

HALIFAX

P.O. Box 1749
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Item No. 11.4.1
Halifax Regional Council
August 5, 2014

TO: Mayor Savage and Members of Halifax Regional Council
Original Signed

SUBMITTED BY: Councillor Tim Outhit, Vice Chair, Transportation Standing Committee

DATE: July 25, 2014

SUBJECT: Administrative Order for Special Events, Parades and Street Closures

ORIGIN

Staff recommendation approved at the July 23, 2014 meeting of the Transportation Standing Committee.

LEGISLATIVE AUTHORITY

The Transportation Standing Committee Terms of Reference sets out its duties and responsibilities to include coordination of priorities and initiatives related to:

- 3.2.1 Promoting and enabling Public Safety campaigns and Outcomes that promote safety; and
- 3.2.3 Input and review of the Streets By-law as it relates to approaches to routing, right-of-way management, accessibility and management of priorities for uses.

Refer to the Legislative Authority section of the July 8, 2014 staff report (Attachment A) for applicable references specific to the *Halifax Regional Municipality Charter* and the *Nova Scotia Motor Vehicle Act*.

RECOMMENDATION

That Halifax Regional Council:

1. Adopt the Special Events Administrative Order # 2014-010-ADM (Attachment 1 of the July 8, 2014 staff report), to become effective 120 days from approval date; and
2. Direct staff to include establishment of a policy for waiving of fees in the work being done on both the Fees By-law and the Grants Policy.

BACKGROUND

At the August 7, 2013 Transportation Standing Committee meeting, the Committee requested a staff report "for consideration and possible recommendation to Regional Council with the intention of placing the street closure policy in the form of an Administrative Order that shall:

- a) clearly outline current practices used by staff at the Special Events Task Force, timelines, and appeals process
- b) allow for the use of private contractors and volunteers for road closures subject to compliance with the NS Temporary Workplace Manual and appropriate other legislation/collective agreements.
- c) allow for establishment of a policy of waiving fees in lieu of grants subject to approval via Grants Committee or Special Events Advisory Committee as appropriate
- d) create a notification system to abutters for street closure that allows for distribution of notices rather than petitions
- e) require clear and comprehensive quotes on all regularly anticipated costs sufficiently before an event takes place in order to allow organizations time to budget appropriately, and that only allows additional costs to be billed by HRM should identified exceptions or emergencies take place."

The resulting staff recommendation report dated July 8, 2014 (Attachment A), was before the Transportation Standing Committee at their July 23, 2014 meeting.

Refer to the Background section of the July 8, 2014 staff report for further details on the background and origin of this matter.

DISCUSSION

The Transportation Standing Committee discussed the report at the July 23, 2014 meeting, noting that there are different levels of support required and costs associated with differing scales of events and that this would need to be considered in the information being considered related to fees and grants.

FINANCIAL IMPLICATIONS

There are no financial implications at this time. Should a policy to waive municipal fees be approved, the financial impact would be identified in a future report. Refer to item (c) of Attachment 2 of the July 8, 2014 staff report for further information on work being done with other current initiatives related to fees and grants.

COMMUNITY ENGAGEMENT

The "Down Town I'm In" public engagement survey included feedback on Special Events.

The Transportation Standing Committee is comprised of eight duly elected members of Regional Council. Meetings are held on a monthly basis and are open to the public (unless otherwise indicated). Agendas, reports and minutes are available on the HRM website.

ENVIRONMENTAL IMPLICATIONS

None identified.

ALTERNATIVES

None identified by the Committee.

ATTACHMENTS

Attachment A Staff report dated July 8, 2014, with attached draft Special Events Administrative Order
2014-010-ADM

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jennifer Weagle, Legislative Assistant, 902-490-6517

Transportation Standing Committee
July 23, 2014

TO: Chair and Members of the Transportation Standing Committee

Original signed

SUBMITTED BY:

Brad Anguish, Director, Community & Recreation Services

DATE:

July 8, 2014

SUBJECT:

Administrative Order for Special Events, Parades and Street Closures

ORIGIN

August 7, 2013 Transportation Standing Committee motion that staff prepare a report for consideration and possible recommendation to Regional Council with the intention of placing the street closure policy in the form of an Administrative Order that shall:

- a) clearly outline current practices used by staff at the Special Events Task Force, timelines, and appeals process
- b) allow for the use of private contractors and volunteers for road closures subject to compliance with the NS Temporary Workplace Manual and appropriate other legislation/collective agreements.
- c) allow for establishment of a policy of waiving fees in lieu of grants subject to approval via Grants Committee or Special Events Advisory Committee as appropriate
- d) create a notification system to abutters for street closure that allows for distribution of notices rather than petitions
- e) require clear and comprehensive quotes on all regularly anticipated costs sufficiently before an event takes place in order to allow organizations time to budget appropriately, and that only allows additional costs to be billed by HRM should identified exceptions or emergencies take place.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Section 332 (b) "The Engineer may (a) permit a person to use a portion of a street for construction or other temporary purpose; (b) temporarily close a street, or part thereof, for the protection of the public, to allow work to be done on the street or on lands and buildings adjacent to the street or for any other purpose beneficial to the public interest.

Nova Scotia Motor Vehicle Act, Section 90(7) "No parade, procession or walkathon shall march, occupy or proceed along any highway within the boundaries of a city or town unless a permit has been granted by the traffic authority of the city or town prescribing the route to be followed and the time when the parade, procession or walkathon may take place".

RECOMMENDATION

It is recommended that the Transportation Standing Committee recommend that Halifax Regional Council:

1. Adopt the Special Events Administrative Order # 2014-010-ADM (Attachment 1), to become effective 120 days from approval date; and
2. Direct staff to include establishment of a policy for waiving of fees in the work being done on both the Fees By-law and the Grants Policy.

BACKGROUND

In February 2013, the Transportation Standing Committee requested a staff report which outlined the current HRM street closure process, pricing practices, best practice research and addressed the balance between engineering and traffic concerns with community building.

At the August 7, 2013, Transportation Standing Committee meeting, following discussion on the report, the Committee indicated that the practice of using police for street closures and parades remains a financial challenge to event organizers. Staff was directed to return with a report that explained the reasons, legislative or otherwise for this practice. In addition, the Committee requested that the current practices regarding municipal service quotes and estimates, abutter approval, and the establishment of a policy for waiving of municipal service costs in lieu of grants be delivered in a revised policy and accompanying Administrative Order.

Traffic and Right of Way (TROW) and Halifax Regional Police (HRP) are directly responsible for the care and control of any and all public road closures, parades and right of way requests within HRM as outlined in the existing legislation, by-laws and policies currently in place. These departments and Metro Transit, in consultation with the Events and Cultural Initiatives staff have provided their feedback to the directives from the Transportation Standing Committee (Attachment 2).

DISCUSSION

The Special Events Task Force (SETF) was established by Regional Council in July 1996. This operation-based task force was created to coordinate all municipal services required and impacted by events, provide for consistent and standard processing of event requests as well as provide a single point of contact for event organizers.

The Terms of Reference for the Special Event Task Force have not been updated since 1996, yet the needs of the community who organize and deliver special events in HRM have evolved significantly over the past 18 years. The results of recent public engagement sessions in Halifax and Dartmouth, "Downtown I'm In", revealed that the public are keen to organize and participate in events that are seen as integral to community vitality and prosperity, local economic development and that are held literally "on their streets".

The increase in requests that HRM has received for special events and parades support these comments. Presently, over 120 events organizers have submitted SETF event applications to hold events in 2014. This number does not include the 70+ street closure approvals for residential block parties that Traffic and Right of Way Services processes directly each year.

These ongoing requests have resulted in continued fine-tuning of processes and staff alignments to assess and deliver the necessary approvals in a timely manner. From the application process to the final approval by the Right of Way Engineer, there are practices that are formal in nature but have not been sanctioned by Regional Council within an Administrative Order.

The proposed Special Events Administration Order #2014-010-ADM (Attachment 1) outlines the current practices and timelines used by the Special Events Task Force. It also introduces new processes that ensure the SETF addresses public safety and mitigates risk, but also provides a more current and reasonable approach than what exists with the current protocol. The new protocol will provide more definition to the responsibilities of the SETF so that the members continue to take a leadership role in negotiations between the Municipality and event organizers.

In particular, the Administrative Order (AO) will provide protocol for special events and parades that require temporary road closures. The AO includes a notification system for abutters and provides for clear quotes for municipal services. In addition to these items, the Transportation Standing Committee also requested that the AO allow for the use of volunteers or private contractors for road closures and establishment of a policy for waiving of fees in lieu of grants. Inclusion of these items was not possible at this time due to legislative requirements and alignment with ongoing work. The use of volunteers or private contractors for street closures for events is not permitted under the current legislation. Consideration of establishment of a policy to waive fees in lieu of grants would need to be aligned with the current work on the Grants Policy and upcoming creation of a Fees By-Law.

Additional information is provided in Attachment 2 that responds to the 5 specific motions from the Transportation Standing Committee. The information has been provided by the business departments responsible for their particular area of event jurisdiction and delivery.

FINANCIAL IMPLICATIONS

There are no financial implications at this time. Should a policy to waive municipal fees be approved, the financial impact would be identified in a future report.

COMMUNITY ENGAGEMENT

The "Down Town I'm In" public engagement survey included feedback on Special Events.

ENVIRONMENTAL IMPLICATIONS

None.

ALTERNATIVES

1. Transportation Standing Committee could choose to not recommend that Regional Council approve the Administrative Order.
2. Transportation Standing Committee could choose to not recommend that Regional Council direct staff to include consideration of establishment of a policy to waive fees in the work on the Grants Policy and Fees By-Law,

ATTACHMENTS

Attachment 1 – Special Events Administrative Order 2014-010-ADM

Attachment 2 – August 7, 2013 Transportation Standing Committee Motion & Information

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Elizabeth Taylor, Manager Events & Cultural Initiatives, 490-4387

Report Contributors: Taso Koutroulakis, Manager, Traffic and Right of Way, 490-6727
Christopher Davis, Supervisor, Right of Way, 490-6727
Earl Romkey, Senior Service Supervisor, Metro Transit, 490-6688
Cliff Falkenham, Superintendent, HRP, 490-5217
Robert J. Kamperman, HRM Fire Prevention Officer, 490-3546

Report Approved by: Original signed
Denise Schofield, Manager, Regional Recreation & Culture, 490-6252

Financial Approval by: Original signed
Greg Keefe, Director of Finance & ICT/CFO, 490-6308

Report Approved by: Original signed
Eddie Robar, Director, Halifax Transit, 490-6720

Report Approved by: Original signed
Kathleen Llewellyn-Thomas, A/Director, Transportation & Public Works, 490-4855

Report Approved by: Original signed
Jean-Michel Blais, Chief of Police, 490-6500

Report Approved by: Original signed
John Traves, Director, Legal, Insurance and Risk Management Services, 490-4226

**ADMINISTRATIVE ORDER NUMBER 2014-010-ADM
RESPECTING
Special Events Task Force Process for Events, Parades & Street Closures**

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the
Halifax Regional Municipality under the authority of the *Halifax Regional Municipality
Charter*, as follows:**

Short Title

1. This Administrative Order may be known as the *Special Events Administrative Order*.

Application

2. This Administrative Order applies to special events being held on municipal land, and to the municipal services provided to special events held on non-municipal land.

Interpretation

3. In this Administrative Order,
 - (a) “applicant” means a person applying for a review of a proposed special event on behalf of the organizer in accordance with this Administrative Order;
 - (b) “CAO” means the Chief Administrative Officer of the Municipality;
 - (c) “Council” means the Council of the Halifax Regional Municipality;
 - (d) “Department” means an administrative department of the Municipality;
 - (e) “Director” means a Director of a Department of the Municipality;
 - (f) “Engineer” means the Engineer as defined in section 3(ac) of the *Halifax Regional Municipality Charter, R.S.N.S. 2008, c. 39*;
 - (g) “Municipality” means the Halifax Regional Municipality;
 - (h) “municipal lands” means real property owned or leased, in whole or in part, by the Municipality, and includes streets as defined in section 3(bu) of the *Halifax Regional Municipality Charter*;
 - (i) “municipal services” means any service provided by the Municipality to support a special event that exceed regularly scheduled service, including electrical services, grounds maintenance, infrastructure delivery and pick up, police services, traffic and right of way services, fire and emergency services, transit services, and solid waste services;

- (j) “municipal services quotations” means an estimated amount within 5% of the actual final costs of municipal services;
- (k) “municipal services estimates” means an estimated amount within 20% of the actual final costs of municipal services;
- (l) “organizer” means the person responsible for hosting the special event;
- (m) “SETF application” means an application submitted to the Special Event Task Force by an applicant for review of a special event;
- (n) “special event” means a sporting, cultural, business or other type of activity, that may be one-time or annual but occurs for a limited or fixed duration, and is presented to a live audience, that has an impact on the Municipality by involving the use of, or having impact on, municipal lands, or requiring municipal services’ support; and
- (o) “temporary street closure” means any permit issued by the Engineer to allow a special event on a street pursuant to the *Halifax Regional Municipality Charter*.

Purpose

- 4. The purpose of this Administrative Order is to:
 - (a) establish clear and comprehensive protocol to be employed by the Special Events Task Force in the review of potential special events based on an assessment of the risk for the Municipality and on which it may make recommendations based on findings; and
 - (b) provide a clear and comprehensive protocol for applicants to acquire financial information concerning municipal services.

Part I - Special Events Task Force

- 5. The Special Events Task Force created by Council on July 2, 1996 is hereby continued.
- 6. The purpose of the Special Events Task Force is:
 - (a) to review potential special events based on a set of accepted criteria, assess risk management for the corporation and to make recommendations to staff and Council on the feasibility and potential success of new special events;
 - (b) to act as an advisory body to existing and potential special event organizers in the areas of municipal services, property, logistics, and regulations;
 - (c) to provide special event organizers with a mechanism for acquiring accurate financial information concerning municipal services; and

(d) to act as an expert forum on the development of long term strategic planning and policy as it pertains to special events within the Municipality.

7. The membership of the Special Events Task Force will consist of staff appointed by the Director of each of the following service areas, with the CAO able to determine whether staff appointed by a Director is within a service area:

- (a) Event Services;
- (b) Halifax Regional Police;
- (c) Fire & Emergency Services;
- (d) Real Property Services;
- (e) Parks & Open Spaces;
- (f) Traffic and Right of Way Services;
- (g) Solid Waste Services;
- (h) Electrical Services;
- (i) Halifax Transit;
- (j) Legal, Insurance and Risk Management Services;
- (k) Office of the CAO; and

may include representatives of provincial or federal government department or agencies as required as determined by the CAO.

8. With respect to review of potential special events, the Chair of the Special Events Task Force, or his or her delegate, shall:

- (a) schedule the organiser to present at a Special Events Task Force meeting if required within sixty (60) days of date of receipt of a SETF application;
- (b) ensure applications for special events that require a temporary or rolling road closure are sent directly, or forwarded, to the Engineer for approval;
- (c) schedule subsequent meetings when necessary with the organizer during the months before the event in order to resolve any outstanding logistical issues and to finalize any Department specific concerns identified at the initial Special Events Task Force meeting; and

(d) ensure any issues with street closure requests or event logistics are elevated to the senior manager of the relevant Departments;

9. With respect to SETF applications, Departments participating in the Special Events Task Force shall :

(a) ensure municipal service costs quotes are provided by each Department involved in the event no later than thirty (30) days following the Special Events Task Force meeting;

(b) ensure all quotes for costs associated with the provision of municipal services are reviewed and approved in writing by the event organizer;

(c) ensure all final operations plans, permits, maps and other material are sent to the event organizer seven (7) business days prior to the event;

(d) ensure proof of notification to abutters is provided to Community & Recreation Services at least twenty-one (21) days before the date of the event;

(e) assist the applicant in understanding the applicability of laws to their event site and their duty to comply therewith;

(f) review final municipal service costs with relevant Departments and Finance;

(g) ensure final invoices are sent out no later than ninety (90) days after the final date of the event; and

(h) ensure any municipal service costs not reconciled within ninety (90) days that are not the result of an on-site change to services or emergency, are assumed by the Department providing the municipal service.

Part II – Applications to the Special Events Task Force

Requirement for Application

10. Any special event being held on municipal lands that intends to make use of municipal services and is referred to the Special Events Task Force shall make an application to the Special Events Task Force.

11. Any special event being held on non-municipal lands that intends to make use of municipal services and is referred to the Special Events Task Force shall make an application to the Special Events Task Force.

12. An application shall be filed with the Special Events Task Force no less than one hundred and twenty (120) calendar days in advance of such special event, which application shall:

(a) be in writing;

- (b) be signed by the organizer or person authorized to do so on its behalf; and
- (c) include:
 - (i) the date;
 - (ii) the place and hour of assembly, if applicable
 - (iii) the hour of starting;
 - (iv) the proposed location and route, if applicable;
 - (v) the proposed return route, if applicable;
 - (vi) the place and hour of disassembly;
 - (vii) the estimated number of participants;
 - (viii) the purpose;
 - (ix) the proposed presence of vendors
 - (x) the number and type of vehicles, including floats and displays, if applicable; and
 - (xi) other information as the Special Events Task Force may deem appropriate in the circumstances.

13. Where SETF applications are received less than one hundred and twenty (120) days prior to the special event, the Special Events Task Force shall assess the SETF application on a case-by-case basis as permitted within the Special Events Task Force's schedule.

14. The applicant shall present details of the proposed special event to the Special Events Task Force if requested by the Special Events Task Force.

15. The Special Event Task Force shall review SETF applications for special events proposed for the same date on a first come first served basis and shall approve succeeding SETF applications in the order received only if:

- (a) the proposed time and location, and route, if applicable, do not conflict; and
- (b) the required police supervision does not exceed available resources.

Part III – Special Events on Municipal Lands

16. Where the special event is being held on municipal lands, the organizer shall:

- (a) be present on site at the event for the duration of the event;
- (b) observe all applicable laws;
- (c) ensure that an approved event starts and ends on time; and
- (d) ensure the municipal lands are returned to their original state and cleaned of all debris and waste after the special event is over.

17. Organizers are responsible for all damage to municipal lands and associated infrastructure, as assessed by municipal staff, at that organizer's special event.

18. Where the special event involves a temporary street closure, the applicant shall:

(a) provide notification of the event to all properties abutting the route of the street closure, a minimum of twenty-one (21) days prior to the event, such notification being reviewed by the Engineer prior to being circulated;

(b) provide proof to Community & Recreation Services that the notification to abutters has been circulated no less than twenty-one (21) days before the date of the special event;

(c) work with business representatives to minimize inconvenience; and

(d) negotiate a schedule with affected residents and businesses for essential deliveries.

Insurance

19. The organizer shall provide and maintain General Liability insurance subject to limits of not less than Two Million (\$2,000,000.00) dollars inclusive per occurrence for incident, bodily injury, death and damage to property. The policy will be held with an insurer acceptable to the Municipality and the policy shall contain a cross liability clause, waiver of subrogation and include coverage for Tenant's legal liability and personal injury.

20. The organizer shall provide a Certificate of Insurance within 10 business days of the Event date, evidencing proof of required insurance with the Municipality named on the policy as Additional Insured.

21. Dependent on the scope and nature of the special event and as determined by HRM Risk & Insurance Services, the organizer may be required to provide additional insurance coverage in excess of Two Million (\$2,000,000.00) dollars.

22. If the special event involves sale of liquor or if liquor is consumed as part of the special event, the required General Liability limits are increased to Five Million Dollars (\$5,000,000) per occurrence, with liquor not excluded from the policy and the special event must comply with the requirements of Administrative Order 53, the *Municipal Alcohol Policy*.

23. The organizer must complete and sign a Statement of Indemnification, in the form provided by the Municipality.

Part IV – Municipal Services

24. This part applies to all special events, whether or not they take place on municipal lands, which make use of municipal services.

Municipal Services Quotations and Estimates

25. Financial cost information for municipal services will be provided to applicants, upon request, as follows:

(a) SETF applications received one hundred and twenty (120) calendar days prior to the date of the event will be provided with municipal services quotations;

(b) SETF applications received less than one hundred and twenty (120) calendar days but before thirty (30) calendar days before the date of the event will be provided with municipal services estimates;

(c) SETF applications received less than thirty (30) calendar days before the date of the event may be assessed on a case by case basis, with no guarantee of municipal services or estimates delivered in time for the event date.

24. Municipal services quotations shall be estimated within five per cent (5%) of the actual final costs of municipal services, subject to on-site changes to municipal service requirements or emergency.

25. Applicants who receive a municipal services quotation shall be required to acknowledge receipt of quotation and acceptance of the amount thereof, in writing, no later than seven (7) days prior to the event. Failure to do so may result in municipal services not be provided.

26. The Municipality may request a deposit against the cost of the municipal services up to, and including, the full amount of the municipal services quotation. The deposit will be applied against outstanding invoices for the special event.

27. Invoices for municipal services for special events will be sent to the event organiser no later than ninety (90) calendar days after the final date of the event.

28. Any municipal service costs not reconciled before ninety (90) days that are not the result of an on-site change to services or emergency will be assumed by the business unit providing the municipal service.

Police Services for temporary street closures

29. Special events involving temporary street closures shall be required to use members of the Halifax Regional Police for traffic management.

30. All costs associated with the provision of police resources, both human and vehicular, will be charged to the event organizer.

31. The extent of police resources required for safe traffic management shall be determined by the Halifax Regional Police.

32. A special event may be subject to cancellation if adequate police supervision is not secured before the commencement of the event.

Cancellation of Event

33. Where a special event is cancelled by the Municipality, municipal services costs will be borne by the Municipality. Where a special event is cancelled by the event organizer, the municipal services costs will be borne by the event organizer.

Part V – General

Failure to Comply

34. Failure by the applicant or organizer to comply with the requirements of this Administrative Order may be considered by Departments and the Special Events Task Force in evaluating future SETF applications.

Effective Date

35. This Administrative Order shall come into effect on hundred and twenty (120) days from the date it is adopted by Council.

Done and passed by Council this ____ day of _____, 2014.

Mayor

Municipal Clerk

I, Cathy Mellett, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on [month], [day], 2014.

Cathy Mellett, Municipal Clerk

Attachment 2
August 7, 2013 Transportation Standing Committee motion &
Rationale for Administrative Order 2014-010-ADM

August 7, 2013 Transportation Standing Committee motion:

MOVED by Councillor Mason, seconded by Councillor Fisher that staff prepare a report for consideration and possible recommendation to Regional Council with the intention of placing the street closure policy in the form of an Administrative Order that shall:

- a) Clearly outline current practices used by staff at the Special Events Task Force, timelines, and appeals process;
- b) Allow for the use of private contractors and volunteers for road closures subject to compliance with the NS Temporary Workplace Manual and appropriate other legislation/collective agreements;
- c) Allow for establishment of a policy of waiving fees in lieu of grants subject to approval via Grants Committee or Special Events Advisory Committee as appropriate;
- d) Create a notification system to abutters for street closure that allows for distribution of notices rather than petitions; and
- e) Require clear and comprehensive quotes on all regularly anticipated costs sufficiently before an event takes place in order to allow organizations time to budget appropriately, and that only allows additional costs to be billed by HRM should identified exceptions or emergencies take place.

Rationale and specific information for each of component of the motion are as follows:

- a) Clearly outline current practices used by staff at the Special Events Task Force, timelines, and appeals process.**

For events held in HRM, there are two processes which apply, depending on the type and scale of the event. For events that require temporary closure of a street, such as parades, processions, walkathons, fun runs, races, street parties and marches, an application must be submitted to Transportation and Right-of-Way (TROW) and a permit is authorized by TROW staff. Many of these events do not require review or coordination by the Special Events Task Force and the permit is issued directly from TROW to the applicant.

For larger events, application to and coordination through the Special Events Task Force (SETF) is required. The Special Events Task Force (SETF) acts as an advisory body to existing and potential special event organizers in the areas of municipal services, property, logistics, and regulations. The Task Force reviews potential special events based on a set of accepted criteria and manages potential risk on behalf of the Municipality. The size and complexity of the event will dictate whether the event request is managed by TROW directly or by the SETF.

In terms of appeal process, since the SETF process is a coordination of various municipal processes and legislation, the SETF does not have a separate appeal process. The decisions of the SETF members are based on existing municipal, provincial and federal legislation, by-laws and policy standards/practices which are administered by the various business units represented on the SETF. The various legislation applicable to events include health and safety legislation such as the National Fire Code, the Nova Scotia Motor Vehicle Act, Streets By-Law and the Noise By-Law, among others. The various pieces of legislation have their own regulations and establish whether there is any right to appeal, and if so what the appropriate appeal process is: not all pieces of legislation have a right of appeal. HRM cannot override these statutory provisions with their own processes, however, under the proposed AO, the SETF and civic event staff will be responsible to ensure any unresolved issues with event logistics and street closure requests are elevated to the senior manager of the relevant business unit for appropriate resolution.

- b) Allow for the use of private contractors and volunteers for road closures subject to compliance with the NS Temporary Workplace Manual and appropriate other legislation/collective agreements.**

Attachment 2
August 7, 2013 Transportation Standing Committee motion &
Rationale for Administrative Order 2014-010-ADM

Street closures for events are regulated through the HRM Charter and the Nova Scotia Motor Vehicle Act (NSMVA). Both Traffic and Right of Way staff through the Engineer and the Traffic Authority along with Halifax Police (HRP) and RCMP hold authority for street closures under the legislation. Their respective positions on the use of private contractors and volunteers as outlined in Council's request are outlined below:

Traffic & Right of Way

Private contractors and volunteers cannot close the street due to the requirement that HRM comply with the relevant provincial statute and due to our obligations to CUPE 108 through our collective agreement.

The NS Temporary Workplace Traffic Control Manual's introduction states that "the purpose of the Nova Scotia Temporary Workplace Traffic Control Manual is to provide a traffic control standard for construction, maintenance and utility operations on highways and streets in Nova Scotia." Therefore, the purview of Special Events is not covered in this manual.

Some special events that require a road closure also require regulatory signage indicating "No Parking", "Tow Away Zone", and "Special Event". These signs keep vehicles from parking in the closed section and give police the authority to have vehicles towed if they park within the area to be closed. In order to install this regulatory signage, the Traffic Authority must approve the changes via a Traffic Regulation, as authorized under Section 89 of the NSMVA .

TROW's CUPE 108 staff are appropriately trained and experienced to install all traffic related signage to ensure quality installation. This provides the Traffic Authority with confidence that the legal document (the Traffic Regulation) signed by him or her is being properly executed and removes any question of liability based on the installation of signage. The same staff is also responsible for the installation and removal of barricades for the actual physical closure of streets. These HRM employees regularly work on municipal streets within the right of way and are trained in street closure procedures, have the proper safety clothing, and are covered by HRM's insurance, while also providing quality control. The Engineer therefore can also be secure in the knowledge that the work is being done by trained, insured professionals with a history of quality performance.

If consideration is given to have this work performed by other means, HRM would need to be successful in negotiating a change to the current language in the CUPE 108 collective agreement because the work is currently performed by the bargaining unit. Otherwise, HRM may be placed in a position of financial risk.

Halifax Regional Police

The Nova Scotia Motor Vehicle Act states only Police, the local Traffic Authority or other appropriate Authorities can manage traffic for street closures. Volunteers and private security do not have the training or any authority to direct people or vehicles through public signalized intersections or on a public roadway, this authority is only granted to peace officers. Under Section 83(1) of the Motor Vehicle Act it states, "it shall be an offence for any person to refuse to comply with any order, signal or direction of any peace officer". Under the NS Motor Vehicle Act a peace officer is also a member of the RCMP, Municipal Force, Motor Vehicle Inspector or anyone appointed as a police officer by the Attorney General. First responders can also direct traffic, however, only at emergency scenes under the Provincial Traffic Management Guidelines for Emergency Scenes.

While Temporary Workplace Personnel receive training and have authority under provincial legislation to direct traffic it is only for the purpose of construction, maintenance, and utility operations (section 107B(2) of the NS Motor Vehicle Act). They do not have authority to direct traffic outside a temporary workplace and therefore cannot be employed to direct traffic at special events or parades.

When a request for a temporary street closure for a special event is made Police conduct a risk assessment based on:

Attachment 2
August 7, 2013 Transportation Standing Committee motion &
Rationale for Administrative Order 2014-010-ADM

- the location of the intersection and the type of event;
- the anticipated size of the crowd;
- traffic volume at the intersection; and
- the cross streets which may have traffic flowing during the event.

Based on this risk assessment, a decision is made on how many police officers need to be deployed for a street closure. Volunteers are used at events, but are only authorized to man barricades or provide motorists with event information.

While TROW and HRP hold authority over the closure of streets for special events, there is significant impact to Metro Transit routes when streets are closed. As a result, coordination is required to ensure that service is not adversely impacted. The impact to Metro Transit is as follows:

Metro Transit

During an approved event, public transit must be maintained to the greatest extent possible. Adequate provision for bus service is essential when planning the route for a special event temporary street closure or parade request. Special event organizers who propose street closures or parades must as part of their final event plan accommodate for the relocation of Metro Transit services including bus stops, bus routes, bus schedules and proper public communication of these adjustments and changes. In many cases the adjustments and changes to service is cost neutral to HRM, but with larger more complex street closures and parades municipal costs for route changes have been charged to the organizers as re-routing may extend beyond the regular schedule.

c) Allow for establishment of a policy of waiving fees in lieu of grants subject to approval via Grants Committee or Special Events Advisory Committee as appropriate.

To ensure effective administration, the establishment of any policy waiving municipal service fees for road closures in lieu of grants must be considered in conjunction with other current initiatives related to fees and grants. Currently there are two corporate initiatives underway that would impact a policy for waiving of fees and, as a result, consideration of establishment of such a policy would need to be aligned with work on those initiatives. An initiative to establish a by-law for user charges has begun, involving a number of departments. This by-law will establish fees for the provision of services for persons who use the services. The waiver of fees will be considered as part of this process. In addition, many municipalities provide on line fee schedules that list Municipal services, in particular for service costs associated for special events and road closures. Once the by-law has been approved, the SETF will introduce an online, annual fee schedule to assist event organizers in determining their budgets at the initial stage. The fee schedule will include municipal service costs associated with holding a special event with the caveat that, depending on the complexity of the event, infrastructure, and policing requirements, additional fees may be applicable.

In addition, work on the Municipal Granting Policy as outlined in the Auditor General's report on Grants, Donations and Contributions is expected to clarify and standardize processes related to grants. In order to establish a policy to waive fees in lieu of grants, it is important that establishment of a policy to waive fees be aligned with the Granting Policy work.

Either of these revised policies would provide a mechanism for Regional Council to establish an underwriting program that would offset costs associated with special event and parade road closures or to offset all municipal service costs associated with all special events. As a result, it is recommended that consideration of establishment of a policy to waive fees be included in work on those two initiatives.

It should be noted, that a high level assessment of the municipal service costs incurred by external event organizers (from April 1, 2012 to April 1, 2013) indicated that the Municipality would need to allocate in

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excess of \$300,000/year in additional operating budget to offset the current level of municipal costs recovered from external event organizers. Approximately one-third of the recovered funds are associated with Temporary Street Closures to recover costs for TROW, HRP, and Metro Transit.

- d) Create a notification system to abutters for street closure that allows for distribution of notices rather than petitions.**

The current process requires the approval of all abutters prior to the issuance of a permit for a temporary street closure for special events. TROW staff has applied some flexibility to this requirement, but the specific process has not been formally outlined or sanctioned by Regional Council. While this practice ensures that all abutters are supportive of a street closure for a special event, it is an onerous practice for event organizers, especially in the densely populated downtown core where most events occur. In addition, the requirement for approval of all abutters is challenging in apartment and condominium buildings. Further, the inability to obtain approval by a small number of abutters could result in an event not being able to proceed.

A scan of best practices in other cities has shown that a notification process is widely used and determined to be a more appropriate method for special events. As a result, the AO includes a notification process to replace the abutter approval process.

The AO outlines a notification system to abutters whereby applicants are required to provide proof of notification to the residents/businesses affected by the closure informing them of the details of the event a minimum of twenty – one (21) calendar days from the date of the event. Such notification will be reviewed by the Engineer prior to being circulated. Confirmation of the notification is required to be presented to Community and Recreation Services staff. Annual events will be required to notify abutters each year. Failure to notify abutters as per the AO may negatively impact future applications (e.g. future street closures approval).

- e) Require clear and comprehensive quotes on all regularly anticipated costs sufficiently before an event takes place in order to allow organizations time to budget appropriately, and that only allows additional costs to be billed by HRM should identified exceptions or emergencies take place.**

New and improved timelines for providing quotes and final invoices to event organizers is included in the AO. A renewed commitment from all relevant HRM business units is necessary to increase the level of service the SETF provides to event organizers.

To this end, the AO proposes that financial cost information for municipal services will be provided to applicants, upon request, as follows:

- a) applications received one hundred and twenty (120) calendar days prior to the date of the event will be provided with municipal services quotations;
- b) applications received less than one hundred and twenty (120) calendar days but before thirty (30) calendar days before the date of the event will be provided with municipal services estimates;
- c) applications received less than thirty (30) calendar days before the date of the event may be assessed on a case by case basis, with no guarantee of municipal services or estimates delivered in time for the event date.

Municipal Services Estimates shall be estimated within 20%, and Municipal Services Quotations shall be estimated within 5% of the actual final costs of municipal services, subject to on-site changes to municipal service requirements or emergency.

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The AO further proposes that invoices for municipal services for special events will be sent to the event organizer no later than ninety (90) calendar days after the final date of the event; and that any municipal service costs not reconciled before ninety (90) days that are not the result of an on-site change to services or emergency will be assumed by the business unit providing the municipal service.