



Staff Report

Community Services

Report To: Committee of the Whole
Meeting Date: March 18, 2019
Report Number: CSPW.19.011
Subject: Updates to the Town's Special Event By-law 2013-39
Prepared by: Ryan Gibbons, Acting Director of Community Services

A. Recommendations

THAT Council receive Staff Report CSPW.19.011, entitled "Updates to the Town's Special Event By-law 2013-39";

AND THAT Council direct staff to initiate the public consultation process, including the required public meeting for consideration of a new Special Event By-law, to replace the current Special Event By-law 2013-39.

B. Overview

This report outlines revisions to the Town's existing Special Event By-law 2013-39. The revisions are being suggested to better align the by-law with a more comprehensive Special Event Permit process. Due to the number of suggested revisions, Staff recommend that the current By-law 2013-39 be repealed and replaced with a new Special Event By-law.

C. Background

The Town manages Special Events through a Special Event Permit process governed by the Special Event By-law 2013-39 (Attachment 1). The by-law identifies the necessary provisions surrounding special event review approvals, road closures, traffic control management and application requirements.

It is important that this by-law is kept current in order to address changing conditions surrounding risk and liability as well as modifications to the special event permitting process.

D. Analysis

Staff have provided a copy of the new draft Special Event By-law (Attachment 2) for review. A number of the proposed revisions involve administrative updates including changes to staff position titles, grammatical corrections and overall document structure reorganization.

Title

The title of the by-law was changed in order to specify that it apply only to Special Events involving municipally owned property and roadways.

Definitions

The following definitions have been revised from the existing by-law:

- **Agencies:** revised to include “Conservation Authorities”
- **Highway:** revised to include the term “road”
- **Permit:** revised to specify that a permit will authorize a single special event lasting 3 consecutive days
- **Special Event:** revised to include the Town’s Noise By-law in the exemption list
- **Special Event Application Form:** revised to replace special event Type 1, 2 and 3 with Small, Medium and Large Scale terminology

The following definitions have been added to the revised by-law:

- Council Sanctioned Event
- Event Organizer
- Small, Medium and Large Scale Event

Permit Requirements

Changes to this section of the existing by-law include:

- The portion of Section 2.1 of the existing by-law, regarding a Council sanctioned special event not requiring a permit, was moved to the Exemptions section (9.2) of the revised by-law
- Section 2.1 of the existing by-law was revised to allow the Director of Community Services to approve special event permits outside of the stipulated 7 day requirement. This change is intended to allow the Director the necessary flexibility should the need arise.
- Section 2.2 of the existing by-law was revised to allow the Director of Community Services to approve special event permits outside of the stipulated 30 day requirement. This change is intended to allow the Director the necessary flexibility should the need arise.
- Section 2.3 was added to the revised by-law to provide clarification that an individual permit shall only be issued for an event taking place on 3 consecutive days or less unless otherwise approved by the Director of Community Services.

- Section 2.4 was added to the revised by-law to require a pre-consultation process be applied to all applications in order to streamline the permit process and avoid unnecessary reviews by other Town Staff.

Application for Permit

Changes to this section of the existing by-law include:

- Section 3.1 of the existing by-law was revised to increase the minimum number of days before an event that a permit application must be received from 50 to 90 days regardless of the number of persons expected to attend the event. This change was made to provide process consistency and allow for an adequate amount of time for logistical meetings and application review.
- Section 3.2.2 of the existing by-law was revised to remove the requirement to provide the description of the property as contained within the registered deed as this requirement was deemed unnecessary.
- Section 3.2.6 of the existing by-law was revised to remove “the location where it [the event] is to be staged or provided, and the dates and timeframes at which the Special Event is to occur”. This information is requested in other sections within 3.2 of the revised by-law.
- Section 3.2.8 of the existing by-law was revised to remove the requirement that a signed letter be provided from the Manager of Building Services confirming that the event does not contravene any existing by-laws. Section 3.2.8 in the revised by-law requires that all necessary approvals from the Planning and Building Divisions must be included with the application if deemed necessary by the Director of Community Services. This change was made to streamline the application review process while still capturing the necessary approvals that will be identified through the pre-consultation process.
- A section was added to the revised by-law (3.2.9) that requires that Special Event Permits issued by Grey County must be submitted with permit applications that propose the use of any Grey County roads or lands within the municipality.
- The references to signed letters in sections 3.2.9, 3.2.10, 3.2.11 and 3.2.12 of the existing by-law have been revised to “Authorization from” in order to simplify the application review process by requiring authorization sign offs instead of authorization letters.
- Section 3.2.13 of the existing by-law was revised to replace the reference to an exemption to the Town’s Noise By-law “granted by Council” to “an approved request for an exemption”. This change was made to avoid requiring future revisions to this by-law in the event that the process for Noise By-law exemptions approvals should be revised.

- Section 3.2.15 of the existing by-law was revised in order to update the insurance requirements surrounding special events. This change was made in consultation with the Town's Insurance Provider.
- Section 3.2.16 of the existing by-law was removed as the need for a deposit has been deemed unnecessary and will reduce the amount of Staff time required to track, deposit and refund the special event deposit funds.
- A section was added to the revised by-law (3.2.17) that requires that the permit application include the name and contact information, including a phone number, of an Event Organizer. This information is being requested in order to ensure that Staff have an onsite contact to communicate with during the event.

Road Use

An additional section (4), entitled Road Use, has been added to the revised draft by-law. This section outlines the requirements for road use, road closures and traffic control measures. It also delegates authority to the Manager of Roads and Drainage to direct road use (not road closures) and more clearly specifies that no Town road shall be closed or have its use significantly restricted for the purposes of a Special Event without Council approval.

Staff Support

Changes to this section of the existing by-law include:

- Section 4 of the existing by-law was revised to relieve requirements set out for the Town Clerk by redirecting staff support responsibilities to the Director of Community Services.

Issuance of Permit

Changes to this section of the existing by-law include:

- Section 5 of the existing by-law was revised to replace the reference to a "status report" with "written confirmation of receipt of the application and a list of any unmet conditions". This change is being made so the process more accurately reflects the preferred permit issuance process (Section 6.1 of the revised by-law).
- Section 5 of the existing by-law was revised to stipulate that the Director of Community Services shall issue the permit instead of the Clerk (Section 6.2 of the revised by-law).
- A section was added to the revised by-law (6.3) that specifies that permits shall require a resolution of Council for events that require road closures and or that involve significant road use restrictions.
- Section 5 of the existing by-law was revised to provide clarification regarding the restriction for no more than 3 permits for cycling events to be issued per year. This stipulation was revised to include only cycling events that require road closures or

involve requests for relief from the rules of the road and that previous year event applicants have first rights to the annual permits (Section 6.4 of the revised by-law). These changes are being made in order to limit the number of medium to large scale cycling events taking place within the municipality that cause significant traffic delays. The cycling events where participants follow the rules of the road would not count as “cycling events” for the purposes of this section.

- Section 5 of the existing by-law was revised to clarify that no permit shall be issued for events on roadways on any long weekend, with the exception of municipally organized Canada Day events (Section 6.5 of the revised by-law).

Revocation of Permit

Changes to this section of the existing by-law include:

- Section 6 of the existing by-law was revised to stipulate that the Director of Community Services shall revoke a permit instead of the Clerk and that this process be performed through a verbal notification instead of a written notification (Section 7 of the revised by-law).
- A section was added to the revised by-law (7.1) that stipulates that any of the permit authorizing bodies can revoke a permit. Sections 6.3 and 6.4 of the existing by-law specifically identifying the Ontario Provincial Police and the Chief Fire Official were removed as they became redundant.
- Section 6.1 of the existing by-law was revised to stipulate that the Director of Community Services instead of the Clerk is able to revoke a permit if incorrect or false information was provided in the permit application (Section 7.2 of the revised by-law).
- Section 6.2 of the existing by-law was revised to stipulate that the Medical Officer of Health advise the Director of Community Services, instead of the Clerk, that a permit should be revoked (Section 7.3 of the revised by-law).
- Section 6.5 of the existing by-law was revised to remove the reference to Council revoking a permit as this situation would be exceptionally rare and would not be possible without the scheduling of a Council meeting and the production of an associated Council resolution (Section 7.3 of the revised by-law).

Exemptions:

Changes to this section of the existing by-law include:

- Section 8.1 of the existing by-law was revised to stipulate that the Director of Community Services, instead of the Clerk, may reduce or waive permit fees at his/her own discretion or at the direction of Council.

- Section 8.2 of the existing by-law was removed as it involved references to properties not owned by the Town and no longer applied under the revised by-law.
- A portion of Section 2.1 of the existing by-law regarding Council sanctioned events not requiring a permit was moved and included in the revised by-law as Section 9.2.

Offences:

Section 9 of the existing by-law was revised to include the ability to apply administrative penalties.

Fees:

Section 10 of the existing by-law was revised to remove references to special event types 1, 2 and 3 and replace the reference to “Town Staff” with the “Director of Community Services (or designate)”.

E. The Blue Mountains Strategic Plan

Goal #1: Create Opportunities for Sustainability

Objective #1 Retain Existing Business

Objective #2 Attract New Business

Objective #3 Promote a Diversified Economy

Objective #4 Support Value-Added Agriculture and Culinary Tourism

Objective #5 Improved Visibility and Local Identity

Goal #2: Engage Our Communities & Partners

Objective #1 Improve External Communication with our Constituents

Objective #2 Use Technology to Advance Engagement

Objective #3 Strengthen Partnerships

Goal #3: Support Healthy Lifestyles

Objective #1 Promote the Town as a Healthy Community

Objective #4 Commit to Sustainability

Goal #4: Promote a Culture of Organizational & Operational Excellence

Objective #2 Improve Internal Communications Across our Organization

Objective #3 To Consistently Deliver Excellent Customer Service

Objective #4 To Be a Financially Responsible Organization

Objective #5 Constantly Identify Opportunities to Improve Efficiencies and Effectiveness

F. Environmental Impacts

Minimal.

G. Financial Impact

The proposed changes to the existing Special Event By-law will improve the workflow for the Special Event Permitting process and produce staffing efficiencies.

H. In consultation with

Ontario Provincial Police (Blue Mountains Detachment)

Senior Management Team

Corrina Giles, Town Clerk

John Metras, Town Solicitor

Serena Wilgress, Manager of Purchasing and Risk Management

Jim McCannell, Manager of Roads and Drainage

I. Public Engagement

If supported by Council, the topic of this Staff Report will be the subject of a Public Meeting to be scheduled on April 29, 2019. Those who provide comments at the Public Meeting and/or Public Information Centre, including anyone who asks to receive notice regarding this matter, will be provided notice of all associated Staff Reports.

With Council approval, Staff will release the Notice of Public Meeting (Attachment 3) to receive comments from the public on the draft Special Events By-law, in accordance with the proposed timeline noted below:

- April 1, 2019 – Staff Report CSPW.19.011 to be received by Council to confirm direction
- April 2, 2019 – Public Meeting Notice posted at Town Hall and on the Town website
- April 11, 18 and 25, 2019 – Public Meeting Notice to be published in local newspaper
- April 29, 2019 – Public Meeting
- May 22, 2019 – Public Comments to be received by Council in a Staff Report
- June 3, 2019 – Council to consider adopting the new Special Event By-law

J. Attached

1. Special Event By-law 2013-39
2. Draft Special Event By-law
3. Draft Public Meeting Notice

Respectfully submitted,

Ryan Gibbons
Acting Director of Community Services

For more information, please contact:

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THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2013-39

Being a By-law to regulate Special Events

WHEREAS subsection 5(3) of the *Municipal Act 2001*, chapter 25, 8.0. 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 but not limited to the Ministry of Transportation, County of Grey and Simcoe County.
- 3.2.10 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 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 cover the cost of the policing services to be provided.
- 3.2.11 A 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.
- 3.2.12 A 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.
- 3.2.13 A 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.
- 3.2.14 An 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.
- 3.2.15 A 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.

7. Term of Permit:

- 7.1 Any Permit issued pursuant to this By-law shall be deemed to authorize only the Special 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 Special 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.
- 8.2 A Permit under this By-law may not be required for a Special Event which is to be held on lands owned or controlled by a registered religious, Not for Profit organization or charitable organization or affiliation, following a specific exemption granted by Council in the form of a Resolution of Council.
- 8.3 A Permit under this By-law may not be required for a Special Event which is to be held on lands that have an existing license to permit the sale or consumption of alcohol, or on lands that typically have authorization or approval to be a place of entertainment that would require relief to the Noise By law only.

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, Type 1, Type 2 and Type 3 Special Events Permit Fees shall be contained in the Towns Fees and Charges By law which is reviewed annually. It shall be the sole determination of Town Staff, if the Special Event is Type 1, Type 2 or Type 3 according to information received in The Blue Mountains Special Events Application Form so as to determine applicable Fees.

11. 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.

12. Repeal:

That By-law No. 2005-34, being a By-law to provide for Road Use Permits for Events and to regulate the Temporary Closing of Highways, is hereby rescinded and repealed.

This By-law shall come into full force and effect upon final passing thereof.

ENACTED AND PASSED this 16th day of September, 2013

Original Copy Signed

Ellen Anderson, Mayor

Original Copy Signed

Corrina Giles, Clerk

The Corporation of the Town of The Blue Mountains

By-Law Number 2019 –

Being a By-law to Regulate Special Events on Municipal Property and Highways

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 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, County of Simcoe, Ministry of Transportation, Grey Bruce Health Unit, The Blue Mountains Fire Department, Ontario Provincial Police, Conservation Authorities 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 "Council Sanctioned Event" shall mean any event that is approved or organized by Town of The Blue Mountains Council.
- 1.5 "Event Organizer" shall mean the person in charge of the event logistics and to whom the Permit is issued.
- 1.6 "Highway" or "Road" 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.

- 1.7 "Permit" shall mean a Permit issued by the Town pursuant to this By-law which shall be deemed to authorize a single Special Event, lasting 3 consecutive days or less, for which the application was made.
- 1.8 "Person" shall include a corporation, business entity or group, with the exception of a municipally sponsored Services Board.
- 1.9 "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 Community Services (or designate) shall have the sole determination of what is a Recreational Special Event upon application being made.
- 1.10 "Small Scale Event" shall mean an event that requires very little consultation with Town staff and minimal traffic control requirements.
- 1.11 "Medium Scale Event" shall mean an event that requires logistical meetings with Town staff, and/or extensive road use, and/or traffic control or escort requirements.
- 1.12 "Large Scale Event" shall mean an event that requires logistical meetings with Town staff, extensive road use, traffic control and/or escort requirements and involve more than 500 participants.
- 1.13 "Special Event" shall mean a cultural, recreational, educational event, concert, festival, exhibition 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 the Noise By-law, 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.
- 1.14 "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 Small, Medium or Large Scale Special Event. The Special Event Application Form will be in a format determined by the Director of Community Services, or designate, and may be revised from time to time.
- 1.15 "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 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 unless otherwise approved by the Director of Community Services (or designate).
- 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 unless otherwise approved by the Director of Community Services (or designate).

- 2.3 A Permit shall only be issued for an event taking place on three consecutive dates or less, unless otherwise approved by the Director of Community Services.
- 2.4 All Permit applications shall be subject to an initial pre-consultation process where all details and requirements of the event are presented to the Director of Community Services (or designate) by the Applicant or Event Organizer.

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 Town's Director of Community Services, or designate, at least NINETY (90) 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.
- 3.2 The Application for the Permit shall include:
 - 3.2.1 The applicable fee is to be paid in the amount specified and contained in the Town's 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 the municipal address.
 - 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.
 - 3.2.6 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.
 - 3.2.7 A description of the Special Event intended to be provided including the type of Special Event, 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.
 - 3.2.8 All necessary approvals from the Town's Planning and Building Services Divisions must be included with the Permit application if deemed necessary by the Director of Community Services.
 - 3.2.9 A Special Event Permit issued by the County of Grey must be submitted with the Permit application for events that propose to use Grey County roads or lands within the Town.

- 3.2.10 Authorization from the Manager of Roads and Drainage (or 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 but not limited to the Ministry of Transportation, County of Grey and Simcoe County.
- 3.2.11 Authorization from the Commanding Officer (or 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 cover the cost of the policing services to be provided.
- 3.2.12 Authorization from the Fire Chief/Deputy 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 Fire Chief/Deputy personnel 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.
- 3.2.13 Authorization from the Manager of Grey County Paramedic Services (or designate) having responsibility for Grey County Paramedic Services, 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.
- 3.2.14 A 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 an approved request for an exemption from the restrictions the Town's Noise By-law.
- 3.2.15 An 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.
- 3.2.16 A Certificate of Insurance, issued by an insurance company permitted to issue insurance policies in the Province of Ontario, providing coverage in the amount of at least \$5,000,000 dollars for comprehensive general liability, for injuries, damages, torts, claims, and actions caused by or resulting from the Special Event and does not exclude or limit coverage to any portion of the event described. The Certificate of Insurance must reference the name, date and location of the event and list The Corporation of The Town of The Blue Mountains as an additional insured. The Director of Community Services reserves the right to stipulate higher or lower insurance requirements based on the specifications of the event.
- 3.2.17 The name and contact information, including phone number, of an Event Organizer to whom the Permit will be issued.

- 3.2.18 A statement of the Applicant attesting to the truth of the information contained in the application.

4. Road Use:

- 4.1 Council hereby delegates to:
- a) The Manager of Roads and Drainage, the authority for road use, not including road closures, for any period of time for the purpose of holding or putting on of an Event pursuant to a permit, subject to such conditions as may be imposed.
- 4.2 No Town road shall be closed or have its use significantly restricted for the purposes of a Special Event without receiving authorization from Council.
- 4.3 Where a Highway is closed pursuant to the By-law, then a reasonable temporary alternative route shall be provided and kept in repair for traffic and for all property owners who cannot obtain access to their property by reason of such closing.
- 4.4 For Temporary Closings authorized under this By-law pursuant to a Permit;
- 4.4.1 The Applicant shall be responsible for supplying, erecting and removing all barricades, warning devices and detour signs.
 - 4.4.2 Ontario Traffic Manual Book 7 – Temporary Conditions training records shall be provided to the Town at least 10 days before the date of the Special Event for personnel performing temporary closures.
 - 4.4.3 The Director of Community Services, or designate, shall determine when trained Town Staff can be made available to assist with performing temporary closures for the purposes of Council approved Special Events.
- 4.5 Where road use is authorized under the By-law pursuant to a Permit for a race of any kind, such road use shall be one lane only and under the supervision of the Ontario Provincial Police and shall not act to block or impede traffic in any area.
- 4.6 Where a Highway is closed to traffic, there shall be erected at each end of such Highway and, where an alternative route deviates therefrom, a barricade upon which an adequate warning device shall be exposed and kept in good working order continuously and at such points there shall be erected a detour sign indicating the alternative route of vehicular traffic and the said detour sign shall contain a notice that the Highway is closed to traffic.
- 4.7 Every person who uses a Highway closed to traffic by way of the operation of a motor vehicle, does so at his or her own risk and the Town shall not be liable for any damages sustained by a Person using the Highway in contravention of this By-law.
- 4.8 All events that require relief from the rules of the road use, shall incorporate traffic control measures which include a lead and tail Ontario Provincial Police escort unless otherwise approved by the Commanding Officer.

5 Staff Support:

The Director of Community Services (or 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.

6 Issuance of Permit:

- 6.1 Upon receipt of a Special Events Application, the Town will provide written confirmation of receipt of the application and a list of any unmet conditions within 14 working days of receipt of the Application.
- 6.2 Following 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 Director of Community Services may within SEVEN (7) calendar days issue a Permit.
- 6.3 Permits shall require a resolution of Council for events requiring road closures and or involving significant road use restrictions.
- 6.4 No more than THREE (3) Permits for cycling events that require a road closure or a request for relief from the rules of the road use shall be issued in any calendar year and any such Permits shall be reviewed on a first-come, first serve basis with previous year event Applicants having right to first refusal.
- 6.5 No Permits shall be reviewed for any Special Event proposed to be organized, held or offered on roadways on any long weekend, with the exception of municipally organized Canada Day events.

7 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 Director of Community Services (or designate) through verbal notification to the Event Organizer if:

- 7.1 Any of the authorizing bodies identified in Section 3 of this by-law is satisfied that the applicable conditions have not been or will not be met at any point leading up to or during the event, or;
- 7.2 The Director of Community Services (or designate) is satisfied that incorrect or false information of a material nature was submitted in support of the application for the Permit, or;
- 7.3 The Medical Officer of Health, acting reasonably, advises the Director of Community Services (or designate) 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;
- 7.4 The Director of Community Services, acting reasonably, 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 he/she considers it to be a cause of serious concern.

8 Term of Permit:

- 8.1 Any Permit issued pursuant to this By-law shall be deemed to authorize only the Special Event for which the application was made, in accordance with the information provided by the Applicant.
- 8.2 Any Permit 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 or event as the Council of the Town, acting reasonably, may consider to be necessary or advisable.

9 Exemptions:

- 9.1 The Director of Community Services (or designate) shall, with Council direction or his/her own discretion, reduce any part of the Permit Fees as noted in Section 11 of this By-law or waive the Permit Fees in total.
- 9.2 A Permit under this By-law may not be required for a Council sanctioned Special Events, held on municipally owned property, to which the Town's Municipal Alcohol Policy applies.
- 9.3 A Permit under this By-law may not be required for a Special Event which is to be held on lands that have an existing license to permit the sale or consumption of alcohol, or on lands that typically have authorization or approval to be a place of entertainment that would require relief to the Noise By-law only.

10 Offences:

Instead of laying a charge under the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended, for a breach of any provision of this By-law, a Municipal By-law Officer may issue an administrative penalty to the person who has contravened this By-law.

The Municipal By-law Officer has the discretion to either proceed by way of an administrative penalty or a charge laid under the Provincial Offences Act, R.S.O. 1990, c. P. 33. If an administrative penalty is issued to a person for the breach, no charge shall be laid against that same person for the same breach.

The amount of the administrative penalty for a breach of a provision of this By-law, issued under this By-law, is fixed as set out in By-law No, 2019-XX, as amended or any successor by-law.

A person, who is issued an administrative penalty shall be subject to the procedures as provided for in By-law 2019-XX Being a By-law to Regulate Special Events on Municipal Property and Roadways, as amended or any successor by-law.

An administrative penalty imposed on a person pursuant to this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the person to the Municipality and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

11 Fees:

Subject to Section 9 of this By-law, Special Events Permit Fees shall be contained in the Town's Fees and Charges By-law which is reviewed annually. It shall be the sole determination of the Director of Community Services (or designate), using the information received in the Special Events Application Form, to determine applicable Special Event Permit Fees.

12 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.

13 Repeal:

With the enactment of this By-law, By-law 2013-39 is hereby rescinded and repealed.

This By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2019

Alar Soever, Mayor

Corrina Giles, Clerk

DRAFT



Notice of Public Meeting

With regard to Proposed Changes to the Town Special Event By-law 2013-39

April 29, 2019 at 5:00 p.m.

Town Hall, Council Chambers
32 Mill Street, Thornbury, ON N0H 2P0

What is being proposed?

Council of the Town of The Blue Mountains Council will hold a Public Meeting to receive comments on the proposed changes to the Town Special Event By-law 2013-39. The Special Event By-law sets out the rules that regulate special events taking place within the Town of The Blue Mountains.

Staff Report CSPW.19.011 "Updates to the Town's Special Event By-law 2013-39" provides additional information regarding the proposed changes. A copy of the Staff Report is available through the Town's website: www.thebluemountains.ca.

Notice is hereby given that the Council of the Town of The Blue Mountains, at its regularly scheduled Council Meeting on June 3, 2019, intends to adopt a new Special Event By-law and repeal the previous Special Event By-law 2013-39.

Questions? Want more information?

Ask a Staff Member!

Ryan Gibbons, Acting Director of Community Services
519-599-3131 ext. 281
directorcs@thebluemountains.ca

When will a decision be made?

It is important to note that a decision on the draft Special Event By-law has NOT been made at this point, and will NOT be made at this Public Meeting.

Following receipt of comments from the public, Staff will bring its recommendations to Council at the May 22, 2019 Committee of The Whole Meeting.

How can I make my views known about this proposal?

Comments at the Public Meeting aid the Town and Council in their decision making process, so be sure to have your say!

Any person or agency may attend the Public Meeting and/or make verbal or written comments regarding the proposed changes to the Special Event By-law.

How do I submit my comments?

If you would like to submit comments in writing or would like to be notified of a decision on this proposal, submit your written comments or request during regular office hours (Monday to Friday from 8:30 a.m. to 4:30 p.m.) to Corrina Giles, Town Clerk at:

Town Hall, 32 Mill Street, Thornbury, ON
Telephone: 519-599-3131 ext. 232

Comments can also be faxed to Corrina Giles at 519-599-7723, or emailed to townclerk@thebluemountains.ca

Please note that any submitted comments become part of the **public record**, including names and addresses. Written comments are due by **Friday April 26, 2019** so that they may be read at the meeting for the benefit of everyone in attendance.

Under the authority of the Municipal Act, 2001 and in accordance with Ontario's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), all information provided for, or at a Public Meeting, Public Consultation, or other Public Process are considered part of the public record, including resident deputations. This information may be posted on the Town's website. and/or made available to the public upon request.

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