

THE CORPORATION OF THE TOWNSHIP OF CARLOW/MAYO

BY-LAW NO. 20-2008

Being a By-Law to regulate and license Special Events within the Township of Carlow/Mayo

WHEREAS Section 150 of the Municipal Act, S.O. 2001, c. 25, 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 of the Municipal Act, S.O. 2001, c. 25, 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. 25, permits a municipality to exercise its licensing powers under this section, including imposing conditions, for one or more of the following purposes:

1. Health and 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 other 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 for 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.

NOW THEREFORE the Council of the Corporation of the Township of Carlow/Mayo **ENACTS AS FOLLOWS:**

1. DEFINITIONS

In this By-law:

- (a) “**Corporation**” shall mean the Corporation of the Township of Carlow/Mayo;
- (b) “**Council**” shall mean the Council of the Corporation of the Township of Carlow/Mayo;
- (c) “**Special Events**” shall mean any exhibition, concert, festival or other event organized for the purpose of entertainment or amusement and to which more than 100 people attend but shall exclude Section 7, Exemptions, to this by-law.
- (d) “**Applicant**” shall mean a person who has signed an application for license submitted pursuant to this By-law;
- (e) “**Person**” shall include an individual, any form of association of individuals and a corporation.

2. REQUIREMENT FOR LICENSE

No person shall organize or operate a Special Event within the municipality and no person shall permit any lands within the municipality to be used for a Special Event unless a license for the Special Event has been approved by the Council of the Township of Carlow/Mayo and issued by the Clerk-Administrator of the Municipality in accordance with this By-law at least (10) business days prior to the proposed date for commencement of the Special Event.

3. APPLICATION FOR LICENSE

- (a) To obtain a license pursuant to this By-law a written application shown as Schedule "A" to this By-law shall be submitted to the Clerk-Administrator of the municipality at least (45) days prior to the proposed date for the commencement of the Special Event.
- (b) The application for license 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 lands on which it is proposed to hold the Special Event;
 - (ii) a current address and telephone number for each applicant shall be included.
- (c) The application for license 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 legal description of the property;
 - (ii) the date(s) & time(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 the removal of garbage and recyclables;
 - (iv) a site plan 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 each day;
 - (vi) a signed statement by every person who is an organizer or, in the case of an organizer that is a corporation, an officer or director of the corporation, and by every owner of the property where the Special Event will be held that the information contained in the application is accurate and true and confirming that they have read this by-law;
 - (vii) the application form attached hereto as Schedule "A" together with such application fee as per Section 3 (c) (xiv);
 - (viii) a letter signed by the commanding officer of the Bancroft OPP Detachment 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 protection of properties in the vicinity of the Special Event, and confirming that satisfactory financial arrangements have been made to cover the cost of the policing services to be provided;

3. APPLICATION FOR LICENSE CONTINUED

- (ix) a letter or copy of an approved permit from the Ministry of Health having jurisdiction in the municipality in which the Special Event will be held, certifying that, in the opinion of the officer, the arrangements proposed by the applicant(s) for health and sanitary requirements and concerns will be adequate for the Special Event;
- (x) application must also include letters of support for the event from all surrounding neighbours within a radius of one (1) kilometer of the proposed property boundary;
- (xi) 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 land and premises in the vicinity of the Special Event;
- (xii) at the applicant(s) expense the applicant(s) must have an agreement prepared and executed covenanting to indemnify and save harmless the Corporation of the Township of Carlow/Mayo, 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 license to the applicant(s) for the Special Event;
- (xiii) a certified copy of a policy of comprehensive general liability insurance issued by an insurance company licensed to issue such policy in the Province of Ontario providing for coverage in the amount of at least Two Million Dollars (\$2,000,000.00) for injuries, damages, torts claims and actions caused by or resulting from the Special Event, and naming the applicant(s) and the Corporation as additional insured, such coverage to be in effect for the period of the event;
- (xiv) a non-refundable application fee in the form of cash, certified cheque or money order payable to the Corporation of the Township of Carlow/Mayo in the amount of \$100.00;
- (xv) in addition to the non-refundable application fee, a deposit in the form of cash, certified cheque or money order payable to the Corporation of the Township of Carlow/Mayo in the amount of \$200.00 to \$1500.00 will be required. The amount of deposit required will be determined by the Council of the Township of Carlow/Mayo based on the size and type of the Special Event. The deposit will be returned subject to satisfactory inspection report following the Special Event;
- (xvi) only approved campfire pit(s) are permitted during the Special Event and they must be pre-approved by the Municipality's Fire Official at least thirty (30) days prior to the first scheduled date of such Special Event. The Municipality's Fire Official will determine the number of campfire pit(s) permitted subject to the total area of land indicated in the site plan for the Special Event. It will be at the discretion of the Municipality's Fire Official if a campfire pit(s) will be permitted. No campfire pits will be permitted during a restricted fire zone period.

4. ISSUANCE OF LICENSE

- (a) Upon receipt of an application for a Special Event license and upon being satisfied to the accuracy, completeness and sufficiency of the information submitted in support of the application, the Clerk-Administrator shall issue the Special Permit license in the name of every applicant and/or owner of the property.
- (b) Despite section (a) an applicant for a license under this By-law is entitled to be issued the license upon making application in the form prescribed hereof and upon paying the fee prescribed in 3(c) (xiv) hereof, except where:
 - (i) the past conduct of the applicant affords reasonable grounds for belief that the Special Event will not be conducted in accordance with law, integrity and honesty;
 - (ii) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible for the conduct of the Special Event;
 - (iii) the site in respect of which the license is applied for, its equipment and facilities are inadequate to meet the requirements of the Special Event;
 - (iv) the applicant is a Corporation and, having regard to its financial position, it cannot reasonably be expected to be financially responsible for the conduct of the Special Event, or the past conduct of any of its officers or directors or shareholders affords reasonable grounds for belief that the Special Event will not be conducted in accordance with law, integrity and honesty.
- (c) The Council of the Township of Carlow/Mayo may impose as a condition, for reasons of ensuring compliance with the by-law, the requirement of a certified cheque, drawn on a Canadian chartered bank in favor of the Corporation of the Township of Carlow/Mayo in an amount to be determined by the Council of the Township of Carlow/Mayo to cover the estimated costs for security, supervision, monitoring, policing and removal of garbage, such certified cheque to be maintained until all conditions of the Special Event have been met.
- (d) Any license issued pursuant to this By-law may specify or limit the hours during which the Special Event may be held;
- (e) If the Council of the Township of Carlow/Mayo after having reviewed the application, determines that there are other unique or special circumstances concerning the Special Event that warrant the imposition of special conditions for the better protection of the community and its inhabitants or the persons attending the event, the Council of the Township of Carlow/Mayo shall attach the special conditions to the license and the decision of Council shall be final.
- (f) In addition to such conditions as Council may impose, every license issued for a Special Event shall be deemed to have been issued on the condition that the Special Event will be operated strictly in accordance with the information submitted in support of the application.
- (g) A license issued under this by-law may not be transferred except with the consent of the municipality expressed in the form of a resolution of the Council.

5. REVOCATION OF LICENSE

- (a) If at any time the Council of the Township of Carlow/Mayo, determines that:
- (i) incorrect or false information of a material nature was submitted in support of an application for a Special Event,
 - (ii) the Special Event is being operated in a manner contrary to the conditions of the license or the information submitted in support of the application for the license, or
 - (iii) based on the advice or recommendations of the OPP or the Ministry of Health that a situation has developed in connection with the Special Event that presents a serious risk to the health and safety of members of the community or those attending the event, the Council of the Township of Carlow/Mayo may immediately cancel the license upon written notice delivered by prepaid registered mail, deemed to be served on the fourth day after posting, and/or by personal service to any person who is an organizer of the event or to a registered owner of the property on which the Special Event is being operated and/or by posting the property.
- (b) If a license for a Special Event is cancelled, every person who is an organizer and every person who is a registered owner of the property on which the event is being operated shall forthwith take all necessary steps necessary to shut down the Special Event.

6. EXEMPTIONS

This by-law shall not apply to the following:

- (a) Special Events organized by;
- (i) the Municipality;
 - (ii) a church, synagogue or other recognized religious organization;
 - (iii) a school board;
 - (iv) a registered charitable organization;
 - (v) families;

Or

- (b) Special Events to be operated on any property owned by;
- (i) the Municipality with the prior written consent of the Municipality;
 - (ii) a church, synagogue or other recognized religious organization;
 - (iii) a school board;
 - (iv) a registered charitable organization;

Or

- (c) (i) horse pulls;
(ii) vehicle events;

7. OFFENCES

- (a) A person who contravenes any provision or part of this By-law is guilty of an offence and shall, upon conviction therefore, be liable to a fine as provided 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.

7. OFFENCES CONTINUED

- (b) In addition to any other remedies available to the municipality, any cost or expense incurred by the municipality that results directly for the Special Event shall constitute a charge payable to the municipality in accordance with Part XII of the Municipal Act, 2001, and every organizer of the Special Event and every owner of the property where the Special Event is held shall be liable for payment of the charge and the amount owing may be added to the tax roll of the property and collected in the same manner as taxes together with interest thereon at the same rate as payable on unpaid taxes.

8. SEVERABILITY

Should any section, clause, sub-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.

9. EFFECTIVE DATE

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 Carlow/Mayo.

That this By-law repeals any and all previous By-laws and/or Motions of Council pertaining to same.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
6TH DAY OF AUGUST 2008.**

David A. Panabaker
Reeve

Arlene Cox
Clerk-Administrator

SCHEDULE "A" to BY-LAW NO. 20-2008

SPECIAL EVENTS APPLICATION FORM

1. DATE: _____

NAME OF APPLICANT(S): _____

ADDRESS: _____

TELEPHONE NUMBER: _____ FAX NUMBER: _____

LOCATION OF EVENT: (Civic Address & Legal Description) AND SIZE OF
AREA ON WHICH THE EVENT WILL BE HELD (Section 3(c) (i)):

DATES & TIMES OF THE EVENT (Section 3 (c)(ii)): _____

2. FACILITIES/ARRANGEMENTS FOR THE FOLLOWING:
(Section 3(c) (iii) & 3 (c) (viii)):

(a) HANDLING OF FOOD: _____

(b) TOILET AND SANITARY REQUIREMENTS: _____

(c) GARBAGE DISPOSAL: _____

(d) SECURITY (Crowd and Traffic Control): _____

3. SITE PLAN OF LANDS TO BE INCLUDED (Indicate location of entertainment,
spectators, motor vehicles parking, food/refreshment, sale of goods/services, camping,
sanitary services) (Section 3 (c)(iv)): _____

4. ESTIMATED NUMBER OF ATTENDEES (Section 3 (v)): _____

5. LETTERS OF COMPLIANCE (to be filed with this application)
(Section 3 (c) (viii-x)):

ONTARIO PROVINCIAL POLICE (BANCROFT DETACHMENT): _____

MINISTRY OF HEALTH (LOCAL PUBLIC HEALTH UNIT): _____

SURROUNDING NEIGHBOURS WITHIN A RADIUS OF ONE (1) KILOMETER
OF THE PROPERTY BOUNDARY: _____

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Schedule "A" to By-law No. 20-2008

6. DESCRIPTION OF THE MEANS/METHODS TO KEEP NOISE TO A LEVEL THAT WILL NOT DISTURB INHABITANTS IN THE VICINITY (Section 3(c)(xi)):

7. AGREEMENT BY APPLICANT(S) CONVENANTING TO INDEMNIFY AND SAVE HARMLESS THE CORPORATION (Section 3 (c) (xii): _____

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

9. LICENSE FEE (Payment to be included with this Application) (Section 3 (c) (xiv): ____

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

As the applicant(s)/owner(s) named above, I/We hereby make this application and confirm that I/We have read By-law Number 19-2008 and hereby agree to abide by its regulations.

11. INDEMNITY

As an organizer/owner, I hereby covenant and agree to indemnify and save harmless The Corporation of the Township of Carlow/Mayo, its officials, agents and employees from all costs, expenses, damages, claims and actions that are directly or indirectly caused by or that are the result of the Special Event or that may result from the issuing of a license for the Special Event.

DATED THIS _____ DAY OF _____, 20 ____.

Applicant/Owner

Applicant/Owner

Applicant/Owner

Applicant/Owner

This license is hereby granted and approved by the Council of the Corporation of the Township of Carlow/Mayo and is in effect for the period.

Clerk-Administrator

Copy To: Chief Building Official/By-law Enforcement Officer
Fire Official(s)

