

Appendix A

Authority: Public Works and Infrastructure Committee Item _____,
as adopted by City of Toronto Council on _____, 2009.
Enacted by Council:

CITY OF TORONTO

BY-LAW No. - 2009

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 the regulation of closing City roads is currently governed by separate by-laws, codes, policies and protocols for the former pre-amalgamated municipalities; and

WHEREAS the growing number, size and type of events held on City major roadways, in the opinion of Council, resulted in the need to develop protocols to minimize disruption on public roads by charitable events/athletics and to provide greater public notice, and review the issue of event insurance; and

WHEREAS the City wishes to continue permitting street events on City roads, provided this can be done so as to address these issues and offer residents and visitors diverse opportunities to celebrate Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

Chapter 743, Streets and Sidewalks, Use of, of the City of Toronto Municipal Code is amended as follows:

A. By inserting in Chapter 743, Streets and Sidewalks, Use of, the following:

ARTICLE VI Street Events

§ 743-30. Definitions.

A. As used in this Article of this Chapter, the following terms shall have the meanings indicated:

ADVANCE NOTIFICATION SIGN - a sign to notify the public of an upcoming full or partial closure of the portion of the roadway for a street event and installed a minimum of 14 days in advance of the road 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 this Article.

APPLICANT - a person or agent who applies for or receives a permit under this Article.

ARTERIAL ROAD - any major and minor arterial road that is designated as such in the City's road classification system, as amended from time to time.

BICYCLE - includes a tricycle and unicycle but does not include a motor assisted bicycle as defined in the Highway Traffic Act.

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

CLOSURE - a temporary, full or partial closing of a road for a period of no more than four consecutive days.

COLLECTOR ROAD - any road that is designated as such in the City's road classification system, as amended from time to time.

DECLARATION - a signed confirmation from the applicant or agent indicating the surrounding residents, businesses and property owners do not object to a proposed street event on a form prescribed by the General Manager.

EXPRESSWAY - the F.G. Gardiner Expressway, the Don Valley Parkway, the W.R. Allen Road, Black Creek Drive, Highway 2A or Highway 27, as designated 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.

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

HIGHWAY - includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof; as defined in the Highway Traffic Act.

INSTALLATION - a traffic control device, article or thing temporarily installed on a road for a street event.

LOCAL ROAD - any road that is designated as such in the City's road classification system, as amended from time to time.

OBJECTION - a written notice of opposition to an application for a street event.

PERMIT - a permit issued under this Article.

SIDEWALK - that part of the road located within the boulevard that is improved for the exclusive use of pedestrians.

STREET - a highway as defined in the Highway Traffic Act for purposes of this Article.

STREET CONVERSION - the temporary conversion of vehicular traffic direction on a roadway.

STREET EVENT – a temporary closing, 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 they 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.

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

TRAFFIC CONTROL DEVICES - any sign, signal, marking, or other device placed upon, over or adjacent to a roadway 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.

VEHICLE - includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind or power, including muscular power, but does not include a motorized snow vehicle or a street car; as defined in the Highway Traffic Act.

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

§ 743-31. Interpretation.

Street Event Guidelines referred to in this Article forms a part of this Article and may be amended from time to time by the General Manager.

§ 743-32. 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.

§ 743-33. Municipal Consent.

- A. No person shall temporarily close or place an installation on, along or in a street for a street event unless the person has:
 - (1) complied with the requirements of this Article;
 - (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.

§ 743-34. Application for Permits.

- A. Any person who wishes to temporarily close or place an installation on, along, or in a street for a street event for no more than four (4) consecutive days shall submit an application on a prescribed form to the General Manager:
 - (1) at least eight (8) weeks prior to a proposed closure on any boulevard and on any local road;
 - (2) at least twelve (12) weeks prior to a proposed closure on a collector road;
 - (3) at least sixteen (16) weeks prior to the proposed date on an arterial road; and
 - (4) at least fifty-two (52) weeks prior to the proposed closure on an expressway.
- B. Application must include the following:
 - (1) name, mailing and email address, phone and fax number of the applicant;
 - (2) proposed location of the street event;
 - (3) type of street event, which shall be in compliance with the requirements set out in this Article;
 - (4) number of persons expected to attend the event;

- (5) date and times of the street event, road closure/reopening times and proposed programme;
 - (6) site plan with measurements of the location where each installation is to be placed, which shall be in compliance with the requirements set out in this Article;
 - (7) comply with the application portion of the Street Event Guidelines; and
 - (8) pay a non-refundable application fee.
- C. Prior to the issuance of a permit under this Article the applicant shall meet the following conditions to the satisfaction of the General Manager:
- (1) Where an application includes the service of alcohol within the street event, the General Manager shall require written confirmation of approval by City Council and the Licensing and Registration Department of the Alcohol and Gaming Commission of Ontario;
 - (2) Where an application includes a full or partial closure of an expressway or for a motor vehicle race on any road, the application shall be approved by City Council;
 - (3) Where an application includes a full or partial closure of a roadway, the applicant shall submit a traffic control and public safety plan that conforms to the Street Event Guidelines;
 - (4) Where an application includes the closure of an expressway, expressway access/exit and diversions, the applicant shall pay the cost or estimated cost to install and remove traffic control equipment;
 - (5) Where an application includes a full closure of a roadway for more than twenty-four (24) hours or as determined by the General Manager, the applicant shall be required to pay the City's cost or estimated cost to manufacture, install and remove the advance notification signs;
 - (6) The applicant shall pay the City's cost or estimated cost to manufacture, install and remove street conversion signs;
 - (7) The applicant shall confirm 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;

- (8) The applicant shall confirm to the General Manager that they have obtained any other permits or approvals that may be required by the City;
- (9) The applicant shall submit a street event notice advertising the proposed street event, such notice to be acceptable to the General Manager;
- (10) The applicant shall submit waste management plan satisfactory to the General Manager of Solid Waste Management Division;
- (11) 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. 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 material 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 with the application evidencing the coverage;
- (12) Any other conditions considered appropriate by the General Manager and the City Solicitor.

D. Issuance of Permits.

- (1) Where an application meets the requirements of this Article and all applicable fees and charges have been paid, the General Manager shall issue the required permit.

E. Refusal of Applications.

- (1) The General Manager shall refuse an application for a street event 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 directly affected Business Improvement Area and each Councillor in whose Ward the road closure is requested;
- (2) The General Manager shall refuse an application for a permit where the applicant or agent requesting the permit has outstanding fees or charges to the City;
- (3) The General Manager shall refuse an application for a permit where the application does not comply with the requirements of this Article; or

- (4) The General Manager is in receipt of a written objection to the application where in the opinion of the General Manager the objection is valid and irresolvable; and
- (5) 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.

F. Appeals.

- (1) Any applicant whose application for a permit has been refused may appeal the decision of the General Manager and request to be heard by Community Council or, where the proposed street event is held within more than one Community Council to be heard by Public Works and Infrastructure Committee, by filing with the General Manager, within seven days 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 this Article, the General Manager shall prepare and forward a report to Community Council or 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 or agent requesting an appeal.

G. Requirements.

No person shall temporarily close or place an installation on, along or in a City street, unless such installation complies with the Street Event Guidelines or any other requirements considered appropriate by the General Manager.

H. Revocation/Cancellation.

- (1) Any permit for a street event may be suspended or revoked at any time by the General Manager or his/her designate or failing to comply with the provisions of this Article, 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) Neither the City, the Toronto Police Service, the Toronto Transit Commission nor a public utility shall be responsible for any claim for loss or damage as a result of a suspension or revocation under this Article; and
- (3) The General Manager is not responsible for refunding any fees for any permits that were obtained through the submission of false, misleading or fraudulent information.

I. Removal, Seizure, Disposal and Damage.

- (1) Any installation that has been placed or maintained contrary to this Article or contrary to any permit shall be removed by the owner immediately on notification, failing which the General Manager seize and remove from the road the installation which has been placed contrary to this Article 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, plus administration costs as set in out Municipal Code Chapter 441, Fees;
- (2) The General Manager may dispose of any installation so seized at the expiry of thirty (30) days from the date of the seizure of the installation and the date of the seizure is given to the applicant;
- (3) Any recycling, garbage, litter and debris that is not removed from the street by the applicant contrary to this Article may be removed by the General Manager and the applicant shall pay City's costs for removal and administration; and
- (4) Any damage to the road or street furniture caused by any street event installation, the applicant shall pay the City the cost of repair, restoration or replacement and administration.

J. Fees.

- (1) The applicant shall pay a non-refundable application fee, permit fee, and charges as set out in Municipal Code Chapter 441, Fees;
- (2) The applicant shall pay all costs associated with regulatory traffic changes including expressway closures; and
- (3) The applicant shall pay any additional costs required for closing of the road to hold the street event.

§ 743-35. Offence.

Every person who contravenes any provisions of this Article is guilty of an offence.
Part I - \$300, Part III – up to \$5,000.

§ 743-36. Conflict.

1. In the event of a conflict between the provisions of this Article and any other provisions of the Municipal Code or any by-laws, the provisions of this Article shall govern.

Amendments and Repeals.

- A. The following by-laws or portions of by-laws (are hereby repealed) shall be repealed or amended:
 - (1) By-law No. 92-91 Streets Closings. To provide for the temporary closing of highways (East York);
 - (2) Section 231-19 of Municipal Code Chapter 231, Streets and Sidewalks (Etobicoke);
 - (3) Municipal Code Chapter 233, Sunday Activities (Etobicoke);
 - (4) Sections 4(3) and 4(5) of By-law No. 211-74 (Municipality of Metropolitan Toronto);
 - (5) Section 1(1)(d) of By-law No. 41-93 (Municipality of Metropolitan Toronto);
 - (6) By-law No. 27433 (North York);
 - (7) Section 3 of By-law No. 21208 (Scarborough);
 - (8) Sections 313-19 and 313-25 of Municipal Code Chapter 313, Streets and Sidewalks (former Toronto);
 - (9) Articles 4 and 14 of Municipal Code Chapter 1004, Street (York);
 - Section 2 of By-law No. 3343-79, Streets (York);
 - Section 3E of By-law No. 3823-81, Temporary Sidewalk Sales (York);
 - (10) Municipal Code Chapter 441, Fees.
 - (11) Section 743-4I (1) of Municipal Code Chapter 743, Streets and Sidewalks, Fees: City Council, April 26, 27 and 28, 1999, Report No. 8, Clause 1, Strategic Policies and Priorities Committee;

(12) Sections 937-3, 937-4, 937-5 of Municipal Code Chapter 937, Temporary Closing of Highways;

- (i) By-law No. 455-2000;
- (ii) By-law No. 869-2000; and
- (iii) By-law No. 51-2003.

3. This by-law shall come into force 14 days after the date of approval by the Regional Senior Justice of the set fines required for the offences created by this by-law.

4. This by-law shall come into force on January 1, 2009.

ENACTED AND PASSED this _____ day of _____, A.D. 2008.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)