

STAFF REPORT: RECREATION DEPARTMENT



REPORT TO: Infrastructure & Recreation
MEETING DATE: November 22, 2011
REPORT NO.: DOR .11.68
SUBJECT: Special Events Regulations
PREPARED BY: Shawn Everitt
Director of Recreation

A. Recommendations

That Council accept staff report entitled "DOR.11.68 Special Events Regulations" and direct Staff to implement a Public and Stakeholder Engagement process that includes existing Event producers to receive their input and information to assist in the development of a Special Events By law to establish regulations and controls for Special Events within the Town.

B. Background

In early 2011, Staff was directed by Council to develop a draft Special Events By-Law to provide guidance for the Town when Events were taking place in the Town.

This report is to identify to Council that significant progress has been made in the development of a draft Special Events By-Law. The compilation of the draft By-Law included review with Staff and the consideration of a number of other recent Special Events By-Laws of the Towns neighbouring communities. This Special Event By-law covers events that have an expected attendance of over 200 people but is not reliant on being a licensed for alcohol event on Public and or Private property.

Using the Draft Special Events By-Law for guidance, Town Staff have utilized and tested the Event Notification Process for several events. The notification process does ensure that all required agencies and authorities are notified and requires that such replies are received by the Town for the event to be approved in a timely fashion.

For events that have taken place in 2011 and that have been managed through the notification process the following items have been consistently identified that require inter-departmental and outside agencies to be notified;

- ▶ Approval of Temporary Access to Parking for specific event
- ▶ Tent permits being satisfied through Building & By Law Department as well as Fire Department
- ▶ Request and Approval of No Parking By Law
- ▶ Review and approval of Building Permit for Stages
- ▶ Fire Safety Plan being submitted and approved by the Fire Department
- ▶ O.P.P. review and approval for security and paid duty requirements
- ▶ Special Occasion Permit requires submission to the town, and requires final approval by Building, Fire and Police as well as the Health Unit. Final approval is submitted to the Alcohol Gaming Commission of Ontario by the organizer.
- ▶ Request in a timely manner for Exemptions to the Noise By Law

- ▶ Night Sky effect Plan where requested is reviewed and has been satisfied by Building and By Law Department
- ▶ Requests for Resolution for Significant event to Council

The collaboration of stakeholders and agencies is essential to ensure events are planned and control mechanisms are in place to ensure a high level of Public & Organizer Safety, as well as allow for the event to be as successful as possible.

Enforcement will be a key aspect of the By-law if approved. It is suggested that the enforcement process would include an application to the Ministry of the Attorney General for approval of a set fine schedule. A set fine schedule would allow the issuance of tickets under Part 1 of the *Provincial Offences Act*.

Set fines could be applied for a single offence or any number which the By-law would create. For example, a single set fine could be applied for the offence of Conducting a Special Event without a Permit. Multiple set fines could be applied for the offences of Conducting a Type 1, Type 2 or Type 3 Special Event without a Permit.

A critical component of the implementation and enforcement of the By-law, if approved, would be the education of residents and stakeholders regarding the By-law, including its intent and benefits in terms of public safety and limiting exposure to liability for all involved parties. It is suggested by staff that residents and stakeholders information sessions be provided prior to the enactment of the By-law to allow the public and special interest groups a chance to provide comments and gain a better understanding of the intent and expectations created by the proposed By-law implementation.

C. The Blue Mountains' Strategic

Providing a strong, well managed municipal government

Supporting the development of social and recreational programs to meet the broad range of needs in the community

D. Environmental Impacts

Ensuring safe use of Lands and Public Safety

E. Financial Impact

Allocation of Staff Time from Engineering and Public Works Department, Building Department, The Blue Mountains Fire Department, Collingwood/The Blue Mountains O.P.P., Clerks Department & Recreation Department Staff.

A Special Events Fee Structure has been suggested in the Attachment under Schedule F. Prior to charging fees, the fee structure is required to be added to the Financial Services Fees and Charges By-law process.

It is suggested by staff that there would be:

15 Type 1 events would be managed with permit fees of \$2,250.00 per year

6 Type 3 events would be managed with permit fees of \$1,800.00 per year

3 Type 3 events would be managed with permit fees of \$1,500.00 per year

Total permit revenue of \$5,550.00 per year.

F. In Consultation With

Senior Management Team
Ruth Prince, Manager of Revenue
Greg Miller, Manager of Building & By-law/CBO

G. Attached

1. Sample By-law to regulate and prohibit events within the Town.

Respectfully submitted,

Shawn Everitt, Director of Recreation

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THE CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS

BY-LAW No. 2011 –

Being a By-law to Regulate Special Events

WHEREAS subsection 5(3) of the *Municipal Act 2001*, chapter 25, S.O. 2001, as amended (the Act), states that a municipal power, including a municipality's capacities, rights, powers and privileges under section 9, shall be exercised by by-law;

AND WHEREAS Section 126 of the Act enables a local municipality to regulate cultural, recreational and educational events including public fairs and to prohibit such activities unless a permit is obtained from the municipality for such activities in which conditions may be imposed for obtaining, continuing to hold and renewing such a permit, including requiring the submission of plans;

AND WHEREAS Section 391 of the Act authorizes a municipality to impose fees and charges on persons for services or activities provided, including costs incurred by a municipality related to administration and enforcement;

AND WHEREAS it is deemed expedient to pass a By-law to regulate and govern such cultural, recreational and educational events including public fairs in the interest of public health and safety and nuisance control and consumer protection for the benefit of the residents of the municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS HEREBY ENACTS AS FOLLOWS:

1. In this By-law:

- 1.1 **"Applicant"** shall mean a person who has signed an application for a Permit submitted pursuant to the By-law who has authority to bind the person or entity making the application to the hold the event.
- 1.2 **"Council"** shall mean the Council of the Corporation of the Town of The Blue Mountains.
- 1.3 **"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.
- 1.4 **"Municipally Sanctioned Event"** shall mean an event that has been designated by Resolution of Council, following the event organizer making a request of Council with reasons, as either a community festival event, a significant event, a cultural event, a Town supported community festival or any combination thereof, depending on the criteria met.
- 1.5 **"Permit"** shall mean a Permit issued by the Town pursuant to this By-law which shall be deemed to authorize the event for which the application was made.
- 1.6 **"Person"** shall include a corporation, business entity or group, with the exception of a municipally sponsored Services Board.
- 1.7 **"Special Event"** shall mean a cultural, recreational or educational exhibition, concert, festival or other organized public amusement held within the municipality for profit or otherwise, with the exception of those events covered by The Town of The Blue Mountains Municipal Alcohol Policy.
- 1.8 **"Special Event"** shall include a gathering at which:
 - 1.8.1 In excess of 200 persons shall be in attendance
 - 1.8.2 Entertainment is provided to persons who attend
 - 1.8.3 Persons who attend are required to pay a fee for admission; and/or
- 1.9 **"Town"** shall mean The Corporation of The Town of The Blue Mountains.

2. Requirements for a Permit:

- 2.1 No person shall hold or put on a Special Event within the Town and no person shall permit lands within the Town to be used for an event unless a Permit for the exhibition or event has been issued by the said Town pursuant to this By-law at least seven (7) calendar days prior to the proposed date for the commencement of the event. No Permit shall be required for a municipally sanctioned event, held on municipally owned property, for which the Municipal Alcohol Management Policy applies.
- 2.2 Schedule "A", The Blue Mountains Special Events Application Form, Schedule "B", The Blue Mountains Special Events Manual Special Event Type 1, Schedule "C", The Blue Mountains Special Events Manual Special Event Type 2, Schedule "D", The Blue Mountains Special Events Manual Special Event Type 3, Schedule "E", Municipal Alcohol Management Policy and Schedule "F", The Blue Mountains Special Events Fees and are hereby declared to be Director approved self-contained supporting documentation and may be revised from time to time as required and as approved by the Director of Recreation."

3. Application for a Permit

- 3.1 To obtain a Permit pursuant to this By-law, a written application in the form shown in the attached Schedule "A", The Blue Mountains Special Events Application Form, shall be submitted to the Clerk of the Town at least NINETY (90) 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 where less than 5,000 persons are expected to attend and ONE HUNDRED TWENTY (120) calendar days prior to the proposed date where greater than 5,000 persons are expected to attend.
- 3.2 The Application for the Permit shall include:
 - 3.2.1 The location at which it is proposed to hold the event, including both the municipal address and the description of the property(s) as contained within the last registered deed or lease of the lands.
 - 3.2.2 The dates and times proposed for the event.
 - 3.2.3 Particulars of the facilities and arrangements to be implemented for the handling of food, medical arrangements, toilet and sanitary arrangements, garbage disposal, policing and security including crowd control and traffic control.
 - 3.2.4 A site plan to scale of the lands and premises to be used for the event 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 services, areas for camping, tenting, and other sanitary services, and any other uses and facilities incidental or required for the event.
 - 3.2.5 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 timeframes 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 event on any given day, together with a description of the means by which attendance will be limited to such a number of persons.
 - 3.2.6 The statement of the applicant attesting to the truth of the information contained in the application.
 - 3.2.7 A letter signed by the Chief Building Official (or his or her designate) of the Town, acting reasonably, confirming that in their opinion, the proposed event will not contravene any Zoning By-law or other By-law in effect in the Municipality.

- 3.2.8 A letter signed by the Manager of Roads and Drainage (or his or her designate) of the Town, acting reasonably, confirming that in their opinion, appropriate arrangements have been made to provide adequate traffic control, pedestrian movement and vehicular parking for the event.
- 3.2.9 A letter signed by the Commanding Officer (or his or her designate) of The Blue Mountains Ontario Provincial Police, acting reasonably, certifying that in the Officer's opinion appropriate arrangements have been made to provide adequate security and police protection for the event including crowd control, traffic control and police protection of the properties in the vicinity of the event and confirming that satisfactory arrangements have been made to cover the cost of the policing services to be provided.
- 3.2.10A letter signed by the Medical Officer of Health (or his or her designate) having responsibility for the Town, 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 event.
- 3.2.11A letter signed by the Fire Chief (or his or her designate) of the Town, acting reasonably, certifying that a Fire Safety Plan for the event has been approved, or that in the opinion of the Chief Fire Official such a plan is not required, and stating what, if any deposit or security should be provided by the applicant to cover the anticipated costs of providing fire protection services for the event.
- 3.2.12A letter from the Emergency Services Manager (ambulance) (or his or her designate) having responsibility for the Town, acting responsibly, certifying that, in the opinion of the officer, the arrangements by the applicant for ambulance services will be adequate for the event.
- 3.2.13A description of the reasonable means and the methods proposed by the applicant to keep noise from the event to a level that will not disturb the inhabitants or lands and premises in the vicinity of the event, or an exemption granted by Council from the restrictions of such a Noise By-law.
- 3.2.14An agreement executed by the applicant covenanting to indemnify and save harmless the Town, its officials, agents, and employees from all costs, expenses, damages, claims, and actions caused by or resulting from the event as a result of issuing a Permit to the applicant for the exhibition or event.
- 3.2.15A certified copy of a policy of Comprehensive General Liability Insurance, issued by an insurance company permitted to issue such policy in the Province of Ontario providing for coverage in the amount of at least \$5,000,000 for injuries, damages, torts, claims, and actions caused by or resulting from the event and naming the Town.
- 3.2.16A deposit from the Applicant by means of a certified cheque in the amount as shown on Schedule "F", payable to the Town, to offset any direct costs borne by the Town which include, but is not limited to, Fire Department response, By-law Enforcement response and Public Works response, including any cleanup of any facility or property. Any costs borne by the Town beyond the deposit amount shall be paid to the Town by the applicant. Any unused portion of this deposit shall be returned to the Applicant following the event.

4. Staff Support

The Director of Recreation (or his or her designate) will be the main contact for events in The Town of The Blue Mountains. This position will provide support to Council sanctioned events to the degree authorized by Council and will coordinate the support of other Town Departments as approved by Council. This position will provide support to the Clerk in matters relating to the verification of all conditions contained in Section 3 as cited in this By-law and issuance of a Permit as described in Section 5 of this By-law.

5. Issuance of Permit

Upon verification that all conditions contained in Section 3 as cited in this By-law have been met and all pertinent documentation is on file, the Clerk of the Town may within seven (7) calendar days issue a Permit. Council shall be made aware in a timely manner of any Permit so issued.

6. Revocation of Permit

At any time prior to the commencement or completion of the event for which a Permit has been issued pursuant to the By-law, the Permit may be revoked by the Clerk by written notice delivered to either the applicant or the address of the applicant as to set out in the application, if:

- 6.1 the Clerk is satisfied that incorrect or false information of a material nature was submitted in support of the application for the Permit, or
- 6.2 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 event are satisfactory, or that the health and sanitation requirements are not being maintained, or
- 6.3 the Commanding Officer of The Blue Mountains Ontario Provincial Police, or his or her designate, acting reasonably, advises the Clerk in writing that notwithstanding any letter provided pursuant paragraph 3(3.2.8) of this By-law, he or she is of the opinion that the arrangements for security and police protection for the event will not be adequate or that arrangements have not been carried out, or
- 6.4 The Chief Fire Official of the Town, 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 event is satisfactory, or
- 6.5 The Council of the Town is satisfied that any of the arrangements of facilities proposed by the applicant for the exhibition or event have not been put in place or carried out and the Council considers it to be a cause of serious concern.

7. Term of Permit

- 7.1 Any Permit issued pursuant to this By-law shall be deemed to authorize only the event for which the application was made, in accordance with the information provided by the applicant.
- 7.2 Any Permit issued pursuant to this By-law may specify or limit the hours during which the event may be held and may contain such other provisions for regulation of the exhibition or event as the Council of the Town, acting reasonably, may consider to be necessary or advisable.

8. Exemptions

- 8.1 The Clerk may, following the request of Council or the Director of Recreation (or his or her designate) with reasons, reduce any part of the Permit Fees as noted in Section 10 of this By-law or waive the Permit Fees in total.

9. Offences:

Any person 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.

10. Fees

Subject to Section 8 of this By-law, Permit Fees shall be as set out the attached Schedule "F", depending on the Event Type being proposed. Final determination of the Event Type shall be the exclusive domain of the Town.

