

The Corporation of the City of Kawartha Lakes

Office Consolidation of By-Law 2013-197

Consolidated on December 22, 2016

Passed by Council on November 12, 2013

Amendments:

- | | | |
|----|-----------------|--|
| 1) | By-law 2013-197 | November 22, 2016
Section 3.02 3.04
Schedule A |
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Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

The Corporation of the City of Kawartha Lakes

By-Law 2013-197

A By-Law Regulating Special Events

Recitals

1. The *Municipal Act, 2001, S.O. 2001 c.25*, as amended, authorizes municipal councils to pass by-laws regulating cultural, recreational and educational events, including public fairs, and requiring permits to be obtained for such special events.
2. The authority includes but is not limited to: the power to issue licences, to issue licences on condition, to revoke licences, to suspend licences, to regulate or govern the place used in the carrying on of such business, and to prevent the carrying on of such businesses without a licence.
3. Section 425(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, is guilty of an offence.
4. Section 429(1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may establish a system of fines for offences under a by-law passed under the *Municipal Act, 2001, S.O. 2001, c.25*, as amended.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2013-197.

Section 1.00: Definitions and Interpretation

1.01 **Definitions**: In this by-law,

“**agricultural fair**” means an agricultural or horticultural exhibition hosted by a local agricultural society or similar organization.

“**Chief Building Official**” means the person within the City’s administration who fulfills the function of the chief building official as required by the *Building Code Act, 1992, S. O. c.23*, as amended or his or her delegate.

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

“City Clerk” means the person appointed by Council to carry out the duties of the municipal clerk under section 228 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended.

"Council" or "City Council" means the Council of the City of Kawartha Lakes.

“Fire Chief” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another employee appointed by Council to serve as fire chief.

“Director of Public Works” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another employee appointed by Council to carry out these responsibilities.

“fairground” means land used in the operation of an agricultural society incorporated and in good standing under the provisions of the Agricultural and Horticultural Organizations Act, 1988.

“Licensing Officer” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another employee designated by Council to carry out these responsibilities.

“Manager of Customer Services” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

“Manager of Municipal Law Enforcement” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another employee designated by Council to carry out these responsibilities.

“Emergency Services Chief” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another office designated by Council to administer ambulance services.

“Medical Officer of Health” means the medical officer of health of the Haliburton Kawartha Pine Ridge District Health Unit and his or her delegate(s).

“motor vehicle” includes an automobile, bus, truck, motorcycle and any other vehicle propelled or driven other than by muscular power.

“Municipal Act” means the *Municipal Act, 2001, S.O. 2001 c.25*, as amended.

“municipal law enforcement officer” means a person appointed by Council under the *Police Services Act R.S.O. 1990, c.P15*, as amended to enforce the by-laws of the City.

“occupant” means a person who is in possession of a property or part of a property, for example, as a result of a tenancy agreement.

“owner” means the registered owner of the property on which a proposed special event is to be held or the authorized agent of the owner.

"person" includes a corporation, organization and association as well as an individual or natural person.

“Police Chief” means the police chief or commanding officer of the police service that provides police services to the property on which a proposed special event is to be held and his or her delegate(s).

“property” means one or more contiguous parcels of land and any buildings or other structures on the land.

“special event” or **“event”** means any cultural, recreational or educational event of limited duration, including an exhibition, show, display, concert, festival, race, competition, public entertainment, parade and any other organized public amusement, whether free or for a fee.

“special event permit” or **“permit”** means a permit authorizing the holding of a special event, and includes any conditions imposed as a condition of obtaining and continuing to hold the permit and any agreements respecting the special event that are attached to the permit.

‘Consolidated Fees By-law’ means City of Kawartha Lakes By-law 2016-206 or if it has been repealed any subsequent City of Kawartha Lakes By-law known as the Consolidated Fees By-law.

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1.02 **Interpretation:**

- a) The regulations established by this by-law apply to special events throughout the City.
- b) The words “includes” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- (c) Wherever this by-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

1.05 **Conflicts:** If a provision of this by-law conflicts with a provision of any applicable Act, regulation or by-law, the provision that establishes the higher or more restrictive standard to protect the health, safety and welfare of the general public shall prevail.

Section 2.00: Special Event Policies

2.01 **Special Event Permit:** No person shall hold or cause or permit the holding of a special event with an attendance of more than 350 people per day unless a special event permit has been obtained from the City.

2.02 **Applicable Law:** No permit shall be issued for a special event that would contravene the provisions of the zoning by-law that applies to the property, of any other applicable by-law, or of a provincial or federal statute.

2.03 **Permit not Required:** A permit is not required for:

- a) an agricultural fair or other event held on a fairgrounds;
- b) a race held on a track with a valid licence from the City; or
- c) an auction sale or other special sales event.

2.04 **Exemptions:** A permit is not required for a special event held:

- a) in premises with a valid licence or special occasion permit to sell alcoholic beverages, provided that the attendance does not exceed the permitted occupancy of the premises;
- b) on a municipal highway in accordance with a written agreement with the City;

- c) on a provincial highway in accordance with a written agreement with the Ministry of Transportation;
- d) in a provincial park in accordance with a written agreement with the Ministry of Natural Resources;
- e) in a park or a cultural or recreational facility owned or occupied by the City in accordance with a written agreement, in the form of a facility booking permit, with the City;
- f) in a park or a cultural, recreational or educational facility owned or occupied by a local board, school board or conservation authority in accordance with a written agreement with the owner or occupant;
or
- g) in a theatre, arena, community centre, hall or other enclosed structure in accordance with a written agreement with the owner or occupant, provided that notification of the special event is given in advance to the Licensing Officer.

Section 3.00: Special Event Permit Requirements

3.01 **Permit Application:** Every person who proposes to hold a special event requiring a permit shall, at least 60 days before the date on which it is to be held, apply to the Licensing Officer for a special event permit by submitting:

- a) a completed application in the form provided by the City; and
- b) a description of the proposed special event, including the type of event, the property to be used, the date(s) and times, and a site plan indicating how the property is to be used for the event.

3.02 **Requirements:** If the Licensing Officer is satisfied that the use of the property for the proposed special event would not contravene the zoning by-law or any other applicable by-law, the applicant shall be required, at least 60 days before the date of the proposed special event, to submit a fee as set out in Schedule B-3 to the Consolidated Fees By-law payable to the City, and documentation from:

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- a) the owner or occupant of the property, if the applicant is not the owner or occupant, confirming that the applicant has been granted permission to hold the proposed special event on the property;
- b) the Medical Officer of Health confirming that the applicant's proposed arrangements for occupational and environmental health appear to be adequate;
- c) the Police Chief confirming that the applicant's proposed arrangements for security and police protection, including crowd control, traffic control and protection of adjacent properties, appear to be adequate and that, if deemed necessary, the applicant has submitted to the police service a deposit, bond or other security in an amount sufficient to cover the police service's anticipated costs of providing police services at the event;
- d) the Fire Chief confirming that the applicant's proposed arrangements for fire protection and prevention appear to be adequate;
- e) the Emergency Services Chief confirming that the applicant's proposed arrangements for ambulance services appear to be adequate;
- f) the Director of Public Works confirming that the applicant's proposed arrangements for traffic, parking, municipal public utilities and the collection and disposal of waste appear to be adequate;
and
- g) the head of any other governmental or private body affected by the proposed special event, as identified by the Licensing Officer, confirming that the applicant's proposed arrangements for dealing with matters of interest to that body appear to be adequate.

- 3.03 **Deposit:** If deemed necessary, the applicant shall be required to submit to the City a deposit, bond or other security in an amount sufficient to cover the City's anticipated costs of providing services, other than police services, at the event, including the costs of enforcing the City's by-laws.
- 3.04 **Issuance of Permit:** The Licensing Officer shall issue a special event permit to the applicant if he or she has determined that the use of the property for the proposed special event would not contravene the zoning by-law or another applicable by-law, and if the applicant has submitted:
- a) a completed application in accordance with subsection 3.01 at least 60 days before the date of the proposed event;
 - b) the permit fee as set out in Schedule B-3 to the Consolidated Fees By-law, and other required documentation in accordance with subsection 3.02 at least 60 days before the date of the proposed event;
 - c) any deposit, bond or other security required by the police service and City in accordance with subsections 3.02(c) and 3.03;
 - d) the full amount of any outstanding amounts owed to the City as a result of a previously permitted special event;
 - e) a certificate of insurance proving that the applicant has obtained General Liability insurance from an insurer authorized by law to underwrite such insurance in the Province of Ontario in respect of the proposed special event. Such coverage shall be in an amount not less than two million (\$2,000,000) dollars for the duration of the event and including at least one day prior to its commencement and at least one day after its conclusion. Such insurance shall include but is not limited to bodily injury including death, personal injury and property damage including loss of use thereof, contractual liability and contain a cross liability / severability of interest clause. The policy shall name the Corporation of the City of Kawartha Lakes as an additional insured in order to protect the City against all liability; and
 - f) an agreement executed by the applicant indemnifying the City and its councillors, officers, employees and agents from all costs, expenses, damages, claims and actions that are caused by or that result from the holding of the proposed special event.
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- 3.05 **Conditions:** A special event permit issued to an applicant may include conditions imposed by the Licensing Officer, at his or her sole discretion, as a condition of obtaining and holding the special event permit.
- 3.06 **Compliance:** Every person to whom a special event permit has been issued shall be responsible for ensuring that the event is held in a manner that complies with all terms and conditions of the permit and all applicable municipal by-laws and provincial and federal statutes and regulations.
- 3.07 **Changes to Arrangements:** Every person to whom a special event permit has been issued shall notify the Licensing Officer, in writing, of any proposed changes to the arrangements for the event at the earliest possible opportunity.
- 3.08 **Amended Permit:** The Licensing Officer shall amend the special event permit in writing if the proposed changes to the arrangements for the event are deemed to be acceptable.
- 3.09 **Permit Revocation:** A special event permit may be revoked at any time by the Licensing Officer, at his or her sole discretion, if:
- a) the Licensing Officer determines that any information or documentation submitted as part of the permit application is false;
 - b) the permit holder does not comply with the conditions included in the permit;

- c) the Medical Officer of Health identifies a specific health hazard relating to the special event;
 - d) the permit holder changes the arrangements for the special event without obtaining an amendment to the permit from the Licensing Officer in accordance with subsection 3.08; or
 - e) the Licensing Officer or a Municipal Law Enforcement Officer determines that any of the arrangements proposed in support of the permit application have not been implemented; or
 - f) the Licensing Officer or a Municipal Law Enforcement Officer determines that a provision of this by-law, of another applicable by-law, or of a provincial or federal statute is being contravened.
- 3.10 **Refund of Deposits:** The Licensing Officer shall refund any funds submitted to the City by the applicant in accordance with subsection 3.03 that remain after the total costs incurred by the City in providing services at the special event have been determined and deducted.
- 3.11 **Summary of Municipal Costs:** Upon request, the Licensing Officer shall provide the applicant with a written summary of the costs incurred by the City in providing services at the special event.
- 3.12 **Permit Fees:** Despite subsection 3.02, the permit application fee may be waived or refunded to the applicant, with the approval of City Council, if a proposed special event is to be held by or on behalf of a registered charitable organization.

Section 4.00: Enforcement and Penalties

- 4.01 **Enforcement:** Municipal Law Enforcement Officers, Police, the Licensing Officer or any person appointed by council may enforce this by-law.
- 4.02 **Obstruction:** No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this by-law.
- 4.03 **Offence and Penalty:** Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 4.04 **Offence and Penalty:** Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
- 4.05 **Corporation:** A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this by-law is guilty of an offence and upon conviction is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
- 4.06 **Multiple Offences:** The conviction of a person for the contravention or breach of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued breach or contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.
- 4.07 **Court Order:** If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Section 5.00: Administration and Effective Date

- 5.01 **Administration**: The Manager of Customer Services is responsible for the administration of this by-law.
- 5.02 **Effective Date**: This by-law shall come into force and take effect on January 1, 2014.
- 5.03 **Caveat**: Any regulation process tied to a special event underway prior to the passage of this by-law shall follow the process described in By-law 2005-284, as amended, providing the disposition is carried through by December 31, 2013 at which point this By-law will apply.

By-law read a first, second and third time, and finally passed this 12th day of November, 2013.

Ric McGee, Mayor

Judy Currins, City Clerk



2013-197 Set
Fines.pdf

Schedule "A"
to the Special Event By-law 2013-197
of the Corporation of the City of Kawartha Lakes

Licence Fees

In accordance with Schedule B-3 to the Consolidated Fees By-law.

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