

**BYLAW 1329/14
REGULATION OF SPECIAL EVENTS**

STURGEON COUNTY, ALBERTA

BYLAW 1329/14 Being a Bylaw of STURGEON COUNTY IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE Of Regulations of Special Events .

WHEREAS the *Municipal Government Act*, R.S.A 2000, c. M-26, and amendments thereto authorize Council to establish Bylaw 1329/14.

AND WHEREAS, the Council of Sturgeon County deems it advisable and in the public interest to regulate special events within the boundaries of Sturgeon County.

AND WHEREAS, the Council of Sturgeon has deemed it desirable to repeal Assemblage Control Bylaw 476/83

NOWTHEREFORE Be It Resolved, that the Council of Sturgeon County, hereby as follows:

TITLE

1.1 This Bylaw may be cited as the "Special Events Bylaw."

DEFINITIONS

2.1 In this Bylaw,

(a) "County Commissioner" means the Chief Administrative Officer of Sturgeon County or their delegate;

(b) A Special Event shall be deemed to have an expected attendance of more than 500 people when:

- i. The event is to be held in a venue with an occupancy of more than 500 people; or
- ii. The event involves the printing or sale of more than 500 tickets or invitations; or
- iii. Any advertising for the event implies that attendance at the event will be more than 500 people.

(c) "Special Event" means any public or private event, gathering, celebration, festival, competition, contest, exposition or similar type of activity, held indoors, outdoors or a combination of both, which has an expected attendance of more than 500 people, including promoters, staff personnel and entertainers, and includes but is not limited to the following events:

- i. Music festivals, including live and/or pre-recorded music with professional and/or amateur performers;
- ii. Dances and dance parties, including live and/or pre-recorded music with professional and/or amateur performers;
- iii. Rodeos;

- iv. Circuses;
- v. Trade shows;
- vi. Expositions;
- vii. Exhibitions; and
- viii. Athletic or sports events, meets, shows, contests, trials and other competitive events.

Does not include:

- i. Any event hosted by Sturgeon County or that has been authorized by Sturgeon County pursuant to the terms of a lease, license or facility rental agreement;
- ii. Any event on lands owned or controlled by a local school board or church; and
- iii. Any event at a facility for which a development permit has been issued under Sturgeon County's Land Use Bylaw, as amended, to allow for incidental gatherings or events as contemplated in the permit.

(d) "Council" means the Council of Sturgeon County;

(e) "Licence" means a licence issued by the County Commissioner authorizing a Special Event to take place within the Municipality;

(f) "Licensee" means a person named on a Licence issued pursuant to this Bylaw;

(g) "Municipality" means Sturgeon County;

(h) "Peace Officer" means any Community Peace Officer or Bylaw Enforcement Officer employed by Sturgeon County, or member of the Royal Canadian Mounted Police;

(i) "Person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person;

(j) "Security Officer" means a person who is licensed in the Province of Alberta to patrol, guard or provide security for another person or for the property of another person, or detect loss of or damage to the property of another person.

(k) "Violation Tag" means a violation tag issued under the authority of the County.

(l) "Violation Ticket" means a violation ticket issued pursuant to the provisions of Part 2 and Part 3 of the Provincial Offences Procedure Act, R.S.A. 2000.

GENERAL PROHIBITION

3.1 A person shall not operate, maintain, conduct or advertise a Special Event in the Municipality without a valid and subsisting Licence for that Special Event and then only in accordance with the terms and conditions of the Licence issued. A Special Event occurring in the Municipality which does not have a valid and subsisting Licence, or for which the Licence has been suspended or cancelled, shall immediately cease and desist and the County Commissioner may, in his sole discretion, request the assistance of the RCMP in terminating the Special Event and dispersing the attendees.

LICENCE APPLICATION

4.1 Application for a Licence to conduct a Special Event shall be made to the County Commissioner, in writing, at least ninety (90) days at the discretion of the County Commissioner, prior to the proposed date of the Special Event and shall be accompanied by a non- refundable application fee and shall contain the following information:

- i.** The name, email address, residence and mailing address with the phone number or numbers of the person making such application as well as proof, in a form satisfactory to the County Commissioner, that the applicant is at least 18 years of age. If the application is made by a partnership the name and addresses of each partner shall appear. Where the applicant is an incorporated company the application shall be signed by at least two directors of the incorporated company and shall contain the address of such corporate directors and shall have attached a certified copy of the Certificate of Incorporation;
- ii.** A written statement outlining the specific nature, kind, character, and type of Special Event for which the applicant is seeking a Licence;
- iii.** The municipal address and legal description of the property where the proposed Special Event is to be held. The applicant shall submit proof of ownership of the place where the Special Event is to be held or a written document signed by the owner of the property indicating their consent that the property be used for the proposed Special Event;
- iv.** The date or dates and the hours during which the proposed Special Event is to be held;
- v.** An estimate of the number of customers, spectators, participants, and other persons, including staff, promoters and entertainers expected to attend the Special Event for each day it is proposed to be held;
- vi.** Proof, in a form satisfactory to the County Commissioner, that the applicant has adequate financial means to carry out the Special Event. The County Commissioner may, in their discretion, require the applicant to provide cash or a letter of credit, in an amount deemed appropriate given the nature of the proposed event, as security;
- vii.** A detailed risk assessment to include but not limited to the following: a written explanation of the applicant's plans to provide security and fire protection, water supplies and facilities, sewage and drainage facilities, food supplies and facility details, sanitation facilities, first aid

facilities and services, vehicle parking spaces, vehicle access, policing and on site traffic control and if it is proposed or expected that spectators or participants will remain into the night or overnight, the arrangements for illuminating the property and for camping or similar facilities. The applicant's plans shall include what provisions will be made for numbers of spectators in excess of the estimate, provisions for the clean-up of the property and provisions for the removal of garbage after the Special Event has concluded. The applicant shall include a site plan that clearly indicates the arrangement of the all facilities associated with the proposed special event, including but not limited to those for parking and event ingress and egress; a detailed evacuation plan, details of geography road conditions, crowds or other barriers to access by emergency personnel.

viii. Where the applicant is planning to serve alcohol at the proposed Special Event, a written statement outlining the details of any licensing request that the applicant has made or intends to make to the Alberta Liquor and Gaming Commission ;

ix. Proof, in a form satisfactory to the County Commissioner, that the application has general and host liquor liability insurance for the proposed Special Event in an amount of not less than five million dollars (\$5,000,000), covering public liability for all personal injury and property damage that may occur by reason of the operation of the Special Event, and naming the Municipality as an additional insured; and

x. Anything else reasonably required by the County Commissioner to process the application.

5.1 Subject to section 6.1, the County Commissioner shall not issue a Licence pursuant to this Bylaw unless the County Commissioner is satisfied that the applicant meets all of the conditions and requirements set out in this Bylaw.

6.1 (a) The County Commissioner may, in his discretion, modify or waive any requirement of Section 4.1(a) that certain information be provided on an application for a Licence or exempt a specific Special Event from the requirement to obtain a Licence where, in the opinion of the County Commissioner, to do so would be in the public interest.

(b) Functions or events the County Commissioner may exempt from the requirement to obtain a Licence include but are not limited to private social functions such as family reunions and weddings, non-profit private parties/events and community hall or public facility based events and celebrations that are non-commercial in nature.

7.1 Prior to issuing a Licence the County Commissioner may consult with and obtain relevant and material information from the Royal Canadian Mounted Police, Alberta Health Services, the Alberta Liquor and Gaming Commission, any department of the Municipality or any other agency which, in the opinion of the County Commissioner, may assist the County Commissioner in determining whether or not issuing a Licence for a particular Special Event is appropriate in the circumstances and by submitting an application for a licence the applicant consents to release information contained in the application.

8.1 If a Special Event to which a Licence has been issued is of a recurring nature, the County Commissioner may, in his discretion, renew a previously issued Licence for that Special Event on any terms or conditions the County Commissioner deems appropriate.

9.1 The County Commissioner may refuse to issue or renew a Licence and may suspend or cancel a Licence at any time for the following reasons:

- (a)** the applicant or Licensee does not or no longer meets the requirements of this Bylaw with respect to the Licence applied for or held;
- (b)** the applicant or Licensee or any of its officers or employees:
 - (i)** furnishes false information or misrepresents any fact or circumstance to a Peace Officer or the County Commissioner; including in the application
 - (ii)** has, in the opinion of the County Commissioner based on reasonable grounds, contravened this Bylaw whether or not the contravention has been prosecuted; or
- (c)** in, the opinion of the County Commissioner based on reasonable grounds, it is in the public interest to do so.

LICENCE CONDITIONS

10.1 License is not transferrable.

11.1 It is a deemed condition of every Licence that the Licensee shall, at their sole expense and to the satisfaction of the Municipality:

- (a)** provide appropriate level of security for the approved Special Event, and comply with any security plan approved by the County Commissioner which will satisfy level of event as determined in the risk assessment.
- (b)** provide enhanced policing at the discretion of the RCMP;
- (c)** provide a suitable supply of potable drinking water to all patrons during the entire duration of the event;
- (d)** provide ample water for sanitation purposes and facilities for the Special Event;
- (e)** provide adequate garbage receptacles and resources, to remove all garbage from subject property as well as adjacent properties effected by debris originating from the event, by a date satisfactory to County Commissioner to a maximum of 5 days;
- (f)** provide first aid services, number and qualification of emergency medical personnel, and comply with any medical plan at the discretion of the County Commissioner;
- (g)** ensure that the liability insurance associated with the Special Event remains in full force and effect;

- (h) will be responsible for dust control;
- (i) provide “No Parking” signs or any type of regulatory signage;
- (j) only hold the Special Event on the dates and times specified on the Licence;
- (k) comply with all relevant Federal, Provincial and Municipal laws in effect;
- (l) pay all fees associated with an application as established by the annual fees and charges schedule; fee structure is established based on type and size of event as determined by the risk assessment.
- (m) provide adequate advanced notice of the Special Event to landowners to the satisfaction of Sturgeon County;
- (n) comply with all terms and conditions specified on the Licence.
- (o) any other conditions imposed by the County Commissioner at this sole discretion.

11.2 Sturgeon County reserves the right to advertise and notify landowners likely to be effected by the special event.

GENERAL PENALTY PROVISION

12.1 Any person who:

- (a) operates, maintains, conducts or advertises a Special Event in the Municipality without having a valid and subsisting Licence for the Special Event; or
- (b) having obtained a Licence, fails to comply with any term or condition set out in this Bylaw or specified on the Licence; or
- (c) who obstructs or hinders any other person in the exercise or performance of that person's powers or duties pursuant to this Bylaw;
is guilty of an offence and is liable on summary conviction to a fine as per Schedule A.

ENFORCEMENT

13.1 Where a Peace Officer at any time has reasonable grounds to believe that a person has violated any provision of this Bylaw, the Peace Officer may commence Court proceedings against such person by:

- (a) issuing the person a violation ticket pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*, RS.A. 2000, c. P-34; or
- (b) swearing an information and complaint against the person; or
- (c) issuing the person a Violation Tag in accordance with the current Sturgeon County Fees and Charges Schedule.

14.1 Where a Peace Officer issues a person a violation ticket in accordance with Section 13, the Peace Officer may either:

- (a) allow the person to make a voluntary payment of the minimum specified penalty as provided for the offence in this Bylaw by indicating such specified penalty on the violation tag; or
- (b) require the person to appear in court without the alternative of making a voluntary payment where the Peace Officer believes that such court appearance is in the public interest, pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.

15.1 No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall in any way restrict, limit, prevent, or preclude the County from pursuing any other remedy in relation to a Person provided by the *Municipal Government Act and Safety Codes Act* or any other law of the Province of Alberta.

SEVERABILITY

16.1 Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

STRICT LIABILITY OFFENCE

17.1 It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

PROOF OF LICENCE OR EXEMPTION

18.1 The onus of proving that a person has a valid and subsisting Licence is on the person alleging the existence of the Licence on a balance of probabilities.

19.1 The onus of proving that a person is exempt from the provisions of this Bylaw requiring a Licence is on the person alleging the exemption on a balance of probabilities.

DELEGATION OF POWERS

20.1 Without restricting any other power, duty or function granted by this Bylaw, the County Commissioner may:

- (a) carry out whatever inspections are reasonably required to determine compliance with this Bylaw;
- (b) take any steps or carry out any actions required to enforce this Bylaw;
- (c) take any steps or carry out any actions required to remedy a contravention of this Bylaw;
- (d) establish forms for the purposes of this Bylaw;

(e) refuse to issue a Licence or issue a Licence, with or without terms and conditions as the County Commissioner deems appropriate, acting reasonably; and

(f) delegate any powers, duties or functions under this Bylaw to an employee of the Municipality.

OTHER PERMITS AND APPROVALS

21.1 Nothing in this Bylaw relieves any person from any requirement to obtain any license, permit or approval under any other Bylaw of the Municipality or any provincial or federal statute or regulation.

ENACTMENT

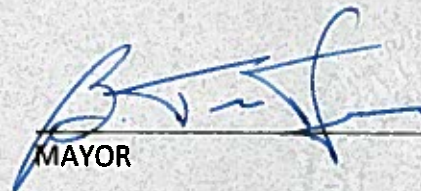
22.1 This Bylaw shall come into force and effect upon the date of its third reading.

22.2 Bylaw 476/83 is hereby repealed.

Read a first time this 24th day of February, 2015.

Read a second time this 10th day of March, 2015.

Read a third time this 26th day of June, 2015.


MAYOR


COUNTY COMMISSIONER (CAO)

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

SCHEDULE "A"
MINIMUM FINES AND PENALTIES

Section	Offence	Penalty
9.1 (b) (i)	Provide false or misleading information in an application	\$ 500.00
12.1	Operates or conducts a special event without a valid license	\$5,000.00
11.0	Failure to comply with conditions of the license	\$2,500.00 per violation