

THE CORPORATION OF THE TOWNSHIP OF ELIZABETHTOWN-KITLEY

BY-LAW NUMBER 13-17

BEING A BY-LAW TO REGULATE THE HOLDING OF PUBLIC EVENTS
AND FESTIVALS WITHIN THE CORPORATION OF THE TOWNSHIP OF
ELIZABETHTOWN-KITLEY

WHEREAS pursuant to Section 126 of the Municipal Act, S.O. 2001, Council may pass By-laws to regulate cultural and recreational events, including public fairs;

AND WHEREAS pursuant to Section 28 of the Municipal Act, S.O. 2001, Council may pass by-laws regulating the sales on a highway or vacant lands adjacent thereto and regulating traffic and preventing blocking of highways;

AND WHEREAS pursuant to Section 127 of the Municipal Act, S.O. 2001, Council may pass By-laws prohibiting littering on public or private property;

AND WHEREAS pursuant to Section 151 of the Municipal Act, S.O. 2001, Council may pass By-laws for the regulating and licensing of Exhibitions held for hire or gain;

AND WHEREAS the Council of the Corporation of the Township of Elizabethtown-Kitley deems it expedient to license and regulate the holding of public events and festivals within the limits of the Township;

NOW THEREFORE, the Council of the Corporation of the Township of Elizabethtown-Kitley enacts as follows:

1. **DEFINITIONS:** in this By-law
 - a. "Corporation" means the Corporation of the Township of Elizabethtown-Kitley.
 - b. "Applicant" includes an individual, any form of association of individuals, and a corporation who "shall" be wholly responsible for the event.
 - c. "Applicant/Sponsor" means conduct, arrange, be in charge of, or be significantly involved in, the presentation of an event.
 - d. "Building" as defined by the Ontario Building Code Act.
 - e. "Event" shall include but not be limited to a festival, concert, entertainment or production held out-of-doors and to which the general public is invited or admitted.

Notwithstanding the generality of the foregoing the following shall not be included:

- i) Any festival concert, entertainment or production held on the property of and being sponsored directly by any Religious Organization as defined by the Religions Organization Land Act (Religious Organization - any association of persons that is charitable according to the Law of Ontario), or any recognized Service Clubs or any Registered Canadian Charities.

AND

- ii) Any festival concert, entertainment or production which may be reasonable expected to attract fewer than 200 participants present at the event at any given time.

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- f. "Site Plan" means a drawing or sketch of the subject area indicating the details of the event that shall include but not limited to booths, emergency entrances/exits and any other structures that is to be accompanied by a map displaying the size and location of the event.
 - g. "Life Safety Plan" means a written plan to mitigate any emergencies or risks, which may occur on scene and outlines the procedures or safeguards to react to those situations, along with a plan to advise and train anyone who is assisting with the event in those procedures.
- 2. No person shall sponsor an event within the geographical limits of the Corporation without a license (Schedule "A") issued by the Corporation pursuant to this By-law.
- 3. An Applicant for such license must provide the Clerk, a minimum of sixty (60) days in advance, a completed application satisfying their requirement, which includes all documentation and letters prior to said event as set out hereto:
 - a. Contact the Medical Officer of Health, Fire Department, Police and Building Department having jurisdiction in the area of the proposed event within fourteen (14) days of submitting the Application, satisfying their requirements for license and comply therewith. Provide copies of written approvals;
 - b. Must provide the Corporation with a written proposal of the security to be provided by the Applicant to ensure the safe and orderly conduct of the event;
 - c. Provide the Corporation with proof of general liability insurance for the duration of the event in such amount as the Clerk of the Corporation deems requires, and which shall provide coverage of not less than Two Million Dollars (\$2,000,000) per occurrence;
 - d. The Applicant shall apply for and obtain building permits for any structure as defined by the Ontario Building Code Act, S.O. 1992 as amended, including tent structures and separation distances (under 3.14 of the Ontario Building Code), and shall provide all required documentation for processing of said permits. Building permit applications will be reviewed according to the submissions by suppliers of the said structures certification. The Corporation will be held harmless of such temporary structures and the provider will submit a certification of \$2 million Liability Insurance, naming the Corporation.
 - e. The Applicant shall supply copies of approvals from any/all agencies which would have interest in the event, including, but not limited to the following:
 - i. Ministry of the Environment (1-800-267-0974) for sewage disposal approvals on daily Design flow rates exceeding 10,000 litres per day and written confirmation from the provider of the disposal services. Where the Design flow rates do not exceed 10,000 litres, the Applicant will apply to the Township and provide the name of the supplier providing sewage services and any related documents regarding designs.
 - ii. Ministry of Health for food service, water supply, sanitary facilities and wastewater disposal.

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- iii. Electrical Safety Authority (ESA) for all electrical safety and construction issues.
 - iv. Liquor Licence Board of Ontario for any alcohol related or licenced events as set out in Schedule "E" attached hereto.
 - v. The event shall respect the conditions of any related By-law, unless authorized by Council.
 - vi. Must complete and submit to the Corporation the application form attached hereto as Schedule "A", "B", "C", "D", "E" and together with such application fee as set out in Schedule "F" attached hereto.
4. An Applicant/Sponsor licenced pursuant to this By-law shall:
- a. Conduct the Licenced Event in accordance with the terms of the licence and application as set out in Schedule "E"
 - b. Following conclusion of the Event, the Event Site must be restored to pre-Event condition including all lands owned by the Corporation and all private property lands
5. Any Applicant/Sponsor of an Event that is held on Municipal owned property shall deposit \$1,000.00 to cover restoration or replacement of any borrowed/loaned materials from the Township. This fee may be waived at Council's discretion.
6. Every person who contravenes a provision of this By-law is guilty of an offense and upon conviction is liable to a fine of not less than one thousand dollars (\$1,000) or not more than five thousand dollars (\$5,000) exclusive of costs. Each day the offense is continuing it is considered a New Offense under the provisions of the Provincial Offences Act, R.S.O. 1990 or any successor thereof.
7. **WHEREAS** pursuant to section 150 (8) of the Municipal Act, S.O. 2001, without limiting subsection (1), the power to licence, regulate and govern a licence includes the power to refuse to grant a licence or to revoke or suspend a licence.

Read a **First** and **Second** time this 25th day of March, 2013.

Read a **Third** time and finally **Passed** this 8th day of April, 2013.



MAYOR



CLERK

SCHEDULE "A"

TO

BY-LAW NUMBER 13 – 17

Regulate the Holding of Public Events

1. DATE: _____

NAME OF APPLICANT: _____

ADDRESS: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

PROPERTY OWNER'S NAME (if different than applicants):

LOCATION OF EVENT (including street address):

TYPE OF EVENT APPLIED FOR (list events):

DATE OF EVENT: _____

TIME/HOURS: _____

- 2. Proof of Insurance**, according to Section 3 (c) and (d) of By-law Number 2013-17, Schedule "C" attached hereto.

General Liability and Property Damage, acceptable to the Corporation, but not less than two million dollars (\$2,000,000.00).

Name of Insurance Company, agent and policy number – see Schedule "C" attached hereto.

3. FOOD AND BEVERAGES TO BE SOLD (please describe):

4. IS SECURITY CONFIRMED AS PROPOSED IN SECTION 3(c)?

5. CHECKLIST OF THE RESOURCES YOUR GROUP IS GOING TO HAVE:

6. LETTER OF COMPLIANCE (to be filed with the application) AND ITEMS TO BE INCLUDED AS FOLLOWS:

Elizabethtown-Kitley Fire Chief, Schedule "B": _____

Insurance, Schedule "C": _____

Medial Officer of Health, Schedule "D": _____

Ontario Provincial Police: _____

Written approval of (private property owner, municipality):

Provide a Site Plan which will include the following:

- a. Location and size of event – provide a map _____
- b. Drawing of site of event, showing location of emergency entrances/exits, booths, etc: _____

Notification in writing of Road Authority: _____

7. FEE (Cheque to be included with application): _____

A Registered Charitable Organization may submit a written request to have the Fee reduced/waived by Council.

8. SPONSORS OF THE EVENT: _____

9. DISCLAIMER:

No worker (at this event) shall be considered an employee of the Township.

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DECLARATION:

As the applicant as named herein, I/we hereby make this application and confirm that I/we have read By-law Number 13-17 and agree to abide by and post same at the event location.

DATED THIS _____ DAY OF _____

APPLICANT/SPONSOR

(1 copy to applicant, 1 copy municipality)

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

Clerk/Licencing Officer

SCHEDULE "B"

TO

BY-LAW NUMBER 13-17

Regulate the Holding of Public Events

FIRE CHIEF FESTIVAL AND EVENTS REQUIREMENTS

The following needs to be provided to the Elizabethtown-Kitley Fire Chief within fourteen (14) days after submission of completed Application to the Clerk in order for a letter of approval to be supplied to the Applicant:

FIRE:

1. Site Plan for each location showing;
 - a. Activities
 - b. Parking
 - c. Access Routes
 - d. Emergency Access
 - e. Emergency Equipment Location
2. If in a building, the applicant will need:
 - a. Layout and occupancy load
 - b. Activities
 - c. Evacuation Plan
 - d. Emergency Access
 - e. Parking
3. Life Safety Plan for event
4. Names and contact information of individuals in charge
5. Expected attendance

FIREWORKS:

1. Specific Site Plan:
 - a. Distances
 - b. Launch point
 - c. Spectator area
 - d. Surrounding topography
 - e. Safety equipment location
2. Safety plan and procedures
3. Copy of Fireworks Supervisor Card
4. Firing list
5. Names, ages, and contact information of those assisting

SCHEDULE "C"

TO

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CERTIFICATE OF INSURANCE
Applicant/Sponsor

It is certified that insurance as described below has been arranged for the insured name herein on whose behalf this certificate is executed, and we hereby certify that such insurances are in full force and effect. If the said insurance is cancelled or changed during its term in such a manner as to affect this Certificate, written notice of such change or cancellation will be given by letter.

INSURED NAME: _____

ADDRESS: _____

TYPE AND INSURER

GENERAL LIABILITY: The Contractor shall maintain a Policy of General Liability Insurance having limits of not less than \$2,000,000.00 inclusive per occurrence for bodily injury, death and damage to property.

POLICY NO.: _____ EFFECTIVE DATE: _____

EXPIRATION: _____ LIMITS OF LIABILITY: _____

SIGNATURE: _____

Of Insurance Company Officer (Broker or agents signature not acceptable)
Contact Phone Number: _____

NOTE: The following shall be added to THE GENERAL LIABILITY INSURANCE CERTIFICATE:

The Township of Elizabethtown-Kitley is hereby named as an additional insured but only in respect of and for the duration of the services to be performed under this agreement, and shall contain a cross liability clause endorsement.

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SCHEDULE "F"

TO

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FEE FOR LICENCE TO OPERATE A PUBLIC EVENT, PARADE, FESTIVAL

SHALL BE \$ 206.75

A Registered Charitable Organization may submit a written request to have the fee waived.