

The Corporation of The Township of Springwater By-Law 2009-087

A By-law to Regulate and Govern the holding of Special Events in The Township of Springwater, and to establish a license system for Special Events, and to repeal and replace By-law 2009-054.

Whereas Sections 8 through 11 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, confers broad authority on a municipality to govern its affairs as it considers appropriate, and to pass by-laws to regulate or prohibit matters within its jurisdictions; and

Whereas the Municipal Act, 2001, provides that municipalities may provide for a system of licenses, and has the power to suspend or revoke such license, and to limit or impose conditions on such licenses as it deems necessary to ensure the health, safety and enjoyment of property; and

Whereas the Council of the Corporation of the Township of Springwater desires to support special events in the Township of Springwater and will assist, where possible, in facilitating Special Events at public and private locations within the jurisdiction of the Township; and

Whereas Council passed By-law 2009-054, being a by-law to regulate and govern the holding of Special Events on July 13, 2009, and now desires that revisions be made to such By-law;

Now Therefore the Council of The Corporation of The Township of Springwater enacts as follows:

1. Definitions

For the purpose of this by-law:

AGCO: means the Alcohol and Gaming Commission of Ontario

Application: means an Application for Special Event License

Building Department: means the Building Department for The Township of Springwater.

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 and 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 do not fall under the previous three classifications.

Clerk: means the Clerk for the Corporation of The Township of Springwater.

Community Event: means an event which is held for on which benefits the residents or local area within Springwater Township.

Council: means the Council of the Corporation of The Township of Springwater.

Fees: means an application fee or processing fee paid by the applicant of a Special Event License, as outlined in Schedule "A" attached hereto.

Fire Department: means Fire and Emergency Services of The Corporation of the Township of Springwater.

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

Health Unit: means the Simcoe Muskoka District Health Unit.

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 a Provincial statute.

Liquor License: means a License issued by the Province of Ontario in the form of a Special Occasion Permit or a Liquor License for the purpose of serving alcohol.

Major Event: means an exhibition, concert, festival or other organization event, held for profit or otherwise, with more than 1,000 people in attendance.

MNR: means the Ontario Ministry of Natural Resources.

Not-for-Profit: means an event or activity of a community group or not-for-profit organization that is held without monetary gain.

Officer: means a Police 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 Simcoe Paramedic Services.

Permit: means a Burn Permit, a Sign Permit, a Road Occupancy Permit, a Fireworks Permit, or other permits issued by the Township.

Person: shall include an individual, corporation, business entity, a group or Association.

Road Occupancy Permit: means a permit issued by The Township of Springwater for the temporary use, carriage, blockage or conveyance of a road allowance within the jurisdiction of the Township.

Special Event: means an exhibition, concert, festival or other organized event held for profit or otherwise.

Township: means the Corporation of The Township of Springwater.

Township Facility: means any land owned or leased by the Township of Springwater 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 Zoning By-law 5000.

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 when necessary.

3. Regulations

- 3.1. No person shall hold or permit to be held an exhibition, concert, festival or other organized event within the Township of Springwater unless the Township has granted a license for such event or activity.

4. Application Fees and Processing

- 4.1. A Special Event application (Schedule "A" attached) may be obtained from the Clerk or Designate if the event is for charitable or not-for-profit purposes, or for the benefit of the Springwater Community.
- 4.2. The application fee (Schedule "B" attached) may be waived at the discretion of the Clerk or Designate if the event is for charitable or not-for-profit purposes, or for the benefit of the Springwater Community.
- 4.3. An application for a Special Event shall be submitted with all required documentation no less than sixty (60) days before the proposed event.

- 4.4. Written approval may be required from the AGCO, the MNR, the OPP, Simcoe County Paramedic Services, and the Simcoe Muskoka District Health Unit or other approval authorities. It is the responsibility of the applicant to obtain these documents and attach them to the application for license, where applicable.
- 4.5. If the Special Event is to be held on lands owned by other than the applicant, written approval of the property owner shall be submitted with the application.
- 4.6. The applicant may be required to meet with the Clerk's Office and other Township departments. The Clerk shall forward the completed application to other departments as needed for comment.
- 4.7. If approval for an event is denied, such decision will be provided in writing setting forth the reasons for denial. Such decision shall be final.

5. License Approval Process

- 5.1. A Special Event License may be issued upon receipt and review of an application if, in the opinion of the Clerk, the following conditions have been met:
 - a) There is a demonstrated benefit to the community, residents and businesses by holding the 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 concerns;
 - 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) If the event involves the use and or sale of alcohol, the applicant shall provide proof of current liability insurance in the minimum amount of five million dollars (\$5,000,000.00) along with a copy of the liquor license, Special Occasion Permit, or application for S.O.P.;
 - e) The applicant shall provide proof of current liability insurance in the minimum amount of two million dollars (\$2,000,000.00), for a non-alcoholic event;
 - f) The Certificate of Insurance shall be submitted to the Township with the application clearly stating the address of the insured location or event;

- g) Township resources to support the proposed activity are available;
- h) The proposed use conforms to the Township Zoning By-law;
- i) All comments or recommendations from Township departments and related agencies have been received and are favourable;
- j) Any concerns noted shall require reconciliation before approval is granted.

6. License Requirements

6.1. Further conditions or requirements may be imposed to ensure health, safety, welfare and nuisance control. Such conditions may include, but are not limited to:

- a) The payment of a reasonable fee for the use or allocation of Township property and equipment, and the posting of a performance bond, a letter of credit irrevocable up to ninety (90) days after the conclusion of the event, or other surety securing payment of such fee;
- b) The provision of adequate crowd control and traffic control, security, fire protection, food handling, waste and refuse disposal, and noise restrictions;
- c) Providing the Township with a criminal record check(s) of the owner or applicant; and
- d) Inspections conducted by the Municipal Law Enforcement Officer, the Building, Planning or Fire Departments and the local Health Unit may be required based on the size, location and nature of the event.

7. Exemptions

7.1. The Township of Springwater recognizes certain community events which are exempt from the Special Event process. These events may include, but are not limited to:

- a) The Elmvale Maple Syrup Festival
- b) The Elmvale Fall Fair
- c) Parades approved in accordance with the Temporary Road Occupancy or Closure By-law

- 7.2. At the discretion of the Director of Recreation Services, the requirement for a Special Event License for the Elmvale Community Arena, any Community Hall, or those properties as described in the Parks and Facilities Regulation By-law may be waived.
- 7.3. Events held at locations which are properly zoned and designated for the event shall not require a License.

8. Administration

- 8.1. The Clerk's Office shall be the main contact for Special Events in the Township. Administration of this By-law may be conducted through By-law Enforcement, Fire and Emergency Services, Planning and Zoning, Building, or Parks and Recreation.

9. Other Requirements

- 9.1. Any Special Event license issued to a person, group or business under this By-law shall adhere and comply with other Township by-laws, policies, rules and regulations, and those of other governmental agencies.
- 9.2. A Major Event, whether for profit, not-for-profit, where more than 1,000 people will be in attendance, shall require the approval of Council.
- 9.3. Township by-laws, policies, rules and regulations noted in Section 9.1 may include, but are not limited to the most recent version of the following:
- a) Business Licensing By-law
 - b) Zoning By-law
 - c) Springwater Alcohol Risk Management Policy
 - d) User Fees for Elmvale Arena Rental
 - e) Temporary Road Occupancy or Closure By-law
 - f) Parks and Facilities Regulation By-law
 - g) Signage Regulation By-law
 - h) Noise By-law
 - i) Sale, Storage and Discharge of Fireworks / Pyrotechnics
 - j) Lottery Licensing requirements to the Province of Ontario

- k) Statutes under the Alcohol and Gaming Commission of Ontario
- 9.4. 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 in order to minimize any conflict that may result from the use.
- 9.5. Should an applicant fail to comply with any of the provisions of this by-law, and any provisions of the Special Event license or any other by-laws of the Township, the Clerk may, at any time, revoke or suspend the Special Event License without notice.
- 9.6. 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, the reasons given for the initial denial of the application.
- 9.7. An Officer of the Township may enter onto private property at any reasonable time 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 license issued under this or any other Township by-law.

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.

11. Penalties

- 11.1. Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a fine as provided for in the Municipal Act.
- 11.2. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable:
 - a) On a first conviction, to a fine of not more than \$10,000.00; and

- b) On any subsequent conviction, to a fine of not more than \$25,000.00.
- 11.3. Any corporation which contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable:
 - a) On a first conviction, to a fine of not more than \$50,000.00; and
 - b) On any subsequent conviction, to a fine of not more than \$100,000.00.

12. General

- 12.1. This By-law shall be called the "Special Events By-law".
- 12.2. This By-law shall be administered by the Clerk's office.
- 12.3. This By-law shall be enforced by the Municipal Law Enforcement Officer of the Township of Springwater or the Ontario Provincial Police.
- 12.4. The municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law, a condition of this by-law, or to ensure compliance with a direction or order made under this by-law or under the Municipal Act, 2001.
- 12.5. 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.
- 12.6. Schedule "A" attached hereto and forming part of this by-law shall be called the Application for Special Event Permit.
- 12.7. Schedule "B" attached hereto and forming part of this by-law shall be the Schedule of Fees pursuant to this by-law.
- 12.8. By-law 2009-054 shall be repealed and replaced.
- 12.9. This by-law shall come into force and take effect upon final passage hereof.

**Read a first, second and third time and finally passed this Fourteenth Day of
December, 2009.**

(Original Signed By)

Tony Guergis, Mayor

(Original Signed By)

Carol O. Trainor, Clerk