

This document can be made available in other accessible formats as soon as practicable and upon request

**STAFF REPORT: RECREATION DEPARTMENT**



**REPORT TO:** Infrastructure and Recreation  
**MEETING DATE:** May 14, 2013  
**REPORT NO.:** DOR 13 17  
**SUBJECT:** Special Events By law  
**PREPARED BY:** Shawn Everitt  
 Director of Recreation

**A. Recommendations**

THAT Council receive Staff Report DOR 13 17 “Establishment of a Special Event By-law”, for information purposes; and

THAT Council enact a By-law to Regulate Special Events in the form attached to this Report and to rescind and repeal By-law 2005-34, being a By-law to provide for Road Use Permits for Events.

**B. Background**

In November of 2011, the Infrastructure and Recreation Committee received Staff Report DOR.11.68, Special Events By law Regulation. Staff Report DOR.11.68 recommended directing Staff to implement a Public and Stakeholder Engagement process that included Event producers and to receive input and information to assist in the development of a Special Events By law that would establish regulations and controls for Special Events within the Town.

A Special Event would be defined as a cultural, recreational, educational, concert, festival, and includes a recreational Special Event or other organized public amusement event held within the municipality that requires any exemptions to existing By-laws, other than Zoning By-laws, modification of which requires consideration under the *Planning Act*, or requires a temporary change of use to Town and/or other Agency infrastructure including roads, parking lots and lands for profit or otherwise, with the exception of those Special Events covered by The Town of The Blue Mountains Municipal Alcohol Policy.

Over the past two years staff has successfully used a process for event notification that included working closely with event organizers together with Police, Fire, Engineering and Public Works, Building and By Law, Planning, Grey and Simcoe Counties, Public Health Department and neighbouring municipalities.

The establishment of a Special Events By-law will provide staff with an additional tool to ensure organizers are using this event notification process and allow for appropriate measures to be taken to ensure the proper management of events, including public safety, is in place. 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 and organizer safety, as well as allow for the event to be as successful as possible.

In 2011, the proposed process did not clearly identify the scope of events covered by the By-law. The Special Events By-law as proposed at this time clearly identifies that only the events that require exemptions to existing By-laws will be regulated. Also, exemptions under this By-law include a Special Event which is to be held on lands owned or controlled by a registered religious, Not for Profit or charitable organization or affiliation, following a specific exemption granted by Council in the form of a Resolution of Council. These two points of clarification remedy issues raised in 2011.

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*.

### **C. The Blue Mountains' Strategic Plan**

1. Addressing the Town's municipal infrastructure needs.
2. Supporting the development of social and recreational programs to meet the broad range of needs in the community
3. Providing a strong, well-managed municipal government

### **D. Environmental Impacts**

Safety and control mechanisms would show best practices on behalf of the Town in addressing any concerns related to the organization and presentation of Special Events, including potential environmental impacts.

### **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 would be billed to Special Event organizers through Permit and Inspection Fees.

A Deposit is included as a requirement in addition to a Special Events Permit Fee and the By-law references billing back any additional costs the Town may face beyond the Deposit amount to the Event organizer.

### **F. In Consultation With**

Troy Speck, CAO  
David Finbow, Director of Planning & Building  
John Metras  
Ruth Prince, Manager of Revenue  
Greg Miller, Manager of Building & By-law/CBO  
Sargent Charlie Watts, The Blue Mountains O.P.P.

**G. Attached**

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

Respectfully submitted,

---

Shawn Everitt, Director of Recreation

**For more information, please contact:**

severitt@thebluemountains.ca

519-599-3131 ext 281

**THE CORPORATION OF THE TOWN OF  
THE BLUE MOUNTAINS**

**BY-LAW No. 2013 –**

**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 11 of the Act enables a local municipality to enact By-laws to regulate highways including parking and traffic on highways;

**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** Section 446 of the Act states if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

**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 **"Agencies"** shall include, but not be limited to The County of Grey, Simcoe County, Ministry of Transportation, Grey Bruce Health Unit, The Blue Mountains Fire Department, Ontario Provincial Police and any other Agency that may have jurisdiction.
- 1.2 **"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 Special Event.
- 1.3 **"Council"** shall mean the Council of The Corporation of the Town of The Blue Mountains.
- 1.4 **"Highway"** shall mean a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway.
- 1.5 **"Permit"** shall mean a Permit issued by the Town pursuant to this By-law which shall be deemed to authorize a Special 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 **"Recreational Special Event"** shall include, but shall not be limited to, an organized run, marathon, triathlon, boating race, cycling ride, and cycling race and the Director of Recreation (or his or her designate) shall have the sole determination of what is a Recreational Special Event upon application being made.

- 1.8 **“Special Event”** shall mean a cultural, recreational, educational, concert, festival, and includes a recreational Special Event or other organized public amusement event held within the municipality that requires any exemptions to existing By-laws, other than Zoning By-laws, modification of which requires consideration under the *Planning Act*, or requires a temporary change of use to Town and/or other Agency infrastructure including roads, parking lots and lands for profit or otherwise, with the exception of those Special Events covered by The Town of The Blue Mountains Municipal Alcohol Policy.
- 1.9 **“Special Events Application Form”** shall mean the Application Form for Special Events which will contain the information related to a Special Event for which application has been made and from which Town Staff will have the sole determination if the Special Event for which application has been made is a Type 1, Type 2 or Type 3 Special Event. The Special Event Application Form will be in a format determined by the Director of Recreation and may be revised from time to time.
- 1.10 **“Town”** shall mean The Corporation of The Town of The Blue Mountains.

## 2. Permit Requirements:

- 2.1 No person shall organize, hold or offer a Special Event within the Town and no person shall permit lands within the Town to be used for a Special Event unless a Permit for the exhibition or Special Event has been issued by the Town pursuant to this By-law at least SEVEN (7) calendar days prior to the proposed date for the commencement of the Special Event. Conversely, no Permit shall be required for a Council sanctioned Special Event, held on municipally owned property, to which the Municipal Alcohol Management Policy applies.
- 2.2 No person shall use a Highway for the purpose of organizing, holding or offering a Special Event unless a Permit for the Special Event has been issued by the Town pursuant to this By-law at least THIRTY (30) calendar days prior to the proposed date for the commencement Special Event.

## 3. Application for a Permit:

- 3.1 To obtain a Permit pursuant to this By-law a completed Special Events Application Form shall be submitted to the Director of Recreation of the Town at least FIFTY (50) calendar days prior to the proposed date for the commencement of the Special Event by the Applicant, agent or principal for the Special Event who has lawful authority to bind the person or entity holding the Special Event, where less than 5,000 persons are expected to attend and NINETY(90) 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 applicable fee is paid in the amount specified and contained in the Towns Fees and Charges By law which is reviewed annually.
- 3.2.2 The location at which it is proposed to hold the Special 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.
- 3.2.3 The dates and times proposed for the Special Event.
- 3.2.4 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.
- 3.2.5 A map showing the Highways on which it is proposed to hold the Special Event, proposed routes, including staging, starting and finishing areas, proposed detour routes and parking areas. A site plan to scale of the lands and premises to be used for the Special Event showing the location of the proposed areas and facilities for spectators, motor vehicle parking plan,

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 Special Event. The site plan submitted is not subject to change after the permit has been issued.

- 3.2.6 A description of the Special Event intended to be provided including the type of Special Event, the location where it is to be staged or provided, and the dates and timeframes at which the Special Event is to occur, a statement as to the maximum number of persons who will be Permitted to be in attendance at the Special Event on any given day, together with a description of the means by which attendance will be limited to such a number of persons.
- 3.2.7 The statement of the Applicant attesting to the truth of the information contained in the application.
- 3.2.8 A letter signed by the Manager, Building & By law Services/Chief Building Official ( or his or her designate) of the Town, acting reasonably, confirming that in their opinion, the proposed Special Event will not contravene any Zoning By-law or other By-law within the purview of their office.
- 3.2.9 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 Special Event. This review may require the review and approval of agencies including ut not limited to the Ministry of Transportation, County of Grey and Simcoe County.
- 3.2.10A 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 Special Event including crowd control, traffic control and police protection of the properties in the vicinity of the Special Event and confirming that satisfactory arrangements have been made to the cover the cost of the policing services to be provided.
- 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 Special 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 Special Event.
- 3.2.12A letter from the Emergency Services Manager (ambulance) (or his or her designate) having responsibility for Grey County EMS, acting responsibly, certifying that, in the opinion of the officer, the arrangements by the Applicant for ambulance services will be adequate for the Special Event.
- 3.2.13A description of the reasonable means and the methods proposed by the Applicant to keep noise from the Special Event to a level that will not disturb the inhabitants of the municipality, or a request for an exemption granted by Council from the restrictions the Town's 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 Special Event as a result of issuing a Permit to the applicant for the Special 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 Special Event and naming the Town as an insured party.

3.2.16A deposit from the Applicant by means of a certified cheque in the amount specified and contained in the Towns Fees and Charges By law which is reviewed annually, 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. As a condition of any Permit issued for any Special Event it shall be agreed that any costs borne by the Town beyond the deposit amount shall be paid to the Town by the Applicant and 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 Special Events in The Town of The Blue Mountains. This position will provide support to Council sanctioned Special Events to the degree authorized by Council and will coordinate the support of other Town Departments as approved by Council. This main contact position will provide support to the Town 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 receipt of Application, the Town will provide in writing a status report within 14 working days of receipt of the Application. Following the said status report and 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.

No more than THREE (3) Permits for cycling ride, and cycling race events shall be issued in any calendar year and any such Permits shall be reviewed on a first-come, first serve basis.

No Permits shall be reviewed for any Recreational Special Event proposed to be organized, held or offered on any long weekend.

#### **6. Revocation of Permit:**

At any time prior to the commencement or completion of the Special Event for which a Permit has been issued pursuant to the By-law, the Permit may be revoked by the Town 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 Town 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 of the opinion that the health and sanitation arrangements for the Special Event are not 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(3.2.9) of this By-law, he or she is of the opinion that the arrangements for security and police protection for the Special 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 Special 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 Special Event have not been put in place or carried out and the Council considers it to be a cause of serious concern.

