



## The Corporation Of The Municipality Of South Huron

### By-Law Number 2018-Xx

#### Being a By-Law to Regulate and Govern the Holding of Special Events in the Municipality of South Huron, and to Establish a License System for Special Events

Whereas Sections 8 through 11 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, confers broad authority on a municipality to govern its affairs as it considers appropriate, and to pass by-laws to regulate or prohibit matters within its jurisdiction; and

Whereas the *Municipal Act, 2001*, provides that “business” means any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality; and

Whereas the *Municipal Act, 2001*, provides that municipalities may provide for a system of licenses, and has the power to suspend or revoke such license, and to limit or impose conditions on such licenses as it deems necessary to ensure the health, safety and enjoyment of property; and

Whereas the Council of the Corporation of the Municipality of South Huron desires to support special events in the Municipality of South Huron and will assist, where possible, in facilitating Special Events at public and private locations within the jurisdiction of the Municipality;

Now therefore the Council of The Corporation of The Municipality of South Huron enacts as follows:

#### 1. Definitions

For the purpose of this By-law:

“AGCO” means the Alcohol and Gaming Commission of Ontario.

“Application” means an Application for Special Event License.

“Building Department” means Building Services for the Municipality of South Huron.

“Certificate of Insurance” means a document issued by an insurance company that certifies that an insurance policy has been purchased for the Special Event, or which applies to the property on which the Special Event shall occur, and which provides an abstract of the liability provisions of the insurance contract.

“Charitable Organization” means an organization that provides for the Relief of Poverty, the Advancement of Education, the Advancement of Religion, or other charitable purposes beneficial to the community which do not fall under the previous three classifications.

“Clerk” means the Municipal Clerk or designate for the Corporation of The Municipality of South Huron.

“Community Event” means an event which is held for or which benefits the residents or local area within South Huron.

“Council” means the Council of the Corporation of The Municipality of South Huron.

“Emergency Medical Services” means Huron County Emergency Medical Services (EMS).

“Fees” means an application fee or processing fee paid by the applicant of a Special Event License, as outlined in the Fees and Charges By-law.

“Fire Department” means South Huron Fire and Emergency Services.

“Health Unit” means the Huron County Health Unit.

“In Kind Contribution” means use of municipality owned facilities, equipment or materials at a reduced or waived fee, and/or municipal staff support or expertise for an event at reduced or waived wages.

“License” means a license issued by the Municipality in accordance with a By-law of the Municipality or under a provincial statute.

“Liquor License” means a license issued by the Province of Ontario in the form of a Special Occasion Permit or a Liquor License for the purpose of serving alcohol.

“Major Event” means an exhibition, concert, festival or other organized event, held for profit or otherwise, with more than 1,000 people in attendance.

“Municipality” means the Corporation of The Municipality of South Huron.

“Not-for-Profit” means an event or activity of a community group or not-for-profit organization that is held without monetary gain.

“Officer” means a Police Officer, Municipal Law Enforcement Officer, or other Officer appointed by the Municipality.

“OPP” means the Ontario Provincial Police.

“Person” shall include an individual, corporation, business entity, group or association.

“Special Event” means an exhibition, concert, festival, parade, bicycle race, or other event organized for the purpose of entertainment or amusement and to which more than 50 people attend held for profit or otherwise.

“Municipal Facility” means any land owned or leased by the Municipality of South Huron which is accessed by or provided for public use, including but not limited to an arena, community hall, park or green space, parking lot, public library, office, opened and unopened road allowances, and those under agreement through a Memorandum of Understanding.

## **2. Scope**

- 2.1 This By-law has been enacted to ensure public safety, to control noise, traffic, odour and nuisance, to mitigate any negative impact on the community, and to ensure that the Municipality is able to prepare and respond where necessary.

## **3. Regulations**

- 3.1 No person shall hold or permit to be held any of the following events or activities on Municipal property, other public facilities or within the Municipality of South Huron unless the Municipality has granted a License for such event or activity:

- a) Parades, processions, marathons, bicycle races and other events utilizing the sidewalks or vehicular travel portion of Municipal streets, highways, parking lots or properties including facilities operated by the Municipality;
- b) Carnivals, bazaars and similar events which offer such activities as amusement rides or devices, games of skill, animal rides or exhibitions, food concession or live entertainment.
- c) Outdoor festivals offering live or recorded music or entertainment for public or private audiences.
- d) Organized scheduled contests and exhibitions.
- e) Marine events, including any pre-scheduled organized concentration of watercraft, involving participants and/or spectators, of a competitive or non-competitive nature.
- f) Scheduled races, exhibitions or other events involving the operation of motorized vehicles of any type.

#### **4. Application Fees and Processing**

- 4.1 The current Special Event application (Schedule "A" attached) may be obtained from the Clerk's Office or from the Municipal website and shall be submitted to the Clerk's Office upon completion.
- 4.2 The application fee is outlined in the current Fees and Charges By-law.
- 4.3 An application for a Special Event shall be submitted with all required documentation no less than sixty (60) days before the proposed event.
- 4.4 Written approval may be required from outside agencies such AGCO, OPP, Huron County EMS, and the Huron County Health Unit or other approval authorities. It is the responsibility of the applicant to obtain these documents and attach them to the application for License, where applicable.
- 4.5 If the Special Event is to be held on lands owned by other than the applicant, written approval of the property owner shall be submitted with the application.
- 4.6 The applicant may be required to meet with staff from the Clerk's Office and other Municipal Departments. The Clerk shall forward the completed application to other departments as needed for comment.
- 4.7 If approval for an event is denied, such decision will be provided in writing setting forth the reasons for denial. Such decision may be appealed to Council.

#### **5. License Approval Process**

- 5.1 A Special Event License may be issued upon receipt and review of an application if, in the opinion of the Clerk, the following conditions have been met:
  - 5.1.1 There is a demonstrated benefit to the community, residents and businesses by holding the event;
  - 5.1.2 The proposed event or activity is compatible with the surrounding area or neighbourhood, giving consideration to acceptable increases in noise, traffic, crowd control and other municipal concerns;
  - 5.1.3 Any proposed use of public property, rights of way or facilities will not unreasonably interfere with the normal use of the property, rights of way or facilities by the Municipality or the general public;

- 5.1.4 If the event involves the use and or sale of alcohol, the applicant shall provide written proof of general liability insurance in relation to the event in an amount consistent with the recommendation of the Municipality's insurance broker of record. The policy must name the Municipality of South Huron as an additional named insured. The policy must include coverage for cross liability and shall contain an endorsement to provide the Municipality of South Huron with thirty (30) days written notice of cancellation or material change that would diminish coverage;
- 5.1.5 The Certificate of Insurance shall be submitted to the Municipality with the application clearly stating the address of the insured location or event;
- 5.1.6 Municipal resources, if applicable, to support the proposed activity are available;
- 5.1.7 All comments or recommendations from Municipal Departments and related agencies have been received and are favourable;
- 5.1.8 Any concerns noted shall require reconciliation before approval is granted.

## **6. License Requirements**

- 6.1 Further conditions or requirements may be imposed to ensure health, safety, welfare and nuisance control. Such conditions may include, but are not limited to:
  - 6.1.1 The payment of a reasonable fee for the use or allocation of Municipal property and equipment, and the posting of a performance bond, a letter of credit irrevocable up to ninety (90) days after the conclusion of the event, or other surety securing payment of such fee;
  - 6.1.2 The provision of adequate crowd control and traffic control, security, fire protection, food handling, waste and refuse disposal, and noise restrictions;
  - 6.1.3 Inspections conducted by the Municipal Law Enforcement Officer, Building Services or Fire Department, and the local Health Unit may be required based on the size, location and nature of the event.

## **7. Exemptions**

- 7.1 This By-law shall not apply to Special Events organized by the Municipality.
- 7.2 At the discretion of the Clerk in consultation with the Community Services Manager, the requirement for a Special Event License for the community arenas, any community hall, or those properties as listed under the Parks audit may be waived.
- 7.3 Events held at locations which are properly zoned and designated for the event shall not require a License, however the Municipality must be notified of all such events.

## **8. Administration**

- 8.1 The Clerk's Office shall be the main contact for Special Events in the Municipality. Administration of this By-law may be conducted through By-law Enforcement, Fire and Emergency Services, Building Services, or Community Services.

## **9. Other Requirements**

- 9.1 Any Special Event License issued to a person, group or business under this By-law shall adhere and comply with other Municipal by-laws, policies, rules and regulations, and those of other governmental agencies.

- 9.2 A Major Event, whether for profit or not-for-profit, where more than 1,000 people will be in attendance, shall require the approval of Council.
- 9.3 Municipal by-laws, policies, rules and regulations noted in Section 9.1 may include, but are not limited to the most recent version of the following:
1. South Huron Municipal Alcohol Risk Management Policy
  2. User Fees for Facility Rentals
  3. Noise By-law
  4. Refreshment Vehicles
  5. Lottery Licensing requirements of the Province of Ontario
  6. Statutes under the Alcohol and Gaming Commission of Ontario
- 9.4 Other proposed events or uses that have not otherwise been identified in existing Municipal by-laws or policy documents may be regulated by the Special Events By-law in order to minimize any conflict that may result from the use.
- 9.5 Should an applicant fail to comply with any of the provisions of this By-law, and any provisions of the Special Event License or any other by-laws of the Municipality, the Clerk may, at any time, revoke or suspend the Special Event License without notice.
- 9.6 Should an application for a Special Event License under this By-law be denied or revoked, the application may be reconsidered at a subsequent occasion upon the applicant addressing, to the satisfaction of the Clerk, the reasons given for the initial denial of the application
- 9.7 An Officer of the Municipality may enter onto private property at any reasonable time for the purpose of carrying out an inspection to determine compliance with:

This and any other Municipal by-law;

A direction or order of the Municipality made under the Municipal Act, the Ontario Building Code Act, or under a Municipal by-law;

A condition of a license issued under this or any other Municipal by-law.

## **10. Offences**

- 10.1 No person shall permit or hold a Special Event as defined herein without first obtaining a Special Event License issued under this By-law.
- 10.2 No person shall hold or permit to be held a Special Event except in accordance with the terms and conditions set out in the License.

## **11. Penalties**

- 11.1 Every person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to a fine as provided for in the *Municipal Act*.
- 11.2 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable:

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

on any subsequent conviction, to a fine of not more than \$25,000.00.

11.3 Any corporation which contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable:

on a first conviction, to a fine of not more than \$50,000.00; and

on any subsequent conviction, to a fine of not more than \$100,000.00.

## 12. General

12.1 This By-law shall be called the "Special Events By-law".

12.2 This By-law shall be administered by the Clerk's Office.

12.3 This By-law shall be enforced by the Municipal Law Enforcement Officer of the Municipality of South Huron or the Ontario Provincial Police.

12.4 The Municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law, a condition of this By-law, or to ensure compliance with a direction or order made under this By-law or under the *Municipal Act, 2001*.

12.5 Should any section, subsection, clause, paragraph or provision of this By-law, including any part of the schedules to this By-law, be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part, other than the provision or part of the schedule declared invalid.

12.6 Schedule "A" attached hereto and forming part of this By-law shall be called the Application for Special Event Permit.

12.7 This By-law shall come into force and take effect XXXX X, 2018.

Read a first and second time this \_\_\_\_\_ day.

Read a third and final time this \_\_\_\_\_ day.

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Maureen Cole, Mayor

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Rebekah Msuya-Collison, Clerk