



Staff Report

Community Services

Report To: Committee of the Whole
Meeting Date: May 22, 2019
Report Number: CSPW.19.038
Subject: Special Event By-law 2013-39 Public Meeting Follow Up
Prepared by: Ryan Gibbons, Acting Director of Community Services

A. Recommendations

THAT Council receive Staff Report CSPW.19.039, entitled “Special Event By-law 2013-39 Public Meeting Follow Up”;

AND THAT Council repeal Special Event By-law 2013-39 and replace it with a new Special Event By-law.

B. Overview

This report is a follow up to the required public meeting to establish a new Special Event By-law. No comments were received through the public consultation process.

C. Background

On April 1, 2019 Council approved the recommendations of Staff Report CSPW.19.011 to initiate a public consultation process, including a public meeting for consideration of a new Special Event By-law to replace the Town’s current Special Event By-law 2013-39.

The public meeting took place on April 29, 2019 at 5:00 p.m. at Town Hall.

D. Analysis

There were no comments or concerns received from the public or staff at the Public Meeting held on April 29, 2019.

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

This Staff Report was the subject of a Public Meeting that was held on April 29, 2019. Those who provided comments at the Public Meeting, including those who asked to receive notice regarding this matter, were provided notice of this Staff Report.

The following timeline outlines the process with regards to providing notice to the public:

- April 1, 2019 – Staff Report CSPW.19.011 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 published in local newspaper
- April 29, 2019 – Public Meeting held
- May 22, 2019 – Public Comments received by Council in this Staff Report
- June 3, 2019 – Council to consider adopting the new Special Event By-law

J. Attached

1. Special Event By-law 2019-XX

Respectfully submitted,

Ryan Gibbons
Acting Director of Community Services

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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