and measures set out in this report advance the previously established direction and principles, insofar as use of the City street for events is concerned.

## **COMMENTS**

### **Introduction**

Street events range from small block parties organized by resident volunteers, where disruption to property access and the transportation system is minimal to professionally organized events attracting tens and in some cases hundreds of thousands of Torontonians and visitors with extensive impact on the transportation network.

There are numerous by-laws and policies of the former municipalities governing the temporary closing of a road for an event and the General Manager currently has the delegated authority to administer street events within the City's right of way under these by-law parameters. The intent of this report is to propose consolidated by-laws/policies by striking an appropriate balance between those members of the public and organizations eager to apply for/attend a street event and those wanting to carry on with their normal daily routines.

Requests to use City roads to hold an event have grown considerably over the years. The downtown core in particular remains the favourite destination for larger and specialized events to such an extent that for at least one day of every weekend from April to October a permit is issued for a full and/or partial closure of one or more major roads. In addition to the growing requests for events, the size of these events in terms of attendance has grown enormously. Transportation Services along with other City divisions and agencies such as Toronto Police Service (Police), Emergency Medical Services, (EMS), Toronto Transit Commission (TTC), Fire Service (Fire), Public Health (Health), Solid Waste Management (Solid Waste), Municipal Licensing and Standards (ML&S) are now spending a considerable amount of time balancing the need to ensure that each event is as safe as possible for the participants and the surrounding communities while supporting the event organizers' requests. The success and quality of an event must be evaluated not only from the perspective of programmed activities within the road closure but also safe management of crowds, maintaining open spaces for emergencies in and around the event area, and public mobility.

In an attempt to minimize the impact on the public and attract greater participation, the City and event organizers lean toward Sundays for walks, races and runs. Many events have operated for years and are now synonymous with the weekend, such as the Beaches Jazz Festival, Toronto Waterfront Marathon, Toronto Marathon, Polish, Cabbagetown, Corso Italia and Ukranian Festivals, Taste of the Danforth, Kingsway, Lawrence and Little Italy, Grand Prix, United Jewish Appeal and Aga Khan Partnership Walks, Caribana, Pride Festival and Ride For Heart.

## **Scope of Street Events**

Transportation Services in 2007 issued 456 street event permits requiring full or partial road closures for a variety of event types, organized by residents, Business Improvement Areas (BIAs), charitable foundations, event management companies, promoters and government agencies. Over eighty percent of these take place within the downtown area.

In addition to Transportation permits, Police, under the authority of By-law Nos. 71 and 79 of the Toronto Police Services Board, are responsible for receiving applications for moving events. In 2007, Police issued 437 parade permits and received registrations for 51 protests (plus an estimated addition of 25% unregistered protests). These moving parades/protests for the most part start and finish on private property, a Civic Square, sidewalk or park. For larger parades such as Pride, St. Patrick's Day, AIDS Conference, Toronto Caribbean Carnival/Caribana and several Santa Claus', Transportation also issues a permit when the formation and dispersal areas must be on the roadway for reasons of size, inclusion of vehicles and floats or lack of private property. Transportation and Police notify each other of all applications as well as coordinating with programmed road construction and film permits to mitigate overlapping or conflicting road closures.

## **Current Street Event Practices**

Prior to 1997 each former municipality of the amalgamated City had individual by-laws, protocols and policies governing street events with varying levels of detail and parameters. Since amalgamation, two street event related aspects have been formally harmonized: permit fees and permission for staff to issue permits for a road closure for up to four consecutive days for a social, recreational, community, athletic or cinematographic purpose.

Municipal Code Chapter 937, Temporary Closing of Highways, allows, in part, the General Manager to temporarily close a road for a social, recreational, community, athletic or cinematographic purpose for no more than four consecutive days, and requires Council approval for the closure of an expressway/parkway, i.e., Grand Prix (former Molson Indy Race) and Ride For Heart. There are no other specific conditions.

With the increased and growing interest in holding events on the road, the following procedures and policies are currently in place:

### Admission

Admission within the event area is free or by special invitation. To raise funds event organizers may include amusement rides, games, beer gardens or rent vending space or in the case of a run, walk etc., the participant is charged a fee to participate.

### Road Closure Equipment and City Service Costs

For events held on collectors, arterials and expressways, event organizers must provide a Traffic Control and Public Safety plan (with the exception of the BIAs where Transportation Services as a courtesy has developed this plan) in compliance with Highway Traffic Act (HTA) regulations. Event organizers are responsible for arranging with a private contractor to implement the traffic control and public safety plan, with the exception of regulatory signs, which the City arranges and charges the event organizers.

For example, if applicable, applicants must pay the City to convert the direction of a roadway (i.e., from one-way to two-way) at \$500 plus GST per road, and additionally must pay to manufacture and install advance notification signs a minimum of 14 days prior to a street event held on a major arterial roadway, where the closure affects not only local traffic but commuter traffic, at a cost of \$500 plus GST for each sign.

#### By-law Enforcement/Infractions

Existing by-laws do not directly deal with right of way infractions associated with street events nor do they specify costs to remedy problems, such as closing a street without a permit, illegal/unsafe installation and garbage removal. The vast majority of event organizers when confronted with a right of way problem rectify the infraction immediately requiring no formal enforcement but there are events and unsafe situations that require by-law enforcement.

#### Existing Permit Fees

The 2008 permit fees for street events are:

Street Event daily fee: \$68.14 (plus GST)

Sidewalk Sale Event (up to three consecutive days): \$241.76 (plus GST)

The current policy on sidewalk sales is to waive the sidewalk sale fee and charge the per day street event fee only, if the sidewalk sale is part of a street event. There is currently no application fee applicable to street events. Further, the fee structure does not differentiate by size or type of event, or the classification of road (and hence public disruption potential) of the event.

The increasing demands to use public roads for both private and public initiatives such as special projects, construction activities, on street and off street parking, utility cuts, idling blitzes, snow removal enforcement, street events including the increasing demands of Pedestrian Sundays, etc. are stretching Transportation's operational resources. Staff while servicing these initiatives must continue to meet the day to day needs of managing the City's right of way.

We have reviewed options to address this operational concern and will report further as the upcoming review of fees by Economic Development, Culture and

Tourism (discussed in the following section) is deliberated through Committee and Council.

### Waste Management and Clean-up

Permit holders are responsible for cleaning up and disposing of their event garbage in accordance with their Waste Plan permit conditions and are responsible for covering the costs of post event clean ups directly related to the event, should this be required. Only incremental charges over and above what the City would have otherwise incurred as a result of the event would be applicable (for example, if the event is on a route that the City would have mechanically swept on-shift, the amount that the City would have incurred regardless of the event would not be charged back).

### Services of Divisions, Agencies, Boards and Commissions

The location and type of event dictate additional costs that an applicant may have to account for. The closure of a road may require the applicant to bear the costs of rerouting of transit services; policing for traffic direction/keeping the peace/beer gardens; private security; Emergency Medical Services (EMS) or first aid services; monitoring amplified sound; litter and garbage clean-up/removal; lost parking meter revenue; installing “No Parking” signage; barricades; vehicle relocation; and closing expressway ramps etc.

City Council, at its meeting of May 11, 12 and 13, 1999, approved \$150,000 to be added to Transportation Program budget for barricades for three specified events namely: Santa Claus Parade, Caribana and Pride Parade. Over the years this amount has increased to reflect current costs in the amount of \$172,000.

A recent memorandum from the Chair of the Toronto Transit Commission (July 23, 2008) to all members of Council is reflective of the position taken by most Divisions, Agencies, Boards and Commissions where services are affected by events. He notes, in part:

“Because we are in the time of year marked by the terrific community and BIA festivals and events that contribute so much to our vibrant city, I am taking this opportunity to remind you of the TTC’s policies concerning charter service and route diversions...

Although the TTC is very supportive of these kinds of events in many ways, it is not in a position to subsidize them, being itself a subsidized body. If organizations require transportation or service diversions for their events, the TTC must charge enough to recover the associated expenses and lost revenue. These costs are often more

significant than organizations expect them to be, but they must be recovered, as their cumulative impact on the TTC's operations – and therefore the important service it provides to Toronto's residents and visitors who count on it – is considerable...

...if there are cases where these events should truly be subsidized for the greater good of the City, it would be more appropriate to do so through a City of Toronto grant stream specifically for transportation and/or re-routing purposes.”

## **Proposed Consolidated Street Events By-law**

The following provides highlights of the proposed provisions of the draft consolidated by-law contained in Appendix A of this report.

### Applicability

Currently, a person or agent can apply for the purpose of a social, recreational, community, athletic or cinematographic event.

From time to time, applications are received to close streets or portions thereof for what are essentially private functions or celebrations. It is recommended that these be also considered in accordance with the provisions of the draft by-law. In cases of private events, the proponent should be responsible for full cost recovery, for example covering costs of by-law officers assigned to monitor the occasion.

### Administration

We are recommending that in addition to the proposed by-law, a companion operational document entitled Street Event Implementation Guidelines (Appendix B) be used by staff and applicants as a tool to address specific divisional and agency policies and conditions. This document would be amended by the General Manager from time to time to ensure the most up to-date requirements of the affected agencies are in place. This is the same approach used in By-law No. 170-1999, To Regulate the Use of City Property for Location Filming, and its companion document Guidelines for Filming.

It is also recommended that City Council continue to approve closures on City expressways.

In addition, we are recommending that the General Manager may refuse an application for an event if:

- (a) the proposed event is non-compliant with applicable by-law and policies;
- (b) the organizer has outstanding fees or charges from a previous street event;



- (c) the General Manager is in receipt of an irresolvable written objection from a City division/agency or a person directly affected by the full roadway closure; and
- (d) where the General Manager is in receipt of a prior application, or has issued a permit, for a street event to be held on the same roadway, in the same Ward and in the same month, and the applicant is unable to obtain written approval from the Business Improvement Area and each Councillor in whose Ward the roadway closure is requested.

Should the application be refused for any of the above reasons the applicant may submit a written appeal accompanied by a \$626.69 (2008 rate, subject to annual CPI adjustment) processing fee to the General Manager, requesting to be heard at the appropriate Standing Committee or Community Council.

#### Installation and Permit Requirements

The proposed by-law and Street Event Implementation Guidelines provide for specific controls for the type of event held on any City road and any installation within the proposed event area. All installations must be placed within the permitted event area to ensure public safety. The by-law and guidelines formalize existing policies and expand on location provisions such as requesting sign-offs from the occupant(s) of the properties abutting the proposed placement of a portable toilet, cooking equipment, stage, garbage, etc. If applicable, the applicant is responsible for a traffic plan, the installation of road closure equipment in accordance with the Ontario Traffic Manual, Book 7, maintaining emergency lanes, maintaining areas free from any installation to allow for pedestrian movement, providing space for first aid, maintaining 2 metres clearance from all fire service connections, maintaining a fire retardant barricade to separate BBQs/cooking equipment from the public, providing a Waste Plan, EMS Plan, providing a temporary bicycle/motorcycle/motor scooter parking station within a roadway closure, etc.

Prior to the issuance of a street event permit, the applicant must meet conditions specific to the event and provide proof of valid insurance, pay applicable fees/charges and return a signed permit. Subsequently, should the permit holder be in contravention of any conditions of the permit, the General Manager or designate can rescind the permit and administer by-law enforcement action noted below.

#### Enforcement, Seizure, Removal, Disposal and Offences

The proposed by-law gives the General Manager authority to remove from the road, store and dispose of after 30 days, any street event installation placed or left

on the road in contravention of the permit provisions. A daily fee of \$310.90 per installation to administer seizures, increased annually by CPI, is recommended.

The applicant is also responsible for paying the charges for the repair, restoration or replacement of any damage to the road or street furnishings during the event.

We are also recommending that any contravention of the by-law may result in prosecution by the City.

### Other Services

At this time, we are not proposing any substantive changes to the manner in which the many City and related agency services are dealt with in connection with street events. Alteration to transit service, police, EMS, Fire, sound monitoring, signage, barricades, etc., would continue to be the responsibility of the event organizers, at their cost as described above.

When Council considered the Event Enhancement Strategy, one direction was to initiate a review of all City service fees related to event production. The staff report (December 20, 2005) noted that although some event organizers have expressed frustration with City services/charges associated with event production, and while some divisions do have charge-backs for services, others do not, and are sustaining serious impacts on their budgets as a result. The Economic Development, Culture and Tourism Division is leading this work and will be reporting on this key aspect in the near future. A further forthcoming report that will also have a bearing on this discussion is work being prepared by Finance on Toronto's user fee policy and framework.

### Limiting the Number of Events on the Same Roadway

Staff recommend that where a prior street event permit has been applied for or issued within the same Ward and in the same calendar month, unless the General Manager receives written approval from each directly affected Business Improvement Area and each Councillor in whose Ward the road closure is requested the application be refused.

### Public Notification

The type of notice provided to announce a roadway closure has been expanded to meet public and Councillor demands as follows:

- Applicant delivers flyers/notices to residents/businesses affected by the event
- City installation of signs on the road specifying date/time of closure if the closure is for over 24 hours or as determined by the General Manager
- Event organizer publicity (web, print, radio, tv)

- Transportation Services News Releases – Transportation Services, Toronto Event Calendar website
- Street Events Hotline – monitored on the day of the event and allows specific problems to be solved immediately (only during multiple events held on the same day and for events held on arterial roads and expressways)

### Insurance

Staff consulted with Insurance and Risk Management. City insurance coverage is extended to events such as Winter City, which are organized by City staff and BIA groups. Coverage is not extended to events such as street parties, Pride Parade, Caribana and the Santa Claus Parade etc. that are organized by private parties.

The applicant is responsible for providing proof of general liability insurance in the minimum amount of \$2 million per occurrence from any licensed insurance company.

We have consulted with Legal Service, Toronto Police Service, Toronto Transit Commission, Emergency Medical Services, Toronto Building, Municipal Licensing and Standards, Public Health, Insurance and Risk Management, Solid Waste Management, Economic Development, Culture and Tourism, Toronto Special Events and TABIA staff in the preparation of this report. The proposals, including fee scenarios which are not a subject in this report, were also presented at a general meeting of BIAs.

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### **SIGNATURE**

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Gary Welsh, P.Eng.  
General Manager, Transportation Services

### **ATTACHMENTS**

Appendix A - Proposed Draft By-law  
Appendix B - Proposed Street Event Implementation Guidelines

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