

THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

BY-LAW NO. 2005-24

BEING A BY-LAW TO REGULATE AND LICENCE SPECIAL EVENTS WITHIN THE TOWNSHIP OF BONNECHERE VALLEY;

WHEREAS Section 150(1) of the *Municipal Act, 2001*, provides that subject to the *Theatres Act* and the *Retail Business Holidays Act*, a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS Section 150(6)(b) provides that businesses that may be licensed, regulated and governed under subsection (1) include exhibitions, concerts, festivals and other organized events held for public amusement, whether for profit or otherwise;

AND WHEREAS Section 150(2) permits a municipality to exercise its licensing powers under this section, including imposing conditions, for one or more of the following purposes:

1. Health and safety;
2. Nuisance control;
3. Consumer protection;

provided the by-law contains an explanation as to the reason why the municipality is licensing the business or imposing the conditions and how those reasons relate to the foregoing purposes;

AND WHEREAS Section 128 of the *Municipal Act, 2001*, authorizes Council to prohibit and regulate those matters that, in the opinion of Council are public nuisances;

AND WHEREAS having determined that concerts, festivals and other events organized for the purpose of entertainment or amusement that attract large numbers of people have the potential to create problems related to the health and safety for those who attend as well as for other members of the community, and to cause a public nuisance, Council deems it desirable and in the best interest of the municipality and its inhabitants to licence, regulate and govern certain types of events and activities.

NOW THEREFORE the Council of The Corporation of the Township of Bonnechere Valley enacts as follows:

1. DEFINITIONS

In this By-Law:

- (a) "CAO" means the Chief Administrative Officer of The Corporation of the Township of Bonnechere Valley
- (b) "Council" shall mean the Council of The Corporation of the Township of Bonnechere Valley;
- (c) "Municipality" shall mean the Township of Bonnechere Valley;
- (d) "OPP" means the Ontario Provincial Police;
- (e) "organizer" shall mean every person who proposes to organize, operate or manage a Special Event pursuant to this By-Law;
- (f) "person" shall include an individual, any form of association of individuals and a corporation.
- (g) "Special Event" shall mean any exhibition, concert, festival or other event organized for the purpose of entertainment or amusement and to which more than 50 people attend.

2. REQUIREMENT FOR LICENSE

No person shall organize or operate a Special Event within the municipality or permit any lands within the municipality to be used for a Special Event unless the CAO has issued a license for the Special Event in accordance with this By-Law.

3. APPLICATION FOR LICENSE

- (a) Every person who wishes to obtain a licence for a Special Event shall, not later than thirty (30) days prior to the proposed commencement date of the Special Event, submit an application to the CAO in the form of application attached as Schedule "A" to this by-law.
- (b) Every application for a Special Event shall include all of the information prescribed by this by-law and be accompanied by a certified cheque payable to the Municipality for the licence fees payable in accordance with this by-law.
- (c) Every application for licence for a Special Event shall include the following information:
 - (i) A description of the Special Event;
 - (ii) The proposed date or dates of the Special Event and hours of operation;
 - (iii) A statement as to the maximum number of persons expected to be in attendance each day at the Special Event;
 - (iv) The name, current address and telephone number of every person who is an organizer of the Special Event, including a description of his or particular duties and responsibilities in respect of the Special Event;
 - (v) In the case of an application by a corporation, the name, current address and telephone number of the President and every director of the corporation;
 - (vi) The municipal address of the property where the Special Event will be held;
 - (vii) The name, current address and telephone number of every registered owner of the property where the Special Event will be held;
 - (viii) A detailed drawing or plan showing the location and size of the area where it is proposed to hold the Special Event, including a description of the facilities and arrangements for
 - a. the preparation, sale and consumption of food or refreshments,
 - b. toilet and other sanitary requirements;
 - c. garbage disposal;
 - d. the entertainment and spectator areas,
 - e. motor vehicle parking, including traffic control at the points of entry and exit onto public roads,
 - f. the exhibition or sale of goods or services, if any,
 - g. areas for camping and tenting,
 - h. the management of noise from the Special Event at levels that will not disturb the inhabitants of lands and premises in the vicinity of the Special Event;
 - (ix) A copy of a letter to the OPP (Killaloe Detachment) advising them of the Special Event and outlining the arrangements that have been made to provide adequate security for the Special Event, including crowd control, traffic control and the protection of properties in the vicinity of the Special Event;
 - (x) A copy of a letter advising the Medical Officer of Health of the Special Event and outlining the arrangements that have been made in respect of the preparation and sale of food, toilet and sanitary conditions, and the disposal of garbage;
 - (xi) A copy of a letter advising the Chief Fire Official of the municipality of the Special Event;

- (xii) A copy of a letter advising the Chief Building Official of the municipality of the Special Event;
- (xiii) A signed statement by every person who is an organizer or, in the case of an organizer that is a corporation, an officer or director of the corporation, and by every owner of the property where the Special Event will be held that the information contained in the application is accurate and true and confirming that they have read this By-Law;
- (xiv) An agreement in a form satisfactory to the municipality executed by each organizer of the Special Event and every registered owner of the property where the Special Event will be held that includes a covenant to indemnify and save harmless The Corporation of the Township of Bonnechere Valley its officials, agents and employees from all costs, expenses, damages, claims and actions that were directly or indirectly caused by or that were the result of the Special Event or that resulted from the issuing of a license for the Special Event;
- (xv) A certified copy of a policy of comprehensive general liability insurance issued by an insurance company licensed to issue such policy in the Province of Ontario providing for coverage for the duration of the Special Event in the amount of at least Five Million Dollars (\$5,000,000.00) for injuries, damages, tort claims and actions caused by or resulting from the Special Event, and naming every organizer of the Special Event and the municipality as co-insured;
- (xvi) An application fee in the form of cash, certified cheque or money order payable to the Corporation of the Township of Bonnechere Valley in the amount of One Hundred Dollars (\$100.00).

4. ISSUANCE OF LICENSE

- (a) Upon receipt of an application for a Special Event licence and upon being satisfied as to the accuracy, completeness and sufficiency of the information submitted in support of the application, the CAO shall issue the Special Permit license in the name every applicant and owner of the property.
- (b) Despite subsection (a), the CAO may impose as a condition of issuing the licence, the requirement for an irrevocable letter of credit, drawn on a Canadian chartered bank in favor of the Municipality in such amount as the CAO determines, based on the recommendation and advice of the OPP, Chief Building Official, the Fire Chief, or Medical Officer of Health, to be necessary on account of the estimated costs of security, supervision, monitoring or policing for the Special Event, such letter of credit to be maintained for at least six months following the Special Event.
- (c) If the CAO, having reviewed an application, determines that there are other unique or special circumstances concerning the Special Event that warrant the imposition of special conditions for the better protection of the community and its inhabitants or the persons attending the event, the CAO shall refer the application to Council with a recommendation as to what special conditions should be attached to the licence, and the decision of Council shall be final.
- (d) In addition to such special conditions as Council may impose, every licence issued for a Special Event shall be deemed to have been issued on the condition that the Special Event will be operated strictly in accordance with the information submitted in support of the application.
- (e) A license issued under this By-Law may not be transferred except with the consent of the municipality expressed in the form of a resolution of the Council.

5. REVOCATION OF LICENSE

- (a) If at any time the CAO, acting reasonably, determines that:
- (i) incorrect or false information of a material nature was submitted in support of an application for a Special Event,
 - (ii) the Special Event is being operated in a manner contrary to the conditions of the license or the information submitted in support of the application for the licence, or
 - (iii) based on the advice or recommendation of the OPP, Medical Officer of Health or Fire Chief that a situation has developed in connection with the Special Event that presents a serious risk to the health and safety of members of the community or those attending the event,
- the CAO may immediately cancel the licence upon written notice delivered to any person who is an organizer of the event or to an owner of the property on which the Special Event is being operated.
- (b) If a licence for a Special Event is cancelled, every person who is an organizer and every person who is an owner of the property on which the event is being operated shall forthwith take all steps necessary to shut down the Special Event.

6. EXEMPTIONS

This bylaw shall not apply to the following:

- (a) Special Events organized by
- (i) the Municipality;
 - (ii) a church, synagogue or other recognized religious organization
 - (iii) a school board;
 - (iv) a registered charitable organization; or
 - (v) a branch or affiliate of the Royal Canadian Legion;
- or
- (b) Special Events to be operated on any property owned by
- (i) the Municipality with the prior written consent of the Municipality;
 - (ii) a church, synagogue or other recognized religious organization
 - (iii) a school board;
 - (iv) a registered charitable organization; or
 - (v) a branch or affiliate of the Royal Canadian Legion;
- or
- (c) Special Events to be operated on any property zoned Tourist Commercial in the Municipality's comprehensive zoning by-law

7. OFFENCES

- (a) Any person who contravenes this By-Law is guilty of an offence and shall, upon conviction be liable to payment of a fine as provided for under the Provincial Offences Act R.S.O. 1990, c. P.33.
- (b) In addition to any other remedies available to the municipality, any cost or expense incurred by the municipality that results directly from the Special Event shall constitute a charge payable to the municipality in accordance with Part XII of the Municipal Act, 2001, and every organizer of the Special Event and every owner of the property where the Special Event is held shall be liable for payment of the charge and the amount owing may be added to the tax roll of the property and collected in the same manner as taxes together with interest thereon at the same rate as payable on unpaid taxes.

8. SEVERABILTY

Should any section, clause, sub-clause, provision or part of 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, nor any part thereof, other than the part declared invalid.

9. REPEAL OF BY-LAW 2004-52

By-law 2004-52 is hereby repealed.

10. EFFECTIVE DATE

This By-Law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Township of Bonnechere Valley.

Read a first and second time this 09 day of May, 2005.

Read a third and final time and passed this 09 day of May, 2005.

Mayor

CAO

**SCHEDULE 'A'
TO
BY-LAW NUMBER 2005-_____**

Being a By-Law to regulate and license special events

- 1) DATE _____
NAME OF APPLICANT(S) _____
ADDRESS: _____

PHONE NUMBER: _____
LOCATION OF EVENT AND SIZE OF AREA ON WHICH THE EVENT WILL BE HELD

DATE OF EVENT _____
- 2) FACILITIES / ARRANGEMENTS FOR THE FOLLOWING:
(Section 3) (c)
a) HANDLING OF FOOD

b) TOILET AND SANITARY REQUIREMENTS

c) GARBAGE DISPOSAL

d) SECURITY(Crowd and Traffic Control)

- 3) SKETCH OF LANDS TO BE INCLUDED _____
(Section 3 (c)(iv) Indicate location of entertainment, spectators, motor vehicle parking, food/refreshments, sale of goods/services, camping, sanitary services)
- 4) ESTIMATED NUMBER OF ATENDEES 3(v)

- 5) LETTERS OF COMPLIANCE (to be filed with the application)

(Section 3 (c)(viii – xi)

ONTARIO PROVINCIAL POLICE _____
(Killaloe Detachment)

MEDICAL OFFICER OF HEALTH _____
(Renfrew County & District Health Unit)

CHIEF FIRE OFFICIAL _____
(Township of Bonnechere Valley)

CHIEF BUILDING OFFICIAL _____
(Township of Bonnechere Valley)

6) DESCRIPTION OF THE MEANS/METHODS TO KEEP NOISE TO A LEVEL THAT WILL NOT DISTURB INHABITANTS IN THE VICINITY(Section c)(xii)

7) AGREEMENT BY APPLICANT CONVENANTING TO INDEMNIFY AND SAVE HARMLESS THE CORPORATION _____
(Section 3(c)(xiii)

8) CERTIFIED COPY OF COMPREHENSIVE GENERAL LIABILITY INSURANCE _____
(Section 3(c)(xiv)

9) LICENCE FEE (Payment to be included with application) _____
(Section 3(c)(xv)

10) DECLARATION
(Section 3(c)(vi)
As the applicant/owner named above, I hereby make this application and confirm that I have read By-Law Number 2005-_____ and agree to abide by its regulations.

11) INDEMNITY

As an organizer/owner, I hereby covenant and agree to indemnify and save harmless The Corporation of the Township of Bonnechere Valley its officials, agents and employees from all costs, expenses, damages, claims and actions that are directly or indirectly caused by or that are the result of the Special Event or that may result from the issuing of a license for the Special Event.

DATED THIS _____ DAY OF _____, _____.

Applicant(s)

Owner(s)

THIS LICENSE IS HEREBY GRANTED AND IS IN EFFECT FOR THE PERIOD

CAO