

THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

BY-LAW 54-2018

Being a By-Law regulating special events on private property

This By-Law shall be referred to as the **Special Event By-Law**

WHEREAS section 126 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to (a) regulate cultural, recreational and educational events including public fairs; (b) issue permits for such events; and (c) impose conditions for obtaining, continuing to hold and renewing such permits; 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) avoid unnecessary disruptions in the community; and

WHEREAS the Municipality wishes to regulate the special events held on private property.

NOW THEREFORE the Council of The Corporation of the Township of Greater Madawaska hereby enacts as follows:

1. **DEFINITIONS**

1.01 In this By-law:

Amusement device has the same meaning as in subsection 1(1) of O. Reg. 221/01 passed under the *Technical Standards and Safety Act, 2000*, S.O. 2000, c.16;

Applicable laws means all federal, provincial and municipal laws, by-laws, rules, regulations, orders, approvals, permits, standards, and all other governmental requirements applicable to a special event;

Applicant means a person applying for a permit;

Application means an application for a permit;

CAO means the Chief Administrative Officer of The Corporation of the Township of Greater Madawaska

CBO means the municipal Chief Building Official or their designate of The Corporation of the Township of Greater Madawaska.

Council shall mean the Council of The Corporation of the Township of Greater Madawaska;

Emergency Plan shall mean a document developed in consultation with the OPP, Fire Department and other officials as deemed necessary by the Municipality to detail how the site will be managed by the Organizer in the event of an emergency;

Event Site Plan shall mean a document which is drawn to outline or show the physical details of the site as required by the Special Event Application;

Fire Department shall mean the fire chief or designate from the Greater Madawaska Fire Department;

Highway has the same meaning as in subsection 1(1) of the *Municipal Act, 2001*, S.O. 2001, c.25;

Municipality shall mean The Corporation of the Township of Greater Madawaska;

OPP means the Ontario Provincial Police;

Organizer means every person who proposes to organize, operate or manage a Special Event pursuant to this By-law;

Paramedic Service shall mean the local paramedic services operated by the County of Renfrew;

Permit means a permit for a special event issued under this by-law;

Person means an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors or legal representatives;

Private Property means real property that is not owned or controlled by the Municipality;

Special Event means an exhibition, concert, competition, festival, gathering, or event, typically constituting a one time, annual, or infrequently occurring even held within the boundaries of the Township;

Township shall mean The Corporation of the Township of Greater Madawaska;

2. SPECIAL EVENT PERMITS

2.1. No person shall conduct or permit a Special Event within the Municipality or permit any lands within the Municipality to be used for a Special Event, unless the Township has granted a Permit for such event or activity ("Special Event") for such period of time as set out in the Permit.

2.2. A Special Event shall not exceed seven consecutive days in any given year unless approved by the Council of the Municipality.

3. EXEMPTIONS

3.1. No permit shall be required for Special Events held on or at property or a facility owned by the Municipality, County, a school, church or other recognized religious organization; or

3.2. Notwithstanding the Special Events set out in Section 2. 1, a Permit shall not be required for any Special Events set out in Subsections 2. 1 taking place solely on Private Property if such Special Events are:

3.2.1. Permitted in the Township' s zoning by- laws or has otherwise been authorized by the Township, and,

3.2.2. Part of the normal operations of a business or institution, and specifically will not reasonably:

- a) have the potential to strain the community's emergency services response;
- b) have a foreseeable impact on the regular flow of traffic;
- c) adversely affect the Community;
- d) present an elevated risk to the health and safety of participants or general public;

3.3. For clarity, Special Events as defined by this by-law and those exempt in section 3.1 and 3.2, may require permits, licenses, approvals, or authorizations under other Municipal by-laws or other applicable laws.

3.4. Determination of the eligibility for an exemption under section 3.1 and 3.2 shall be made in the CAO's sole and absolute discretion and which discretion shall be final.

4. APPLICATION FOR LICENCE

4.1. Every person who wishes to obtain a Permit for a Special Event shall, not later than sixty (60) days prior to the proposed commencement date of the Event, provide to the Municipality the following:

(Flexibility may be given in circumstances where notice could not have been reasonably provided within this timeframe.)

4.1.1. A completed application in the form of application attached as Schedule "A" to this By-law,

4.1.2. A Certificate of Insurance of comprehensive general liability insurance issued by an insurance company licensed to issue such Certificate in the Province of Ontario providing for coverage for the duration of the Special Event in the amount not less than five million dollars (\$5,000,000.00) for injuries, damages, tort claims, actions caused by or resulting from the Special Event, and Liquor Liability if there is an Special Occasions Permit, and naming the Municipality as an additional insured party, and any other applicable requirement under section 5;

4.1.3. An application fee in the form of cash, certified cheque, or money order payable to The Corporation of the Township of Greater Madawaska in the amount of one hundred dollars (\$100.00).

4.2. In addition to the requirements set out in section 4.1, the CAO at their discretion, may require an Applicant to submit additional information for review and approval to the satisfaction of the Municipality, which may include but is not limited to:

4.2.1. An emergency plan that provides procedures to follow in the event of fire, extreme weather, criminal acts, personal injuries, medical or other emergencies, a description of all first aid and medical services to be provided, a communication protocol, decision-making authority, evacuation procedures, the name(s) and contact information for all emergency personnel, and any other emergency preparedness information that may be required;

4.2.2. A fire safety plan consistent with the provisions of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4 and the Ontario Fire Code, O. Reg. 213/07;

4.2.3. A security plan that provides information respecting all security services dedicated to the special event, the roles and responsibilities of all security personnel, a communication protocol, decision-making authority, restricted areas, and any other security information that may be required;

4.2.4. A traffic safety plan providing for the control of traffic and parking, including all vehicular, pedestrian and cyclist movements to, from and within the special event site and, and where applicable,

- a) detours of public transit routes and highways;
- b) emergency vehicle access and egress;
- c) public access and separation from hazardous areas;

- 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 and limousines;
- g) the parking or stopping locations of 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; and
- h) any other traffic and parking information as required by the applicable road authority;

4.2.5. A waste management (including recycling) plan.

4.3. It is the applicant's sole responsibility to obtain and pay for all of the information and documentation required under sections 4.1 and 4.2.

5. INSURANCE

5.1. In addition to section 4.1.2 above, and for greater clarity:

- 5.1.1. If applicable, the applicant shall provide liability insurance in respect of licensed, owned or leased motor vehicles subject to a limit of not less than two million dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof.
- 5.1.2. If applicable, the insurance shall include coverage for premises and operations liability, products and completed operations liability, cross liability, severability of interest clause, employees as additional insured, contingent employer's liability, personal injury liability, incidental medical malpractice, owners and contractors protective, blanket contractual liability, and non-owned automobile liability.
- 5.1.3. All insurance shall be in the name of the permit holder and name the Municipality as an additional insured. This insurance shall be non-contributing with, and apply as primary and not as excess of, any insurance available to the Municipality.
- 5.1.4. Should any of the noted policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the municipality.

5.2. The CAO may vary the insurance monetary limits set out in this by-law.

6. REVIEW

6.1. The CAO, or designate, is authorized to receive and consider all applications, and to conduct all investigations necessary to determine whether a Permit should be issued.

6.2. Prior to making a decision on any Application, the CAO, or designate, may consult with Municipal Departments, other agencies, and other persons that he/she considers necessary.

6.3. Consultation with the following department and agencies shall generally include, but is not limited to:

- a) The Ontario Provincial Police (OPP)
- b) The Renfrew County District Health Unit
- c) The Chief of Paramedic Services

- d) The Greater Madawaska Fire Chief
- e) The Chief Building Official
- f) The applicable road authority

6.4. 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 may request additional information or conditions not identified in the body of this By-law.

7. CONDITIONS

7.1. The issuance of a Permit for may include any condition that the CAO deems appropriate.

7.2. Every permit shall be subject to the following conditions:

- 7.2.1. The permit holder shall comply with all applicable laws.
- 7.2.2. The permit holder shall comply with all conditions issued under section 7.1.
- 7.2.3. The permit holder shall comply with all approved emergency, fire safety, security and traffic safety plans.
- 7.2.4. The permit holder shall ensure that all equipment and structures used for the special event are properly and lawfully installed, inspected, operated, used and dismantled.
- 7.2.5. The permit holder shall indemnify and save harmless the Municipality, its officers, employees and agents from and against all manner of actions, causes of action, claims, demands, losses and costs (collectively, "Claims") that may arise, be sustained, or prosecuted against the Municipality for or by reason of the granting of the permit or the performance of the permit holder under the permit (save and except Claims relating to Municipal negligence).
- 7.2.6. The permit holder shall maintain the special event site in a clean and sanitary condition for the duration of the special event.
- 7.2.7. The permit holder shall remove all debris from the special event site and, where required, adjacent properties within seven days of the conclusion of the special event.
- 7.2.8. The permit holder shall not use the Municipality's corporate logos in any material advertising the special event without prior approval of Council.

8. ISSUANCE OF LICENCE

8.1. Upon conformity with all requirements, the CAO, or Council, may issue a Special Event Permit.

8.2. In addition to such special conditions as the CAO may impose, every license 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.

8.3. A license issued under this By-law may not be transferred except with the consent of the Municipality expressed in the form of a letter issued by the CAO.

8.4. Council may by resolution waive any or all the requirements listed under this by-law that Council determines do not apply.

8.5. The CAO, or designate, shall generally notify Council of all permits, when possible prior to the date of the Special Event.

9. REFUSAL

9.1. Council, may at its discretion, refuse the issuance of the Special Event Permit if:

- 9.1.1. The applicant has not provided information or documentation required under this by-law, or did not provide such information or documentation within the required time frame;
- 9.1.2. The applicant has knowingly submitted false, mistaken, incorrect or misleading information in support of the application;
- 9.1.3. The applicant, or any principal, director or officer of the applicant, or the property owner has an outstanding debt to the Municipality relating to a Special Event;
- 9.1.4. There is reason to believe that the carrying on of the special event may result in a breach of any applicable law;
- 9.1.5. The special event poses an unacceptable risk to the health and safety of any person or damage to property, or has the likelihood of constituting a public nuisance.

10. REVOCATION OF LICENCE

10.1. The CAO may revoke a Special Event permit at any time by notifying the permit holder in writing at the address or at the coordinates provided in the application, and all affected agencies, should any of the following instances occur:

- 10.1.1. The permit was issued in error.
 - 10.1.2. Incorrect or false information of a material nature was submitted in support of an application for a Special Event,
 - 10.1.3. The Special Event is being advertised or operated in a manner contrary to the conditions of the licence or the information submitted in support of the application for the license,
 - 10.1.4. There are reasonable grounds to believe that the holding or continuation of the special event poses an unacceptable risk to the health and safety of the community, the environment, or those attending the event;
 - 10.1.5. The permit holder is not in compliance with any permit condition
- 10.2. Upon revocation of the permit the CAO, or designate, shall inform the permit holder and the owner of the property the reasons for the revocation;
- 10.3. If a permit for a Special Event is revoked, 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.

11. LARGE EVENTS

- 11.1. If a Special Event has an expected daily attendance of more than 10,000 persons, the requirements of section 4.02 shall be mandatory;
- 11.2. The insurance required by section 4.1.2 shall be subject to limits of not less than \$10 million; and

- 11.3. The decision making authority for the issuance of the Permit shall generally rest with Council.

12. SECURITY DEPOSIT

- 12.1. The CAO at their discretion may require the permit holder to provide either cash or a letter of credit in a form acceptable to the Municipality as security for possible damage to Municipal property (including highways) or equipment, and for all of the permit holder's obligations under this by-law and the permit. The amount of the security shall be determined by the CAO.

13. INSPECTIONS

- 13.1. The CAO, or designate, municipal law enforcement officer, Fire Chief, or Chief Building Official may:
- 13.1.1. Enter upon any property (other than a dwelling unit) for the purpose of carrying out an inspection of a special event during its set-up, occurrence or dismantling in order to determine whether the provisions of this by-law have been complied with;
 - 13.1.2. Require the production for inspection of any document or thing relevant to the inspection;
 - 13.1.3. Require the production of information relevant to the inspection;
 - 13.1.4. Make examinations or take tests, samples or photographs necessary for the inspection;
- 13.2. No person shall prevent, hinder or interfere or attempt to prevent, hinder or interfere with an inspection undertaken in accordance with this by-law.

14. POST EVENT

- 14.1 Following an event the Township shall within 30 days provide notice to the event organizer and property owner identifying any concerns related to the event, including any complaints received from the public.

15. OFFENCES

- 15.1. 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.
- 15.2. 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.

16. SEVERABILITY

- 16.1. 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.

17. GENERAL

17.1 The CAO, or designate, shall be permitted to modify and amend Schedule "A" as necessary to give effect to this by-law.

18. SHORT TITLE

18.1. The short title of this by-law shall be the "Special Event By-law".

19. REPEAL

19.1. On the Effective Date, By-Law 13-2006 shall and the same is hereby repealed.

20. EFFECTIVE DATE

20.1 This By-law shall come into effect on the 29th day of October, 2018.

READ a first and second time this 29th day of October, 2018

READ a third time and passed this 29th day of October, 2018

Glenda McKay
Mayor

Allison Holtzhauer
CAO Clerk/Treasurer

SPECIAL EVENT PERMIT APPLICATION

1. CONTACT INFORMATION:

Organization: _____

Contact Person: _____ Phone: _____

Address: _____ Alternative Phone: _____

City: _____ Postal Code: _____

Email: _____

2. OWNER INFORMATION (IF DIFFERENT FROM ABOVE):

Property Owner: _____ Phone: _____

Address: _____ Alternative Phone: _____

City: _____ Postal Code: _____

Email: _____

3. EVENT DETAILS:

Name of the Event: _____

Address of Event Location: _____

Building/Facility Name/Area: _____

Type of Event (check all that apply):

Indoor Outdoor Pubic Event Private Event

Concert Festival Tournament/Competition

Other, please specify: _____

Has this event been held previously at this location:

Yes, please list date: _____

No

4. ATTENDANCE INFORMATION:

*Number of People per Day: _____ Number of People for the Entire Event: _____

Number of Volunteers/Staff: _____ **Number of Participants: _____

* If more than 10,000 attendees per day Section 11 of By-law 54-2018 applies

** Includes racers, runners, competitors etc., if applicable

5. EVENT DATES AND TIMES:

DAY	EVENT DATE	EVENT TIME	ALCOHOL SERVING TIME
1	_____ DD/MM/YYYY	Start: _____ Finish: _____	Start: _____ Finish: _____
2	_____ DD/MM/YYYY	Start: _____ Finish: _____	Start: _____ Finish: _____
3	_____ DD/MM/YYYY	Start: _____ Finish: _____	Start: _____ Finish: _____
4	_____ DD/MM/YYYY	Start: _____ Finish: _____	Start: _____ Finish: _____

6. EVENT ELEMENTS:

Sound Amplification: Yes No

Admission Fee: Yes No

Sale of Alcohol: Yes No

Fireworks: Yes No

Food Vendors: Yes No

If yes, provide number: _____

* Tents/Temporary Structures: Yes No

If yes, provide number: _____

Description: _____

Other (please identify): _____

* Building permit required for tents larger than 60 m2 or attached to a building

7. SITE SECURITY:

Security Hired: Yes No

If yes, provide number: _____

Organization: _____

Contact Person: _____

Phone: _____

Email: _____

8. FIRST AID and/or Medical Support:

First Aid and/or Medical Support hired: Yes No

If yes, provide number: _____

Highest qualification of on-site First Aid and/or Medical Support: _____

Organization: _____

Contact Person: _____

Phone: _____

Email: _____

9. ADDITIONAL REQUIRED INFORMATION:

*Site Plan

Proof of Insurance (In accordance with section 4 of By-law 54-2018)

*The site plan shall include the following information, if applicable:

- a) The boundaries and dimensions of the land where the event will take place, including security perimeter, if applicable
- b) Vehicle ingress and egress, parking, and points of entry for emergency vehicles
- c) Spectator and participant points of entry into the event grounds.
- d) Staging area for first aid/medical
- e) Location of security check points
- f) Location of food or refreshment sales and consumption
- g) Location of alcohol sale and consumption
- h) Toilet and other sanitary facilities
- i) Location of waste and recycling collection bins
- j) Stages, spectator areas, sound amplification devices, and grandstands

- k) The exhibition or sale of goods or services
- l) Areas for camping and tenting
- m) Area for the lighting fireworks
- n) Any other applicable information

10. Affidavit or Sworn Declaration of Applicant

I (we), _____ of the _____ of _____ in the _____ of _____ solemnly declare that the information contained in this application, including supporting documentation, are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same.

I (we) have read By-law 54-2018 and agree to abide by its regulations.

I (we) hereby covenant and agree to indemnify and save harmless The Corporation of the Township of Greater Madawaska 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 permit for the Special Event.

I also certify I have the authority to sign this agreement on behalf of the Organizers of the Special Event.

Signature of Applicant

Sworn (or declared) before me a the _____
in the _____ of _____
this _____ day of _____, 20_____.

A Commissioner for Taking Affidavits, etc.

11. Affidavit or Sworn Declaration of Property Owner (if different from Applicant)

I (we), _____ of the _____ of _____ in the _____ of _____ am the owner of the property identified in section 3 above and I (we) solemnly declare that I (we) have read By-law 54-2018 and agree to abide by its regulations.

I (we) hereby covenant and agree to indemnify and save harmless The Corporation of the Township of Greater Madawaska 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 permit for the Special Event.

Date

Signature of Owner

Date

Signature of Owner