

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2005 - 284

A BY-LAW REGULATING SPECIAL EVENTS

Recitals

1. The *Municipal Act, 2001* authorizes municipal councils to pass by-laws regulating cultural, recreational and educational events, including public fairs, and requiring permits to be obtained for such special events.
2. City Council considers it advisable to regulate special events within the boundaries of the City of Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2005-284.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“**agricultural fair**” means an agricultural or horticultural exhibition hosted by a local agricultural society or similar organization;

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes;

“**City Clerk**” means the person appointed by Council to carry out the duties of the municipal clerk under section 228 of the *Municipal Act, 2001*;

“**Council**” or “**City Council**” means the Council of the City of Kawartha Lakes;

“**Director of Emergency Services**” means the person who holds that position and his or her delegates(s) or, in the event of organizational changes, another employee appointed by Council to serve as fire chief;

“**Director of Public Works**” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another employee appointed by Council to carry out these responsibilities;

“**fairground**” means land used in the operation of an agricultural society incorporated and in good standing under the provisions of the Agricultural and Horticultural Organizations act, 1988;

“**Licensing Officer**” means the person who holds that position and or his or her delegate(s) or, in the event of organizational changes, another employee designated by Council to carry out these responsibilities;

“**Manager of Building and Municipal Law Enforcement**” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another employee designated by Council to carry out these responsibilities;

“**Manager of Ambulance Services**” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another office designated by Council to administer ambulance services;

“**Medical Officer of Health**” means the medical officer of health of the Haliburton Kawartha Pine Ridge District Health Unit and his or her delegate(s);

“**motor vehicle**” includes an automobile, bus, truck, motorcycle and any other vehicle propelled or driven other than by muscular power;

“**municipal law enforcement officer**” means a person appointed by Council under the *Police Services Act* to enforce the by-laws of the City;

“occupant” means a person who is in possession of a property or part of a property, for example, as a result of a tenancy agreement;

“owner” means the registered owner of the property on which a proposed special event is to be held or the authorized agent of the owner;

“person” includes a corporation, organization and association as well as an individual;

“Police Chief” means the police chief or commanding officer of the police service that provides police services to the property on which a proposed special event is to be held and his or her delegate(s);

“property” means one or more contiguous parcels of land and any buildings or other structures on the land;

“special event” or **“event”** means any cultural, recreational or educational event of limited duration, including an exhibition, show, display, concert, festival, race, competition, public entertainment, parade and any other organized public amusement, whether free or for a fee; and

“special event permit” or **“permit”** means a permit authorizing the holding of a special event, and includes any conditions imposed as a condition of obtaining and continuing to hold the permit and any agreements respecting the special event that are attached to the permit.

1.02 **Interpretation:**

- a) The regulations established by this by-law apply to special events throughout the City.
- b) The words “includes” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Special Event Policies

2.01 **Special Event Permit:** No person shall hold or cause or permit the holding of a special event with an attendance of more than 350 people per day unless a special event permit has been obtained from the City.

2.02 **Applicable Law:** No permit shall be issued for a special event that would contravene the provisions of the zoning by-law that applies to the property, of any other applicable by-law, or of a provincial or federal statute.

2.03 **Permit not Required:** A permit is not required for:

- a) an agricultural fair or other event held on a fairgrounds;
- b) a race held on a track with a valid licence from the City; or
- c) an auction sale or other special sales event.

2.04 **Exemptions:** A permit is not required for a special event held:

- a) in premises with a valid licence or special occasion permit to sell alcoholic beverages, provided that the attendance does not exceed the permitted occupancy of the premises;
- b) on a municipal highway in accordance with a written agreement with the City;

- c) on a provincial highway in accordance with a written agreement with the Ministry of Transportation;
- d) in a provincial park in accordance with a written agreement with the Ministry of Natural Resources;
- e) in a park or a cultural or recreational facility owned or occupied by the City in accordance with a written agreement, in the form of a facility booking permit, with the City;
- f) in a park or a cultural, recreational or educational facility owned or occupied by a local board, school board or conservation authority in accordance with a written agreement with the owner or occupant; or
- g) in a theatre, arena, community centre, hall or other enclosed structure in accordance with a written agreement with the owner or occupant, provided that notification of the special event is given in advance to the Licensing Officer.

Section 3.00: Special Event Permit Requirements

3.01 **Permit Application:** Every person who proposes to hold a special event requiring a permit shall, at least 90 days before the date on which it is to be held, apply to the Licensing Officer for a special event permit by submitting:

- a) a completed application in the form provided by the City; and
- b) a description of the proposed special event, including the type of event, the property to be used, the date(s) and times, and a site plan indicating how the property is to be used for the event.

3.02 **Requirements:** If the Licensing Officer is satisfied that the use of the property for the proposed special event would not contravene the zoning by-law or any other applicable by-law, the applicant shall be required, at least 60 days before the date of the proposed special event, to submit a fee of \$100.00, payable to the City, and documentation from:

- a) the owner or occupant of the property, if the applicant is not the owner or occupant, confirming that the applicant has been granted permission to hold the proposed special event on the property;
- b) the Medical Officer of Health confirming that the applicant's proposed arrangements for occupational and environmental health appear to be adequate;
- c) the Police Chief confirming that the applicant's proposed arrangements for security and police protection, including crowd control, traffic control and protection of adjacent properties, appear to be adequate and that, if deemed necessary, the applicant has submitted to the police service a deposit, bond or other security in an amount sufficient to cover the police service's anticipated costs of providing police services at the event;
- d) the Director of Emergency Services confirming that the applicant's proposed arrangements for fire protection and prevention appear to be adequate;
- e) the Manager of Ambulance Services confirming that the applicant's proposed arrangements for ambulance services appear to be adequate;
- f) the Director of Public Works confirming that the applicant's proposed arrangements for traffic, parking, municipal public utilities and the collection and disposal of waste appear to be adequate; and
- g) the head of any other governmental or private body affected by the proposed special event, as identified by the Licensing Officer, confirming that the applicant's proposed arrangements for dealing with matters of interest to that body appear to be adequate.

3.03 **Deposit:** If deemed necessary, the applicant shall be required to submit to the City a deposit, bond or other security in an amount sufficient to cover the City's anticipated costs of providing services, other than police services, at the event, including the costs of enforcing the City's by-laws.

3.04 **Issuance of Permit:** The Licensing Officer shall issue a special event permit to the applicant if he or she has determined that the use of the property for the proposed special event would not contravene the zoning by-law or another applicable by-law, and if the applicant has submitted:

- a) a completed application in accordance with section 3.01 at least 90 days before the date of the proposed event;
 - b) the permit fee and other required documentation in accordance with section 3.02 at least 60 days before the date of the proposed event;
 - c) any deposit, bond or other security required by the police service and City in accordance with clause 3.02(c) and section 3.03;
 - d) the full amount of any outstanding amounts owed to the City as a result of a previously permitted special event;
 - e) a certificate of insurance proving that the applicant has obtained comprehensive liability and property insurance from an insurer licensed under the *Insurance Act* which, in respect of the proposed special event, provides coverage in an amount satisfactory to the City for the duration of the event and for at least one day prior to its commencement and at least one day after its conclusion, and which names the City as an additional insured party in order to protect the City against all liability; and
 - f) an agreement executed by the applicant indemnifying the City and its councillors, officers, employees and agents from all costs, expenses, damages, claims and actions that are caused by or that result from the holding of the proposed special event.
- 3.05 **Conditions:** A special event permit issued to an applicant may include conditions imposed by the Licensing Officer, at his or her sole discretion, as a condition of obtaining and holding the special event permit.
- 3.06 **Compliance:** Every person to whom a special event permit has been issued shall be responsible for ensuring that the event is held in a manner that complies with all terms and conditions of the permit and all applicable municipal by-laws and provincial and federal statutes and regulations.
- 3.07 **Changes to Arrangements:** Every person to whom a special event permit has been issued shall notify the Licensing Officer, in writing, of any proposed changes to the arrangements for the event at the earliest possible opportunity.
- 3.08 **Amended Permit:** The Licensing Officer shall amend the special event permit in writing if the proposed changes to the arrangements for the event are deemed to be acceptable.
- 3.09 **Permit Revocation:** A special event permit may be revoked at any time by the Licensing Officer, at his or her sole discretion, if:
- a) the Licensing Officer determines that any information or documentation submitted as part of the permit application is false;
 - b) the permit holder does not comply with the conditions included in the permit;
 - c) the Medical Officer of Health identifies a specific health hazard relating to the special event;
 - d) the permit holder changes the arrangements for the special event without obtaining an amendment to the permit from the Licensing Officer in accordance with section 3.08; or
 - e) the Licensing Officer or a Municipal Law Enforcement Officer determines that any of the arrangements proposed in support of the permit application have not been implemented; or
 - f) the Licensing Officer or a Municipal Law Enforcement Officer determines that a provision of this by-law, of another applicable by-law, or of a provincial or federal statute is being contravened.
- 3.10 **Refund of Deposits:** The Licensing Officer shall refund any funds submitted to the City by the applicant in accordance with section 3.03 that remain after the total costs incurred by the City in providing services at the special event have been determined and deducted.
- 3.11 **Summary of Municipal Costs:** Upon request, the Licensing Officer shall provide the applicant with a written summary of the costs incurred by the City in providing services at the special event.
- 3.12 **Permit Fees:** Despite section 3.02, the permit application fee may be waived or refunded to the applicant, with the approval of City Council, if a proposed special event is to be held by or on behalf of a registered charitable organization.

Section 4.00: Enforcement and Penalties

- 4.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer who reports to the Manager of Building and By-Law Enforcement.
- 4.02 **Obstruction:** No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.
- 4.03 **Offences:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, upon conviction, is liable to a fine as provided in the *Provincial Offences Act* and to any other applicable penalty.
- 4.04 **Multiple Offences:** The conviction of a person for the contravention of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent contravention of this by-law.
- 4.05 **Court Order:** If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Section 5.00: General Provisions

- 5.01.1 **Administration:** The City Clerk is responsible for the administration of this by-law.
- 5.02 **Effective Date:** This by-law comes into force on the day that it receives third reading and is passed.

By-law read a first, second and third time, and finally passed this 15th day of November, 2005.

Mayor

Clerk