

## BYLAW 22-2014

### **A BYLAW OF STRATHCONA COUNTY IN THE PROVINCE OF ALBERTA, TO ESTABLISH LICENSING AND REGULATION OF CONCERTS AND SPECIAL EVENTS**

WHEREAS the *Municipal Government Act*, R.S.A 2000, c. M-26, as amended provides that a Council of a municipality may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the Council of Strathcona County deems it advisable and in the public interest to regulate concerts and other special events within the boundaries of Strathcona County;

NOW THEREFORE the Council of Strathcona County in the Province of Alberta, duly assembled, hereby enacts as follows:

#### **TITLE**

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

#### **DEFINITIONS**

2.1 In this Bylaw,

- (a) "Chief Commissioner" means the Chief Administrative Officer of Strathcona County or their delegate;
- (b) "Concert or 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 300 people, including promoters, staff personnel and entertainers, and includes but is not limited to the following events:
  - i. Music festivals or concerts, 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;
  - viii. Athletic or sports events, meets, shows, contests, trials and other competitive events.

Does not include:

- i. Any event on lands owned or controlled by Strathcona County that is either hosted by Strathcona County or has been authorized by Strathcona 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;
  - iii. Any event for which a development permit has been issued under Strathcona County's Land Use Bylaw, as amended, to allow for incidental gatherings or events as contemplated in the permit.
- (c) "Council" means the Council of Strathcona County;
- (d) "Licence" means a licence issued by the Chief Commissioner authorizing a Concert or Special Event to take place within the Municipality;
- (e) "Licensee" means a person named on a Licence issued pursuant to this Bylaw;
- (f) "Municipality" means Strathcona County;
- (g) "Peace Officer" means any Community Peace Officer or Bylaw Enforcement Officer employed by Strathcona County, or member of the Royal Canadian Mounted Police;
- (h) "Person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person;
- (i) "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.

### **GENERAL PROHIBITION**

- 3.1 A person shall not operate, maintain, conduct or advertise a Concert or Special Event in the Municipality unless they hold a valid and subsisting Licence for that Concert or Special Event and then only in accordance with the terms and conditions of the Licence issued.

**LICENCE APPLICATION**

- 4.1 (a) Application for a Licence to conduct a Concert or Special Event shall be made to the Chief Commissioner, in writing, at least ninety (90) days prior to the proposed date of the Concert or 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 Chief Commissioner, that the applicant is at least 18 years of age. If the application is made by a partnership the name and addresses of the partners 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 Concert or Special Event which the applicant is seeking a Licence;
  - iii. The municipal address and legal description of the property where the proposed Concert or Special Event is to be held. The applicant shall submit proof of ownership of the place where the Concert or 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 Concert or Special Event;
  - iv. The date or dates and the hours during which the proposed Concert or Special Event is to be held;
  - v. An estimate of the number of customers, spectators, participants, and other persons expected to attend the Concert or Special Event for each day it is proposed to be held;

- vi. Proof, in a form satisfactory to the Chief Commissioner, that the applicant has adequate financial means to carry out the Concert or Special Event, including any conditions that may be imposed on the License being applied for. The Chief Commissioner may, in their discretion, require the applicant to provide a letter of credit, in an amount deemed appropriate given the nature of the proposed event, as security;
- vii. A detailed written explanation of the applicant's plans to provide security and fire protection, water supplies and facilities, sewage and drainage facilities, food supplies and facilities, 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 at 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 Concert or Special Event has concluded. The applicant shall include a site plan that clearly indicates the arrangement of the all facilities associated with the proposed concert or special event, including but not limited to those for parking and event ingress and egress;
- viii. 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 where the applicant is planning to have alcohol at the proposed Concert or Special Event;
- ix. Proof, in a form satisfactory to the Chief Commissioner, that the application has general and host liquor liability insurance for the proposed Concert or 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 Concert or Special Event, and naming the Municipality as an additional insured;
- x. Anything else reasonably required by the Chief Commissioner to process the application.

- (b) A Concert or Special Event shall be deemed to have an expected attendance of more than 300 people when:
  - i. The event is to be held in a venue with an occupancy of more than 300 people;
  - ii. The event involves the printing or sale of more than 300 tickets or invitations; or
  - iii. Any advertising for the event implies that attendance at the event will be more than 300 people.
  
- 5.1 Subject to section 6.1, the Chief Commissioner shall not issue a Licence pursuant to this Bylaw unless the Chief Commissioner is satisfied that the applicant meets all of the conditions and requirements set out in this Bylaw.
  
- 6.1 (a) The Chief 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 Concert or Special Event from the requirement to obtain a Licence where, in the opinion of the Chief Commissioner, to do so would be in the public interest.  
  
(b) Functions or events the Chief 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 Chief 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 Chief Commissioner, may assist the Chief Commissioner in determining whether or not issuing a Licence for a particular Concert or Special Event is appropriate in the circumstances.
  
- 8.1 If a Concert or Special Event to which a Licence has been issued is of a recurring nature, the Chief Commissioner may, in his discretion, renew the Licence for that Concert or Special Event on any terms or conditions the Chief Commissioner deems appropriate.
  
- 9.1 The Chief Commissioner may refuse to issue or renew a Licence and may suspend or cancel a Licence 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 Chief Commissioner;
  - (ii) has, in the opinion of the Chief Commissioner based on reasonable grounds, contravened this Bylaw whether or not the contravention has been prosecuted; or
- (c) in, the opinion of the Chief Commissioner based on reasonable grounds, it is in the public interest to do so.

### **LICENCE CONDITIONS**

10.1 A 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 security for the approved Concert or Special Event, which shall include at least one Security Officer for every 100 persons expected to be in attendance, and comply with any security plan approved by the Chief Commissioner;
- (b) provide ample supply of potable water for drinking and sanitation purposes and adequate drinking water and sanitation facilities for the Concert or Special Event;
- (c) provide adequate garbage receptacles and remove all garbage from the location of the Concert or Special Event;
- (d) provide first aid services and comply with any medical plan approved by the Chief Commissioner;
- (e) ensure that the liability insurance associated with the Concert or Special Event remains in full force and effect;
- (f) only hold the Concert or Special Event on the dates and times specified on the Licence;
- (g) comply with all terms and conditions specified on the Licence; and
- (h) comply with all relevant Federal, Provincial and Municipal laws in effect.

**GENERAL PENALTY PROVISION**

12.1 Any person who:

- (a) operates, maintains, conducts or advertises a Concert or Special Event in the Municipality without having a valid and subsisting Licence for the Concert or 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 in an amount not less than that established in section 13 and not exceeding \$10,000 and to imprisonment for not more than six months for non-payment of a fine.

13.1 Without restricting the generality of section 12, the following fine amounts are established for use on violation tickets if a voluntary payment option is offered:

- (a) five thousand dollars (\$5,000) for a first offence; and
- (b) seven thousand five hundred dollars (\$7,500) for any subsequent offence.

**ENFORCEMENT**

14.1 Where a Peace Officer 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.

15.1 Where a Peace Officer issues a person a violation ticket in accordance with Section 14, 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 ticket; 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*.

16.1 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 Municipality from pursuing any other remedy the Municipality may have at common law or by operation of statute.

### **SEVERABILITY**

17.1 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**

18.1 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**

19.1 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.

20.1 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**

21.1 Without restricting any other power, duty or function granted by this Bylaw, the Chief 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 Chief 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**

22.1 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.

### **EFFECTIVE DATE**

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

Read a first time this 22<sup>nd</sup> day of April, 2014.

Read a second time this 6<sup>th</sup> day of May, 2014.

Read a third time and finally passed this 6<sup>th</sup> day of May, 2014.

Roxanne Carr  
Mayor

Jacqueline Roblin  
Acting Director, Legislative and Legal Services

Date Signed: May 23, 2014