

THE MUNICIPALITY OF NORTH PERTH

BY-LAW NO. 110-2019

BEING A BY-LAW TO REGULATE SPECIAL EVENTS IN THE MUNICIPALITY OF NORTH PERTH

WHEREAS Sections 8 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the “**Act**”) confer broad powers on municipal councils to govern their affairs as they deem appropriate and to enact by-laws for broad purposes, including notifications, licensing and the issuance of licenses, permits, approvals and other systems of permissions;

AND WHEREAS pursuant to Section 126 of the Act, Council may pass by-laws to (a) regulate cultural, recreational and educational events including public fairs; (b) issue permits for such events; (c) impose conditions to hold and renew such permits; and pursuant to section 129 of the Act may pass by-laws to regulate and prohibit traffic, noise, vibration, odour, dust and outdoor illumination;

AND WHEREAS The Municipality wishes to ensure cooperation among the various agencies involved in and affected by special events in order to (a) enhance the quality of life for residents; (b) further tourism and economic development; (c) protect public health and safety; and (d) minimize unnecessary disruptions in the community;

AND WHEREAS the Municipality seeks to regulate the holding of special events in the Municipality of North Perth and deems it necessary in the interest of public safety and community impact and risk management to enact a by-law to govern the holding of special events on public and/or private property;

NOW THEREFORE the Council of The Corporation of the Municipality of North Perth enacts as follows:

1. DEFINITIONS

1.1 In this by-law:

- (a) “**Administrator**” means the Administrator of the Municipality;
- (b) “**Advertising and Promotion Plan**” means a written outline detailing the proposed advertising, promotional and marketing campaign regarding the Special Event;
- (c) “**Applicant**” means the person submitting, filing or making an application for a Permit;
- (d) “**CEMC**” means the appointed Community Emergency Management Coordinator for the Municipality or their designated alternate;
- (e) “**Community Impact/Communication Plan**” means a plan to inform the public and, where appropriate, solicit public feedback and involvement regarding managing the impacts associated with the Special Event and to optimize the benefits for the community;
- (f) “**Council**” means the Council of the Municipality;
- (g) “**Emergency Plan**” means a written plan to follow in the event of an emergency such as a fire, extreme weather, criminal acts, personal injuries, medical or other emergencies, which may include:
 - I. a description of all first aid services to be provided;
 - II. medical transportation provisions;
 - III. a communications protocol;
 - IV. an outline of decision-making authority;
 - V. evacuation procedures;

- VI. the names and contact information for all emergency personnel; and,
 - VII. any other emergency preparedness information that the CEMC, Chief of County of Perth Paramedic Services, and/ or the Detachment Commander, North Perth Ontario Provincial Police or their designates may require.
- (h) **“Family Event”** means a wedding and related events, anniversary party or family reunion.
 - (i) **“Fire Chief”** means a fire chief appointed under the provisions of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended;
 - (j) **“Fire Safety Plan”** means a written plan addressing fire protection and prevention procedures or safeguards to react to situations involving fire and fire hazards, including pyrotechnic/fireworks;
 - (k) **“Municipal Law Enforcement Officer”** means a Municipal Law Enforcement Officer appointed by the Municipality pursuant to section 15 of the Police Services Act, R.S.O. 1990, c. P.15, as amended;
 - (l) **“Permit”** means a permit allowing a Special Event that was issued by the Municipality in accordance with the provisions of this by-law;
 - (m) **“Permit Holder”** means the person ultimately responsible for the organization and operations of the Special Event;
 - (n) **“person”** includes an individual or corporation;
 - (o) **“Plans”** means any plan referred to in section 3.1 of this by-law;
 - (p) **“Private Property”** means any lands or facilities that are not owned or operated by the Municipality.
 - (q) **“Security Plan”** means a written plan that establishes measures to ensure the safety, security and protection of all persons and property at, travelling to and from, or in the vicinity of the Special Event, which may include:
 - I. information relating to all security services dedicated to the Special Event as well as their roles and responsibilities;
 - II. a communications protocol for the security team;
 - III. an outline of decision making authority;
 - IV. an outline of any restricted areas; and,
 - V. any other security information that the CEMC, Fire Chief, Chief of County of Perth Paramedic Services or the Detachment Commander, North Perth Ontario Provincial Police or their designates may require;
 - (r) **“Site Plan”** means a drawing, sketch or map, as required by the CEMC, of the subject property indicating:
 - I. the boundaries of the subject property on which the Special Event will be held;
 - II. the location of all existing and proposed buildings or structures to be used in connection with the Special Event and any residential buildings on adjacent properties;
 - III. all areas of the subject property to be designated for food and beverage sales or consumption;
 - IV. all areas of the subject property to be designated for vehicle parking and camping and;
 - V. all proposed access locations around the property's perimeter;

- (s) **“Special Event”** means any indoor or outdoor activity, festival, concert, event, exhibition or function of any nature or kind, including those done under a tent or other non-permanent building or structure, on Municipality Property or on Private Property at which more than 200 people are anticipated to be, or are in, attendance; family events on private or municipal property are excluded under this by-law;
- (t) **“Structural Plan”** means a plan or drawing that sets out the location and particulars of any buildings or structures that are being erected, constructed or otherwise provided, whether permanent or temporary, on the subject property of the Special Event and will include a lighting plan, if the Special Event is proposed to take place during non-daylight hours, which should strive to minimize the impact or interference of illumination upon properties in the vicinity of the Special Event;
- (u) **“Municipality”** means The Corporation of the Municipality of North Perth;
- (v) **“Municipality Property”** means lands, premises, road allowances, parks, property or buildings owned, leased or otherwise controlled by the Municipality or other government agencies;
- (w) **“Municipality Departments”** means any department within the Municipality;
- (x) **“Treasurer”** means the Treasurer for the Municipality;
- (y) **“Traffic Management Plan”** means a plan providing for the control and management of traffic and parking including all vehicular, pedestrian, and cyclist movements to, from, and within the Special Event site and, where applicable;
 - a. detours of public accessed routes and highways
 - b. emergency vehicle access and egress;
 - c. pedestrian flow;
 - d. temporary barriers and devices necessary for traffic control or parking;
 - e. designated accessible pick-up and drop-off locations for persons with disabilities;
 - f. the pick-up and drop-off locations for buses, taxis, shuttles, and limousines or any other type of private or public transportation;
 - g. vehicles that exceed the load or dimension limits set out in Parts VII and VIII of the Highway Traffic Act, R.S.O. 1990, c. H.8;
 - h. such other traffic and parking information as the CEMC may require.
- (z) **“Waste Management Plan”** means a plan outlining the management of waste, recycling, septage and hazards, pre-event, during the event and post-event, which includes the provision of lavatory facilities.

2. Special Event Permits

- 2.1 No person shall hold or sponsor, or permit to be held or sponsored, a Special Event without a Permit.

3. Special Event Application

- 3.1 In order to obtain a Permit, the Applicant must complete and submit to the Municipality an application, on a form prescribed by the CEMC, which may require any of the following, at the discretion of the CEMC:

- (a) a Site Plan;
- (b) a food and beverage plan, which would indicate any plans for alcohol service and the provision of potable water;
- (c) an Advertising and Promotion Plan;

- (d) a Structural Plan;
- (e) a Fire Safety Plan;
- (f) an Emergency Plan;
- (g) a Security Plan, including I.D. checks and the distribution of wrist bands if youth under the age of 19 years are able to attend the event;
- (h) a Traffic Management Plan;
- (i) a Waste Management Plan;
- (j) a Community Impact / Communication Plan;
- (k) written safety/procedural plans if any of the following are proposed to be used during the Special Event:
 - i. generators, propane appliances or any other specialized equipment, including the type of fuel used to operate the specialized equipment;
 - ii. exotic pets/animals;
 - iii. sound equipment;
 - iv. helicopters, hot air balloons, aircraft, trains, or watercraft;
 - v. aerial drones; or,
 - vi. carnival or amusement-style equipment or devices.
- (l) where the Applicant is not the owner of the property on which the Special Event is to be held, written proof that the owner consents to the Special Event;
- (m) proof that the Applicant is at least 18 years of age or, if the Applicant is a corporation, copies of the letters of incorporation or other incorporating documents that have been duly certified by the proper authorities and that show the full corporate name, officers, and Administrators of the Applicant;
- (n) proof that all property owners within 120 metres of the proposed location(s) have been notified of the proposed special event. The Municipality will assist applicants with this process if address information of the surrounding property owners is unknown;
- (o) a noise study, or a noise exemption granted by the Municipality from the Noise By-law No. 32-AD-2001;
- (p) contact information for the applicant; or
- (q) any other information or documentation that the Administrator deems necessary.

3.2 It is the Applicant's sole responsibility to obtain and pay for all of the information and documentation required under Section 3.1 of this by-law. The Applicant may request guidance from the Municipality on how/where to obtain the information and documentation required.

4. Review and Approval of Application

4.1 The CEMC shall receive and review all applications for a Permit and shall conduct all investigations, as the CEMC deems necessary, to determine whether or not a Permit should be issued or is required for the event.

4.2 The CEMC may circulate an application to any Municipal Department or other agency and/or may notify members of the general public of any application if, in the CEMC's opinion, it would be beneficial or necessary to do so in order to seek

additional commentary or input on whether or not the CEMC should grant the requested Permit or impose conditions thereon.

4.3 In reviewing each application for a Permit, the CEMC shall consider:

- (a) any comments received by the applicable Municipal Departments or other agencies, if the CEMC has deemed it necessary to circulate the application to various Municipal Departments or other agencies;
- (b) any comments received by the general public, if the CEMC has deemed it necessary to notify the general public of the application in some manner or form;
- (c) whether the Special Event complies with the applicable zoning provisions; and,
- (d) whether any other permits, licenses, approvals or authorizations are required either by the Municipality or other bodies or entities, governmental or otherwise.

4.4 Following the CEMC's receipt and review of the application, and subject to section of this by-law, the CEMC may do any of the following:

- (a) issue the Permit;
- (b) issue the Permit with conditions, as the CEMC deems appropriate in the circumstances;
- (c) notify the applicant that their event does not require a permit; or
- (d) refuse to issue the Permit.

4.5 Notwithstanding any other provision of this by-law, for Special Events where more than 5,000 people are planned or anticipated to be in, or are in, attendance at one time, only Council has the authority to:

- (a) approve the issuance of the Permit;
- (b) approve the issuance of the Permit with conditions, as Council deems appropriate in the circumstances; or,
- (c) refuse the issuance of the Permit.

5. Permit Conditions

5.1 In addition to any other conditions that may be imposed pursuant to this by-law, each Permit shall be subject to the following conditions:

- (a) the Permit Holder shall comply fully with all applicable laws;
- (b) the Permit Holder shall comply fully with all Plans;
- (c) the Permit Holder agrees to:
 - i. save, defend, keep and hold completely harmless and fully indemnify the Municipality and each of its elected officials, officers, employees, volunteers, sponsors and agents of, from and against all manner of actions, suits, claims, executions and demands which may be brought against or made upon the Municipality, its elected officials, officers, employees, volunteers and agents or any of them and of, from and against all loss, costs, charges, damages, liens and expenses which may be sustained, incurred or paid by the Municipality, its elected officials, officers, employees, volunteers and agents, or any of them, by reason of, or on account of, or in consequence of the use of the subject property by the Permit Holder and its invitees, guests or users for the event;
 - ii. pay to the Municipality and to each such elected official, officer,

employee, volunteer or agent on demand any loss, costs, damages and expenses which may be sustained, incurred or paid by the Municipality or by any of its elected officials, officers, employees, volunteers, sponsors and agents in consequence of any such action, suit, claim, lien, execution or demand and any monies paid or payable by the Municipality or any of its elected officials, officers, employees, volunteers or agents in settlement of or in discharge or on account thereof;

iii. release the Municipality and each of its elected officials, officers, employees, volunteers, sponsors and agents of, from and against all manner of actions, suits, claims, executions and demands which could be brought against or made upon the Municipality, its elected officials, officers, employees, volunteers and agents or any of them and of, from and against all loss, costs, charges, damages, liens and expenses which may be sustained, incurred or paid by the Permit Holder by reason of, or on account of, or in consequence of the use of the site by the Permit Holder and its invitees, guests or users for the Special Event, provided, however, that such release shall not apply to any loss, costs, charges, damages, liens and expenses incurred by the Permit Holder arising directly from the gross negligence and/or willful misconduct of the Municipality, its officers, employees, agents, volunteers, or agents;

(d) notwithstanding the issuance of a Permit or any other condition imposed upon a Permit, should an emergency occur, real or perceived, during the course of a Special Event, the CEMC, the Fire Chief and/or the Ontario Provincial Police shall have the absolute and unfettered authority to postpone, cancel or shut down a Special Event in their sole and absolute discretion at any time;

(e) the Permit Holder shall maintain the Special Event subject property in a clean and sanitary condition for the duration of the Special Event;

(f) the Permit Holder shall remove all debris from the Special Event subject property and, where required adjacent properties within 72 hours of the conclusion of the Special Event;

(g) the Permit Holder shall not use the Municipality's corporate logo or crest in any marketing material advertising the Special Event without the prior approval of the Municipality pursuant to Municipality policy.

6. Refusal of Permit

6.1 Without limiting the generality of sections 4.3 or 4.4 of this by-law, the CEMC or Council, as applicable, may refuse to issue a Permit if:

(a) the Applicant has not provided the information or documentation requested under Section 3.1 or has provided the information or documentation requested but not within a timeframe to realistically plan, coordinate and execute the Special Event, as determined by the CEMC or Council, as applicable;

(b) the Applicant has submitted false, mistaken, incorrect, or misleading information in support of the application;

(c) there is reason to believe that the Special Event may breach applicable law, which includes a by-law of the Municipality; or,

(d) there are property taxes owing to the Municipality for the property on which the Special Event is to be held.

7. Revocation of Permit

7.1 The CEMC or Council may revoke a Permit at any time without prior notice to the Permit Holder if,

- (a) it was issued in error;
- (b) it was issued as a result of false, mistaken, incorrect or misleading information submitted by the Applicant;
- (c) the Permit Holder has contravened any provision of this by-law; or
- (d) the Permit Holder has failed to comply, or is not presently in compliance, with any Permit condition.

7.2 The CEMC shall immediately notify the Permit Holder of a Permit revocation, as well as the reasons therefor, by contacting the Permit Holder using the contact information provided in the application as well as informing all affected Municipal Departments or agencies.

8. General

8.1 Every Permit shall specify the name of the Permit Holder, and the nature, location, date(s) and time(s) of the Special Event.

8.2 The issuance of a Permit does not represent a commitment by the Municipality or the CEMC to issue a Permit for any subsequent, continuing or similar Special Event.

8.3 Permits are non-transferrable.

8.4 No amendment shall be made to a Permit without prior authorization by the CEMC or Council, as applicable.

8.5 The CEMC shall notify Council of all Permits prior to the date of the Special Event.

9. Insurance

9.1 Every Applicant shall provide proof of insurance in a form and in an amount satisfactory to the Treasurer, based on the nature and type of the Special Event.

9.2 The proof of insurance shall name the Municipality as an additional insured with a cross liability endorsement and severability of interests' provision.

9.3 If deemed necessary by the Treasurer, the insurance shall include additional coverage as deemed to be appropriate.

9.4 All insurance shall contain an endorsement to provide the Municipality with thirty (30) days prior written notice of any cancellation or change to the insurance policy.

10. Security Deposit

10.1 Where deemed appropriate by the Treasurer, the Permit Holder shall provide either cash or a letter of credit in a form acceptable to the Treasurer as security for possible damage to Municipality property (including highways) or equipment, for possible damage to Private Property that could be impacted by the Special Event, and for all of the Permit Holder's other obligations under this by-law and Permit.

11. Enforcement

11.1 This By-law may be enforced by a Police Officer, a Municipal Law Enforcement Officer, the Fire Chief, the CEMC and/or the Administrator.

11.2 No person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection undertaken in accordance with this by-law.

11.3 Notwithstanding any provision of this by-law, the Administrator may exercise sole and absolute authority over this by-law.

12. Offences and Penalties

12.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable:

- a. On a first conviction, to a fine of not more than \$10,000.00; and

- b. On a subsequent conviction, to a fine of not more than \$25,000.00.
- 12.2 Any corporation which contravenes any provision of this by-law is guilty of an offence and upon conviction is liable:
 - a. On a first conviction, to a fine of not more than \$50,000.00; and
 - b. On any subsequent conviction, to a fine of not more than \$100,000.00.
- 12.3 When a person has been convicted of an offence under this by-law, any court of competent jurisdiction thereafter may, in addition to any other penalty imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

13. Severability

- 13.1 If a court of competent jurisdiction declares to be invalid, unenforceable, illegal or beyond the powers of Council to enact, any provisions or parts of any provisions of this by-law, it is the intention of Council in enacting this by-law that the remainder of this by-law shall be deemed to be separate and independent therefrom and that the remainder of this by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

14. Legislation

- 14.1 Any reference to a statute, regulation or other legislation in this by-law shall include such statute, regulations or other legislation or provisions thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.

15. Numbers and genders

- 15.1 The terms in this by-law shall be construed with all changes in number and gender as may be required by the context.

16. Short Title

- 16.1 The short title of this by-law shall be the "Special Events By-law".

17. Effective Date

- 17.1 This by-law shall be come in force and effect on the date of its passage by Council.

Read, Enacted, Signed and Sealed this 21st day of October, 2019.

Todd Kasenberg, Mayor

Patricia Berfelz, Clerk