

**THE CORPORATION OF THE TOWNSHIP OF
OTONABEE-SOUTH MONAGHAN**

BY-LAW NUMBER 2014-49

Being a By-law to regulate and Licence exhibitions held for hire or gain within
the Corporation of the Township of Otonabee-South Monaghan

Whereas the Council of the Corporation of the Township of Otonabee-South Monaghan considers it to be in the public interest to provide for the regulation and licensing of exhibitions held for hire or gain in the municipality;

And Whereas Section 150 of the Municipal Act, S.O. 2001, c.25 as amended, provides that a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

And Whereas Section 150 (b) of the Municipal Act S.O. 2001, c.24 as amended, provides that businesses that may be licensed, regulated and governed include exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;

And Whereas Section 151(1) of the Municipal Act, S.O. 2001, c.24 as amended, permits a municipality to exercise its licensing powers under this section, including imposing conditions, for one or more of the following purposes:

1. Health & Safety;
2. Nuisance control;
3. Consumer Protection;

Provided the by-law contains an explanation as to the reason why the municipality is licensing the business or imposing the conditions and how these reasons relate to the foregoing purpose;

And Whereas Section 128 of the Municipal Act, S.O. 2001, authorizes Council to prohibit and regulate those matters that, in the opinion of Council are public nuisances;

And Whereas having determined that concerts, festivals and events organized for the purpose of entertainment or amusement that attract large numbers of people have the potential to create problems related to the health and safety of those who attend as well as for other members of the community, and to cause a public nuisance, Council deems it desirable and in the best interest of the municipality and its inhabitants to license, regulate and govern certain types of events and activities.

1. **Definitions and Interpretations**

Definitions: In this By-law:

“AGCO” means the Alcohol and Gaming Commission of Ontario.

“Applicant” means the person making application for issuance of a License to operate a Special Event in the Township of Otonabee-South Monaghan.

“Building Department” means the Building Department for the Township of Otonabee-South Monaghan.

“CEMC” means the Community Emergency Management Co-ordinator or Alternate for the Township of Otonabee-South Monaghan.

“Certificate of Insurance” means a document issued by an insurance company that certifies that an insurance policy has been purchased for the Special Event, or which applies to the property on which the Special Event shall occur, and which provides an abstract of the liability provisions of the insurance contract.

“Charitable Organization” means an organization that provides for the Relief of Poverty, The Advancement of Education, The Advancement of Religion, or other charitable purposes beneficial to the community which does not fall under the three classifications.

“Clerk” means the Clerk appointed by the Council of the Corporation of the Township of Otonabee- South Monaghan or such other designate as may be appointed in writing for the purposes of administering this By-law.

“Community Event” means an event which is held for or which benefits the residents or local area within the Township of Otonabee-South Monaghan.

“Council” means the Council of the Corporation of the Township of Otonabee-South Monaghan.

“Emergency Response Plan” is a formal written plan, developed by the sponsor, that identifies potential emergency conditions at the event site and prescribes the procedures to be followed to minimize or prevent loss of life and property and fire safety plan.

“Fee” for admission means any charge, whether direct or indirect, which entitles a person to the entertainment provided and includes a fee for admission to the location at which the Special Event is being held, a membership fee and any

other charge which entitles a person to the entertainment as all incidental right or privilege.

“Fire Department” means the Department of Fire and Emergency services of the Township of Otonabee-South Monaghan.

“Fireworks” means a combustible or explosive device for producing a striking display of light or a loud noise, used for signaling or as part of a celebration.

“License” means a license issued by the Township for the regulated operation of a vehicle, business or trade, or to hold an event or a charitable gaming event in accordance with a By-law of the Township or under Provincial Statute.

“Major Event” means an exhibition, concert, festival or other organized event, held for profit or otherwise, with more than 250 people in attendance.

“MNR” means the Ontario Ministry of Natural Resources.

“Municipality” means the Corporation of the Township of Otonabee-South Monaghan.

“Not-for-Profit Event” means an event or activity of a community group or not-for-profit organization that is held without monetary gain or for the sole purpose of fundraising.

“Officer” means an OPP Officer, the Municipal Law Enforcement Officer, or other Officers appointed by the Township.

“OPP” means the Ontario Provincial Police.

“Paramedic Services” means the County of Peterborough Emergency Medical Services.

“Person” means an individual, any form of association of individuals and a corporation.

“Special Event” means an exhibition, concert, festival or other organized public amusement held for profit or otherwise and without limiting the meaning of the term, includes a gathering at which:

- (i) entertainment is provided to persons who attend;
- (ii) persons who attend are required to pay a Fee for admission; and

- (iii) the entertainment or the persons to whom the entertainment is being provided or both, are located outdoors or in a location which is not entirely within a hall, arena, theatre or other enclosed building.

“Township” means the Corporation of the Township of Otonabee-South Monaghan.

“Township Facility” means any land owned or leased by the Township of Otonabee-South Monaghan which is accessed by or provided for public use, including but not limited to an arena, community hall, park or green space, parking lot, public library, office, opened and unopened road allowances and those under agreement with Recreational Clubs.

“Zoning” means the zoning applied to land in accordance with the Township’s current zoning by-law.

2. **Scope**

- 2.1 This By-law has been enacted to ensure public safety, to control noise, traffic, odour and nuisance, to mitigate any negative impact on the community, and to ensure that the Township is able to prepare and respond where necessary.

3. **Regulations**

- 3.1 No person shall hold or permit to be held a Special Event within the Township of Otonabee-South Monaghan unless the Township has granted a License for such event or an exemption has been granted under this By-law.
- 3.2 No person shall burn or permit open burning at a Special Event.

4. **Pre-application Consultation Process**

- 4.1 All Applicants are encouraged to pre-consult with staff prior to the submission of an application. Preconsultation is mandatory for a Major Event.
- 4.2 Pre-consultation involves meeting with Applicant, Township officials and various agencies as may be specified by the Clerk in order to identify key issues, license requirements and specific approvals that would be required to accompany the Application or to obtain approval.

5. Application & Fees for License

5.1 A Special Event application (Schedule "A" attached) may be obtained from the Clerk's Office or from the Township website. All applications shall be submitted to the Clerk for review and processing.

5.2 A complete Application for a Special Event as set out below shall be submitted with all required documentation at least thirty (30) days prior to the proposed date for commencement of the Special Event.

5.3 The Application for a Licence shall include:

- Location at which it is proposed to hold the Special Event, including both the municipal civic address and the legal description of the property as contained in the last registered deed or lease of the lands.
- The dates and times proposed for the Special Event.
- Particulars of the facilities and arrangements to be implemented for:
 - the handling of food or refreshments;
 - medical or first aid services;
 - toilet and sanitary requirements;
 - garbage disposal and recycling; and
 - policing and security, including crowd control and traffic control.
- A detailed sketch of the lands and premises to be used for the Special Event, showing the location of:
 - the proposed entertainment areas;
 - driveway entrances, vehicle parking, access aisles and Fire Routes;
 - facilities for preparation, sale and consumption of food or refreshments;
 - the exhibition or sale of other goods or services;
 - areas for overnight camping/tenting or travel trailers;
 - toilets and other sanitary services;
 - medical or first aid services; and
 - any other uses and facilities incidental to the Special Event.
- A description of the entertainment intended to be provided, including:
 - the type of entertainment;
 - the location where it is to be staged or provided; and
 - the dates and time frames during which entertainment 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 number of persons.
- A description of the reasonable means and methods proposed by the Applicant to keep noise from the Special Event to a level and during a time period that will not disturb the inhabitants of lands and premises in the vicinity of the event.
- A description of how garbage and recycling will be handled during the event, including number and location of receptacles, frequency of waste/recycling collection during the Special Event and arrangements which have been made to remove of all waste and recycling materials from the property to an approved waste disposal site within 8 hours of the completion of the Special Event. If due to statutory holidays, garbage and recycling cannot be immediately removed from the property, all garbage and recycling materials shall at a minimum be collected in event site within 24 hours and placed in a central location within vermin proof container(s) with a lockable lid for collection within not less than 48 hours.

5.4 All Applications shall be accompanied by the Application Fee (Schedule “B” attached). The submission of the Application Fee may be waived at the discretion of the Clerk or Council if the sole purpose of the Special Event is to raise funds for a Charitable Organization or for fundraising in support of a Township Facility.

5.5 To be deemed complete, an Application shall also be accompanied by written approvals from the following:

- *By-law Enforcement Officer and/or Zoning Administrator* of the Township or designate acting reasonably confirming that in the opinion of the officer the proposed Special Event as set out in the Application will not contravene any zoning by-law or other by-law in effect in the municipality. Alternatively, what planning approvals such as a Temporary Use By-law may be required for zoning clearance.
- *Commanding Officer* or designate of the Ontario Provincial Police having responsibility for policing of the area of the municipality where it is proposed to hold the Special Event, acting reasonably certifying that in the officer’s opinion appropriate arrangements as set out in the Application have been made to provide adequate security and police protection for the Special Event, including crowd control, traffic control and municipal police protection of properties in the vicinity of the Special Event, and

confirming that satisfactory financial arrangements have been made to cover the cost of any municipal policing services to be provided.

- *Medical Officer of Health* or designate having responsibility for the municipality acting reasonably certifying that, in the opinion of the officer, the appropriate arrangements as set out in the Application have been made for proper food handling, public health and sanitary requirements for the Special Event.
- *Chief Fire Official, Community Emergency Management Coordinator (CEMC)* or designate of the Township, acting reasonably certifying that a Fire Safety Plan and/or Emergency Response Plan for the Special Event has been approved, or that in the opinion of the Chief Fire Official or CEMC such a plan(s) is not required and stating what if any, deposit, or security should be provided by the Applicant to cover the anticipated cost of providing fire protection and/or emergency response for the proposed Special Event.
- the *Road Authority*, acting reasonably, that the road entrances, signage and/or any offsite parking arrangements as set out in the Application have been made to provide adequate access to and from the Special Event, and stating what if any, permits, deposit, or security should be obtained or provided by the Applicant for the anticipated temporary works, including signage for the proposed Special Event.
- *Chief Building Official*, acting in accordance with the Ontario Building Code Act, that the necessary applications have been filed for any building permits as may be required for the tents, stages or other structures being used for the Special Event as set out in the Application.
- *Chief Operations Manager* or designate of the Peterborough City/County Emergency Medical Services for the Municipality, acting reasonably, certifying that, in the opinion of the officer, the arrangements for medical, first aid or paramedic services as set out in the Application will be adequate for the Special Event and confirming that satisfactory financial arrangements have been made to cover the cost of any municipal paramedic services to be provided.
- *Property Owner*, if the Special Event is to be held on lands owned by other than the Applicant.
- If the Special Event involves the use and/or sale of alcohol, the Applicant shall provide a copy of the *Liquor License, Special Occasion Permit, or application for S.O.P.* together with *proof of current liability insurance* in

the minimum amount of five million dollars (\$5,000,000.00) naming the Township as an additional insured.

- *Proof of current liability insurance* in the minimum amount of two million dollars (\$2,000,000.00) naming the Township as an additional insured, if the Special Event does not involve the use and/or sale of alcohol.

5.6 Any of the public services set out in 5.5 above may be obtained by the Applicant from the private sector subject to the clearances from the public officials above.

5.7 Upon submission of a complete Application, the Applicant may be required to meet with the Clerk and other Township officials. The Clerk shall circulate the completed Application to other departments as needed for comment prior to the meeting.

5.8 As a result of a review or meeting with the Applicant, further conditions or requirements may be imposed by the Township or agencies to ensure health, safety, welfare and nuisance control including, but not limited to:

- The payment of any reasonable fee for the use or allocation of Township property and equipment and/or the posting of a cash deposit or a letter of credit irrevocable up to ninety (90) days after the conclusion of the Special Event securing payment of such fee;
- The provision of additional crowd control and traffic control, police or security measures, fire protection or emergency services, medical or first aid services, food handling or public health requirements including sanitary facilities, waste and refuse disposal, signage for the Special Event and noise restrictions.
- Permits required or Inspections conducted by the Municipal By-law Enforcement Officer; the Building or Fire Departments; the Road Authority; the Police; the Paramedic service or the local Health Unit as may be required based on the size, location and nature of the Special Event.

6. **Licence Review & Approval Process**

6.1 A Special Event License may be issued upon receipt and review of an Application within seven (7) calendar days if, in the opinion of the Clerk, the Application is deemed complete and the following conditions have been met:

- a. There is a demonstrated benefit to the community, residents and businesses by holding the Special Event;

- b. The proposed event or activity is compatible with the surrounding area or neighbourhood, giving consideration to acceptable increases in noise, traffic, crowd control and other Township requirements;
 - c. Any proposed use of public property, rights of way, or facilities will not unreasonably interfere with the normal use of the property, rights of way, or facilities by the Municipality or the general public.
 - d. The Certificate of Insurance provided with the Application is satisfactory in the required amount, clearly states the address of the insured location for the Special Event for the proposed dates and names the Township has an additional insured.
 - e. The Township resources to support the proposed Special Event are available or satisfactory arrangements have been made to provide a security deposit (cash, certified cheque or letter of credit) in the amount recommended by the Township Official in the event that Township forces are required to assist or attend during the Special Event.
 - f. The proposed use conforms to the Township Zoning By-law or a Temporary Use By-law is in place for the Special Event.
 - g. All comments or recommendations from Township departments and related agencies have been received and are favourable or conditions have been met.
- 6.2 If the conditions set out in 6.1 cannot be met, the approval for a Special Event shall be denied and the Clerk will provide such decision in writing setting forth the reasons for denial and providing the Applicant with seven (7) calendar days to appeal the decision to Council by submitting a written request to the Clerk.
- 6.3 If an appeal is filed, the Clerk shall place the hearing on the next Council agenda, or with the approval of the Reeve, call a Special Meeting of Council to hear the matter. The decision of Council shall be made by resolution and shall be final.
- 6.4 Notwithstanding 6.2 above, a Major Event where more than 500 people will be in attendance, whether for profit or not-for-profit, shall require the approval of Council.
- 6.5 Should an Application for a Special Event License under this By-law be denied or revoked, the Application may be reconsidered at a subsequent occasion upon the Applicant addressing, to the satisfaction of the Clerk, or Council in the case of a major event or appeal, the reasons given for the denial of the initial Application.

7. **Exemptions**

7.1 The Township of Otonabee-South Monaghan recognizes certain Community Events which are exempt from the Special Event Licensing Process. These Community Events include, **but are not limited** to:

- Pumpkinfest
- Summer BBQ/ Ribfest
- Remembrance Day Service
- Canada Day Celebration
- Keene Farmers Market
- Parades approved by the Township or County of Peterborough
- Agricultural Events (i.e. Twilight Dinner, Peterborough Cattleman's Annual BBQ,)
- Such other Community Events as approved by Council

7.2 Outdoor family gatherings such as reunions, anniversaries, weddings, etc. may be exempted from the Special Events process if the proposed activities are small in scale (i.e. fewer attendees than a Major Event), strictly private in nature, held during daylight hours, do not involve a significant amount of traffic or would not generate noise likely to disturb the inhabitants of lands and premises in the vicinity of the activity.

This exemption does not however exempt the property owner from obtaining the necessary permits under the Ontario Building Code, Fire Protection & Prevention Act and fire regulations for tents or other temporary structures.

8. **Administration & Enforcement**

8.1 The Clerk shall be the main administrative contact for Special Event Licenses in the Township and shall work in consultation with officers designated by a Township Department including Fire and Emergency Services, Planning, Building, Public Works or Parks & Recreation, or such other public agency as may apply.

8.2 In order to minimize any conflict that may result from an activity, other proposed events or uses that have not otherwise been identified in existing municipal by-laws or policy documents may be regulated by the Special Events By-law as deemed appropriate by the Township.

8.3 Enforcement of this By-law is the responsibility of the Municipal By-law Enforcement Officer or the Ontario Provincial Police – Peterborough Detachment.

- 8.4 All persons shall adhere and comply with the conditions of any Special Event Licence issued to a person, group or business under this By-law.
- 8.5 Any Applicant issued a Special Event license shall adhere and comply and ensure that any attendees adhere and comply with any other Township by-laws, policies, rules and regulations and those of other government agencies as may apply to the Special Event.
- 8.6 The Township by-laws, policies and procedures or other agency legislation, regulations and requirements noted in Section 8.5 above may include but are not limited to the most current version of the following:
- a. Zoning By-law
 - b. User Fees By-law – Arena & Parks rental
 - c. Regulating Sale and Use of Fireworks By-law
 - d. Building By-law under the Ontario Building Code
 - e. Lottery Licensing requirements under the Criminal Code
 - f. Municipally Significant Event Policy
 - g. Legislation and regulations of the Alcohol and Gaming Commission of Ontario
 - h. Fire Protection and Prevention Act and the Fire Code
- 8.6 An Officer of the Township and any other person under the direction of the Officer may enter onto private property at any reasonable time before, during or after a Special Event for the purpose of carrying out an inspection to determine compliance with:
- a. This and any other Township by-law;
 - b. A direction or Order of the municipality made under the Municipal Act, the Ontario Building Code Act, Planning Act, or under a Township By-law.
 - c. A condition of a Special Event License issued under this By-law or an approval given for the event under any other Township By-law or on behalf of any public agency.

9. **Revocation of Licence**

- 9.1 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 Clerk or designate, or at the discretion of Council by written notice delivered to the Applicant, the property owner or to the address of any Applicant or property owner as set out in the Application or Licence.

- (a) If the Clerk is satisfied that incorrect or false information of a material nature was submitted in support of the Application for Licence; or
- (b) If the Medical Officer of Health or designate acting reasonably advises the Clerk in writing that he or she is no longer of the opinion that the health and sanitation arrangements for the Special Event are satisfactory, or that the health and sanitary requirements are not being maintained; or
- (c) If the Commanding Officer or designate of the Ontario Provincial Police responsible for policing of the area where the event is being held, acting reasonably, advises the Clerk in writing that, notwithstanding any letter provided pursuant to an Application under this By-law, he or she is of the opinion that the arrangements for security and police protection for the exhibition will not be adequate or that the arrangements have not been carried out; or
- (d) If the Chief Fire Official and/or the Community Emergency Management Coordinator or designate of the municipality acting reasonably advises the Clerk in writing that he or she is no longer of the opinion that the approved Fire Safety Plan and/or the Emergency Response Plan for the event is satisfactory ; or
- (e) If the Council is satisfied that any other arrangements or facilities proposed by the Applicant for the Special Event have not been put into place or carried out and that the Council considers to be a cause for serious concern.

10. **Offences**

- 10.1 No person shall permit or hold a Special Event as defined herein without first obtaining a Special Event License issued under this By-law.
- 10.2 No person shall hold or permit to be held a Special Event except in accordance with the Terms and Conditions set out in the License.
- 10.3 A person who contravenes any provision of this By-law is guilty of an offence and shall, upon conviction therefore be liable to a fine as provided for under the Provincial Offences Act. Such penalty shall be recoverable pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, C.P. 33 as amended from time to time.

11. **General**

- 11.1 This By-law shall be called the “Special Events By-law”

- 11.2 Schedule "A" attached hereto and forming part of this By-law shall be called the Application for Special Event Permit.
- 11.3 Schedule "B" attached hereto and forming part of this By-law shall be the Schedule of Fees pursuant to this by-law.
- 11.4 Should any section, subsection, clause, paragraph or provision of this By-law, including any part of the Schedules to 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 or any part, other than the provision or part of the Schedule declared invalid.
- 11.5 This By-law shall come into force and take effect upon final passage hereof.

Read a First time this 11th day of August, 2014.

Read a Second time this 11th day of August, 2014

Read a Third time and finally passed this 11th day August A.D. 2014.

Reeve David P. Nelson

Clerk – Heather Scott



The Township of Otonabee-South Monaghan
Application for Special Event Permit
Schedule "A" to By-law 2014-49

Applicant Name: _____

Organization: _____

Address: _____ Postal Code: _____

Telephone: Day _____ Evening: _____

Email: _____

Date(s) of Proposed Event: _____

Time(s) of Proposed Event: _____

Location of the Event: _____

Legal Description: _____

Property Owner (if different than applicant): _____

Property Owner Contact (if different than applicant): _____

1. Describe the Proposed Event & any Entertainment (attach if more space required):

2. Does this event require the use of Township Property (i.e. roads, facilities) Y N

If yes, explain: _____

NOTE: Events that occupy or close Township roads will require Council and/or County approval

3. How many people are expected to attend the event: _____

NOTE: Major Events of 500 people or more require the approval of Council.

4. Does the event involve the use and/or sale of alcohol? Y N

5. The OPP Peterborough Detachment have been notified of this event? Y N

6. What is the Zoning on the subject property? _____

(If the requested use is not permitted, a Temporary Use By-law may be required)

7. Will there be any temporary structures (i.e. tents and stages)? Y N
(If yes, must comply with Building & Fire Code requirements.)
8. Is there an approved public water supply and/or washroom facilities? Y N
(If not, must comply with Health Unit requirements.)
9. Are you planning to discharge fireworks? Y N
(Must comply with the Township's Regulating Sale & Use of Fireworks By-law)
10. Will there be the cooking of food or food vendors at the event? Y N
(If yes, must comply with Health Unit requirements)
11. Has the City/County Paramedics be notified of the event? Y N
12. Will there be onsite medical or first aid services? Y N
13. Have arrangements been made for garbage disposal and recycling, including removal within 8 hours of the event? Y N
14. Will there be onsite security responsible for crowd control and/or personnel responsible for traffic control before, during and after the event? Y N
15. Will there be any overnight camping/tents or travel trailers? Y N
16. Is your Proof of Valid Liability Insurance attached: Y N

Regular Event	Event Involving Use/Sale of Alcohol
Provide proof of current liability insurance in the minimum amount of two million dollars (\$2,000,000.00)	Provide proof or current liability insurance in the minimum amount of five million dollars (\$5,000,000.00)

Note: The Certificate of Insurance shall identify the address of the event as being the insured property and name the Township of Otonabee-South Monaghan as an additional insured.

Permit Requirements:

Applicants may be required to post cash securities up to ninety (90) days after the conclusion of the event

The Applicant understands and agrees that open burning (i.e. camp fires) are prohibited.

Applicant Signature _____ Date: _____

For Internal Use Only:

Department	Comments/Conditions	Signature
Administration		
Fire		
Emergency Management		
Parks and Recreation		
Building		
Public Works		
By-law Enforcement		
Finance		
Planning		

Application is: Approved / Denied Approval Date: _____

Reason for Denial: _____

Submissions:

- Application – complete
- Application fee
- Proof of Insurance
- Fire Plan/Emergency Plan
- Site Sketch

Written Approvals:

- By-law Enforcement Officer/Zoning Administrator
- Ontario Provincial Police
- Medical Officer of Health
- Chief Fire Official/ Community Emergency Management Co-ordinator
- Chief Building Official
- Road Authority
- City/County Paramedics

**The Corporation of the Township of
Otonabee-South Monaghan**

Type of Event	Number of Attendees	Permit Fee
Special Events	Up to 250	\$100.00
Major Event	250 or more	\$500.00
Not for Profit Event	Up to 500	No Fee
Not for Profit Event	Over 500	\$500 At Council's discretion