Agenda – Council – September 25, 2013

Report – Standing Policy Committee on Protection and Community Services – September 12, 2013

Item No. 1 Amendment to the City of Winnipeg Traffic By-law No. 1573/77

STANDING COMMITTEE RECOMMENDATION:

On September 18, 2013, the Executive Policy Committee submitted the following to Council:

1. That the matter be referred to the Standing Policy Committee on Infrastructure Renewal and Public Works to be included as part of the traffic by-law review.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Protection and Community Services – September 12, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 18, 2013, the Executive Policy Committee submitted the following to Council:

1. That the matter be referred to the Standing Policy Committee on Infrastructure Renewal and Public Works to be included as part of the traffic by-law review.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Further on September 18, 2013, the Executive Policy Committee received from David Sanders a communication with respect to an amendment to the City of Winnipeg Traffic By-law No. 1573/77 to alter the definition of “parade” to include the term “bicyclists”.

STANDING COMMITTEE RECOMMENDATION:

On September 12, 2013, the Standing Policy Committee on Protection and Community Services concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

Further on September 12, 2013, the Standing Policy Committee on Protection and Community Service received from David Sanders a communication dated September 12, 2013 with respect to the Amendment to the city of Winnipeg Traffic By-law No. 1573/77.

ADMINISTRATIVE REPORT

Title: **Amendment to the City of Winnipeg Traffic By-law #1573/77.**

Critical Path: **Standing Policy Committee on Protection and Community Services – Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
K. Cisaroski	Acting Chief A. Stannard	N/A	P. Sheegl

RECOMMENDATIONS

1. That Council approves an amendment to the City of Winnipeg Traffic By-Law # 1573/77 to alter the definition of “parade” to include the term “bicyclists”.

2. That the proper Officers of the City of Winnipeg be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Approval is required to amend the City of Winnipeg Traffic By-Law # 1573/77.

IMPLICATIONS OF THE RECOMMENDATIONS

The current City of Winnipeg Traffic By-Law # 1573/77, section 2(2), does not include the term “bicyclist” in the definition of what constitutes a “parade”, restricting the ability for the Winnipeg Police Service to issue a parade permit to any group that is made up solely of bicyclists.

Amending the definition of “parade” in the Traffic By-Law would allow the Chief of Police to issue parade permits to bicycle groups wishing to hold a parade. The event organizer(s) and participants would then be eligible for coverage under the City of Winnipeg General Liability Insurance Policy and allow for a pre-arranged escort by the Winnipeg Police Service.

HISTORY

The City of Winnipeg Traffic By-Law # 1573/77, section 9(b) authorizes the Winnipeg Police Service (WPS) Chief of Police to issue parade permits to applicants wishing to hold parades on City of Winnipeg streets, however, the Traffic By-Law does not include bicycles as a type of "vehicle" authorized to receive a parade permit.

In the Traffic By-Law, section 2(2), the definition of "parade" refers to "pedestrians" and "vehicles". Since neither of those terms is defined within the By-Law, a definition must be obtained from other legislation controlling use of streets, in this case, the Provincial Highway Traffic Act (HTA). The HTA definition of "vehicle" specifically excludes bicycles, therefore, the Chief of Police cannot issue parade permits to bicycle groups under the current Traffic By-Law.

A number of bicycle groups apply for parade permits each year with the intent of operating in a parade fashion with a police escort, contrary to the HTA rules regarding bicycle operation (i.e. riding side-by-side, occupying an entire roadway/s, disregarding traffic control devices, obstructing traffic).

Since the summer of 2012, these groups were advised they could not be issued a parade permit and were told if they wanted to hold their event, all participants would need to abide by the HTA. Given these circumstances, police escorts for these groups were no longer beneficial because simply having police presence does not authorize any contravention of the HTA.

FINANCIAL IMPACT

Financial Impact Statement

Date: June 7, 2013

Project Name: Traffic bylaw change

First Year of Program **2013**

	2013	2014	2015	2016	2017
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: There is no financial impact associated with this report.

original signed by

Maureen Demkey A/Department Controller

CONSULTATION

In preparing this report there was consultation with:

Legal Services Department
Public Works Department

SUBMITTED BY

Department:	Winnipeg Police Service
Division:	Central Traffic Unit, Division 51
Prepared by:	K. Cisaroski, Patrol Sergeant
Date:	July 4, 2013
File No.	ODS 13-47

Appendix A: Traffic By-Law # 1573/77 amendment draft



Appendix A - Traffic By-Law 1573-77 Draf

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend the Traffic By-law

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Traffic By-law amended

1 The definition **"parade"** in the Traffic By-law No. 1573/77 is amended by adding "*any group of bicyclists numbering ten (10) or more stopped or moving anywhere on a street,*" immediately prior to "*or any group of vehicles*".

DONE AND PASSED, this day of , 2013.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Chief of Police
Winnipeg Police Service

Approved as to form:

_____
For Director of Legal Services/City Solicitor

DRAFT