

**BY-LAW NUMBER 2016-01**

**OF**

**THE POLICE SERVICES BOARD FOR THE CITY OF ORILLIA**

**A BY-LAW TO REGULATE PARADES, PROCESSIONS, WALK-A-THONS, RACES,  
AND PUBLIC DEMONSTRATIONS ON HIGHWAYS IN THE CITY OF ORILLIA.**

NOW THEREFORE THE POLICE SERVICES BOARD FOR THE CITY OF ORILLIA  
HEREBY ENACTS AS FOLLOWS:

**1. SHORT TITLE**

1.1 This By-law may be cited as the “Parade By-law”. In the text of the By-law, it is referred to as “this By-law.”

**2. DEFINITIONS**

2.1 For the purposes of this By-law:

- (a) “**Administrative Sergeant**” shall mean the Ontario Provincial Police Administrative Sergeant for the City of Orillia, or his or her designate.
- (b) “**Applicant**” shall mean a person or organization applying for permission to hold a parade, procession, walk-a-thon, race, or public demonstration under this By-law.
- (c) “**Board**” shall mean the Police Services Board for the City of Orillia.
- (d) “**Board Chair**” shall mean a member elected by the Board to preside at the meetings of the Orillia Police Services Board, or his or her designate.
- (e) “**City**” shall mean the Corporation of the City of Orillia.
- (f) “**Detachment Commander**” shall mean the Ontario Provincial Police Detachment Commander for the City of Orillia, or his or her designate.
- (g) “**Executive Assistant**” shall mean the Executive Assistant for the Police Services Board for the City of Orillia.
- (h) “**Highway**” shall mean 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.

- (i) **“Parade”** shall mean an organized public procession, such as a walk-a-thon or race, for a festive, athletic, or ceremonial occasion.
- (j) **“Person”** shall mean an individual, sole proprietorship, partnership, association or corporation.
- (k) **“Public Demonstration”** shall mean a public display of group opinion, as by a rally or march.
- (l) **“Police Service”** shall mean the Ontario Provincial Police Detachment for the City of Orillia.

### **3. ADMINISTRATION**

3.1 The Detachment Commander and the Board Chair shall supervise the parade permit application process under this By-law, and the following shall be the duties of the Detachment Commander and the Board Chair in connection with the provisions of this By-law:

- (a) To make necessary inquiries concerning applications for parade permits as may be required to secure due observance of the law and of this By-law;
- (b) To grant the issuance of a parade permit where the applicant has satisfied all of the requirements of this By-law;
- (c) To refuse to issue a parade permit under this By-law where an applicant fails to satisfy all the requirements of this By-law;
- (d) To keep a record of all applications and issued parade permits. Such record shall contain the name of the applicant, the purpose of the parade, the date of the parade, and the number of parade permits issued. The Detachment Commander and the Board Chair shall keep such further particulars and such other records as the Board may order;
- (e) To furnish each applicant with one copy of this By-law;
- (f) To furnish each holder of an approved parade permit application with a parade permit and the permit number of the parade shall be shown thereon;
- (g) To ascertain by inspection and inquiry from time to time and as often as may be required by the Board whether or not applicants continue to comply with the provisions of this By-law; and

- (h) To submit to the Board, when requested, a report on the performance of their duties in accordance with this By-law.

#### **4. DELEGATION**

- 4.1 Any act authorized or directed to be carried out under the provisions of this By-law by the Detachment Commander and the Board Chair may be carried out by the Executive Assistant of the Orillia Police Services Board and by the Administrative Sergeant of the Ontario Provincial Police, Orillia Detachment.

#### **5. GENERAL APPLICATION REQUIREMENTS**

- 5.1 Every applicant wishing to hold a parade on a highway shall, before doing so, submit a written application for a parade permit to the Board on behalf of himself/herself or the group or organization intending to hold such a parade, in a form satisfactory to the Board.
- 5.2 The written application for the parade permit shall be submitted and filed with the Board at least sixty (60) calendar days prior to the date on which it is proposed to hold such a parade.
- 5.3 No person or organization shall organize or participate in a parade on a highway within the City unless a parade permit has been granted and issued for such an event pursuant to this By-law.
- 5.4 Every written application for a parade permit shall include the following information:
  - (a) name, address, telephone number and signature of the applicant or the person authorized on behalf of the organization sponsoring or conducting the parade event;
  - (b) the date of the parade;
  - (c) the purpose of the parade;
  - (d) the proposed hour of assembly for the start of the parade;
  - (e) the proposed location for the formation area/destination point of the parade;
  - (f) the proposed location of any viewing stand(s), if required;
  - (g) the proposed location for the disassembly/dispersal area for the end of the parade;

- (h) the proposed duration of the parade;
- (i) the estimated number of participants, including the number of persons on foot;
- (j) the estimated number and types of motorized and non-motorized vehicles including but not limited to automobiles, trucks, motorcycles, floats, trailers, riders on horseback and any other animals, if applicable;
- (k) the proposed parade route with an accompanying sketch outlining the placement of parade marshalls and/or volunteers on duty, location of barriers, and identification of all highways intended to be used as the route of the parade;
- (l) the method in which the parade will be managed and controlled to ensure minimal disruption to the public;
- (m) the proposed return route, if applicable;
- (n) a detailed description of all banners, placards, flags or insignia that will be used by the parade participants; and
- (o) other information the Board deems appropriate in the circumstances.

5.5 On review of the written application, the Detachment Commander and the Board Chair shall consider:

- (a) that a proper application and indemnification, in a form satisfactory to the Board, has been completed and delivered to the Board;
- (b) that the proposed route, place of assembly, destination, date and time of such parade are not likely:
  - (i) to result in unreasonable interference with normal highway traffic or unreasonable disruption of normal business and mercantile operations along or in the vicinity of the proposed parade route; and
  - (ii) to conflict with any other parade for which permission had been previously given;
- (c) any potential adverse effects on public health and safety;
- (d) any potential inconvenience to the public;

- (e) any potential traffic impacts, including proximity to access points onto provincial highways, hospitals, and fire stations, or lack of adequate detour routes;
- (f) any concerns for the security of persons or property proximate to the proposed route;
- (g) the adequacy of police resources, which in the opinion of the Detachment Commander, are available for the proposed parade to ensure proper crowd control, the orderly movement of the parade and other traffic with a minimum of conflict between them, the maintenance of civil order and the prevention of disturbances of the peace and property damage;
- (h) whether paid duty police officers are required, at the discretion of the Detachment Commander, to be employed at the cost of the applicant, as per the Ontario Provincial Police – Orillia Detachment Paid Duty Policy;
- (i) the adequacy of alternate fire and emergency response;
- (j) if the highway is a public transit route, the adequacy of an acceptable alternate public transit route;
- (k) whether the parade may result in the breach of any law;
- (l) the adequacy of arrangements for the convenience and comfort of participants in the parade;
- (m) whether the past or present conduct of the applicant or the organization sponsoring or conducting the parade affords reasonable grounds to believe that the parade may not be carried in a lawful, safe, secure, peaceful and controller manner;
- (n) that the applicant or organization has not, within the previous two (2) years of the application, been found guilty of an offence under this By-law; and
- (o) the appointment of volunteers and/or Orillia OPP Detachment members to ensure that temporary “No Parking” signs are temporarily covered over parking meters situated along the parade route for a reasonable amount of time preceding and following such parades, provided however, that such “No Parking” signs shall be erected at least three (3) hours before such a parade, and removed immediately after such a parade has been completed.

5.6 Prior to determining if a parade should be permitted, the parade permit application shall be reviewed by the Board Chair, the Detachment Commander, County of Simcoe Paramedic Services, as well as the City of Orillia’s Fire Chief

or Deputy Fire Chief, Manager of Engineering and Transportation, Manager of Construction/Transit, Manager of Source Protection and Operations, Superintendent of Roads and Fleet, Recreation Policy and Permitting Supervisor, Manager of the Downtown Orillia Management Board, and any other person or agency who may be deemed to have an interest in the matter.

- 5.7 Should viewing stands be required, the applicant and organization must assume all costs to:
- (a) obtain the necessary Road Occupancy Permit from the City's Environmental Services and Operations Department; and
  - (b) obtain the necessary Building Permit from the City's Development Services Department.

## **6. APPEAL**

- 6.1 In the event that after receipt and consideration of the written application for a parade permit, the Detachment Commander and the Board Chair are of the opinion that there may be difficulty in complying with the aforementioned criteria, the Detachment Commander and the Board Chair shall, within thirty (30) days of receiving the parade permit application, meet with the applicant to outline the difficulties and discuss alternatives to satisfy the above-noted criteria.
- 6.2 The Detachment Commander and the Board Chair may, after due consideration, refuse to grant the applicant permission to hold a parade.
- 6.3 In the event the Detachment Commander and the Board Chair refuse to grant permission to a written application for a parade permit, the applicant may appeal the decision of the Detachment Commander and the Board Chair to the Board by filing with the Board, an appeal in writing within five (5) calendar days of being notified.
- 6.4 On receipt of a written request for a hearing from an applicant, the Chair of the Board shall schedule the hearing and shall give the applicant reasonable written notice of the date, time and place of the hearing, and, shall also notify the Detachment Commander.
- 6.5 The Board upon receiving an appeal from an applicant shall conduct a hearing pursuant to the procedures set out in the *Statutory Powers Procedures Act*, R.S.O. 1990, c. S. 22, as amended.
- 6.6 When an applicant who has been given written notice of the hearing does not attend at the appointed time and place, the Board may proceed with the hearing in his or her absence and the applicant shall not be entitled to any further notice of the proceedings.

6.7 The Board may, after the appropriate hearing is conducted, issue a parade permit subject to such terms or conditions as the Board may prescribe, or refuse to issue a parade permit, and a decision made pursuant to the exercise of these powers is final and binding upon the applicant.

**7. RESPONSIBILITIES OF PARADE PERMIT HOLDER**

7.1 All applicants, as a condition of being permitted to hold a parade shall, before such parade is held, deliver to the Board and agree to be bound by the terms of an agreement satisfactory to the Board, by which agreement the applicant shall agree to assume complete legal liability and responsibility for the conduct of the parade.

7.2 Every permit holder shall:

- (a) indemnify the Corporation of the City of Orillia, the Orillia Police Services Board, the Orillia OPP Detachment Commander, and the Ontario Provincial Police including all Auxiliary Police Officers, for all claims, actions, lawsuits and legal proceedings of any kind or any other kind or nature arising out of or resulting from or in any way connected with such parade; and further, to assume at the expense of the applicant, the entire costs, including legal expenses, related to any such legal proceedings. This indemnity shall not apply to intentional wrongful acts, or negligent acts of omission or commission by the persons indemnified by this agreement;
- (b) provide proof of Commercial General Liability Insurance upon submission of the written application for a parade permit, by way of certificate for a third party bodily injury, including death, personal injury, and property damage. This coverage shall also extend to contractual liability, tenants' legal liability, non-owned automobile liability, contain a cross-liability clause, a thirty (30) days' notice of material change, lapse or cancellation. The required coverage can be composed of a combination of commercial general liability and umbrella (excess) insurance policies. Such policies shall be written on a comprehensive basis with coverage for any one occurrence or claim of not less than two million dollars (\$2,000,000). Coverage for any one occurrence or claim of not less than five million dollars (\$5,000,000) may be required by the Detachment Commander and the Board Chair depending on the size of the parade. The permit holder shall endeavour to ensure that all participating vehicles are appropriately insured and operated by a person with a valid driver's licence. The Commercial General Liability Insurance shall name the following as additional insured:

- (i) The Corporation of the City of Orillia, 50 Andrew Street South, Suite 300, Orillia, Ontario, L3V 7T5;
  - (ii) The Orillia Police Services Board, 50 Andrew Street South, Suite 300, Orillia, Ontario, L3V 7T5;
  - (iii) The Ontario Provincial Police including the Orillia OPP Detachment Commander and all Auxiliary Police Officers, 66 Peter Street South, Orillia, ON L3V 5B1; and
  - (iv) any other person or agency who may be deemed to have an interest in the matter.
- (c) ensure satisfactory arrangements for policing for the parade, including attendance of police officers as may be imposed by the Detachment Commander;
  - (d) obtain and return at his or her own expense from the Environmental Services and Operations Department, traffic barricades in the number required by the Ontario Provincial Police;
  - (e) be responsible, or appoint designated volunteers, at the direction of the Ontario Provincial Police, to set up traffic barricades at the location(s) approved by the Detachment Commander at least one (1) hour prior to the parade, and remove the traffic barricades immediately after the parade event;
  - (f) assume the cost to repair or replace any damaged barricades;
  - (g) obtain and return at his or her own expense from the Orillia Police Services Board, reflector safety vests, in the number required by the Ontario Provincial Police, and ensure such vests are worn by all parade volunteers;
  - (h) assume the cost to repair or replace any damaged reflector safety vests;
  - (i) communicate to all prospective participants in the parade, the terms and conditions of the parade permit which apply during and throughout the course of the parade;
  - (j) provide notice of the parade event to the local media at least ten (10) days prior to the parade event;
  - (k) ensure that no vehicle, float, trailer, or other displays shall be used in any parade that exceeds 4.0 metres in height. The cost to repair any damage resulting from such height of vehicle will be borne by the applicant;



- (l) ensure that every person participating in the event shall, unless otherwise permitted, travel along the route in the direction approved upon permit issuance;
- (m) be responsible for the strict observance of all rules and regulations included in this By-law and the written permission issued in the form satisfactory to the Board;
- (n) be responsible for posing, publishing and communicating to all prospective participants in the parade, the terms and conditions of the permit which apply during and throughout the course of the parade; and
- (o) be responsible for obtaining locates prior to any ground disturbances to prevent liability for any damage or injury caused by interfering with any buried infrastructure.

## **8. PARADE PARTICIPANT RESPONSIBILITIES**

8.1 Every person participating in the parade shall:

- (a) march or travel in the direction and proceed on any highway or part of any highway in the manner directed or provided for in the permit;
- (b) obey the directions of the police officers safeguarding the proper movement of persons and vehicles and generally maintaining order;
- (c) obey all traffic signs and signals and shall yield the right-of-way when required to do so by law;
- (d) remain on trails and sidewalks, when required; and
- (e) not halt, stop or congregate in such a manner as to obstruct pedestrians not participating in the parade.

## **9. PUBLIC RESPONSIBILITIES**

9.1 No person shall:

- (a) take part in any public procession or demonstration on any highway which interferes with the normal flow of traffic upon such highway; and in the event of any such highway being obstructed as to impede the normal flow of traffic thereon, during the holding of any such public procession or demonstration, every person taking part therein shall, upon request by a police officer, forthwith disperse;

- (b) when permission has been issued to any person or organization for the holding of a parade, interfere with such parade or procession by joining in or taking part in it, without the permission of its organizers, or in any other way;
- (c) drive, park or otherwise enter a temporarily closed or partially closed highway that has been closed pursuant to the provisions of this By-law, except construction-related vehicles and emergency vehicles;
- (d) alter the approved parade route or parade permit without the written consent of the Detachment Commander and the Board Chair.

## **10. ENFORCEMENT**

- 10.1 A Police Officer or a Municipal By-law Enforcement Officer is hereby vested with the authority of enforcing the provisions of this By-law.
- 10.2 A Police Officer and/or a Municipal By-law Enforcement Officer shall:
  - (a) have the authority to, where a vehicle has been illegally parked along the highway of the parade route, attach a parking infraction notice to the vehicle, or cause the vehicle to be taken to and stored in a suitable place, with all costs pertaining to the removal, care, and storage of the vehicle, if any, enforced in a manner provided under Part III of the *Repair and Storage Liens Act*; and
  - (b) take or resort to any or all lawful means at his or her disposal, as may be required, to keep or maintain order, prevent obstruction of traffic, and exercise any other duty imposed on him or her by law.

## **11. PENALTY**

- 11.1 Any person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*.
- 11.2 Where a section of this By-law has been contravened, a director or officer of a corporation who knowingly concurs in the contravention is guilty of an offence.
- 11.3 Upon conviction, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

**12. VALIDITY AND SEVERABILITY**

12.1 Every provision of this By-law is declared severable from the remainder and if any provision of this By-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder.

**13. PREVIOUS BY-LAW – REPEAL**

13.1 By-law 2013-2 is hereby repealed.

**14. EFFECTIVE DATE**

14.1 This By-law shall come into force and take effect on the date of passing thereof.

By-law read a first, second and third time and passed this 20<sup>th</sup> day of December,  
A.D. 2016.

*Laurie Christensen*

---

Laurie Christensen,  
Vice-Chair

*Kristine Preston*

---

Kristine Preston,  
Executive Assistant