

**TOWN OF OLDS
BYLAW NO. 2007-33**

Special Events Bylaw

WHEREAS: The Municipal Government Act, R.S.A 2000. Chapter M-26, as amended, authorizes the Council of the Town of Old to pass Bylaws respecting:

- a. The safety, health and welfare of people and the protection of people and property;
- b. People, activities and things in, on or near a public place or place that is open to the public;
- c. Businesses, business activities and person engaged in business; and
- d. Providing for systems of license, permits or approvals.

NOW THEREFORE the Council of the Town of Olds, duly assembled, enacts as follow:

1. TITLE:

This Bylaw may be cited as the Special Events Bylaw.

2. DEFINITIONS

In this Bylaw, the following definitions shall apply:

- a. "Applicant" means the person who applies for a Permit pursuant to this Bylaw.
- b. "CAO" means the Chief Administration Officer for the Town appointed by Council in accordance with the provision of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, or his/her designate.
- c. "Chief of Police" means the non-commissioned officer in command of the RCMP detachment in the Town of Olds or anyone authorized to act on his or her behalf.
- d. "Council" means the Council of the Town of Olds.
- e. "Emergency Services" means the Mountain View Regional Emergency Services Commission created by *Bylaw No. 00-020* and emergency services provider for the Town of Olds.

- f. “Expected Attendance” means the number of people reasonably expected to attend the Special Event including the Special Event promoters, staff, personnel and entertainers.
- g. “Fire Chief” means the individual appointed as head for the Town’s fire department by Council or his/her designate.
- h. “Licensee” means the Person in whose name the Permit is issued pursuant to this Bylaw.
- i. “Licensing Officer” means the CAO or his/her designate.
- j. “Non Profit Organization” means an organization:
 - a. Incorporated under the Societies Act,
 - b. Registered under Part 9 of the Companies Act,
 - c. Formed under the Agricultural Societies Act,
 - d. Formed under the Cemetery Companies Act,
 - e. Registered under Part 21 of the Business Corporations Act if the extra-provincial corporation does not carry on business for the purpose of gain, or
 - i. Incorporated by a private act of the Parliament of Canada or of the Legislative Assembly of Alberta if the corporation,
 - ii. Does not pay dividends to its shareholders or any part of its income to any member for that members’ personal benefit, and
 - iii. Does not distribute property to its shareholders or members of its winding up or dissolution.
 - f. A school, school district, school division or regional division as contemplated by the *School Act*, RSA 2000, Chapter S-3,
 - g. A university, technical institute, college or other post-secondary education institution as contemplated by the *Post-Secondary Learning Act*, RSA 2000 Chapter P 19.5,
 - h. A hospital,
 - i. A church or religious body,
 - j. A Municipal, Provincial or Federal government body or organization, or
 - k. Any other entity established under a law of Canada or Alberta for a purpose other than to make a profit.
- k. “Peace Officer” means
 - a. A member of the Royal Canadian Mounted Police;
 - b. A Community Peace Officer appointed by the Solicitor General of Alberta; and
 - c. A duly appointed Bylaw Enforcement Officer employed by the Town;

- l. "Permit" means a permit issued pursuant to this Bylaw.
- m. "Person" means an individual or any business entity including a firm, partnership, association, corporation, company, or society.
- n. "Potable Water" means water that is safe for human consumption.
- o. "Premises" means any lands or buildings situated within the Town, whether owned privately or by the Town.
- p. "Responsible Party" means every Person who is an Applicant (if a corporation, all directors), Venue Owner, event promoter, event manager, provides entertainment or concessions, or profits in any way from the event.
- q. "Special Event" means any public or private event, gathering, celebration, festival, competition, contest, exposition or similar type of activity which has an Expected Attendance of 1000 or more people in a twenty four (24) hour period, including but not limited to the following types of events:
 - a. music festivals or concerts, including live and/or pre-recorded music, and professional and/or amateur performances,
 - b. dances and dance parties, including live and/or pre-recorded music and professional and/ or amateur performers.
 - c. rodeos,
 - d. trade shows,
 - e. expositions,
 - f. exhibitions,
 - g. athletic or sport events, meets or contests, and,
 - h. shows, trials, and other competitive events.

A Special Event will be deemed to have an Expected Attendance of 1000 or more people if:

- a. the Special Event is held in a Venue with an occupancy of 1000 or more people,
- b. the Special Event involves the printing or sale of 1000 or more tickets or invitations, or
- c. any advertising for the Special Event implies that attendance at the Special Event will be 1000 or more people.

- r. "Town" means the Town of Olds.
- s. "Town Facilities" means any building, structure, or recreational facility owned or operated by the Town. It also includes any land owned or occupied by the Town, including but not limited to:
 - a. Town parks, sport fields, baseball diamonds, recreational areas, parking lots, and reserves,
 - b. Land leased to the Town and land for which an interest in land has been granted to the Town, and
 - c. Streets within the Town Of Olds corporate limit.
- t. "Town Services" means any service provided by the Town of Olds, this include, but not limited to police, fire, emergency service, family and community support service, recreational services, corporate services, community services, public works and utilities.
- u. "Venue" means the Premises where the Special Events is held.
- v. "Venue Owner" means the Person who is shown on the Town's tax roll as the registered owner of the Premises where the Special Events is to be held.

3. EXEMPTION

- 3.1. A Non Profit Organization from the Town of Olds is exempt from obtaining a Permit pursuant to this Bylaw if the proposed Special Event has an Expected Attendance of less than 1000 people.
- 3.2. If a proposed Special Event has an Expected Attendance of more than 1000 but less than 2000 people, a Non Profit Organization from the Town of Olds is exempt from requiring a Permit if the proposed Special Event meets all of the following conditions:
 - 3.2.1. The Special Event does not include consumption or sale of alcoholic beverages at the Venue, and
 - 3.2.2. The Special Event does not require an additional Town Services and/or use of Town Facilities.
- 3.3. A Non Profit Organization from the Town of Olds organizing a proposed Special Event has an Expected Attendance of more than 2000 people is required to obtain a Permit pursuant to this Bylaw.
- 3.4. The following events shall not require a Permit pursuant to this Bylaw:
 - 3.4.1. Regular season games and playoff games organized by the Olds Sportsmen's Recreational Association, and

- 3.4.2. The Olds Fair & Rodeo organized by the Olds Agricultural Society.

4. PERMIT APPLICATIONS

- 4.1. An application for a Permit for a Special Event expecting more than 1000 attendees must be made no later than ninety (90) days in writing to the Licensing Officer before the proposed date of the Special Event.
- 4.2. A complete application for a Permit shall be accompanied by a non-refundable application fee set out in Schedule “B” and shall follow the prescribed format approved by the CAO or his/ her designate.
- 4.3. The provisions of the Town of Olds *Business License Bylaw (00-16)*, as it may be amended from time to time, or any bylaw passed in substitution thereof, shall apply to the Applicant.
- 4.4. Every Licensee must meet the conditions and requirements set out in Schedule “A” of this Bylaw.

5. PROCESSING APPLICATIONS

- 5.1. Upon receipt of a complete application and application fee, the Licensing Officer may provide the completed application to all or any of the following individuals and agencies for their review and comments:
 - 5.1.1. the Town’s Bylaw Enforcement Officer and Community Peace Officer,
 - 5.1.2. the Fire Chief,
 - 5.1.3. the Chief of Police,
 - 5.1.4. David Thompson Health Region,
 - 5.1.5. the Alberta Gaming and Liquor Commission,
 - 5.1.6. the Director of Operational Services, or his or her designate,
 - 5.1.7. the Director of Community Services, or his or her designate,
 - 5.1.8. any other agency which, in the opinion of the Licensing Officer, may assist him/her in determining whether or not issuing the Permit is appropriate in the circumstances.
- 5.2. Upon the request by any of the individuals or agencies set out in Section 5.1, the Licensee shall provide access to the proposed Venue for the purpose of the individual or agency making the request conducting an inspection of the Venue. Upon request by any such individual or agency, the Licensee shall accompany the individual or agency representative on the inspection of the proposed Venue.

- 5.3. The Applicant shall be required to provide public liability insurance for the Special Event in the minimum amount of two million dollars (\$2, 000, 000.00) or additional amount as specified by the Licensing Officer, naming the Town of Olds as an additional insurer. The insurance company providing the coverage must be licensed to operate within the Province of Alberta. Certificate of Insurance shall be provided to the Licensing Officer at least thirty (30) days prior to the Special Event. The insurance policy shall state that coverage provided will not be changed in any material way, cancelled or terminated until thirty (30) days after written notice of such change, cancellation or termination has been provided to the Licensing Officer.
- 5.4. The Licensing Officer may grant relief of any of the requirements listed in this Bylaw where it appears that such an action will not harm the health, safety, welfare and property of the Special Event attendees, Town residents and members of the public. This ability to grant relief shall be limited to those items within the control of Licensing Officer under this Bylaw and does not relieve the Applicant from any condition or requirement imposed by law, contract or otherwise.
- 5.5. Having consideration to the application and to the comments received pursuant to Section 5.1, the Licensing Officer may impose such conditions on the Permit that he/she in his/her sole discretion reasonably determines as being necessary to protect the health, safety, welfare and property of the Special Event attendees, Town residents, and members of the public including all conditions and requirements set out in Schedule "A" and without limiting the foregoing, any or all of the following conditions:
 - 5.5.1. the number and qualification of emergency medical personnel and equipment which must be available at the Venue during the Special Event,
 - 5.5.2. the number and qualification of security personnel which must be available at the Venue during the Special Event,
 - 5.5.3. the number of additional Peace Officers which must be available at the Venue during the Special Event,
 - 5.5.4. safety and security procedures to be in place during the Special Event,
 - 5.5.5. number of people who may attend the Special Event,
 - 5.5.6. parking at the Venue, including providing designated parking areas for the Special Event attendees, restrictions on off-site parking facilities and possible use of on-street parking,
 - 5.5.7. transportation and transportation route to and from the Venue,
 - 5.5.8. noise abatement and/or monitoring measures,
 - 5.5.9. hours of operation of the Special Event, and
 - 5.5.10. such other conditions which are, in the opinion of the Licensing Officer, reasonably necessary to protect the health, safety, welfare

and property of the Special Events attendees, Town residents and members of the public.

All costs and expenses incurred in meeting the requirements of this Bylaw or any conditions of a Permit shall be borne by the Licensee.

6. REFUSAL OF APPLICATIONS

6.1. The Licensing Officer shall not issue a Permit if, in the opinion of the Licensing Officer:

- 6.1.1. the application is not complete,
- 6.1.2. the application fee has not been paid,
- 6.1.3. any individual or agencies in Section 5.1 were unable to inspect the Venue because the Applicant was unable or unwilling to provide them with access to all of the Venue in a timely fashion,
- 6.1.4. the proposed safety or security procedures are inadequate, and
- 6.1.5. the proposed Venue is inadequate for the proposed Special Event.

6.2. The Licensing Officer may refuse to issue a Permit if:

- 6.2.1. Responsible Party have previously operated a Special Event in breach of a condition of a Permit or a Town Bylaw.
- 6.2.2. any of the individuals or agencies in Section 5.1 recommends against the Permit;
- 6.2.3. in the opinion of the Licensing Officer, the anticipated noise created by the Special Event would violate the provisions of the Town's *Noise Control Bylaw (1170-80)*, as it may be amended from time to time, or any bylaw passed in substitution thereof; or
- 6.2.4. in the opinion of the Licensing Officer, issuing the Permit may harm the health, safety, welfare and property of the Special Event attendees, Town residents and members of the public.

6.3. Where the application is denied, the Licensing Officer shall mail or fax a written notice to the Applicant within five (5) business days after the application is denied. The notice shall include a statement of the reasons the application was denied.

7. RIGHT OF APPEAL

7.1. The Applicant may file a written request with the CAO to petition the Council to conduct a review concerning the refusal of the Permit within ten (10) business days after the date of the written notice. The written request by the Applicant shall contain reasons why the Council should carry out a review and provide any information that is deemed necessary to help the Council fulfill

such review. After the CAO has received the written request from the Applicant, Council shall review the written request and provide a response to the Applicant no more than twenty (20) business days.

7.2. Once Council review the refusal of the Permit pursuant to Section 6.4, Council may:

7.2.1. Grant a Permit without conditions,

7.2.2. Grant a Permit with conditions, or

7.2.3. Refuse to grant a Permit.

7.3. Council's decision pursuant to Section 7.1 and 7.2 shall be considered final and binding.

7.4. An Applicant cannot petition the Council to conduct a review concerning the refusal of the Permit based on the conditions and requirements set out in this Bylaw or additional conditions imposed by the Licensing Officer that in his/her sole discretion reasonably determines as being necessary to protect the health, safety, welfare and property of the Special Event attendees, Town residents, and members of the public.

8. REVOCATION OF PERMITS

8.1. The Licensing Officer or, in absence of a Licensing Officer, the Chief of Police, shall have the power to revoke the Permit when the following causes exist:

8.1.1. The Special Event is being run, operated or conducted in a manner contrary to the terms of this Bylaw or contrary to the terms and conditions of the Permit.

8.1.2. The Licensee or his/her employees or agents fail, neglect, or refuse to fulfill any or all of the conditions and requirements imposed pursuant to the provisions of this Bylaw or conditions and requirements of the Permit.

9. ENFORCEMENT

9.1. Where a Peace Officer has reasonable grounds to believe that a provision of this Bylaw has been contravened, that Peace Officer is authorized to issue a Violation Tag to any Person who the Peace Officer has reasonable grounds to believe is responsible for the contravention.

9.2. A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the CAO and may be delivered to the Person reasonably believed to have

contravened to this Bylaw by means of actual service upon the Person or by mailing a copy to the Person at this his/her address as it appears on the Permit application form.

- 9.3. Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town, the penalty specified on the Violation Tag within seven (7) business days if delivered by actual service to the Person and within fourteen (14) business days if served by mail.
- 9.4. Where a Violation Tag has been issued and the specified penalty not paid within the prescribed time, the right of the Person named on the Violation Tag to pay the penalty in lieu of prosecution shall expire and the Peace Officer is authorized to issue a Violation Ticket pursuant to Part 2 of the ***Provincial Offences Procedures Act*** R.S.A. 2000, c-.P.34, as amended or repealed and replaced from time to time, to any Person that the Peace Officer has reasonable ground to believe contravened a provision of this Bylaw.
- 9.5. Notwithstanding Section 9.1, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable grounds to believe has contravened or is responsible for a contravention of any provision of this Bylaw regardless of whether a Violation Tag has first been issued. Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

10. OFFENCE AND SPECIFIC PENALTIES

- 10.1. No Person shall hold, conduct, manage or organize a Special Event unless that Person has obtained and holds a valid Permit pursuant to the terms of this Bylaw.
- 10.2. Any Person who provides false or misleading information in an application for a Permit is guilty of an offence and is liable to a penalty as prescribed by this Bylaw.
- 10.3. A Venue Owner must ensure that a Permit has been obtained before permitting the Special Event to take place at the Venue.
- 10.4. The Licensee and Venue Owner are jointly and severally responsible for ensuring that all conditions of the Permit and this Bylaw are fully complied with.
- 10.5. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of ten thousand dollars (\$ 10,000.00) or in default of payment of the fine to imprisonment for

a period not exceeding one year, or to both fine and imprisonment in such amounts.

- 10.6. The specific penalty for a violation of any provisions of this Bylaw is a fine in the amount of one thousand dollars (\$1,000.00).
- 10.7. For a second offence, a fine of two thousands dollars (\$2,000.00), and
- 10.8. For a third offence or subsequent offense, a fine of five thousand dollars (\$5,000.00).
- 10.9. The penalty in lieu of prosecution for a Violation Tag of any provision of this Bylaw proceeded with in accordance with Section 9.1 of this Bylaw is a fine in amount of five hundred dollars (\$500.00).
- 10.10. It is provided, however, that the Town retain any and all civil remedies, including the right of civil injunction, for prevention of such violations and for the recovery of money damages therefore.

11. GENERAL

- 11.1. It is the intention of the Council of the Town that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.
- 11.2. The Licensee shall comply with all relevant Federal, Provincial, or Municipal laws in existence.

Read a first time the 10th day of September, 2007.

Read a second time the 13th day of November, 2007.

Read a third and final time the 10th day of December, 2007.

Judy Dahl,
Mayor

Dale Withage,
Chief Administrative Officer

Signed by the Chief Elected Officer and the Chief Administrative Officer this 14th day of December, 2007.

SCHEDULE "A"

CONDITIONS AND REQUIRMENTS

Every Licensee to conduct a Special Event shall be subject to the following conditions and requirements:

a) Security Protection:

- a. Every Licensee shall provide at his/her own expense, on Premises security protection as require by the Licensing Officer. The Licensee shall provide proof of such arrangements to the satisfaction of the Licensing Officer at least thirty (30) business days prior to the date of the Special event.

b) Police Protection:

- a. Under the advisory of the Chief of Police, the Licensing Officer may impose specific numbers of Peace Officers for the preservation of order and the protection of property in and around the place of the Special Event.
- b. Where the Chief of Police specifies the employment of extra Peace Officers to meet the requirements of this Bylaw, such Peace Officers shall be under the direct control of the Chief of Police.
- c. The Licensee shall cover all expenses associated with police protection at rates approved by the Licensing Officer. The approved rates should be deposited with the Town at least thirty (30) business days prior to the specified date the Special Event is to occur.

c) Water and Sanitation Facilities:

- a. Every Licensee shall provide at his/her own expense, an ample supply of potable water for drinking and adequate sanitation facilities on the Premises of the event. Water and sanitation facilities shall comply with the requirements of the ***Public Health Act*** pertaining to potable water and sanitation facilities for events of this nature.

d) Food Concessions:

- a. The Licensee shall comply with the requirement of the ***Public Health Act*** pertaining to food regulations for event organizers and shall ensure any business or community group operating food service establishments for the event comply with the requirements of the ***Public Health Act*** pertaining to

food regulations for temporary food establishment operators, at his or her own expense.

e) Fire Protection:

- a. Every Licensee should provide, at his/her own expense, adequate fire protection as determined by the Fire Chief. If the event is located in a hazardous fire area, a suitable number of fire officials shall be employed by the Licensee, who shall be approved by the Fire Chief. Flammable vegetation and other fire hazards shall be removed in a manner and in such quantity as determined by the Fire Chief. Fire aid and fire extinguishing equipment shall be provided as directed by the Fire Chief.

f) First Aid Facilities:

- a. Every Licensee shall provide, at his/her own expense, first aid facilities at the site of the Special Event, as may be required by the Licensing Officer. In consultation with the Emergency Services, the Licensee shall provide ambulance services to transport persons attending the event from the site of the event to the nearest hospital where need arises at his/her own expense. The type of ambulance service shall be as specified by the Licensing Officer and/or the Emergency Services.

g) Parking Areas:

- a. Every Licensee shall provide adequate parking spaces for persons attending the event by motor vehicle. Such parking areas shall be clearly marked. The Licensing Officer shall approve a Licensee's parking plan before a permit shall be issued.

h) Access and Parking Control:

- a. The Licensee shall provide adequate access and egress to the event Premises and parking areas; therefore necessary roads, driveways and entranceways shall exist to ensure the orderly flow of traffic into the Premises from a highway or road, which is a part of the town system of Highways or which is a highway maintained by the Province.
- b. A designated special access way for fire equipment, ambulances, and other emergency vehicles shall be required. The Licensee shall submit a traffic and pedestrian management plan for Town approval before a permit is issued. Additionally, the Licensee shall verify that traffic control personnel are under his/her employ to ensure orderly traffic movement and relieve traffic congestion in the vicinity of the event area.

- c. Where there are camping provisions, the Licensee shall provide a map detailing the camping areas, the number of camping stalls in each area and identify the roadways throughout the camping areas. The plan shall contain provisions for the orderly processing and parking of camping units. Each camping area must allow for vehicle access, including sufficient space for emergency vehicle access and passage.
- i) Overnight Camping Facilities:
 - a. Every Licensee authorized to allow persons who attend the event to remain on the Premises overnight shall provide an adequate plan for camping facilities and campgrounds, including tenting areas, travel trailer parks, and recreational vehicles overnight areas that meet the requirements of the Licensing Officer.
- j) Illumination:
 - a. Every Licensee planning to conduct a Special Event after dark, or planning to allow persons who attend the Special Event to remain on the Premises after dark, shall provide electrical illumination to insure that those areas which are occupied are lighted at all time.

The Licensing Officer shall approve a Licensee's lighting plan as a prerequisite to the issuance of a Permit pursuant to the provision of this Bylaw.
- k) Hours of Operation:
 - a. All events that are subject to a Permit pursuant to the provisions of this Bylaw shall close and cease operations continuously between the hours of 2 am to 7 am on each and every day of the event. Nevertheless, activities related to set up and take down are permitted after 2am and before 7am. For all set up and take down activities occurring after 2am and before 7am, the Licensee shall take the necessary steps to ensure noise disturbance outside the event location is minimized and ensure noise is controlled within the Venue.
 - b. *Noise Control Bylaw (1178-80)* must be reviewed and agreed by the Licensee.
 - c. If sound equipment and/or amplification are to be used, a detail plan is required to outline any step to be taken to ensure noise disturbance outside the event location is minimized and any step that will be taken to ensure noise is controlled within the event.
- l) Communications:

- a. The Licensee shall be required to establish a communications system for public use where ordinary communications are not available. In addition, a method of contacting the Licensee or Responsible Party during the proposed event must be provided to the Licensing Officer prior to commencement of the event.

SCHEDULE "B"

APPLICATION FEE

- a) A non-refundable fee:
 - a. \$ 200.00 for 1000 to 2000 Expected Attendance.
 - b. \$ 500.00 for 2000 or more Expected Attendance.
- b) Council reserves the right to waive the application fee for a Non Profit Organization from the Town of Olds.