THE CITY OF WINNIPEG

BY-LAW NO. 56/2014

A By-law of THE CITY OF WINNIPEG to amend the Traffic By-law and the Streets By-law provisions with respect to parades

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

PART 1
TRAFFIC BY-LAW AMENDED

Traffic By-law amended

1 The Traffic By-law No. 1573/77 is amended by this Part.

Preamble added

2 The following is added as a preamble to the By-law:

WHEREAS *clause 139(i)* of *The City of Winnipeg Charter provides in part as follows:*

> ***General authority***
> *139 Council may pass by-laws respecting streets and the parking of vehicles in the city, including, without limiting the generality of the foregoing, by-laws respecting …*
> *(i) traffic on streets;*

Definition "parade" repealed

3 The definition "*parade*" in subsection 2(2) is repealed.

Sections 9 to 13 of Traffic By-law replaced

4 Sections 9 to 13 are replaced with the following:

PARADE PERMITS PROVIDE EXEMPTIONS FROM TRAFFIC RULES AND PROTECTION FROM DISRUPTIONS

9(1) Where the Chief of Police has issued a parade permit under section 11, any use of the street other than that contemplated by the parade permit is restricted or prohibited, as the case may be, pursuant to subsection 86(1) of The Highway Traffic Act*.*

9(2) Without restricting the general nature of subsection (1), except as authorized by or permitted by a peace officer escorting an event for which a parade permit has been issued, no person other than a participant of the event may walk, cycle, drive or otherwise move through an event for which a parade permit has been issued. However, this prohibition does not apply to the drivers of the following vehicles operating in an emergency:

(a) an ambulance;

(b) a fire department vehicle; or

(c) a police vehicle.

9(3) Participants in an event for which a parade permit has been issued under this By-law or for which a use of street permit has been issued under the Streets By-law who are in compliance with the conditions of the parade permit or use of street permit, and who comply with the directions of a peace officer with respect to the conduct of that event are not required to comply with the following:

(a) the requirements of The Highway Traffic Act *with respect to travelling in a roadway including complying with traffic control devices;*

(b) the prohibitions in the Streets By-law or other by-laws concerning the obstruction of pedestrian or vehicular traffic in a street;

(c) the prohibitions or restrictions in this or other by-laws concerning the riding of horses or horse-drawn vehicles in a street.

ELIGIBILITY FOR PARADE PERMIT

10(1) An event is eligible to be considered for a parade permit if both of the following apply:

(a) it involves the cohesive movement of a group of people – whether on foot or being conveyed - from one point to another on one or more streets; and

(b) it will not occupy any particular area of the street for an extended period of time.

10(2) An event is ineligible for a parade permit but may be eligible for a use of street permit under the Streets By-law if any of the following are applicable:

(a) it involves a group of people which will remain largely stationary during the event;

(b) as a result of the event, pedestrian or vehicular traffic on the street will be significantly affected for a significant period of time;

(c) as a result of the event, the street will not be available for any pedestrian or vehicular traffic for a period of time.

ISSUING PARADE PERMITS

11(1) In order to appropriately consider whether or not to grant parade permits, the Chief of Police may establish reasonable requirements for applications for parade permits, which may include:

(a) a minimum amount of time prior to a proposed event by which an application must be made;

(b) specific information that must be provided on a parade permit application;

(c) the completion of an application form.

11(2) The Chief of Police must issue a parade permit to an applicant if all of the following requirements are met:

(a) the event for which a parade permit is sought is eligible for a parade permit under section 10;

(b) the applicant has complied with the requirements established by the Chief of Police under subsection 11(1);

(c) the applicant has paid any applicable fees and charges;

(d) the Chief determines that adequate insurance will be in place to protect the City as well as participants and others who may suffer harm or damage as a result of the event for which a parade permit is sought.

(e) adequate security and traffic control for the event will be provided by the Royal Canadian Mounted Police or the Canadian Forces Military Police or can reasonably be provided by the Winnipeg Police Service;

(f) the time, date and route of the proposed event

(i) is unlikely to unduly disrupt traffic along the proposed parade route;

(ii) is unlikely to result in conflicts with other events or parades taking place; and

(iii) does not pose undue security or public safety concerns;

(g) due to the nature of the event, the numbers of people or vehicles involved or for some other reason, it will be difficult or impossible for those involved in the event to remain a cohesive group while complying with The Highway Traffic Act*, the Streets By-law and this By-law.*

11(3) Where the event meets all of the criteria set out in subsection (2) except those set out in clauses (e) or (f), the Chief of Police must propose a reasonable alternative time, date or route that would result in these criteria being met.

11(4) Where the event meets all of the criteria set out in subsection (2) except that

set out in clause (e), the Chief of Police must authorize the parade permit if the applicant agrees to make use of Winnipeg Police Service members through the WPS Special Duty Program and pays the applicable fees and charges for the event through that program.

11(4) Where the event meets all of the criteria set out in subsection (2) except that set out in clause (2)(g), the Chief is authorized but not required to issue a parade permit with respect to the event.

11(5) No fee is applicable for a parade permit authorizing a parade or other event involving members of Her Majesty's Armed Forces, whether on foot or in vehicles.

CONDITIONS ON PARADE PERMITS

12(1) It is a condition of every parade permit that

(a) members of the Winnipeg Police Service, the Royal Canadian Mounted Police or the Canadian Forces Military Police must escort the event; and

(b) all participants must comply with the directions of the escorting peace officers.

12(2) The Chief of Police may impose additional conditions on a parade permit that are designed to ensure the following

(a) disruption to traffic along the proposed parade route is minimized;

(b) the event for which the parade permit is issued does not result in conflicts with other events or parades taking place;

(c) security or public safety concerns are minimized; and

(d) adequate insurance will be in place in accordance with clause 11(2)(d).

12(3) Without restricting the generality of subsection (2), the conditions imposed by the Chief of Police may include any or all of the following:

(a) a requirement to follow a specific route;

(b) a requirement that the event take place on a specific date and time;

(c) a requirement that the event use only a specified lane or roadway;

(d) restrictions or prohibitions on the activities that may take place during the event.

12(4) If the conditions imposed on a parade permit are not met, the parade permit is invalid.

12(5) The Chief of Police or any member of the Winnipeg Police Service whom the Chief has authorized to exercise this authority may revoke the parade permit prior to or

during the parade if he or she concludes that the parade will

(a) unduly disrupt traffic along the parade route;

(b) result in conflicts with other events or parades taking place; or

(c) pose undue security or public safety concerns.

12(6) If a parade permit is invalid or revoked, the exemptions provided in subsection 9(1) are not applicable and participants in the event must comply with all applicable provisions of The Highway Traffic Act*, the Streets By-law and this By-law.*

PART 2
STREETS BY-LAW AMENDED

Streets By-law amended

5 Subsection 4.01.02 of the Streets By-law No. 1481/77 is replaced by the following:

4.01.02 Notwithstanding subsection 4.01.01

(a) clause 4.01.01(c) does not apply to a mobile food vendor that is operating pursuant to a valid mobile food vendor licence issued under the Doing Business in Winnipeg By-law; and

(b) clauses 4.01.01(a), (b) and (c) do not apply to an individual participating in an event for which a parade permit has been issued under the Traffic By-law.

DONE AND PASSED, this 27th day of May, 2014.

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Mayor

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City Clerk

Approved as to content:

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Director of Public Works

Approved as to content

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Chief of the Winnipeg Police Service

Approved as to form:

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For A/Director of Legal Services/City Solicitor