

BY-LAW NUMBER 05-076

OF

THE REGIONAL MUNICIPALITY OF WATERLOO

A By-law to Regulate Special Events on Regional Roads
and to Repeal By-law 05-019

WHEREAS section 2(c) of the *Municipal Act, 2001*, S.O. 2001, c. 25, states that The Regional Municipality of Waterloo is given powers to foster the municipality's current and future economic, social and environmental well-being;

AND WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, gives The Regional Municipality of Waterloo the power to pass by-laws respecting its highways, including parking and traffic on highways;

AND WHEREAS section 42 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes The Regional Municipality of Waterloo to delegate to a committee of council or to an employee of the municipality, subject to any conditions The Regional Municipality of Waterloo may impose, the power to close its highways temporarily for any purpose specified in the by-law;

NOW THEREFORE, the Council of The Regional Municipality of Waterloo enacts as follows:

Definitions

1. In this By-law:

- (1) "Commissioner" means the Commissioner of Transportation and Environmental Services for the Region or any successor position or his or her designate;
- (2) "Committee" means the Planning and Works Committee of the Region or any successor committee thereto;
- (3) "competent person" means the Special Event supervisor or his or her designate;
- (4) "lane" means that part of a roadway that accommodates a single line of moving or parked vehicles;
- (5) "local municipality" means any of The Corporation of the City of Cambridge, The Corporation of the City of Kitchener, The Corporation of the City of Waterloo, The Corporation of the Township of North Dumfries, The Corporation of the Township of Wellesley, The Corporation of the Township of Wilmot, or The Corporation of the Township of Woolwich;
- (6) "municipal fees and charges" means fees and charges prescribed by the Region or a local municipality;
- (7) "municipal law enforcement officer" means a by-law enforcement officer appointed by the Region or a local municipality;
- (8) "person" includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;
- (9) "Region" means The Regional Municipality of Waterloo;

- (10) “Regional lane closure” means a closure of one or more lanes on a Regional road such that the traffic flow in all directions existing before the closure is maintained and no diversion of traffic to another road is required;
- (11) “Regional road” means a road under the jurisdiction of the Region;
- (12) “Regional road closure” means a closure of one or more lanes on a Regional road such that a diversion of traffic to another road is required;
- (13) “road” includes, but is not limited to, 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;
- (14) “Special Event” includes, but is not limited to a parade, procession, ceremony, street dance, street party, beer garden, solicitation of donations from the driver or any other person in a motor vehicle, sidewalk or street sale, festival, carnival, bicycle or foot race, walkathon, demonstration or any similar event that requires a Regional lane closure or a Regional road closure or may interfere with the normal flow of traffic on a Regional road, but does not include:
 - (i) a wedding or funeral procession;
 - (ii) picketing;
 - (iii) loading or unloading necessary for business purposes; or
 - (iv) an activity for which the Region has granted a Filming Event Permit or a Work Permit;
- (15) “Special Event Permit” means a Special Event Permit as issued under this By-law; and
- (16) “Special Event supervisor” means the person designated in accordance with section 5(2) of this By-law.

Prohibitions

2. No person shall hold a Special Event on a Regional road without first having obtained a Special Event Permit in accordance with this By-law.
3. No person shall participate in a Special Event on a Regional road unless a Special Event Permit has been granted in accordance with this By-law.

Special Event Permit Application

4. Every person who intends to hold a Special Event shall apply to the Commissioner for a Special Event Permit.
5. Every person who applies for a Special Event Permit shall provide the Commissioner with:
 - (1) the person’s name, signature, position, organization, street address, telephone number, fax number and e-mail address;
 - (2) the name, position, organization, street address, telephone number before and during the Special Event, fax number and e-mail address of the Special Event supervisor who will carry out the responsibilities listed in sections 15 and 16 of this By-law;

- (3) the legal name, street address, telephone number, fax number and e-mail address of the organization sponsoring the Special Event;
 - (4) the type and purpose of the Special Event;
 - (5) the date(s) and day(s) of the week when the Special Event is to be held and, if applicable, the date(s) and day(s) of the week the Special Event was last held;
 - (6) the number and type of participants in the Special Event, including, but not limited to, individuals, bands, horses, bicycles, cars and floats;
 - (7) for each date of the Special Event, the time that set-up or assembly will commence, the time that the Special Event will commence, and the time that the Special Event will finish including clean-up time;
 - (8) a description of the assembly and disassembly areas for the Special Event;
 - (9) the road(s) to be used for the Special Event;
 - (10) a Certificate of Insurance, satisfactory to the Commissioner, showing a comprehensive policy of public liability and property damage insurance for the Special Event in respect to any one accident, against loss or damage resulting from bodily injury to or death of one or more persons and loss of or damage to property in a minimum amount of:
 - i. \$7,000,000 for a solicitation of donations from the driver or any other person in a motor vehicle, a street party or any event that includes the consumption of alcohol on a Regional road; or
 - ii. \$2,000,000 for any other Special Event;
 - (11) a signed indemnity, satisfactory to the Commissioner, indemnifying and saving harmless the Region and any affected local municipality from any and all claims, demands, suits, actions and judgments made, brought or recovered against the Region or any affected local municipality and from all loss, costs, damages, charges or expenses that may be incurred, sustained or paid by the Region or any affected local municipality by reason of the granting of the Special Event Permit; and
 - (12) any additional information or documentation for the purposes of administering this By-law as requested by the Commissioner.
6. No person applying for a Special Event Permit shall knowingly provide false information to the Commissioner.
 7. The Commissioner may require the person applying for a Special Event Permit to prepare and deliver personally or by registered mail a survey setting out the type, purpose, location, date and time of the Special Event and asking whether the recipient supports or opposes the Special Event to all affected homes, businesses and institutions, as determined by the Commissioner. Each survey shall include a stamped envelope addressed to the Region's Supervisor of Traffic Engineering.
 8. Every person who applies for a Special Event Permit shall make their application at least 30 days in advance of the Special Event.
 9. Notwithstanding section 8 of this By-law, every person who applies for a Special Event Permit requiring approval of the Committee shall make their application at least 120 days in advance of the Special Event. Special Events requiring approval of the Committee are Special Events that have not

received a Special Event Permit within the 2 previous calendar years, for a similar location, day(s) and time, and that:

- (1) include the consumption of alcohol on a Regional road; or
- (2) involve the solicitation of donations from the driver or any other person in a motor vehicle.

Grant, Refusal or Revocation of Special Event Permit

10. The Commissioner or the Committee may grant a Special Event Permit, refuse to grant a Special Event Permit or may grant a Special Event Permit imposing conditions as a requirement of obtaining and continuing to hold it, including, but not limited to, the condition that a notice setting out the type, purpose, location, date, time and other information as required be delivered not less than 7 days or as required by the Commissioner or Committee in advance of the Special Event to all affected homes, businesses and institutions, as determined by the Commissioner or the Committee.
11. In considering the grant, refusal or grant with conditions of a Special Event Permit, the Commissioner or the Committee may have regard to:
 - (1) whether or not, considering past Special Events, the Special Event is likely to be carried out in compliance with the Special Event Permit and this By-law;
 - (2) a conflict with a previously scheduled activity for which the Region or a local municipality has granted a permit;
 - (3) the disruption of traffic or public transit;
 - (4) the response of Waterloo Regional Police Services to the application;
 - (5) the response of those surveyed under section 7 of this By-law; and
 - (6) whether or not the Special Event may result in a threat to public safety or conflict with municipal by-laws, resolutions or policies.
12. At any time after a Special Event Permit has been granted by the Commissioner or the Committee, the Commissioner may revoke the Special Event Permit or impose a condition re-routing the Special Event upon giving verbal notice, in person or over the telephone, or written notice, by regular mail, fax or e-mail to the person who applied for the Special Event Permit or the Special Event supervisor.

General

13. The Commissioner may modify the time periods prescribed for submitting an application for a Special Event Permit set out in sections 8 and 9 of this By-law.
14. The person applying for a Special Event Permit shall:
 - (1) comply with any conditions imposed under section 10 of this By-law;
 - (2) ensure that the Special Event supervisor complies with sections 15 and 16 of this By-law; and
 - (3) pay all municipal fees and charges for the Special Event.
15. While a Special Event is being held, the Special Event supervisor shall:
 - (1) be present at the Special Event;

- (2) produce the Special Event Permit to the Commissioner or a municipal law enforcement officer or any police officer on his or her demand; and
 - (3) ensure compliance with any conditions imposed under section 10 of this By-law that are required to be carried out while the Special Event is being held.
16. The Special Event supervisor shall clean up and restore the Regional road immediately following the finish of the Special Event.
 17. When a Regional lane or a Regional road is closed by the Commissioner or the Committee for a Special Event, the Region, the local municipality where the Regional lane or the Regional road is located and any utility may enter at any time to carry out their services.
 18. The person applying for a Special Event Permit under this By-law and the participants in the Special Event shall comply with all municipal by-laws and provincial and federal laws including, but not limited to, those pertaining to special events, filming, fees, charges, work within a road, signs, traffic, parking, noise, pyrotechnics, alcohol, firearms, building, and smoking, and including, but not limited to, compliance with the Special Event Permit By-laws of local municipalities and the *Safe Streets Act*, S.O. 1999, c. 8.
 19. No person shall install, maintain, move or remove signing and barricades on Regional roads without the permission of the Commissioner except a competent person who may, at an appropriate location, move and then immediately restore a barricade to its original position to allow ingress/egress to the Special Event site without changing the intent of the barricade set up.
 20. A permit granted under this By-law:
 - (1) shall not be transferable from one person to another, from one Special Event to another, from one date and time to another nor from one location to another without the written permission of the Commissioner; and
 - (2) shall expire when the Special Event finishes as indicated on the Special Event Permit.

Penalty

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

Administration and Enforcement

22. Any administrative forms required under this By-law may be prescribed from time to time by the Commissioner.
23. This By-law may be enforced by the Commissioner, a municipal law enforcement officer or a police officer.
24. If any section or sections of this By-law or parts thereof are found by any Court to be illegal or beyond the power of the Council to enact, such section or sections or parts shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent and shall continue in full force.

25. This By-law comes into force and effect on January 1, 2006.
26. This By-law may be cited as the "Special Event Permit By-law".
27. By-law Number 05-019 dated the 13th day of April, A.D., 2005 is repealed.

By-law read a first, second and third time and finally passed in the Council Chamber in the Regional Municipality of Waterloo this 14th day of December, A.D., 2005.


REGIONAL CLERK


REGIONAL CHAIR