



**BY-LAW NUMBER 102-2008
OF
THE CORPORATION OF THE CITY OF STRATFORD**

BEING a By-law to delegate authority to temporarily close city streets during parades and street events.

WHEREAS Council of The Corporation of the City of Stratford may pass a by-law under section 10 .1(1) of the *Municipal Act, 2001, S.O. 2001, c.25* as amended, to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS section 23.1(1) of the *Municipal Act, 2001* provides that without limiting sections 9, 10 and 11, those sections authorize a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in this Part;

AND WHEREAS section 23.1(2) of the *Municipal Act, 2001* sets out the rules that apply to a by-law delegating any of the municipality's powers or duties;

AND WHEREAS section 27 of the *Municipal Act, 2001* permits the municipality to pass by-laws in respect to highways over which it has jurisdiction;

AND WHEREAS section 35 of the *Municipal Act, 2001* provides that without limiting sections 9, 10 and 11, a municipality may pass by-law removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway;

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the City of Stratford as follows:

DEFINITIONS

1. In this By-law,

"City" means The Corporation of the City of Stratford;

"City Clerk" means City Clerk of The Corporation of the City of Stratford;

"Council" means the Council of the City;

"Director" means the Director of Engineering and Public Works or any other person included in Schedule "A" to this By-law;

"Fire Chief" means the Chief of the City's Fire Department or his/her designate;

"highway" has the same meaning as defined in section 1.(1) of the *Municipal Act, 2001*, as amended and includes that part of a highway that is improved, designed or ordinarily used for vehicular traffic including lanes, shoulders, and curb and gutter;

"highway closure" means a closure of one or more lanes on a highway such that a diversion of traffic to another highway is required;

"Police Chief" means the Chief of Stratford Police Services or his/her designate;

"police officer" means the Police Chief or any other police officer employed by Stratford Police Services Board, but does not include a special constable, a municipal law enforcement officer or an auxiliary members of a police force;

"person" includes but is not limited to, an individual, sole proprietorship, partnership, association or corporation;

"street event" includes a demonstration, parade, procession, walk-a-thon, sports event, festival, street dance, residential block party, cinematography event, gathering and such other similar events.

DELEGATION OF AUTHORITY

2. Council hereby delegates its authority under Section 23.1(1) of the *Municipal Act, 2001, S.O. 2001, c.25* as amended, to temporarily close highways or parts of highways within the geographical limits of the City of Stratford, subject to applicable Ministry of Transportation approval with respect to connecting link highways to the officials described in Schedule "A" attached hereto and forming part of this By-law.

STREET EVENTS - PERMIT REQUIRED

3. No person shall organize or participate in a street event on a highway within the geographical limits of the City unless a permit has been issued for such street event pursuant to this By-law.
4. Where a temporary highway closure for a street event is permitted, the Director may temporarily close any highway or part of a highway to pedestrian or vehicular traffic, or both, and may cause to be erected such barricades and other barriers as may be needed to preserve public order and protection of persons and property during the time of the street event, at the expense of the permit holder.
5. Where a temporary highway closure for a street event is permitted, the City Clerk or designate, shall inform Council of the temporary highway closure by listing the details on the next available Consent Agenda for the information of Council, and also cause the details to be posted to the City's website.
6. A permit issued in accordance with this By-law shall specify the nature of the street event, the dates and times, including alternate dates and times, if any, the location and route, if applicable, the highways being temporarily closed to pedestrian or vehicular traffic, or both, and the conditions of approval.

APPLICATION FOR PERMIT

7. A permit for a temporary highway closure may be issued by the City Clerk, subject to the terms and conditions of this By-law.
8. Every applicant for a temporary highway closure for a street event shall file an application with the City Clerk in a form satisfactory to the City Clerk and shall include the following information:
 - a) name, address and phone number of the applicant;
 - b) the signature of the applicant or the person authorized on behalf of the organization sponsoring or conducting the street event;
 - c) the date of the street event and its proposed duration;
 - d) the hours of starting the street event;
 - e) the proposed location and route, if applicable;
 - f) the proposed return route, if applicable;
 - g) the place and hour of disassembly;

- h) the estimated number of participants;
 - i) the purpose of the street event;
 - j) the number and type of vehicles, including floats and displays, if applicable;
 - k) a sketch of the highways affected, including placement of marshals/volunteers on duty and barriers;
 - l) written approval from the Stratford Board of Park Management if the street event is intended to take place, in whole or in part, within the park system within the jurisdiction of the Board of Park Management.
 - m) other information the City Clerk deems appropriate in the circumstances.
9. Applications for temporary highway closures not exceeding twenty-four (24) hours shall be filed at least eight (8) weeks in advance of the street event and applications for temporary highway closures exceeding twenty-four (24) hours shall be filed at least twelve (12) weeks in advance of the street event.
10. On review of the applications, the City shall consider:
- a) any potential adverse affect on public health and safety;
 - b) any potential inconvenience of the public;
 - c) any potential traffic impacts, including proximity to access points onto provincial highways, hospitals and fire stations, or lack of adequate detour routes;
 - d) any concerns for the security of persons or property proximate to the proposed route;
 - e) the adequacy of police security for the street event including the adequacy of arrangements for assembly and disassembly;
 - f) the adequacy of alternate fire and emergency response;
 - g) if the highway is a public transit route, the adequacy of an acceptable alternate public transit route;
 - h) whether the street event may result in the breach of any law;
 - i) the adequacy of arrangements for the convenience and comfort of participants in the street event;
 - j) whether the past or present conduct of the applicant or the organization sponsoring or conducting the street event affords reasonable grounds to believe that the street event may not be carried in a lawful, safe, secure, peaceful and controlled manner.
11. Prior to determining if a temporary highway closure should be permitted, the Director may consult with the Police Chief, Fire Chief, other emergency response providers, affected utilities, affected property owners and any other person or agency who may be deemed to have an interest in the matter.
12. At any time prior to the issuance of a permit by the Director, Council may require the Director to submit the application to the Protection to Persons and Property Committee for determination.

APPEAL

13. Where the Director is required to post notice on the City's website that an application for temporary highway closure for a street event is being considered, he/she shall also post notice when such permit is granted.
14. A decision by the Director to refuse a temporary highway closure or to issue a permit for a temporary highway closure may be appealed to the Protection to Persons and

Property Committee by written notice to the City Clerk received no later than seven (7) calendar days following the refusal or the posting on the website of the granting of the permit, as the case may be.

15. Where notice of an appeal is received, a hearing shall be held by the Protection to Persons and Property Committee, the time, date and location of which the applicant shall be notified in writing.
16. If the applicant does not attend the hearing, the Protection to Persons and Property Committee may proceed in his/her absence.

PERMIT HOLDER RESPONSIBILITIES

17. Every permit holder shall:
 - a) obtain and return at his/her own expense from the Engineering and Public Works Department, barricades and cone delineators in the number required by the Engineering and Public Works Department;
 - b) erect the barricades at the location approved by the Engineering and Public Works Department or the Police Chief;
 - c) immediately upon completion of the event, clean the highway completely of all debris, rubbish and other encumbrances;
 - d) not erect or maintain or permit to be built or maintained any fires on the highway;
 - e) ensure that no vehicle, float, trailer or other displays shall be used in any street event that is of such height as to interfere with official signs, traffic control signage displays, electric, light, telephone or other wires or cables on such highway;
 - f) ensure satisfactory arrangements for policing of the street event, including attendance of police officers as may be imposed by the Police Chief;
 - g) provide and maintain Comprehensive General Liability or Street Events Liability insurance subject to limits of not less than Two Million (\$2,000,000.00) Dollars inclusive per occurrence for bodily injury, death and damage to property. Such insurance shall be in the name of the applicant and shall name 'The Corporation of the City of Stratford' as an additional insured. Exceptions may be made when, at the City's discretion, the liability implications of an event are deemed to be minimal.
 - h) obtain necessary approvals from the Ministry of Transportation of Ontario if the street event will proceed along, or cross a highway under MTO jurisdiction. At this time, highways in the City under MTO jurisdiction are:
 - i) Erie Street,
 - ii) Huron Street and
 - iii) Ontario Street.
18. Any costs incurred by the City to clean up and restore the highway as a result of the event shall be the responsibility of the applicant.

GENERAL PROVISIONS AND PROHIBITIONS

19. Where a temporary highway closure for a street event is permitted, the Director may temporarily close any highway or part of a highway to pedestrian or vehicular traffic, or both, and may cause to be erected such barricades and other barriers as may be needed to preserve public order and protection persons and property during the time of such street event at the expense of the permit holder or organization sponsoring the event.

20. Every person participating in a street event shall, unless otherwise permitted, travel along the route in the direction approved upon permit issuance.
21. Every person participating in a street event shall:
 - a) march or travel in the direction and on the portion of the highway as directed;
 - b) obey the directions of police officers safeguarding the proper movement of persons and vehicles and generally maintaining order.
22. No person participating in a street event shall:
 - a) proceed on any highway or part of any highway in any manner other than as directed or provided for in the permit;
 - b) halt, stop or congregate in such a manner as to obstruct pedestrians not participating in the street event;
 - c) carry or display any banner placard, flag, insignia or other similar device of a character or nature calculated or tending to endanger disorder or strife or to offend public morality.
23. No person shall drive or otherwise enter a temporarily closed or partially closed street that has been closed pursuant to provisions of this By-law.
24. No person shall park, stop or stand a vehicle on a temporarily closed or partially closed street that has been closed pursuant to the provisions of this By-law, excepting construction-related vehicles and emergency vehicles.

Where a vehicle has been parked on a road or in a parking lot that has been temporarily closed, then a police officer or by-law enforcement officer may, in addition to attaching a parking infraction notice to the vehicle, cause the vehicle to be taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be a lien upon the vehicle which may be enforced in the manner provided under Part III of the *Repair and Storage Liens Act*.

OFFENCE

25. Every person who contravenes a provision of this By-law is guilty of an offence and liable on conviction to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33.

INTERPRETATION

26. In this By-law, unless the context otherwise requires words importing the singular number shall include the plural.
27. In a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

TITLE

28. This By-law may be referred to as the Parade Closure By-law.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 18th day of August, 2008.

Mayor – Daniel B. Mathieson

Clerk – Joan Thomson

THIS IS SCHEDULE "A"
To By-law 102-2008

passed this 18th day of August , 2008.

1. Council hereby delegates its authority under Section 23.1(1) of the *Municipal Act, 2001, S.O. 2001, c.25* as amended, to the following officials:
 - Director of Engineering and Public Works
 - Deputy Director of Engineering and Public Works
 - Development Engineer
 - Manager of Water Treatment and Distribution
 - Manager of Public Works
 - Public Works Supervisor
 - Water Supervisor