

CORPORATION OF THE TOWNSHIP OF KILLALOE, HAGARTY AND RICHARDS

BY-LAW NO. 13-2021

Being a By-Law to repeal and replace By-Law-19-2002 to regulate and licence special events;

WHEREAS Section 10 of the Municipal Act, 2001, SO 2001, c 25 provides that by-laws may be passed for the health, safety, and well-being of persons;

AND WHEREAS Section 126 of the Municipal Act, 2001, SO 2001, c. 25, authorizes a municipality to regulate cultural, recreational and educational events and to issue permits for such events, and to impose conditions for obtaining, continuing to hold and renewing such permits including requiring the submission of plans;

AND WHEREAS it is desirable and in the best interest of the municipality and its inhabitants that a by-law is passed to regulate and licence the conduct of Special Events as defined herein;

NOW THEREFORE the Council of the Corporation of the Township of Killaloe, Hagarty and Richards enacts as follows:

1. DEFINITIONS

In this By-Law:

- (a) “Applicant(s)” shall mean a person who has signed an application for licence submitted pursuant to this By-Law.
- (b) “Council” shall mean the Council of the Corporation of the Township of Killaloe, Hagarty and Richards.
- (c) “Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for our used by the general public for the passage of vehicles and includes the entire right-of-way.
- (d) “Intersection” means the area embraced within the projections or connection of the lateral boundary lines of two or more highways that meet one another at an angle, whether or not one highway crosses the other.
- (e) “Person” shall include an individual, any form of association of individuals and a corporation.
- (f) “Roadway” means that part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder and, where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively.
- (g) “Sidewalk” means all parts of a highway set aside for use by pedestrians or which is used by the general public for the passage of pedestrians.
- (h) “Special Event” means a demonstration parade, sports event, festival, carnival, street dance, residential block party, sidewalk sale, outdoor mass, farmers market, flea market, concert, production or other like events within the municipality, to which the general public is invited or admitted, and to which it is intended that 30 or more people will attend for profit or otherwise.

2. REQUIREMENT FOR LICENCE

- (a) No person shall hold a special event within the municipality unless a licence for the special event has been issued by the CAO/Clerk-Treasurer of the municipality pursuant to this By-Law.
- (b) No person shall permit any lands within the municipality to be used for a Special Event unless a licence for the special event has been issued by the CAO/Clerk-Treasurer of the municipality pursuant to this By-Law.

(c) No person taking part in any special event shall, during such special event, halt, stop or congregate in such a manner as to obstruct a highway, intersection, roadway, or sidewalk.

(d) The applicant(s) to whom a permit is issued under this by-law shall ensure that all persons participating in the special event shall adhere to all provisions, rules, and regulations of this by-law and any special event permit.

3. APPLICATION FOR LICENCE

- (a) To obtain a licence pursuant to this By-Law a written application shall be submitted to the CAO/Clerk-Treasurer of the municipality at least (28) calendar days prior to the proposed date for commencement of the Special Event.
- (b) The application for licence shall name and be signed by:
 - (i) each person who proposes to hold or put on or conduct the Special Event and each person who is an owner of the fee simple or any leasehold interest in the lands on which it is proposed to hold the Special Event: a current address, email address and telephone number for each applicant(s) shall be included.
- (c) The application for licence shall include:
 - (i) the location and size of the area at which it is proposed to hold the Special Event, including both the municipal civic address and the description of the property;
 - (ii) the date(s) proposed for the Special Event;
 - (iii) particulars of the facilities and arrangements to be implemented for: the handling of food, toilet and sanitary requirements and garbage disposal;
 - (iv) a sketch of the lands and premises to be used for the Special Event, showing the location of the proposed entertainment areas and facilities for spectators, motor vehicle parking, areas and facilities for preparation, sale and consumption of food or refreshments and for the exhibition or sale of goods or services, areas of camping, tenting, toilets and other sanitary services, and any other uses and facilities incidental to the Special Event;
 - (v) a statement as to the maximum number of persons expected to be in attendance at the Special Event at each day;
 - (vi) the declaration of each applicant(s) attesting to the truth of the information contained in the application and confirming that they have read the By-Law;
 - (vii) the application form attached hereto as Schedule “A” together with such application fee as per section 3 (c)(xvi);
 - (viii) a copy of a letter to the OPP (Killaloe Detachment), advising them of the Special Event, and outlining the arrangements that have been made to provide adequate security for the Special Event, including crowd control, traffic control and the protection of properties in the vicinity of the Special Event;
 - (ix) a copy of a letter to the Medical Officer of Health having jurisdiction in the municipality in which the Special Event will be held, informing the Medical Officer of Health of the Special Event;
 - (x) a copy of a letter to the Chief Fire Official of the municipality, informing him/her of the Special Event;
 - (xi) a copy of a letter to the Chief Building Official of the municipality, informing him/her of the Special Event;
 - (xii) a description of the means and methods proposed by the applicant(s) to keep noise from the Special Event to a level that will not disturb the inhabitants of lands and premises in the vicinity of the Special Event;
 - (xiii) an agreement executed by the applicant(s) covenanting to indemnify and save harmless the Corporation of the Township of Killaloe, Hagarty and Richards, its officials, agents and employees from all costs, expenses, damages, claims and actions, caused by or resulting from the Special Event or as a result of issuing a licence to the applicant(s) for the Special Event;

- (xiv) a certified copy of a policy of comprehensive general liability insurance issued by an insurance company licenced to issue such policy in the Province of Ontario providing for coverage in the amount of at least Five Million Dollars (\$5,000,000.00) for injuries, damages, torts claims and actions caused by or resulting from the Special Event, and naming the applicant(s) and the Corporation of the Township of Killaloe, Hagarty and Richards as the insured parties, such coverage to be in effect for the period of the event;
- (xv) should the applicant(s) be a Corporation or a Non-Profit Corporation, a copy of the Articles or By-Laws of the Corporation, or Non-Profit Corporation, if so, must be provided if requested by the CAO/Clerk-Treasurer;
- (xvi) an application fee in the form of cash, certified cheque or money order payable to the Corporation of the Township of Killaloe, Hagarty and Richards in the amount of One Hundred Dollars (\$100.00).

4. ISSUANCE OF LICENCE

- (a) Upon verification that all the conditions of Section 3(a) to (c) inclusive of this By-Law have been met and provided, the CAO/Clerk-Treasurer, acting reasonably, has no reason to believe that the carrying on of the Special Event will result in a breach of any law, or may be in any way adverse to the public interest, the CAO/Clerk-Treasurer of the municipality shall issue the licence with such modifications and conditions as determined in their sole in absolute discretion with consideration being given to the best interests of the municipality.
- (b) The CAO/Clerk-Treasurer may refuse to issue a licence when it is the opinion of the CAO/Clerk-Treasurer that;
 - i. the zoning of the lands proposed for the Special Event are inappropriate;
 - ii. the physical nature of the lands proposed for the Special Event are inappropriate;
 - iii. adjacent land uses would conflict or otherwise create unsafe conditions for persons and/or property;
 - iv. the nature of the event is undesirable due to a history of previous similar events;
 - v. the applicant holding the event has a history of non-compliance with this By-law;
 - vi. the event would be in conflict with any by-law, legislation, Government Order of Government directive; or
 - vii. the event would cause an environmental hazard.
- 5. A licence issued under this By-Law may not be transferred except with the consent of the Corporation of the Township of Killaloe, Hagarty and Richards expressed in the form of a resolution of the Council.

6. REVOCATION OF LICENCE

At any time prior to the completion of a Special Event for which a licence has been issued pursuant to this By-Law, the licence may be revoked by the CAO/Clerk-Treasurer of the municipality by written notice delivered to any applicant(s) or to the address or email address of any applicant(s) as set out in the application for licence:

- (a) If the CAO/Clerk-Treasurer has determined that incorrect or false information of a material nature was submitted in support of the application for licence;
- (b) If the CAO/Clerk-Treasurer determines that there has been a breach of this by-law by any applicant(s); or
- (c) If there is a real and substantial concern for the safety of the general public; or
- (d) If there is a reasonable probability that the special event will breach any law or will be adverse to the general public interest.

For greater certainty, if a licence has been revoked, the licence is deemed to be no longer "issued."

7. TERMS OF LICENCE

- (a) Any licence issued pursuant to this By-Law shall be deemed to authorize only the Special Event for which application was made, in accordance with the information provided by the applicant(s).
- (b) Any licence issued pursuant to this By-Law may contain such provisions for regulations of the Special Event as the Council of the municipality, or the CAO Clerk-Treasurer may consider to be necessary or advisable.

8. APPEAL

- (a) Any applicant who does not agree with the terms imposed in a licence or has been refused a licence or has had a licence revoked, may appeal this decision to Council in writing clearly stating the reasons for the appeal.
- (b) All appeals shall be received no later than 30 days following the issuance of the licence, the notice of refusal to issue a licence, and/or licence revocation as applicable.
- (c) Council, upon hearing the appeal may authorize the issuance of the licence, authorize the issuance of the licence with restrictions and/or conditions, direct that certain other documents or information is provided by the applicant prior to the issuance of a licence or refuse the licence.

9. OFFENCES

- (a) This By-Law may be enforced by a police officer or a municipal by-law enforcement officer.
- (b) Any person(s) who contravenes any of the provisions of this by-law is guilty of an offence.
- (c) Every person(s) who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990 c.P. 33, as amended.
- (d) When a person(s) has been convicted of an offence under this by-law, the Ontario Court of Justice; or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person(s) convicted, make an order prohibiting the continuation or repetition of the offence by the person(s) convicted.

10. 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 the By-Law as a whole, nor any part thereof, other than the part declared invalid.

11. By-Law 19-2002 is hereby repealed.
12. This By-Law does not apply to Special Events held by the municipality.
13. This By-Law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Township of Killaloe, Hagarty and Richards.

Read a third and final time and passed this _____ day of _____, 2021.

Mayor

CAO/Clerk-Treasurer

SCHEDULE 'A'
TO
BY-LAW NUMBER 13-2021

Being a By-Law to regulate and license Special Events

1) DATE: _____

NAME OF APPLICANT(S): _____

ADDRESS AND E-MAIL ADDRESS:

PHONE NUMBER: _____

LOCATION OF EVENT AND SIZE OF AREA ON WHICH THE EVENT
WILL BE HELD

(Section 3 (c)(i))

DATE OF EVENT _____
(Section 3 (c)(ii))

2) FACILITIES / ARRANGEMENTS FOR THE FOLLOWING:

(Section 3) (c)

a) HANDLING OF FOOD

b) TOILET AND SANITARY REQUIREMENTS

c) GARBAGE DISPOSAL

d) SECURITY (Crowd and Traffic Control)

3) SKETCH OF LANDS TO BE INCLUDED: _____

(Section 3 (c)(iv) Indicate location of entertainment, spectators, motor vehicle parking, food/refreshments, sale of goods/services, camping, sanitary services)

4) ESTIMATED NUMBER OF ATTENDEES 3(v):

5) LETTERS OF COMPLIANCE (to be filed with the application)
(Section 3 (c)(viii – xi):

ONTARIO PROVINCIAL POLICE _____
(Killaloe Detachment)

MEDICAL OFFICER OF HEALTH _____
(Renfrew County & District Health Unit)

CHIEF FIRE OFFICIAL _____
(Township of Killaloe, Hagarty and Richards)

CHIEF BUILDING OFFICIAL _____
(Township of Killaloe, Hagarty and Richards)

6) DESCRIPTION OF THE MEANS/METHODS TO KEEP NOISE TO A LEVEL
THAT WILL NOT DISTURB INHABITANTS IN THE VICINITY:
(Section c)(xii)

7) AGREEMENT BY APPLICANT COVENANTING TO INDEMNIFY AND
SAVE HARMLESS THE CORPORATION: _____
(Section 3(c)(xiii))

8) CERTIFIED COPY OF COMPREHENSIVE GENERAL LIABILITY
INSURANCE: _____
(Section 3(c)(xiv))

9) LICENCE FEE (Payment to be included with application): _____
(Section 3(c)(xv))

10) DECLARATION
(Section 3(c)(vi))

As the applicant(s)/owner named above, I hereby make this application and confirm
that I have read By-Law Number 13-2021 agree to abide by its regulations.

DATED THIS _____ DAY OF _____, _____.

Applicant(s)

Applicant(s)

Owner(s)

Owner(s)

THIS LICENCE IS HEREBY GRANTED AND IS IN EFFECT FOR THE PERIOD

CAO/Clerk-Treasurer