

being a by-law to regulate and control the temporary closure or occupancy of HIGHWAYS in the City of Oshawa for purposes of holding SPECIAL EVENTS.

IT IS HEREBY ENACTED as a by-law of The Corporation of the City of Oshawa, by its COUNCIL, as follows:

Article 1.00 – Interpretation

1.01 Definitions:

Wherever a term appears in this By-law in capital letters, it is intended to have the meaning ascribed to it in this section. Wherever a word appears in regular case it is intended to have the meaning ordinarily attributed to it in the English language.

- (a) "APPLICANT" means a PERSON that has submitted an application for a SPECIAL EVENT permit.
- (b) "BUSINESS DAY" means a day that is not a Saturday, a Sunday or a Statutory Holiday recognized and observed by the CITY through closure of its business activities.
- (c) "CITY" means The Corporation of the City of Oshawa, a municipal corporation duly recognized in law. Where the context allows, the term is intended to also include its duly authorized employees.
- (d) "COMMISSIONER" means the Commissioner of the Department of Public Works Services of the CITY, or his or her designate.
- (e) "COUNCIL" means the elected council of the CITY.
- (f) "HIGHWAY" means a common and public highway, street, avenue, parkway, driveway, or any part thereof, which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines.
- (g) "LICENSEE" refers to the PERSON that has been issued a permit for a SPECIAL EVENT.
- (h) "NON-PROFIT SPECIAL EVENT" refers to any SPECIAL EVENT where the main purpose is to sponsor or promote a non-profit, charitable or religious organization and where the majority of proceeds, if any, are contributed to the registered non-profit, charitable or religious organization. It also includes any SPECIAL EVENT which the CITY determines to be a NON-PROFIT SPECIAL EVENT for the benefit of the community.
- (i) "PERSON" includes an individual, a body corporate, and a natural person.
- (j) "SPECIAL EVENT" includes the following types of activities: parades, walk-a-thons, bike-a-thons, marathons, sidewalk cafes, sidewalk sales, and dances.
- (k) "TRAFFIC CONTROL MEASURE" means any requirement of the

COMMISSIONER for traffic control in connection with an individual SPECIAL EVENT including, without limitation: signage (informational or regulatory); traffic channelization; public notice; etc.

1.02 Gender Plurals:

In this by-law, unless the contrary intention is indicated, words used in the singular shall include the plural, and words used in the male gender shall include the female gender, and vice versa.

1.03 Severability:

In the event any provisions of this by-law are deemed invalid or void, in whole or in part, by any court or tribunal of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

1.04 Legislation:

Reference to legislation within this by-law, including municipal by-laws, is deemed to include that legislation, as amended, including successor legislation.

Article 2.00 -Application

2.01 Permit Required:

No PERSON shall use any HIGHWAY under the jurisdiction and control of the CITY in order to hold a SPECIAL EVENT without first obtaining an approved SPECIAL EVENT permit. Failure to obtain a permit constitutes an offence.

2.02 Compliance with Conditions:

No PERSON shall conduct a SPECIAL EVENT except in accordance with the conditions of the SPECIAL EVENT permit imposed under Article 3.00 of this by-law. Failure to comply with the conditions constitutes an offence.

2.03 Applications:

Applications for a SPECIAL EVENT permit must be completed and submitted to the CITY at least ten (10) BUSINESS DAYS in advance of the SPECIAL EVENT, together with a sketch or diagram of the proposed route and/or location(s) of the SPECIAL EVENT. All APPLICANTS shall indicate the nature of the SPECIAL EVENT requiring HIGHWAY occupancy or closure, and the intended starting date and duration.

2.04 Permit Name:

An application for a SPECIAL EVENT permit shall be made in the name of the PERSON on whose behalf the SPECIAL EVENT is being held and not in the name of any agent for that PERSON.

2.05 Permit to be Kept on Site:

The SPECIAL EVENT permit shall remain at all times in the possession of the LICENSEE and on site during the course of a SPECIAL EVENT. Where the LICENSEE is a corporation, partnership or association, the SPECIAL EVENT permit shall remain at all times in the possession of a partner or principal officer, whichever the case may be. Failure to abide by this requirement constitutes an offence.

2.06 Notices:

The CITY, on behalf of the APPLICANT, may notify the Durham Regional Police Service, Fire Services Branch, Emergency Health Services and any affected agency or company operating a public transportation or school bus service of the scheduled commencement and termination of the SPECIAL EVENT requiring HIGHWAY occupancy or closure. If notification of the general public is necessary, the CITY may, in its sole discretion, arrange for advertisements in the news media at the APPLICANT's expense.

2.07 Revocation:

A SPECIAL EVENT permit is a privilege. In addition to any other activities or remedies it may pursue, the COMMISSIONER may revoke a LICENSEE's SPECIAL EVENT PERMIT in the event of the contravention of any section of this by-law. For clarity, the COMMISSIONER need not obtain a conviction for commission of an offence prior to revoking the permit.

2.08 Refusal:

The COMMISSIONER may refuse to issue a permit to any PERSON who has been convicted of an offence pursuant to this by-law, or who is affiliated with any PERSON who has been so convicted.

Article 3.00 - Approvals and Consents

3.01 Delegation:

The COMMISSIONER has authority to approve all applications where the terms and conditions imposed by this by-law are met.

3.02 Other Agencies:

The APPLICANT, as required by the COMMISSIONER, shall obtain the approval of any or all of the following departments and/or agencies that may be affected by the holding of a SPECIAL EVENT and comply with any conditions that may be imposed by those agencies:

- (a) Durham Regional Police Service;
- (b) Regional Municipality of Durham, Works Department, Traffic Division;
- (c) any other agency directly affected by a SPECIAL EVENT.

3.03 Consents:

Where required by the COMMISSIONER, APPLICANTs shall obtain the written consent of the majority of property owners or occupants affected by any proposed SPECIAL EVENT requiring HIGHWAY closure. The COMMISSIONER shall determine the geographic area affected for the purpose of this section.

3.04 Refuse Collection:

In the event that refuse collection will be interrupted as a result of a SPECIAL EVENT, the APPLICANT will be responsible for making alternative arrangements which are satisfactory to both the CITY and the affected property occupants.

3.05 Conditions:

The COMMISSIONER may impose specific conditions of approval to be determined on an event- to-event or site specific basis, including the following:

- (a) removal of amenities, litter and debris from SPECIAL EVENT site and continued maintenance of the site in a clean and sanitary condition;
- (b) extent of Sidewalk/boulevard occupancy where no road closure;
- (c) noise control restrictions;
- (d) non-obstruction of parking meters;
- (e) possession of a CITY business licence in good standing;
- (f) expiry date of SPECIAL EVENT permit;
- (g) granting of access to COMMISSIONER for purposes of installation, maintenance and/or repair in respect of SPECIAL EVENT site;
- (h) specific time restrictions;
- (i) public liability insurance in an amount and form satisfactory to the CITY's Treasury and Finance Services Division of the Department of Corporate Services;
- (j) indemnification in favour of the CITY from any action, claim, damage or loss arising in connection with the holding of the SPECIAL EVENT; and
- (k) payment of all TRAFFIC CONTROL MEASURE costs pursuant to Article 5.00 of this by-law

Article 4.00 - Permit Fees

4.01 Fees:

The fees for obtaining a SPECIAL EVENT permit shall be as set out in By-law 112-97. Such Permit fees must be paid at the time of submission of a SPECIAL EVENT application.

4.02 Exception:

Notwithstanding section 4.01, the PERSON organizing a NON-PROFIT SPECIAL EVENT shall not be charged a permit fee.

Article 5.00 - Assessment of TRAFFIC CONTROL MEASURE Costs

5.01 Compensation for loss of Meter Revenue:

Where a SPECIAL EVENT requires parking meters to be reserved, the LICENSEE must reimburse the CITY for all revenue lost during the period the parking meters are out of service, based upon the prevailing hourly rate for all of the hours that the meter would otherwise have been in service, plus any additional administrative costs incurred by the CITY.

5.02 Other Costs:

The COMMISSIONER shall prepare and provide to the LICENSEE an estimate of all TRAFFIC CONTROL MEASURE costs incurred by the CITY in connection with a SPECIAL EVENT.

5.03 Payment:

The LICENSEE shall reimburse the CITY for all TRAFFIC CONTROL MEASURE costs incurred by the CITY.

5.04 Damages:

Costs for the repair or replacement of any damage to CITY property or structures on it shall be the sole responsibility of the LICENSEE.

5.05 Exemption From TRAFFIC CONTROL MEASURE Costs:

PERSONS who organize NON-PROFIT SPECIAL EVENTS are exempt from the TRAFFIC CONTROL MEASURE costs associated with those SPECIAL EVENTS, but are not exempt from Sections 5.04 or 6.03.

Article 6.00- General Requirements

6.01 Provincial Requirements:

All vehicles and floats forming a parade must comply with the maximum height restrictions prescribed in the *Highway Traffic Act*. If a vehicle and float exceed the maximum width restrictions prescribed in the *Highway Traffic Act*, they may travel to and from the parade location without the need for a municipal moving permit, provided they are escorted by the Durham Regional Police.

6.02 Pedestrians:

Participants of a walk-a-then or footrace are regarded as pedestrians and are, therefore, required to obey the rules of the road. Sidewalks are to be used where available, and if none exist, then participants are required to use the boulevard facing oncoming traffic. In addition, the participants are not to impede or inconvenience any other pedestrians in their use of the sidewalks.

6.03 Damages:

The LICENSEE must repair damage to any HIGHWAY or structures on it which occurs during a SPECIAL EVENT. The HIGHWAY must be restored to the same condition that existed prior to the SPECIAL EVENT. This includes, without limitation, a responsibility to remove all litter. Should the LICENSEE fail to discharge its responsibilities in this regard, the CITY will undertake the required clean-up. All associated costs will be the LICENSEE's responsibility.

Article 7.00 - Penalties

7.01 Offence:

Any PERSON who contravenes this by-law is guilty of an offence and, upon conviction, is liable to the penalties provided for in the *Provincial Offences Act*.

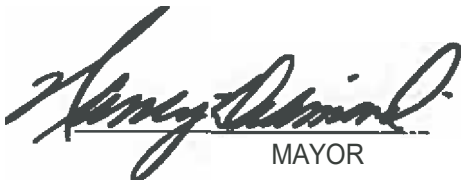
Article 8.00 - Repeal of By-law

8.01 By-law 59-86 is repealed.

By-law read a first time this 19th day of October, 1998

By-law read a second time this 19th day of October, 1998

By-law read a third time and finally passed this 19th day of October, 1998


MAYOR


CLERK