

The Corporation of the Municipality of Leamington

Consolidated By-law 86-23

By-law to regulate and permit Special Events

Whereas section 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25 authorizes municipalities to pass by-laws for the economic and social well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property, including consumer protection.

And Whereas section 126 of the Municipal Act, 2001 further authorizes a municipality to regulate cultural, recreational and educational events including public fairs, to issue permits for such events, and to impose conditions for obtaining, continuing to hold and renewing such permits including requiring the submission of plans.

Now therefore the Council of the Municipality enacts as follows:

Interpretation and Citation

1. If any section, subsection, schedule or part of parts of this by-law are declared by any court of law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
2. Unless otherwise defined, the words and phrases used in this by-law have their normal and ordinary meaning.
3. Unless a contrary intention appears herein, the provisions of this by-law are intended to be gender neutral and gender inclusive and the singular to include the plural.
4. Headings are inserted for convenience of reference purposes only, form no part of this by-law and shall not affect in any way the meaning or interpretation of the provisions of this by-law.
5. This By-law shall be known and cited as the "Special Event By-law."

Definitions

6. In this by-law,
 - a) "Appeal Committee" means the committee established by Council to hear appeals from decisions of administrative officials made pursuant to a delegated power or duty;

- b) “Application” means the application for a Special Event Permit;
- c) “Designated Sporting Facility” means a facility that is owned by the Municipality or other public or private entity and is designed for the purpose of holding one (1) or more specific competitive sporting events.
- d) “Director” means the Municipality’s Director of Legal and Legislative Services or delegate;
- e) “Guide” means the Municipality’s Special Events Guide as posted on the Municipality’s website as may be replaced, updated and amended by the Director from time to time;
- f) “Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- g) “Municipal Property” means outdoor property owned by or under the jurisdiction of the Municipality and includes, but is not limited to the following:
 - i) Highways;
 - ii) parks and parkettes;
 - iii) parking lots;
 - iv) alleyways, both assumed and un-assumed;
 - v) walkways, pathways and trails;
 - vi) waterfront areas and/or beaches; and/or
 - vii) open spaces;
- h) “Municipality” means The Corporation of the Municipality of Leamington;
- i) “Officer” shall mean a police officer, a provincial offences officer, a municipal law enforcement officer or any other person as may be appointed by Council to enforce this by-law;
- j) “Open to the Public” means an event that is not by invitation only but may be attended by the general public with or without the imposition of an entry fee;
- k) “Parade, Walkathon or Race” means an event that is a procession and not stationary and is held wholly or partially within a Highway and includes, but is not limited to a parade, walkathon, bicycle or foot race;

- l) “Person” means an individual, a partnership, or a corporation and the heirs, executors, administrators or other legal representatives of the Person, as the case may be;
- m) “Private Property” means outdoor property that is not owned or under the jurisdiction of the Municipality, or the federal or provincial government;
- n) “Special Event” means an event contemplated to be held:
 - i) on Municipal Property that is a Highway, including, but not limited to an event that is a Parade, Walkathon or Race;or
 - ii) on Municipal Property that is not a Highway where there will be any one (1) or more of the following:
 - 1) food being given or sold at an event Open to the Public;
 - 2) alcohol being sold or consumed at an event Open to the Public;
 - 3) sound amplification;
 - 4) tents larger than 30m²;
 - 5) stages that are more than 225m² in area;
 - 6) amusement rides or inflatables; or
 - 7) projected attendance of over 250 people,or
 - iii) in whole or in part, on Private Property with the projected attendance of over 250 people and where there will be any one (1) or more of the following:
 - 1) food being given or sold at an event Open to the Public;
 - 2) sale or consumption of alcohol at an event Open to the Public;
 - 3) sound amplification;
 - 4) tents larger than 30m²;
 - 5) stages that are more than 225m² in area; or
 - 6) amusement rides or inflatables,

or

iv) where the Director has determined, in their sole discretion, and upon notice to any individual whom the Director reasonably believes is responsible for the event:

- 1) that the event has the potential to impact municipal services, emergency services response time or the regular flow of traffic;
- 2) that the event has the potential to pose a risk to the health and safety of participants or the general public; or
- 3) that a Special Event Permit is necessary to avoid the application of the Municipality's Business Licensing By-law,

but does not include a Sporting Event, unless the Director has otherwise determined in accordance with section 1n)iv).

- o) "Sporting Event" means an event involving competitors who have gathered to participate in a sport at a Designated Sporting Facility and includes spectators who have gathered to watch the competition.
- p) "Special Event Permit" means a permit issued by the Director pursuant to the provisions of this by-law; and
- q) "Special Event Permit Fee" means the fee payable upon an application for a Special Event Permit as may be established in the Municipality's Fees and Charges By-law as is in force at the time of application.

General Provisions

7. No Person shall hold or operate a Special Event, or permit or cause to permit another Person to hold or operate a Special Event or hold themselves out as being permitted to hold or operate a Special Event;
 - a) without a Special Event Permit;
 - b) except in accordance with the provisions set out in Guide and this by-law; and
 - c) without complying with any and all of the conditions within the Special Event Permit.
8. No Person shall obtain a Special Event Permit by providing false or incorrect information.

Application and Special Event Permit

9. The Application shall include:
 - a) the information described in the Application and the Guide; and
 - b) any Special Event Permit Fee.
10. A Special Event Permit may be issued if the Director is satisfied that the Application is complete, the Applicant has satisfied the requirements of the Guide and this by-law and the Event meets at least one of the following criteria:
 - a) **Cultural and historical significance:** the event celebrates, preserves, or educates about the local culture, history, or traditions, contributing to the community's identity.
 - b) **Community Impact:** the event demonstrates a positive effect on the community, enhancing community spirit, engagement, and pride.
 - c) **Economic Contribution:** the event significantly benefits the local economy, attracting visitors, generating revenue, and supporting local businesses.
 - d) **Public Participation and Accessibility:** the event attracts significant public participation, including people of all ages and abilities, and promotes inclusivity.
 - e) **Environmental Sustainability:** the event organizers demonstrate a commitment to sustainability, minimizing the environmental impact and promoting green practices.
 - f) **Innovation and Uniqueness:** the event offers unique, innovative experiences that distinguish it from regular community programming.
11. The Director may deny the issuance of a Special Event Permit if:
 - a) the Director is not satisfied that an Application is in conformity with all provisions of the Guide, this by-law or other applicable law.
 - b) the event endorses views and ideas that are likely to promote discrimination, contempt or hatred for any person or group on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability; and /or
 - c) the event conflicts with the Municipality of Leamington's Strategic Plan or adversely impacts the Municipality's identity.
12. The Director may attach to the Special Event Permit any conditions that the Director deems necessary for the safety of the general public or to ensure compliance with the provisions of the Guide and this by-law.

Revocation of Special Event Permit

13. The Director may revoke a Special Event Permit in the event that:
 - a) it was issued on mistaken, false or incorrect information;
 - b) it was issued in error; and/or
 - c) the Special Event no longer complies with a provision of the Guide, this by-law, a condition of the Special Event Permit or applicable law.

Notice by Director and Appeal

14. Where the Director:
 - a) issues a Special Event Permit with conditions;
 - b) refuses to issue a Special Event Permit; or
 - c) revokes a Special Event Permit,the Director shall provide notice to the applicant for or the holder of a Special Event Permit, as the case may be.
15. In the case of the Special Event Permit being issued with conditions, the notice shall set out the reasons for the Special Event Permit being issued with conditions.
16. In the case of the Special Event Permit being refused or revoked, as the case may be, the notice shall set out the grounds upon which the issuance of the Special Event Permit is refused or revoked.
17. The notice shall state that the applicant for or the holder of a Special Event Permit, as the case may be, may request a hearing before the Appeal Committee within fourteen (14) days of receipt of the notice; and shall set out the process in order to request such hearing as set out in the Rules of Procedure of the Appeal Committee.
18. The Appeal Committee may deny the appeal or may approve the appeal and direct the Director to issue a Special Event Permit, with or without conditions.

Notice

19. Any notice required by this By-law shall be in writing, and may be delivered by way of:
 - a) hand delivery in which case the notice shall be deemed received on the date of delivery;

- b) e-mail in which case the notice shall be deemed received on the date of sending;
- c) by pre-paid mail in which case the notice shall be deemed received on the fifth (5th) day following the date of mailing:

if to the applicant for or holder
of a Special Event Permit:

To the address or email address
included on the Application

if to the Director:

111 Erie Street North
Leamington, Ontario
N8H 2Z9
clerks@leamington.ca

Inspection and Enforcement

- 20. Any Officer may, at any reasonable time, enter upon lands for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - a) the Guide or this by-law; or
 - b) an order made under section 431 of the Municipal Act.
- 21. For the purposes of conducting an inspection pursuant to this by-law, an Officer may:
 - a) require the production for inspection of documents or things, or copies of any document or thing, relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any person concerning a matter related to the inspection; and
 - d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

Penalties

- 22. Every person who contravenes any section of the by-law is guilty of an offence and, upon conviction, is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, c. P.33.

23. Notwithstanding section 22 of this by-law, every person who contravenes any provision of this by-law and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction is liable to a fine not exceeding \$25,000.00.
24. Notwithstanding section 22 of this by-law, a corporation that contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable for a fine not exceeding \$50,000.00.
25. The court in which a conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other remedy and to any penalty imposed on the person convicted.
26. If the fine remains unpaid the fine shall be deemed to be unpaid taxes for the purposes of section 351 of the Act.

Delegation of Authority

27. The Director may delegate all or part of any authority given to the Director by this by-law to any municipal employee who is supervised by the Director.

Exemption

28. The Municipality shall be exempt from the requirement to pay any Special Event Permit Fee.

Read a first, second and third time and finally enacted this 12th day of December, 2023.

Signature on file

Hilda MacDonald, Mayor

Signature on file

Brenda Percy, Clerk