



By-law No. 2009-040

“A By-law to Regulate the Temporary Closing of City Streets for Events”

**Originally Passed and Enacted March 23, 2009**

<b>Amended by By-law:</b>	<b>Passed On:</b>
Not Amended	

**Consolidated Version**  
*Revised and Verified February 7, 2014*

*Consolidated for Convenience Only*

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk's Department.

**BY-LAW NO. 2009-040**

**THE CORPORATION OF THE CITY OF OWEN SOUND**

**A BY-LAW TO REGULATE THE TEMPORARY  
CLOSING OF CITY STREETS FOR EVENTS**

WHEREAS The Corporation of the City of Owen Sound deems it desirable to temporarily close certain roads for the purpose of allowing certain parades and certain events to use the roadway.

NOW THEREFORE BE IT HEREBY RESOLVED THAT The Corporation of the City of Owen Sound hereby enacts as follows:

**DEFINITIONS**

1. In this By-Law:
  - 1.1 "Applicant" shall mean any individual or organization wishing to temporarily close a portion of a City street for the purposes outlined in this by-law.
  - 1.2 "Council" shall mean the Council of The Corporation of the City of Owen Sound unless otherwise specified.
  - 1.3 "Director" shall mean the Director of Operations of The Corporation of the City of Owen Sound, or his/her designate.
  - 1.4 "Motor Vehicle" includes an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power including a motorized snow vehicle, commercial motor vehicle, off road vehicle, motor assisted vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of the *Highway Traffic Act, R.S.O. 1990, c. H.8*, save and except those vehicles used for emergency purposes and other vehicles that would be included as part of the parade or event being allowed on the street.
  - 1.5 "Municipality" shall mean The Corporation of the City of Owen Sound;
  - 1.6 "Provincial Offences Act" shall mean *The Provincial Offences Act, R.S.O. 1990 c. P.33*, as amended, and the regulations contained therein.
  - 1.7 "Street" shall mean a street under the jurisdiction of The Corporation of the City of Owen Sound and includes wording such as "City street", "municipal road" or "road".
  - 1.8 "Street Closing" shall mean the closing of a street for the purpose of conducting a parade or event so authorized by the Municipality.

**AUTHORIZED TEMPORARY CLOSINGS OF A CITY STREET**

2. For the purposes of this By-Law, the temporary closing of a street includes:
  - 2.1 The temporary closing of any street or portion of a street for any period during the conduct of a parade or event so authorized by the municipality, subject to such conditions as may be imposed.

**STREET CLOSINGS – APPLICATION AND CERTIFICATE – SCHEDULE "A"**

3. An applicant wishing to temporarily close a portion of a City street under Clause 2 of this By-Law shall complete the Application Form as set out in Schedule "A" to this By-Law.

- 3.1 The authorization for a temporary street closing for any purpose identified and approved in accordance with Clause 2 of this By-Law shall be certified by the Director by way of the certification included on Schedule "A" to this By-Law provided the policies established by the municipality and included as Schedule "B" to this By-law have been adhered to.

#### **ALTERNATE ROUTE - DETOUR**

- 4.1 Where a street, or portion thereof, is closed pursuant to this By-Law, a reasonable temporary alternate route or detour shall be provided by the municipality to allow traffic flow to continue.

#### **BARRICADES – WARNING DEVICES – NOTICE**

- 5.1 While a Street, or a portion thereof, is temporarily closed to traffic, there shall be erected at each end of such street, or portion thereof, and where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and kept in good working order continuously, and at such points there shall be erected a detour sign indicating the alternate route of vehicular traffic, and the said detour sign shall contain a notice that the Street is "closed to traffic".

#### **CONTRAVENTION – UNAUTHORIZED USE PROHIBITED**

- 6.1 Every person who uses a street, or a portion of a street, so closed to traffic, and does so by way of the operation of a motor Vehicle, does so at his or her own risk and the municipality is not liable for any damage sustained by a person, or to a motor vehicle, using the street, or a portion thereof, in contravention of this By-Law.

#### **PENALTIES**

- 7.1 Every person who, without lawful authority, uses a street, or a portion thereof, closed to traffic pursuant to this By-Law, or who removes or defaces any barricade, device, detour sign or notice posted therein by a lawful authority, is guilty of an offence, and is liable to the Municipality for damage or injury occasioned by such wrongful use, removal or defacement.
- 7.2 Every person who contravenes the provisions of this By-Law is guilty of an offence and upon conviction is liable to a penalty, recoverable under *The Provincial Offences Act*, all the provisions of which shall apply.

#### **GENERAL**

- 8.1 The schedules referred to in this By-Law shall form part of this By-Law.
- 8.2 Should any section, clause or provision of this By-Law be declared to be invalid by a court of competent jurisdiction the same shall be deemed to be severable and shall not affect the validity of the remainder of this By-Law.
- 8.3 This By-Law shall come into full force and take effect upon final passing thereof.

FINALLY PASSED AND ENACTED this 23<sup>rd</sup> day of March, 2009.

\_\_\_\_\_  
*Signature on File*

Mayor

\_\_\_\_\_  
*Signature on File*

Clerk



*Owen Sound*

**SCHEDULE "A" TO BY-LAW 2009-040**

**THE CORPORATION OF THE CITY OF OWEN SOUND  
OPERATIONS DEPARTMENT**

City of Owen Sound, Engineering Services

1900 20<sup>th</sup> Street East,

OWEN SOUND ON N4K 5N3

Phone: 519-376-4530 Fax: 519-372-1209

**TEMPORARY STREET CLOSURE APPLICATION**

**APPLICANT** (Contact person)  
Name: \_\_\_\_\_

**ORGANIZATION**  
Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Municipality: \_\_\_\_\_

Municipality: \_\_\_\_\_

Province: \_\_\_\_\_

Province: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Fax: \_\_\_\_\_

NAME OF EVENT: \_\_\_\_\_

TYPE OF EVENT:(i.e. parade, etc.) \_\_\_\_\_

Did you conduct this event in a previous year, if so when? \_\_\_\_\_

Date and time of commencement of temporary street closure required:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Date and time of end of temporary street closure:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Streets to be Temporarily Closed: \_\_\_\_\_

Location/Route of event on City street(s) – (if parade, please include map outlining route):

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TERMS AND CONDITIONS:

1. A Certificate of Liability Insurance in the amount of \$2,000,000 naming The Corporation of the City of Owen Sound as co-insured must be attached to this application.
2. The applicant accepts full responsibility for an suits, actions or damages that may arise or be taken against The Corporation of the City of Owen Sound by reasons of, or in connection with this event and accepts the responsibility for clean up associated with this event.

\_\_\_\_\_  
Signature of the Applicant

\_\_\_\_\_  
Date of Application

I have the authority to sign this form which commits the above mentioned organization to the above Terms and Conditions. I also acknowledge that if the Terms and Conditions of this permit are not fulfilled, the City will assume that the event will not take place.

**CERTIFICATION – TEMPORARY STREET CLOSURE**

**Certification by the Director of Operations (or his/her designate) for The Corporation of the City of Owen Sound authorizing the temporary closing of streets for parades or other events**

I, \_\_\_\_\_ certify that the temporary closure outlined in this application may be undertaken pursuant to the City of Owen Sound By-law 2009-040.

The following additional terms and conditions must also be met by the applicant:

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\_\_\_\_\_  
Signature of Director or Designate  
Owen Sound Operations Department

\_\_\_\_\_  
Date of Approval

 <p style="text-align: center;"><b>STANDARD POLICY</b></p>	<p><b>S.P. NO: 065</b></p> <p><b>PAGE NO. 1 OF 2</b></p> <p><b>DATE: Mar 23 2009</b></p>
<p><b>SUBJECT:</b></p> <p><b>TEMPORARY CLOSURE OF STREETS FOR PARADES AND EVENTS</b></p>	<p><b>DEPARTMENT:</b> Operations</p> <p><b>DIVISION:</b> Engineering</p>
<p><b>COUNCIL AUTHORITY OR STAFF APPROVED:</b></p>	<p><b>NEW: X</b></p>
	<p><b>REVISED:</b></p> <p><b>DATE:</b></p>
<ol style="list-style-type: none"> <li>1. This policy forms <b>Schedule "B" to By-law 2009-040</b> and is a guideline to deal with various requests for the temporary closures of streets for certain parades and certain events. The request may include such events as parades, street dances, flea markets, street sales or other occurrences Council deems appropriate to be conducted on municipal streets.</li> <li>2. If the applicant has not obtained permission from City Council permission for the stated event previously, the applicant must obtain permission from Council before this application can be processed. The intent of this application is to streamline the process for annual recurring events.</li> <li>3. Municipalities or organizations wishing to temporarily close a portion of a City Street must contact the Director of Operations and obtain written permission at least six (6) weeks in advance in order to stage such an event. A map outlining the locations of the City street(s) to be temporarily closed must be submitted with the request.</li> <li>4. The placement of barricades and detour signs will be the responsibility of the municipality.</li> <li>5. The Director of Operations or his/her designate will notify all emergency services of the temporary street(s) closure a minimum of five (5) days prior to the event. The notification listing includes others as set out under the street closure procedure.</li> <li>6. A notification shall be provided to the City Clerk whose responsibility is to advise Council through the Council Information Package included with each Council Agenda.</li> <li>7. Events requiring the temporary closing of any portion of 10<sup>th</sup> Street East or 10<sup>th</sup> Street West between 9<sup>th</sup> Avenue East and 9<sup>th</sup> Avenue West shall not be permitted unless permission has been obtained from City Council. (Refer to Policy O15 – Parade Routes on 10<sup>th</sup> Street)</li> </ol>	

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<p><b>COUNCIL AUTHORITY OR STAFF APPROVED:</b></p>	<p><b>NEW: X</b></p>
	<p><b>REVISED:</b></p>
	<p><b>DATE:</b></p>
<ol style="list-style-type: none"> <li>8. Organizations are strongly encouraged to <b>not</b> hold an event on the Friday or Monday of a holiday weekend when traffic congestion will cause major concerns.</li> <li>9. If requested, the event should be advertised in the local papers at least one week in advance.</li> <li>10. The cleanup of rubbish and debris is the responsibility of the organization.</li> <li>11. Liability Insurance shall be carried by the event organizer in the amount of \$2,000,000 (Two Million dollars) naming The Corporation of the City of Owen Sound as an additional named insured. The applicant accepts full responsibility for any suits, action, damages that may arise or be taken against the municipality from the temporary street(s) closures.</li> <li>12. The municipality may, at any time, withdraw the permission granted for the planned temporary street closure should traffic movement be badly impeded or the safety of the public is at risk.</li> <li>13. This policy applies only to the travelled portion of a street and does not apply to the use of a City sidewalk, roadway in a park or pathway in a park.</li> <li>14. This policy nor the City of Owen Sound By-law 2009-040 does not apply to the temporary closure on a Grey County road within the City of Owen Sound. Permission must be obtained from the County of Grey for such temporary closures.</li> </ol>	

**SCHEDULE "C" TO BY-LAW 2009-040**

**CHECKLIST FOR TEMPORARY STREET(S) CLOSURES**

Refer to Clause 2 of By-Law 2009-040

STREET CLOSURES FOR SPECIAL EVENTS

The applicant shall:

- if requested, advertise the street closure in the local newspaper
- leave the barricaded portion of the City Street(s) in good repair, and shall accept responsibility for repairing any loss or damages.
- remove all trash and rubbish deposited.
- subject to availability, signs and barricades may be made available at no cost through the City of Owen Sound's Public Works Division. These signs and barricades must be returned in like condition.
- supply proof of liability insurance in the amount of \$2,000,000 (Two Million dollars) naming The Corporation of the City of Owen Sound as an additional named insured.
- ensure any other permits and permissions have been received for temporary use a County of Grey roadway, City of Owen Sound road allowance, City of Owen Sound road within a park, City of Owen Sound pathway within a park.
- ensure a permit has been obtained should there be alcoholic beverages served at an event where an area has been temporarily closed.