

**THE CORPORATION OF THE TOWN OF DESERONTO
BY LAW NUMBER 39-19**

Being A By-Law To Regulate Public Events.

WHEREAS Section 126 of the Municipal Act, R.S.O. 2001 as amended provides that, "Without limiting sections 9, 10 and 11, a local municipality may, regulate cultural, recreational and educational events including public fairs; and prohibit the activities described in clause (a) unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans; and

WHEREAS Section 128 of the Municipal Act, R.S.O. 2001 as amended provides that without limiting sections 9, 10 and 11, a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court.

WHEREAS Section 429 of the Municipal Act, R.S.O. 2001, as amended, provides in part that a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act; and

WHEREAS the Council of the Town of Deseronto deems it appropriate at this time to regulate events in the Municipality.

NOW THEREFORE the Council of the Town of Deseronto hereby enacts as follows:

1.0 Definitions:

The following words shall have the meanings associated therewith.

- 1.1** "Applicant" includes any person who on his own or on behalf of an association, a club, a corporation, or any other group of persons who applies to conduct an event regulated by this By-law and who shall be responsible for the event.
- 1.2** "Clerk" shall mean the Clerk as appointed by Council of the Corporation of the Town of Deseronto
- 1.3** "Council" shall mean the Council of the Corporation of the Town of Deseronto.
- 1.4** "Emergency Plan" means a written plan intended to mitigate damages that may occur to persons and/or property arising from an emergency or risk before, during and after an event, and which outlines the procedures or safeguards to react to those situations together with a plan to advise and train anyone who is assisting with the event in those procedures.
- 1.5** "Event" shall include, but not be limited to, a festival, concert, parade, sporting event, entertainment or production held out-of-doors and to which the general public is admitted and/or where persons are invited to attend.

- 1.6 "Municipality" means The Corporation of the Town of Deseronto.
- 1.7 "Sanitary Facilities" shall mean on site facilities intended for the washing of hands and the use of toilets, of sufficient number to accommodate the number of persons intended to attend or participate at an event.
- 1.8 "Site Plan" means a detailed drawing of the lands on which the event is to be held including the locations of all: entrances, emergency exits, public areas, buildings and/or structures, sanitary facilities, vendors and any booths associated therewith, electrical facilities including lighting, plumbing fixtures and any other feature or thing located on the site or on lands adjacent to the site which as a result of its existence, could impact on or provide a service to persons attending at the event.
- 1.9 "Structure" as defined by Ontario Building Code Act.
- 2.0 **Permits:**
- 2.1 No person shall hold an event within the limits of the Municipality without a permit being issued by the Municipality pursuant to this By-Law.
- 2.2 The authority respecting the issuance of a permit pursuant to this By-law rests with the Council, however this authority may be delegated to the Municipal Clerk where this delegation is deemed expedient.
- 2.3 A complete application for the purposes of obtaining a permit shall be submitted to the office of the Clerk of the Municipality not less than thirty (30) days prior to the proposed date of the event.
- 2.4 For the purposes of this By-law a complete application is deemed to include the approved application form with all required information together with the following mandatory information:
- a written letter of approval from the Ontario Provincial Police;
 - a site plan of the lands where the event is to be held;
 - an emergency plan;
 - a certificate of insurance identifying general liability insurance in the name of the applicant in an amount of not less than Two Million Dollars (\$2,000,000.) per occurrence that will be in effect for the entire duration of the event;
 - The permit fee;
- 2.5 In addition to the mandatory information to be supplied, the following information may be required when certain situations exist with respect to the event:
- a written letter of authorization from the land owner when the event is to be held on lands not owned by the applicant;
 - a written letter of approval from the Ministry of Health when there is food or beverages to be provided or available at the event;
 - a letter from the Electrical Safety Authority (ESA) when electrical fixtures or outlets will be installed;
 - a copy of a contract for the supply of sanitary facilities when there are insufficient sanitary facilities on the land where the event is to be held;
 - a letter of authorization from the Ministry of the Environment when the daily design flow rates for the anticipated sewage disposal exceeds 10,000 litres per day;
 - an accepted written proposal for the supply of security services to ensure the safe and orderly conduct of the event;
 - a copy of a license issued in the name of the applicant for any license issued for the event by the Liquor License Board of Ontario;
 - A refundable deposit in the amount of \$1,000, when the event is to be held on lands owned by the Municipality.

- 2.6 The date affixed to all letters of approval or certificates submitted with the application for the purposes of the event shall not be more than 60 days prior to the date of the event.
- 2.7 The applicant shall apply for and obtain building permits for any structure, as defined by the Ontario Building Code Act, R.S.O. 1992 c.23, as amended, including tent structures (under 3.14 of the Ontario Building Code), and shall provide all required documentation for processing of said permits.
- 2.8 A separate site plan specific for the provision of fireworks shall be required and this site plan shall indicate:
- Expected distances
 - Launch point
 - Spectator area
 - Surrounding topography
 - Safety equipment location
 - Safety Plan and Procedures
 - Contact information of person responsible for the fireworks display together with any and all credentials
- 2.9 The Municipality shall be held harmless of all matters including the erection of all structures and the certificate of insurance to be submitted with the application shall recognize the Municipality as an insured in the amount as stated.
- 2.10 The Municipality may impose such restrictions and/or conditions upon the issuance of the permit that may be deemed necessary and the applicant shall conduct the event in accordance with any restrictions or conditions imposed.
- 2.11 The Municipality may, as a condition of approving a permit for an event, require the applicant to submit a performance bond or letter of credit in the minimum amount of \$10,000 or in such other amount to cover the anticipated costs incurred by the Municipality. This is for providing any services, including the enforcement of any Municipal By-law that may arise from the holding of the event. The applicant shall be entitled to a refund of any portion of the performance bond or line of credit following the completion of the event which was not used by the Municipality for the provision of such services.

3.0 Permit Refusal:

- 3.1 The Municipality may refuse to issue a license when in the opinion of the Municipality:
- The zoning of the property proposed for the event is inappropriate
 - The physical nature of the land upon which the event is to be held is inappropriate
 - Adjacent land uses would conflict or otherwise create an unsafe or undesirable condition for persons attending the event
 - The event would create an unsafe condition for persons and/or property
 - The nature of the event is undesirable due to a history of previous similar events
 - The applicant or organization holding the event has a history of non-compliance with a permit issued for an event
 - The event would cause a conflict with a Municipal By-law, or
 - The event could cause some environmental hazard or other situation that is not consistent with responsible stewardship of the land.

4.0 Appeals:

- 4.1 Any applicant who has been refused a permit or has had a permit revoked, may appeal this decision to the Council in writing clearly stating the reasons for the appeal.

4.2 All appeals shall be received by the Clerk, and shall be received not later than 30 days following the notice of refusal to issue a permit and not less than 15 days prior to the meeting of Council at which the appeal may be heard.

4.3 Council, upon hearing the appeal, may authorize the issuance of the permit, authorize the issuance of the permit with restrictions and/or conditions, direct that certain other documents or information is provided by the applicant prior to the issuance of a permit or refuse the permit.

5.0 Site Restoration:

5.1 Following the conclusion of the event, the event site including all lands, buildings and/or structures associated therewith shall be restored to a state similar to that prior to the holding of the event unless otherwise authorized by the Municipality.

5.2 The Municipality may withhold any amount from the refundable deposit for costs incurred by the Municipality to restore the lands to a state similar to that prior to the event being held.

6.0 Permit Authority:

6.1 The issuance of a permit pursuant to this by-law authorizes the applicant to hold the event in accordance with the location, dates, times and other information contained in the permit unless otherwise specified, and in compliance with all restrictions and conditions imposed with respect to the permit and in compliance with any provincial or federal statutes, regulations and guidelines.

7.0 Permit Fee:

7.1 The Council may at any meeting open to the public, establish or amend a fee relating to the issuance of a permit pursuant to this by-law for the processing of applications.

8.0 Standardized Forms:

8.1 The Council may at any meeting open to the public, establish or amend any standardized form necessary for the implementation of this by-law and such forms shall be authorized by a motion of Council and the establishment or amending of such forms may be conducted without an amendment to this by-law.

9.0 Exemptions:

9.1 The authority provided by this By-law shall not apply to an event that is held by one or more of the following:

- a A sports association that has a mandate to provide sports or recreational opportunities of which the majority of the membership is comprised of residents of the Municipality;
- b A church or religious association where the primary place of worship is located in the Municipality;
- c An association whose mandate is to provide for educational opportunities or benefits or to assist an educational facility in the provision of educational opportunities or benefits for the youth of the Municipality;

10.0 Enforcement:

10.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under authority of this By-law.

- 10.2** Every person found to be holding an event when no permit has been issued to authorize the event, shall cause the event to be discontinued immediately.
- 10.3** Every person holding an event not in compliance with this By-law or not in compliance with a restriction or condition imposed with respect to a permit issued pursuant to this By-law, and upon being notified of the nature of the non-compliance shall cause the event to be conducted in compliance with this By-law or the restriction or condition imposed.
- 10.4** The Municipality may at any time prior to the completion of the event, revoke any permit issued for the holding of the event if the applicant fails to hold the event in strict compliance with the restrictions and/or conditions imposed with the issuance of the permit or fails to provide any service of thing as provided for in the application.

11.0 Severability:

- 11.1** If the decision of any court deems any provision or requirement of this By-law, or the application of this By-law to any person to be invalid or unenforceable, this decision shall not affect any other provision or requirement, and the balance of this by-law shall remain in full force and effect.

12.0 Effective Date:

- 12.1** This By-law shall be deemed to have come into effect following third reading and adoption by the Council of the Corporation of the Town of Deseronto.

This By-law having been read a first, second and third time is hereby adopted this 22 day of May 2019.

Dan Johnston, Mayor

Christine Martin, CAO/Clerk-Treasurer