

**THE CORPORATION OF THE CITY OF PETERBOROUGH**

**BY-LAW NUMBER 05-083 (amended by 21-108)**

**BEING A BY-LAW RELATING TO TEMPORARY ROAD CLOSURES**

WHEREAS Section 42 of the Municipal Act, 2001, permits a municipality to delegate to an employee of the municipality the power to temporarily close a highway for any specified purpose, subject to any conditions which the municipality may impose;

AND WHEREAS Council has determined that it is appropriate to delegate to the Clerk the power to temporarily close a highway for any social, recreational, community, athletic, cultural or cinematographic purposes, or a combination of such purposes.

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

**The Purpose of this By-law**

1. This by-law delegates to the City Clerk the power to temporarily close a highway for an Event in accordance with the conditions set out herein;

**Definitions**

2. In this by-law the following words have the following meanings:

**Applicant** – means the person, group, charitable organization, or business that has applied for an Event Permit;

**Application** – means an application for an Event Permit;

**City** – means the Corporation of the City of Peterborough;

**Clerk** – means the City Clerk, or his or her designate;

**Council** – means the duly elected Council of the City of Peterborough;

**EMS** – means Emergency Services;

**Event** - means any parade, procession, social, recreational, community, athletic, cultural or cinematographic event, or a combination of such events;

**Event Permit** – means permit issued by the Clerk that authorizes a Temporary Road Closure;

**Fee** – means the fee(s), established by Council, required to obtain an Event Permit;

**Fire Department** – means the Peterborough Fire Department;

**Highway** – means the traveled portion of a public highway as well as the boulevards and sidewalks appurtenant thereto;

**Police** – means the Peterborough Police Service;

**Public Works** – means the Public Works division of the City of Peterborough;

**Road Marshall** – means the person(s) appointed by the Applicant responsible for the orderly conduct of a parade, in accordance with the Event Permit or other such direction given by the Police, the Fire Department, EMS, Public Works, or the Clerk;

**Temporary Road Closure** – means the closure of a Highway to vehicular traffic, for a specified period;

### **Temporary Road Closure**

3. The Clerk may authorize a Temporarily Road Closure to permit an Event.

### **General Prohibitions**

4. (a) No person shall hold an Event on any Highway except in accordance with an Event Permit.
  - (a.1) No person may advertise or promote an Event for which an Event Permit is required except:
    - i) following the issuance of the Event Permit; or
    - ii) prior to the issuance of an Event Permit where an Application has been made the advertisement or promotion complies with the Clerk's prior written conditions.
  - (b) No person shall operate a motor vehicle on any Highway, while it is temporarily closed pursuant to an Event Permit.

### **Conditions**

5. An Applicant shall submit an Application to the Clerk not less than

ninety (90) days, and not more than three hundred and sixty-five (365) days, prior to the Event.

6. Following the Clerk's receipt of an Application, the Clerk may issue an Event Permit. The Event Permit will authorize a Temporary Road Closure for a specified period in accordance with any conditions imposed by the Clerk.
7. Not less than 14 days prior to the Event, the Applicant shall:
  - a. obtain insurance in an amount and form acceptable to the Clerk and provide proof of such insurance to the Clerk;
  - b. enter into an indemnity agreement with the City in a form acceptable to the Clerk;
  - c. pay the Fee; and
  - d. if required, provide the Clerk with any written proof of any other approvals required to hold the Event.
8. The Fee shall be established by Council from time to time.
9. Prior to and during an Event, the Applicant and, if any, the Road Marshall(s), shall adhere to any requirements or directions given by the Fire Department, the Police, EMS, Public Works or the Clerk.
10. An Applicant for an Event which is City-sponsored, or endorsed by a resolution of Council, is exempt from the requirements of paragraph 7(a) and 7(b) of this By-law.

#### **Powers of the Clerk**

11. The Clerk shall determine the route, date, time, duration of, and other conditions for the Event.
12. Prior to issuing an Event Permit, the Clerk shall consult with the Fire Department, the Police, EMS, and Public Works, and may consult with any other department or division of the City.
13. The Clerk may refuse to issue an Event Permit.

#### **Administrative Monetary Penalties**

- 13.1 AMP System By-law 20-073 applies to each administrative penalty issued pursuant to this By-law.
- 13.2 Each person that contravenes this By-law is, upon issuance of a penalty notice in accordance with AMP System By-law 20-073, liable to pay to the City an administrative penalty of:
  - a) \$5,000 for the remainder of the first day on which the contravention occurs; and

b) \$2,500 for each subsequent day on which the contravention continues.

**Offences**

14. Every person who contravenes this By-law is guilty of an offense and is liable to the penalty, as prescribed by applicable law, for each offence.

By-law 91-116, 22 April 1991.

**Repeal of Previous By-laws**

15. By-law 90-335 (Chapter 738 of the Peterborough Municipal Code) is hereby repealed.

**Note:** The maximum fine for violation of this By-law is specified in section 61 of the Provincial Offence Act, RSO 1990, c. P-33, which indicates that a party guilty of an offence is liable to a fine of not more than five thousand (\$5,000.00) dollars.

By-law read a first and second time this 2<sup>nd</sup> day of May, 2005

By-law read a third time and finally passed this 2<sup>nd</sup> day of May, 2005

(Sgd.) Sylvia Sutherland, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk