

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD

BY-LAW _____

A BY-LAW TO REGULATE AND GOVERN SPECIAL EVENTS ON PRIVATE PROPERTY

WHEREAS Section 126 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to (a) regulate cultural, recreational, and educational events; and (b) prohibit the aforementioned events unless a Permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the Permit, including requiring the submission of plans; and

WHEREAS the Municipality wishes to attempt to ensure public safety, control noise, traffic, parking, odour, nuisance and generally to attempt to mitigate any negative impact on the community and the environment from the holding of Special Events on private property, while still providing opportunities for furthering tourism and economic development; and

WHEREAS the provisions of this By-law are intended to regulate Special Events held on private property only;

NOW THEREFORE the Council of the Corporation of the County of Prince Edward whereby enacts as follows:

Short Title

This By-law shall be known and may be cited as the "Special Events By-law."

Part 1 – Interpretation

Definitions

1.1 In this By-Law, a grammatical variation of a word or expression defined has a corresponding meaning. For the purposes of 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 Law – means all applicable federal, provincial, and municipal laws, rules, statutes, regulations, orders, approvals permits, standards, and all other governmental requirements.

Applicant – is a person or corporation seeking a Special Event Permit.

Application – is an application for a Special Event Permit.

By-Law Officer - means an individual appointed by a by-law of the Municipality to enforce municipal by-laws.

Municipality – means the Corporation of the County of Prince Edward.

Permit – shall mean a permit for a Special Event issued under this By-Law.

Private Property – shall mean real property that is not owned or leased by the Municipality.

Special Event – shall mean a cultural, recreational, educational or similar event including fairs, festivals, carnivals, concerts, races, competitions, public entertainment, parades, carnivals or circus events whether held for profit or not.

Zoning By-law - shall mean the Municipality's Comprehensive Zoning By-law as amended from time to time enacted pursuant to the Ontario Planning Act as amended from time to time.

1.2 Severability

If any term or provision of this Bylaw or the application thereof to any person shall to any extent be held to be invalid or unenforceable by any court or tribunal having jurisdiction, the remainder of this Bylaw or the application of any provision of this Bylaw to all persons other than those to whom it was held to be invalid or enforceable, shall not be affected thereby and each term and provision of this Bylaw shall be separately valid and enforceable to the fullest extent permitted by law.

1.3 Application

This By-Law applies only to Special Events held on private property.

This By-Law does not apply to Special Events held by or sponsored by the Municipality.

Part 2 – Special Event Permits

Permit Required

2.1 No person shall hold or carry on, or permit to be held or carried on, a Special Event on private property without a Permit.

2.2 No person shall hold a Special Event except in accordance with the terms and conditions of a valid Permit and the provisions of this By-law.

2.3 Notwithstanding anything in this By-law to the contrary, no Permit shall be required for a Special Event held:

- a) on or at a farm, where the Special Event is directly related to the farm's production; or
- b) completely within a theatre, church, or hall on private property where the Zoning By-law permits such Special Event.

2.4 Provided the Special Event is permitted in the Zoning By-law, no Permit shall be required for,

- a) a Special Event that takes place in the hospitality space on the Estate Winery's lands;
- b) a Special Event that takes place in any zone in the Zoning By-law which permits the holding of Special Events; or
- c) Sporting Events including golf tournaments.

2.5 Notwithstanding the provisions of Sections 2.3 or 2.4 of this By-law, Special Events may require other permits, licences, approvals or authorizations under other by-laws of the Municipality or other applicable statutes, regulations or laws.

Review and Administration of Special Events Permits

2.6 The By-law Officer is hereby authorized to receive and consider all Applications, and to conduct all investigations necessary to determine whether a Permit should be issued.

2.7 The By-law Officer may issue or refuse to issue a Permit, and may include such conditions in a Permit that the By-law Officer deems appropriate.

2.7 Prior to making a decision on any Application, the By-law Officer shall consult with relevant Municipal Departments and other persons or agencies as the By-law Officer considers necessary. Council shall be notified of all Special Event Permits issued.

Duration of Special Event

2.8 Duration of a Special Event:

- a) A private property shall be allowed a maximum of one (1) Special Event Permit per calendar year.
- b) A Special Event shall be permitted to run for a maximum of three (3) consecutive 24 hour days.

- c) An Applicant may seek permission from the Council of the Municipality for an exemption from the foregoing restrictions on duration.

Application – Minimum Requirements

2.9 Every Application shall be completed and submitted on forms prescribed by the By-law Officer.

2.10 Every Application shall include:

- a) A site plan showing
 - i. Boundaries of the private property on which the Special Event will be held;
 - ii. The location of all existing and proposed buildings or structures to be used in connection with the Special Event and any residential buildings on adjacent properties noting their distance from the private property on which the Special Event is proposed to be held;
 - iii. All areas to be designated for food and beverage sales or consumption;
 - iv. All areas to be designated for vehicle parking and camping;
 - v. All areas to be designated for washrooms; and
 - vi. All proposed access locations around the private property's perimeter;
- b) Details of the Special Event including a description of any proposed,
 - i. Fireworks;
 - ii. Amusement Device, machines or apparatus;
 - iii. Food sales or service;
 - iv. Alcohol sales or service;
 - v. Washrooms;
 - vi. Sound equipment;
 - vii. Generators, propane appliances and any other specialized equipment to be used during the Special Event, including the type of fuel used to operate the equipment;
 - viii. Vendors of any type;
 - ix. 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, helicopters, hot air balloons, aircraft, trains, or watercraft;
 - x. Use of exotic pets;
 - xi. Signage;
 - xii. Temporary event campgrounds;
 - xiii. Temporary structures such as tents larger than 10 square metres; and
 - xiv. Temporary closure of a highway;
- c) A daily estimate of the number of persons expected to attend the Special Event;
- d) The dates and times of the Special Event, including set up and disassembling / cleanup dates and times;
- e) Where the Applicant is not the owner of the private property on which the Special Event is to be held, written proof that the registered owner consents to the Special Event;
- f) Satisfactory proof that the Applicant is at least 18 years of age or, if the Applicant is a corporation, copies of the letters of incorporation or other incorporating documents that have been duly certified by the proper authorities and that show the full corporate name, officers, and directors of the Applicant;
- g) Contact information for the Applicant;
- h) Proof that all property owners within 120 of the limits of the private property on which the Special Event is proposed to be held have been notified of the proposed Special Event;
- i) An Application review fee of \$500 payable to the County of Prince Edward at the time of submission; and
- j) Any other information or documentation that the By-law Officer deems necessary.

Application – Additional Requirements

2.11 Without limiting the generality of Section 2.9 and 2.10 of this By-law, the By-law Officer may require an Applicant to submit as part of an Application:

- a) An emergency plan that provides procedures to follow in the event of a fire, extreme weather, criminal acts, personal injuries, medical or other emergencies, a description of all first aid services to be provided, a communication protocol, decision-making authority, evacuation procedures, the names and contact information for all emergency personnel and other emergency preparedness information that the Municipality's Chief Building Official, Chief of Police and Fire Chief may require;
- b) 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 to the satisfaction of the Municipality's Chief Building Official and the Fire Chief;
- c) 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 the Municipality's Chief of Police, Chief Building Official, or Fire Chief may require;
- d) A traffic safety plan providing for the control of traffic and parking, including all vehicular, pedestrian, and cyclist movements to and from and within the Special Event site, and where applicable,
 - i. Detours of vehicular traffic
 - ii. Emergency vehicle access and egress;
 - iii. Public access and separation from hazardous areas;
 - iv. Temporary barriers and devices necessary for traffic control or parking;
 - v. Designated accessible pick-up and drop-off locations for persons with disabilities;
 - vi. The pick-up and drop off locations for busses, taxis, or limousine;
 - vii. 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
 - viii. Any other such information required by By-law Officers; and/or
- e) A waste management plan.

2.12 It is the Applicant's sole responsibility to obtain and pay for all of the information and documentation required under Sections 2.9, 2.10 and 2.11.

2.13 The deadline for submitting the Application including all information and documentation required by Sections 2.9, 2.10 and 2.11 is ninety (90) days prior to the date of the proposed commencement of the Special Event.

Additional Approvals

2.14 in addition to the foregoing, prior to submitting the Application, the Applicant shall ensure that all permits, licences, approvals, or other authorizations required under any other Municipal By-laws in relation to the Special Event have been obtained, including but not limited to:

- a. Noise By-law;
- b. Mobile Food Truck By-law; and
- c. Sign By-law

2.15 Prior to the proposed Special Event, the Applicant shall provide written confirmation that,

- a) The emergency plan is satisfactory to the Municipality's Chief Building Official;
- b) The fire safety plan is satisfactory to the Municipality's Fire Chief;
- c) The security plan is satisfactory to the Municipality's Chief of Police and Fire Chief;
- d) The traffic safety plan is satisfactory to the Municipality's Director of Development Services;
- e) The waste management plan is satisfactory to the Municipality's Director of Operations;
- f) Arrangements have been made to provide adequate police protection to the satisfaction of the Municipality's Police Chief;
- g) All requirements of the Health Protection and Promotion Act, R.S.O. 1990 c. H.7 have been met to the satisfaction of the Region's Health Department;
- h) Appropriate arrangements for the provision of medical services, medical transport, or first aid services by non-paramedic staff have been made to the satisfaction of the said Health Unit;
- i) Road occupancy permits have been obtained from the Municipality's Operations Department
- j) All permits required by the Building Code Act, 1992, S.O. 1992, c. 23 are issued by the Municipality's Chief Building Official ; and

- k) The Municipality's Director of Finance has received all insurance, fees, and security deposits required.

Large Events

2.16 If a Special Event has an expected daily attendance of more than 2,000 persons:

- a) the requirements of Section 2.15 (Application – Additional Requirements) shall be mandatory; and
- b) the insurance required by Section 3 of this By-Law shall be subject to limits of not less than five million dollars (\$5,000,000).

Conditions

2.17 In addition to any other conditions that the By-law Officer may deem appropriate, every Permit shall be subject to the following conditions:

- a) The Permit holder shall comply with all Applicable Law;
- b) The Permit holder shall comply with all approved plans;
- c) The Permit holder shall ensure that all equipment and structures used for the Special Event are lawfully installed, inspected, operated, used, and dismantled;
- d) The Permit holder shall indemnify and save harmless the Municipality, its officers, employees, workmen, consultants, advisors and agents from and against all actions, causes of action, losses, liens, damages, suits, judgments, orders, awards, claims and demands whatsoever, whether the same shall be with or without merit and from all costs to which the Municipality may be put in defending or settling any such action, causes of action, suits, claims or demands, which may arise either directly or indirectly by reason of, or as a consequence of, or in any way related to the Application, the Permit, the granting of the Permit, the performance of the Permit holder and/or the Special Event;
- e) The Permit holder shall maintain the Special Event site in a clean and sanitary condition for the duration of the Special Event;
- f) The Permit holder shall remove all debris from the Special Event site and when required, adjacent properties within 72 hours of the conclusion of the Special Event; and
- g) The Permit holder shall not use the Municipality's corporate logos in any material advertising the Special Event without prior approval of Council.

Refusal

2.18 Notwithstanding anything in this By-law to the contrary, the By-law Officer may refuse to issue a Permit if:

- a) The Applicant has not provided the information or documentation required by this By-law or did not provide such information or documentation within the applicable time frames set out in this By-law; and/or
- b) The Applicant has not satisfied all applicable requirements of this By-law.

2.19 Any Application that does not include the required approvals from all persons, civic bodies, boards, commissions, authorities, or other agencies or Municipal or Provincial departments as the By-law Officer deems necessary shall be deemed to be incomplete unless otherwise determined by the By-law Officer.

2.20 Within ten (10) days of receipt of a Notice of a refusal of an Application or an approval with Conditions, an Applicant may request a hearing before Council.

Revocation

2.21 The By-law Officer of the Municipality may revoke a Permit at any time without prior notice to the Permit holder if,

- a) It was issued in error;
- b) It was issued as a result of false, mistaken, incorrect or misleading information that was submitted by the Applicant; and/or
- c) 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 any person or damage to property.

2.22 The By-law Officer shall immediately inform the Permit holder of a revocation and the reasons for it by means of contacting the Permit holder at the address or at the coordinates provided in the Application. All affected Municipal and external agencies shall also be notified.

2.23 General

- a) Every Special Event Permit shall specify the name of the Permit holder and the nature, location, dates and times of the Special Event.
- b) The issuance of a Special Event Permit does not represent a commitment by the Municipality or By-law Officer to issue a Permit for any subsequent, continuing, or similar event.
- c) Special Event Permits are not transferable.
- d) No amendment shall be made to a Special Event Permit without prior written authorization by the By-law Officer.

Part 3 – Financial

3.1 Every Applicant shall provide proof of commercial general liability insurance acceptable to the Director of Finance in an amount not less than \$5,000,000 inclusive per occurrence for bodily injury, death, and damage to property including loss of use thereof, for the duration of the Special Event.

3.2 If deemed necessary by the Director of Finance, the Applicant shall provide liability insurance in respect of licenced, owned, or leased motor vehicles in an amount not less than \$5,000,000 inclusive per occurrence for bodily injury, death, and damage to property including loss of use thereof, for the duration of the Special Event.

3.3 If deemed necessary by the Director of Finance, 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 employers liability, personal injury liability, incidental medical malpractice, owners and contractors malpractice, blanket contractual liability, and non-owned automobile liability.

3.4 All insurance shall be in the same name as 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 availability to the Municipality.

3.5 All insurance shall contain the endorsement to provide the Municipality with 30 days proper written notice of any cancellation or change.

3.6 The Director of Finance may vary the monetary limits set out in Sections 3.1 and 3.2.

Security Deposit

3.7 The Special Event Permit holder shall provide either cash or an irrevocable letter of credit in a form acceptable to the Director of Finance as a 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 Permit. The amount of the security shall be determined by the Director of Finance in consultation with the appropriate municipal staff and advisors.

Exemption

3.8 Section 2.14(i) (Application Review Fee), and Section 3.7 (security deposit) shall not apply if the Special Event is for the sole benefit of a registered charitable or registered not-for-profit.

Part 4 – Enforcement

4.1 Applicants

No Applicant shall give false or misleading information for the purpose of obtaining a Special Events Permit.

Every Applicant shall notify the By-law Officer in writing of any change of the information contained in an Application within two days of the change.

4.2 Special Event Permit Holders

A Special Event Permit holder shall comply with all Permit requirements.

4.3 Officers

This By-law may be enforced by a police officer, a municipal law enforcement officer, the By-law Officer, Chief Building Official and/or by the Fire Chief.

4.4 Enforcement

Any of the aforementioned officers may:

- a) Enter a 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;
- b) Require the production for inspection of any document or thing relevant to the inspection;
- c) Require the production of information relevant to the inspection; and
- d) Make examinations or take tests, samples, or photographs necessary for the inspection.

4.5 No person shall prevent, hinder, or interfere or attempt to prevent, hinder or interfere with an inspection undertaken in accordance with this By-Law.

4.6 Offences and Penalties

- a) 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 *Provincial Offences Act, R.S.O. 1990, c.P.33*.
- b) When a person has been convicted of an offence under this By-Law, the Ontario Court of Justice or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.