

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 047-2024

A By-law to amend Special Events By-law 045-2018, as amended, to provide for the strengthening of regulatory and enforcement provisions with respect to car rallies.

WHEREAS section 8 of the *Municipal Act, 2001, S.O. 2001, c.25* (“*Municipal Act*”), as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act*, as amended, grants municipalities the capacity, rights, power and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS under section 11 of the *Municipal Act*, as amended, a lower tier municipality may pass by-laws respecting matters within the sphere of jurisdiction set out therein;

AND WHEREAS section 11(2) of the *Municipal Act*, permits a municipality to pass by-laws respecting the public assets of the municipality, the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

AND WHEREAS section 11(3) of the *Municipal Act*, as amended, authorizes a municipality to pass by-laws respecting matters within their jurisdiction which includes highways, including opened and unopened road allowances and rights of way under the jurisdiction of the City, and to permit temporary encroachment thereupon;

AND WHEREAS section 23.1 of the *Municipal Act*, as amended, confirms that a municipality has authority to delegate its powers and duties;

AND WHEREAS section 35 of the *Municipal Act*, as amended, states that a municipality may pass by-laws removing or restricting the common law right of passage by the public over a highway and the common law right of access to the highway;

AND WHEREAS section 128 of the *Municipal Act*, as amended, provides that a

municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS section 128(2) of the *Municipal Act*, as amended, provides that if the opinion of council under this section, if arrived in good faith, is not subject to review by any court;

AND WHEREAS section 434.1 of the *Municipal Act*, as amended, provides for a municipality to require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act;

AND WHEREAS section 436 of the *Municipal Act*, as amended, allows a municipality to pass a by-law requiring the production of documents for inspection, making copies of such documents related to an inspection, and requiring information from any person concerning a matter related to an inspection;

AND WHEREAS the City has been the targeted location for disruptive events that do not have a permit or permission from the City involving motor vehicles;

AND WHEREAS Council is of the opinion that these events could cause a public nuisance;

AND WHEREAS The Corporation of the City of Vaughan has enacted Special Events By-law 045-2018, as amended, being a By-law to regulate events within the municipality;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. Amend section 3.0(1) of Special Events By-law 045-2018, as amended, by:
 - (a) removing ordinal references and listing all definitions alphabetically; and
 - (b) adding, in their respective alphabetical orders, the following definitions and capitalizing and italicizing them throughout the By-law:

“Car Rally” means any formal or informal event or exhibition consisting of the gathering of *Motor Vehicles*. Such event may include, but is not, limited to *Street-takeovers, Contests or Stunts*;

“Contest” means any activity where one or more *Persons* engage in any of the following:

 - (a) driving two or more *Motor Vehicles* at a rate of speed that is a marked

departure from the lawful rate of speed and in a manner that indicates the drivers of the *Motor Vehicles* are engaged in a competition;

- (b) driving a *Motor Vehicle* in a manner that indicates an intention to chase another *Motor Vehicle*;
- (c) driving a *Motor Vehicle* without due care and attention, without reasonable consideration for other *Persons* using the *Highway*, or in a manner that may endanger any *Person* by:
 - (i) driving a *Motor Vehicle* at a rate of speed that is a marked departure from the lawful rate of speed;
 - (ii) outdistancing or attempting to outdistance one or more other *Motor Vehicles* while driving at a rate of speed that is a marked departure from the lawful rate of speed; or
 - (iii) repeatedly changing lanes in close proximity to other *Motor Vehicles* so as to advance through the ordinary flow of traffic while driving at a rate of speed that is a marked departure from the lawful rate of speed;
- (d) racing a *Motor Vehicle*, tests of physical endurance involving *Motor Vehicles*, including the excessive revving of their engines, or exhibition of speed or acceleration on any *Highway*, roadway, property, or parking lot;

“*Motor Vehicle*” means an automobile, motorcycle, motor assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power;

“*Passenger*” means a *Person* inside or on any part of a *Motor Vehicle* that is not in the driver seat;

“*Spectator*” means any *Person* who is present at a *Car Rally*. For purposes of determining whether a *Person* is a *Spectator*, finders of fact shall consider:

- (a) the relationship between the alleged *Spectator* and operator of a *Motor Vehicle*; and
- (b) evidence of gambling or betting on the outcome of a *Contest* or *Stunt*;
- (c) filming or recording the event, posting the event on social media, and any other factor that would tend to show knowing attendance or participation.

For greater certainty, a *Person* will still be a *Spectator* even if that *Person* did not

have direct knowledge of the fact that the event did not have a *Permit* issued under this By-law. This definition excludes bona fide members of the news media for news media purposes;

“Street-takeover” means the taking over of a portion of a *Highway*, roadway, or parking lot, by blocking or impeding the regular flow of traffic, to perform *Contests* or *Stunts*.;

“Stunt” means any activity where a *Person* engages in any of the following:

- (a) driving a *Motor Vehicle* in a manner that indicates an intention to lift some or all of its tires from the surface of the ground, but not including the use of lift axles on commercial *Motor Vehicles*;
- (b) driving a *Motor Vehicle* in a manner that indicates an intention to cause some or all of its tires to lose traction with the surface of the road;
- (c) driving a *Motor Vehicle* in a manner that indicates an intention to spin it or cause it to circle, without maintaining control over it;
- (d) driving two or more *Motor Vehicles* side by side or in proximity to each other, where one of the *Motor Vehicles* occupies a lane of traffic or other portion of the *Highway* intended for use by oncoming traffic for a period of time that is longer than is reasonably required to pass another *Motor Vehicle*;
- (e) driving a *Motor Vehicle* with a *Person* in the trunk or on top of the *Motor Vehicle*;
- (f) driving a *Motor Vehicle* while the driver is not sitting in the driver’s seat;
- (g) driving a *Motor Vehicle* without due care and attention, without reasonable consideration for other *Persons*, or in a manner that may endanger any *Person*;
- (h) operating a *Motor Vehicle* for the purpose of filming or recording activities of a *Street-takeover*, *Contest*, or exhibition;
- (i) performing a burnout whereby a *Motor Vehicle* is kept stationary, or is in motion, while the wheels are spun, resulting in friction which may cause the *Motor Vehicle*’s tires to emit smoke, flames or sparks;
- (j) performing a doughnut whereby the front or rear of the *Motor Vehicle* is rotated around the opposite set of wheels in a continuous motion which may

cause a circular skid-mark pattern of rubber on the driving surface or the tires to emit smoke from friction, or both;

2. Add section “4.1 Prohibitions and Restrictions on Car Rallies” to Special Events By-law 045-2018, as amended, to read as follows:

4.1 Prohibitions and Restrictions on Car Rallies

- (1) No *Person* shall sponsor, collect money for, conduct, coordinate, facilitate, assist, advertise, continue, host, create, cause, permit, be a vendor at and/or participate in any *Car Rally* that has not been granted a *Special Event* permit under this By-law.
- (2) Despite 4.1(1), a permit shall not be granted to any *Car Rally* that includes a *Contest, Stunt* or *Street-takeover*.
- (3) No *Person* shall be a *Spectator* and/or attend a *Car Rally* that has not been granted a *Special Event* permit under this By-law.
- (4) No *Person* shall ride as a *Passenger* in a *Motor Vehicle* at a *Car Rally* that has not been granted a *Special Event* permit under this By-law.
- (5) No *Motor Vehicle* owner shall allow his or her *Motor Vehicle* to participate or be used in a *Car Rally* that has not been granted a *Special Event* permit under this By-law.
- (6) No *Person* shall purposefully cause the movement of traffic, including pedestrian traffic, to slow, stop, or be impeded in any way as a consequence of a *Car Rally*.
- (7) In addition to a *Municipal Law Enforcement Officer*, any member of a police force with jurisdictional authority within the *City*, the *Chief Fire Official* and anyone else appointed by the *Director* to administer Part 4.1 of this By-law may:
 - (a) take any action within Part 4.1 of this By-law to enforce its provisions, including the issue of *Orders*, penalty notices and charges against any *Persons* found to be contravening this Part of this By-law;
 - (b) order a road closure for the purposes of upholding any of the provisions of Part 4.1 under this By-law;
 - (c) temporarily close any road to public travel for the purpose of preventing or stopping a *Car Rally* for a period of time of not more than three (3) consecutive days;

- (d) otherwise restrict public access to the road allowance where a road or portion of a road has been temporarily closed under Part 4.1 of this By-law.
- (8) Despite section 10.1(3), the amount of an administrative monetary penalty for a breach under Part 4.1 of this By-law is \$1,000.00 for a first offence and \$2,000.00 for any subsequent offence.
- (9) Despite sections 4.1(8) and 10.1(3), the amount of an administrative monetary penalty for a breach under sections 4.1(3) and 4.1(4) of this By-law is \$500.
- (10) The registered owner of the *Motor Vehicle* is presumed to have permitted his or her *Motor Vehicle* to participate in a *Car Rally*, whether he had a direct knowledge of this participation or not.
3. Amend Special Events By-law 045-2018, as amended, by adding section 8.0(2.1) to read as follows:
- (2.1) For greater certainty, section 8.0(2) authorizes an *Enforcement Officer* to require individuals to provide their name, address and identification, and the *Enforcement Officer* is permitted to use that information in the course of the investigation and to enforce this By-law.

Voted in favour by City of Vaughan Council this 26th day of March, 2024.

Steven Del Duca, Mayor

Todd Coles, City Clerk

Authorized by Item No. 6 of Report No. 10 of the Committee of the Whole.
Report adopted by Vaughan City Council on March 26, 2024.
City Council voted in favour of this by-law on March 26, 2024.
Approved by Mayoral Decision MDC 004-2024 dated March 26, 2024.
Effective Date of By-Law: March 26, 2024