

THE CORPORATION OF THE TOWN OF ERIN

BY-LAW #14-19

A BY-LAW TO regulate the holding of Major Events that may cause a public nuisance, on lands within the Town of Erin.

Whereas section 126 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes local municipalities to regulate cultural, recreational and educational events including public fairs; to prohibit such events unless a permit is obtained from the municipality for those activities; and to impose conditions for obtaining, continuing to hold and renewing any such permit;

And Whereas section 128 of the Municipal Act, 2001 authorizes local municipalities to prohibit and regulate public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

And Whereas section 129 of the Municipal Act, 2001 authorizes local municipalities to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination; to prohibit those matters unless a permit is obtained from the municipality for those matters; and to impose conditions for obtaining, continuing to hold and renewing any such permit;

NOW THEREFORE THE COUNCIL OF THE TOWN OF ERIN HEREBY ENACTS AS FOLLOWS:

Definitions:

1. For the purposes of this by-law, the following definitions apply:

“Major Event” means:

“Any occasional cultural, recreational or educational event, including any fair, show, sale, tournament, competition or any similar event, that occurs on one or more consecutive calendar days, and that:

- a. includes or is intended to include outdoor illumination that is or would be visible beyond the property boundaries where the event is held; or includes or is intended to include electronically amplified announcements (other than for emergency purposes) and/or electronically amplified music and/or other electronically amplified sound, any of which is or would be audible beyond the property boundaries where the event is held; and
- b. is attended by or is intended to be attended by a total of 500 or more persons, including participants, competitors, spectators, vendors, support staff, and members of the general public, during any one calendar day.

Applicability:

2. This by-law applies to all lands in the Town of Erin, notwithstanding the provisions of any zoning by-law or temporary use by-law, made pursuant to section 34 and/or section 39 of the Planning Act, R.S.O. 1990, c. P.13.

Prohibitions:

3. No person shall hold, cause or permit the holding of any Major Event, without having obtained a valid Permit issued pursuant to this by-law that authorizes the holding of that Major Event.
4. No person shall hold, cause or permit the holding of a Major Event, except in accordance with the terms and conditions of a valid Permit

for that Major Event, issued pursuant to this by-law.

Application for Permit:

5. An applicant for a Permit pursuant to this by-law shall provide the information set out in Schedule A to this by-law in its application and such other information in support of the application as Council may require.
6. A complete application for a Permit, together with the applicable application fee as set out in Schedule B to this by-law, shall be submitted by an applicant at least 30 days prior to the intended date of the event to allow time for processing by the Town. Town Council may, by resolution, abridge or extend the minimum 30 day review time for any application, where it determines that it is reasonable to do so. Notwithstanding this normal minimum 30 day requirement, during the first 90 days that this by-law is in effect, an application for a Permit may be submitted by an applicant less than 30 days prior to the date of the intended event and the Town will make all reasonable efforts to process any such applications prior to the intended event.

Processing of Application:

7. Upon receipt of an application for a Permit under this By-law, Council may decide to give public notice of the application and/or hold a public meeting or otherwise seek to obtain public and/or agency input on the application.
8. A Permit under this by-law may be issued by Town Council, or by the Town Clerk, or by such other member of Town staff as Council may from time to time designate by resolution of Council.
9. In determining whether or not a Permit under this by-law will be issued to an applicant, Town Council or its designated staff may take into consideration:
 - a. the information provided by the applicant in its application or to supplement its application;
 - b. the applicant's track record of compliance with any previous permit and with any other applicable municipal by-law or federal or provincial law;
 - c. any written or oral submissions provided by members of the public who may be affected by the holding of the event;
 - d. whether the holding of the Major Event could cause or result in a public nuisance, an unreasonable risk to public health or safety, or a breach of any applicable law;
 - e. the recommendations of Town staff;
 - f. any comments from any other affected public agency; and
 - g. whether certain terms and conditions may be appropriate to protect the public interest.

Permits:

10. A Permit may be issued for a single Major Event or for a series of related Major Events in any one calendar year, not to exceed a maximum of 6 events per Permit. The specific dates for which a Permit is issued shall be identified in the Permit, together with an expiry date for the Permit.
11. The issuance of a permit for a Major Event does not represent or imply a commitment or a promise by the Town of Erin to issue a subsequent permit for any subsequent, continuing, or similar event.
12. A Permit under this by-law may be issued subject to such terms and conditions as are considered appropriate to minimize the potential for

the Major Event to cause a public nuisance, or to create an unreasonable risk to public health or safety, or to result in a breach of any applicable law. Conditions may include, but are not limited to:

- a. restrictions on hours of operation for one or more Major Events or for the operation of particular activities during a Major Event;
- b. restrictions on dates of operation for one or more Major Events;
- c. restrictions on the number of attendees permitted per Major Event;
- d. parking requirements;
- e. security requirements;
- f. traffic control requirements;
- g. restrictions on noise, outdoor illumination, and/or electronically amplified sound, including announcements, music or other sounds;
- h. any other restrictions considered necessary to minimize potential nuisances from noise, vibration, odour, dust or outdoor illumination; and
- i. other terms or conditions considered necessary in the public interest.

13. A Permit issued under this by-law does not relieve the permit holder of any responsibility or liability under any other municipal, provincial or federal law, nor from any civil liability. It is the permit holder's responsibility to ensure compliance with all other applicable laws and to ensure that adequate insurance is in place for the Major Event. The Town of Erin neither assumes nor accepts any responsibility for any such matters.

14. Any representations made by the applicant in an application for a Permit or in any supplementary information provided by the applicant in support of an application for a Permit shall be deemed to be a term or condition of any Permit that is issued for that Major Event, except to the extent that the specific terms or conditions of the Permit contradict those representations.

15. A Permit issued under this by-law expires immediately following the conclusion of the Major Event for which it was issued, unless the Permit specifically provides for an alternative expiry date.

Revocation or Modification of Permit

16. Town Council, the Town Clerk or a designated member of staff may modify or revoke a Permit at any time, if there are reasonable grounds to believe that the holding or continuation of the Major Event will pose a danger to the health and safety of any person or if there is a contravention of this by-law or of the terms or conditions of the Permit issued for the Major Event.

17. In the case of a revocation of a Permit, the Town shall immediately inform the permit holder or the permit holder's agent of the revocation and the reasons for it by contacting the permit holder or agent using the contact information provided in the Permit application.

Inspection and Enforcement:

18. Any municipal by-law law enforcement officer is authorized to enter on any land at any reasonable time for the purposes of conducting an inspection of a Major Event, whether or not a Permit under this by-law has been issued, including entering during the set-up, occurrence or dismantling of the Major Event, in order to ensure compliance with this by-law and with any terms or conditions of a Permit.

19. During any inspection conducted under Section 14, a municipal by-law enforcement officer may, with or without the assistance of any other person:
- a. require the production for inspection of any document or thing relevant to the inspection;
 - b. require the production of information relevant to the inspection; and
 - c. make examinations or take tests, samples or photographs necessary for the inspection.
20. No person shall hinder or obstruct a municipal by-law enforcement officer or any person assisting the officer during an inspection conducted under Section 14 or Section 15.
21. This by-law may be enforced by a police officer or by a municipal by-law enforcement officer.

Offences and Penalties:

22. Any person who contravenes any of the provisions of this by-law is guilty of an offence.
23. Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
24. When a person has been convicted of an offence under this by-law, the Ontario Court of Justice; or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted make an order prohibiting the continuation or repetition of the offence by the person convicted.

Effective Date:

25. This by-law takes effect on the date that it is enacted.

ENACTED AND PASSED BY THE COUNCIL OF THE TOWN OF ERIN

THIS 20th DAY OF MAY, 2014


MAYOR


CLERK

Schedule A to By-law # 14-19

Corporation of the Town of Erin

Information to be Included in an
Application for a Permit for a Major Event

1. Applicant's name, address, telephone and email contact information.
2. Agent's contact information, if different from above.
3. Address and location of property where the Major Event is proposed.
4. Name and contact information for owner of subject property.
5. Name of the Major Event.
6. Description of the Major Event.
7. Date(s) of the Major Event.
8. Proposed operating hours (opening and closing hours) that the Major Event will be open to attendees (including participants, competitors, spectators, vendors, support staff, or members of the general public).
9. Anticipated number of attendees per day, (including participants, competitors, spectators, vendors, support staff, or members of the general public).
10. Site Plan, including location of various activities, parking, facilities, etc.
11. Will there be amplified announcements, amplified music or other amplified sound? If so, describe the proposed extent and any proposed measures to minimize potential nuisance.
12. Will there be any attendees staying on the property overnight? If so, describe the proposed overnight arrangements.
13. Describe how traffic and parking for the event will be managed.
14. Describe the proposed sewage and water systems for the event.
15. Describe how solid waste will be managed.
16. Describe the proposed security arrangements.
17. Describe the proposed emergency response arrangements.
18. If this is an application for a Permit for multiple related Major Events in the same calendar year (maximum 6 Major Events per Permit), provide the above information for each Major Event.

Schedule B to By-law # 14-19

Corporation of the Town of Erin

Fee Schedule:

Application for a Major Event Permit

An applicant for a Major Event Permit pursuant to this By-law shall submit the applicable fee, as set out below, payable to the Corporation of the Town of Erin, before the application will be considered complete:

- Application fee for single Major Event Permit: \$200.00
- Application fee for multiple Major Event Permit: \$500.00