

BY-LAW NO. 05-20

OF

THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW

**BEING A BY-LAW TO REGULATE AND LICENCE SPECIAL EVENTS
WITHIN THE TOWNSHIP OF CLEARVIEW**

WHEREAS Section 130 of the Municipal Act, S.O. 2001 c. 25, empowers the council of the local municipality to pass by-laws relating to the health, safety and well-being of the inhabitants of the Municipality, - and-

WHEREAS Section 150(1) of the Municipal Act S.O. 2001 c 25, empowers the council of a local municipality to regulate any business being carried on within the municipality and

WHEREAS Section 150(6) of the Municipal Act S.O. 2001 c 25 includes exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise are considered businesses for the purpose of regulating – and –

WHEREAS the Council of the Township of Clearview considers it necessary for health and safety and nuisance control in the interests of the residents of the municipality and the persons attending such functions to have adequate controls and conditions in place for such functions ;

THEREFORE, BE IT RESOLVED THAT

INTRODUCTION:

1.1 Title and Scope:

1.1.1 This is a by-law to licence events or exhibitions held for hire or gain and shall be known as the “**Special Events By-law**”

1.2 Validity and Severability

Should any section, 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 this By-Law as a whole, nor any part thereof, other than the part declared invalid.

1.3 Interpretation:

1.3.1 Words used in the singular shall have corresponding meanings when used in the plural.

1.3.2 “May” shall be construed as permissive.

1.3.3 “Shall” shall be construed as imperative.

2/ DEFINITIONS:

In this by-law:

- (a) **Applicant** shall mean a person who has signed an application for a licence submitted pursuant to this By-Law who has authority to bind the person or entity making application to hold the special event.
- (b) **Council** shall mean the Council of the Corporation of the TOWNSHIP OF CLEARVIEW
- (c) **Exhibitor** includes an individual who has paid a fee to the owner or event organizer for a booth or location for demonstrating, displaying and or selling wares
- (d) **Fee for admission** shall mean any charge, whether direct or indirect, which entitles a person to the entertainment provided and includes a fee for admission to the location at which the event is being held, a membership fee and any other charge which entitles a person to the entertainment as all incidental right or privilege.. Fee for admission includes where admissions is part of an award, incentive, prize or promotion.
- (e) **Licence** means a licence issued by the Township of Clearview to conduct a Special Event.
- (f) **Municipality** shall mean the Corporation of the Township of Clearview
- (g) **Owner** includes an assessed owner, tenant, occupant or any person having an interest, whether equitable or legal, in the land.
- (h) **Person** shall include a corporation, business entity or group
- (i) **Significant Community Event** means a special event that, in the opinion of the majority of Council, provides a form of entertainment that may generally be expected to be of interest to, attended by or provides a service to the community of the Township of Clearview or any event where, based on the history of the event in Clearview Township, the majority of Council agrees that no Licence is required
- (j) **"Special Event"** shall mean an event or exhibition as referred to in paragraph 6 of section 150 of the Municipal Act, S.O. 2001, c.25, and, without limiting the meaning of the term, includes a gathering at which:
 - entertainment is provided to persons who attend
 - persons who attend are required to pay a fee for admission
 - the entertainment or the person to whom the entertainment is being provided or both, are located either indoors or outdoors or a combination of the two.

But does not include

- Any event held totally indoors where the capacity of the location where the event is held does not exceed the authorized capacity of 1500 persons pursuant to the Ontario Building Code and where there is no overnight camping or other accommodation on site except for registered exhibitors – or-
- Any outdoor event that is not designed or intended to accommodate more than 150 persons and does not have provisions for overnight camping or other accommodation
- An event determined by the majority of council as being a significant community event.

3/ REQUIREMENTS FOR A LICENCE:

3.1 No person shall hold or put on a special event within the Municipality of the Township of Clearview and no person shall permit any lands within the said Municipality to be used for a special event unless a licence for the event has been issued by the said Municipality pursuant to this By-Law.

4/ APPLICATION FOR LICENCE:

- (a) To obtain a licence pursuant to this By-Law a written application shall be submitted to the Clerk of the Municipality at least one hundred and twenty (120) calendar days prior to the proposed date for the commencement of the event by a person, agent or principal of the event who has lawful authority to bind the person or entity holding the event.
- (b) The application for licence shall include:
 - (i) the location at which it is proposed to hold the special event, including both the municipal address and the description of the property as contained within the last registered deed or lease of the lands.
 - (ii) the dates and times proposed for the special event.
 - (iii) particulars of the facilities and arrangements to be implemented for the handling of food, medical arrangements, toilet and sanitary arrangements, fire services, garbage disposal, policing and security, including crowd control and traffic control
 - (iv) a sketch of the lands and premises to be used for the event or exhibition showing the location of the proposed entertainment areas and facilities for spectators, motor vehicle parking, area and facilities for preparation, sale and consumption of food or refreshments and for display or sale of other foods or services, areas for camping, tenting, toilets and other sanitary services, and any other uses and facilities incidental or required for the special event
 - (v) a description of the entertainment intended to be provided, including the type of entertainment, the location where it is to be staged or provided, and the dates and time frames at which entertainment is to occur, a statement as to the maximum number of persons who will be permitted to be in attendance at the exhibition or event on any given day, together with a description of the means by which attendance will be limited to such number of persons
 - (vi) the statement of the applicant attesting to the truth of the information contained in the application.
 - (vii) a letter signed by the commanding officer (or his designate) of the Ontario Provincial Police where it is proposed to hold the event, reasonably certifying that in the officer's opinion appropriate arrangements have been made to provide adequate security and police protection for the special event including crowd control, traffic control and police protection of the properties in the vicinity of the exhibition or event and including the estimated cost of providing policing services.
 - (viii) a letter signed by the Medical Officer of Health having responsibility for the municipality acting reasonably certifying that, in the opinion of the officer, the arrangements proposed by the applicant for health and sanitary requirements and concerns will be adequate for the exhibition or event.
 - (ix) A letter signed by the Fire Chief, or his designate, of the municipality acting reasonably certifying that a Fire Safety Plan for the exhibition or event has been approved, or that in the opinion of the Fire Chief such a plan is not required, and stating what, if any, deposit or security should be provided by the applicant to cover the anticipated cost of providing fire protection services for the proposed special event

- (x) A letter from the Emergency Services Manager (Ambulance) having responsibility for the municipality, acting reasonably, certifying that, in the opinion of the officer, the arrangements proposed by the applicant for ambulance services will be adequate for the special event.
- (xi) A description of the reasonable means and methods proposed by the applicant to keep noise from the exhibition or event to a level that will not disturb the inhabitants or lands and premises in the vicinity of the special event, or an exemption granted by council from the restrictions of such a noise by-law
- (xii) A letter from the applicant outlining the reasonable means and methods proposed by the applicant to ensure compliance with other municipal by-laws including, but not limited to:
 - By-law 01-49 – (Dumping waste on municipal or private property)
 - By-law 01-55 (Smoking in the Workplace)
 - By-law 01-54 – (Smoking in Public Places)
 - By-law 02-08 (Nuisance)
 - By-law 02-12 (Open Fires) –and -
 - Ontario Building Code Act
 - Ontario Fire Regulations
- (xiii) An agreement executed by the applicant covenanting to indemnify and save harmless the Corporation of the TOWNSHIP OF CLEARVIEW it's officials, agents and employees from all costs, expenses, damages, claims and actions caused by or resulting from the special event or as a result of issuing a licence to the applicant for the special event.
- (xiv) A certified copy of a policy of comprehensive general liability insurance, issued by an insurance company licenced to issue such policy in the Province of Ontario providing for coverage in the amount of at least Two Million Dollars (\$2,000,000.00) for injuries, damages, torts, claims and actions caused by or resulting from the special event and naming the applicant and the Corporation of the TOWNSHIP OF CLEARVIEW as the insured parties; such coverage to be in effect for the period of the special event, including set up and take down periods.
- (xv) A letter signed by the owner of the property, if different from the event organizer, outlining methods in place by the owner to ensure compliance with municipal by-laws, including, but not limited to
 - By-law 01-49 – (Dumping waste on municipal or private property)
 - By-law 01-55 (Smoking in the Workplace)
 - By-law 01-54 – (Smoking in Public Places)
 - By-law 02-09 (Noise)
 - By-law 02-08 (Nuisance)
 - By-law 02-12 (Open Fires)-and-
 - Ontario Building Code Act
 - Ontario Fire Regulations
- (xvi) A deposit from the applicant in the amount of \$5000.00 to the Township of Clearview to offset any direct costs born by the Township which includes but is not limited to:
 - Fire department response
 - By-law Enforcement response
 - Public Works response including clean up of any Municipally owned property

Any unused portion of this deposit shall be returned to the applicant following the special event.
- (xvii) A deposit from the applicant in the amount identified by the Ontario Provincial Police as being the anticipated costs for providing policing services for the event.

- (xviii) In addition, prior to approving a licence, Council may require
- a. A performance bond/letter of credit from the applicant in the amount of \$10,000 to ensure compliance with the letters outlined in Sections xi and xii above.
 - b. A performance bond/letter of credit from the owner in the amount of \$10,000 to ensure compliance with the letters outlined in Section xv above.
 - c. A performance bond/ letter of credit payable on demand from the applicant or the owner in the amount of \$10,000 to compensate the Township in the event there are additional or unanticipated emergency services cost that may be assessed against the Township.

5/ ISSUANCE / REFUSAL of LICENCE:

5.1 Upon verification that all conditions of Paragraph 4 as cited in this by-law have been met, and all pertinent documentation is on file, the Council of the Municipality may approve the issuance of the licence.

5.2 The Council of the Municipality shall refuse to issue a licence where the requirements of Section 3 of this By-law are not met.

5.3 The Council of the Municipality may refuse to issue a licence where, based on the zoning of the property, the history of the event, the history of the applicant or the history of the proposed event location it is not in the best interest of the community for such a special event to take place.

6/ REVOCATION of LICENCE:

6.1 At any time prior to the commencement or completion of the special event for which a licence has been issued pursuant to this By-Law, the licence may be revoked by the Municipality at the direction of Council by written notice delivered to either the applicant or the address of the applicant as set out in the application, if:

- (a) If the Clerk is satisfied that incorrect or false information of a material nature was submitted in support of the application for the licence, or
- (b) If the Medical Officer of Health acting reasonably advises the Clerk in writing that he or she is no longer of the opinion that the health and sanitation arrangements for the exhibition are satisfactory, or that the health and sanitation requirements are not being maintained, or
- (c) If the commanding officer of the police services, or his designate, acting reasonably, advises the Clerk in writing that notwithstanding any letter provided pursuant to paragraph 3(b)(viii) of this By-Law, he or she is of the opinion that the arrangements for security and police protection for the exhibition or event will not be adequate or that the arrangements have not been carried out, or
- (d) If the Fire Chief of the Municipality acting reasonably advises the Clerk in writing that he or she is no longer of the opinion that the approved Fire Safety Plan for the exhibition or event is satisfactory, or
- (e) If the Council is satisfied that any other arrangements or facilities proposed by the applicant for the special event have not been put into place or carried out and the Council considers it to be cause for serious concern.

7/ TERMS of LICENCE:

- (a) Any licence issued pursuant to this By-Law shall be deemed to authorize only the special event for which application was made, in accordance with the information provided by the applicant.
- (b) Any licence issued pursuant to this By-Law may specify or limit the hours during which the special event may be held and may contain such other provisions for regulation of the exhibition as the Council of the Municipality acting reasonably may consider being necessary or advisable.

8/ EXEMPTIONS:

A licence under this By-Law shall not be required for:

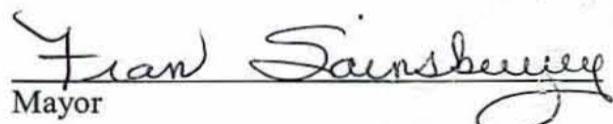
- The Great Northern Exhibition
- Stayner Community Fair
- An event held on municipally owned property

In making the determination if an event is to be exempted as a "significant community event", Council may request the applicant to provide any information outlined in Section 4 (b) (i to v) of this by-law before granting the exemption.

9/ PENALTY

A person or applicant who contravenes any provision of this By-Law is guilty of an offence and shall, upon conviction, be liable to a fine as provided under the Provincial Offences Act, R.S.O. 1990, c.P.33.

By-Law Number 05 -20 read a first, second and third time and finally passed this 29th day of March ,2005.


Mayor


Clerk