

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON
BY-LAW NUMBER 55 - 2013

**A BY-LAW TO REGULATE AND GOVERN THE HOLDING OF SPECIAL EVENTS
IN THE TOWNSHIP OF MELANCTHON, AND TO ESTABLISH A LICENSE
SYSTEM FOR SPECIAL EVENTS**

WHEREAS Sections 8 through 11 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, confers broad authority on a Township to govern its affairs as it considers appropriate, and to pass by-laws to regulate or prohibit matters within its jurisdiction;

AND WHEREAS the *Municipal Act, 2001*, provides that "business" means any business wholly or partly carried on within a Township even if the business is being carried on from a location outside the Township;

AND WHEREAS the *Municipal Act, 2001*, provides that the Municipalities may provide for a system of licenses, and has the power to suspend or revoke such license, and to limit or impose conditions on such licenses as it deems necessary to ensure the health, safety and enjoyment of property;

AND WHEREAS the Council of the Corporation of the Township of Melancthon desires to support special events in the Township of Melancthon and will assist, where possible, in facilitating Special Events at public and private locations within the jurisdiction of the Township;

NOW THEREFORE the Council of The Corporation of The Township of Melancthon enacts as follows:

1. DEFINITIONS

For the purpose of this by-law:

"**AGCO**" means the Alcohol and Gaming Commission of Ontario.

"**Application**" means an Application for Special Event License.

"**County of Dufferin**" means the County of Dufferin for The Township of Melancthon.

"**Certificate of Insurance**" means a document issued by an insurance company that certifies that an insurance policy has been purchased for the Special Event, or which applies to the property on which the Special Event shall occur, and which provides an abstract of the liability provisions of the insurance contract.

"**Charitable Organization**" means an organization that provides for The Relief of Poverty, The Advancement of Education, The Advancement of Religion, or other charitable purposes beneficial to the community which do not fall under the previous three classifications.

"**Clerk**" means the Municipal Clerk or designate for the Corporation of The Township of Melancthon.

"**Community Event**" means an event which is held for or which benefits the residents or local area within Melancthon.

"**Council**" means the Council of the Corporation of The Township of Melancthon.

"**Emergency Medical Services**" means Dufferin County Paramedic Services (EMS).

"Fees" means an application fee or processing fee paid by the applicant of a Special Event License, as outlined in the Fees and Charges By-law.

"Fire Department" means Melancthon Fire and Emergency Services.

"Health Unit" means the Wellington-Dufferin-Guelph Public Health Unit.

"License" means a license issued by the Township in accordance with a By-law of the Township or under a Provincial statute.

"Liquor License" means a License issued by the Province of Ontario in the form of a Special Occasion Permit or a Liquor License for the purpose of serving alcohol.

"Major Event" means an exhibition, concert, festival or other organized event, held for profit or otherwise, with more than 1,000 people in attendance.

"Township" means the Corporation of The Township of Melancthon.

"Not-for-Profit" means an event or activity of a community group or not-for-profit organization that is held without monetary gain.

"Officer" means a Police Officer, the Municipal By-law Enforcement Officer, or other Officers appointed by the Township.

"OPP" means the Ontario Provincial Police.

"Person" shall include an individual, corporation, business entity, group or Association.

"Special Event" means an exhibition, concert, festival, parade, bicycle race, or other event organized for the purpose of entertainment or amusement and to which more than 50 people attend held for profit or otherwise.

"Municipal Facility" means any land owned or leased by the Township of Melancthon which is accessed by or provided for public use, including but not limited to an arena, community hall, park or green space, parking lot, public library, office, opened and unopened road allowances, and those under agreement through a Memorandum of Understanding.

2. SCOPE

2.1 This by-law has been enacted to ensure public safety, to control noise, traffic, odour and nuisance, to mitigate any negative impact on the community, and to ensure that the Township is able to prepare and respond where necessary.

3. REGULATIONS

3.1 No person shall hold or permit to be held any of the following events or activities on Municipal property, other public facilities or within the Township of Melancthon unless the Township has granted a license for such event or activity.

- a) Parades, processions, marathons, bicycle races and other events utilizing the sidewalks or vehicular travel portion of municipal streets, highways, parking lots or properties including facilities operated by the Township;
- b) Carnivals, bazaars and similar events which offer such activities as amusement rides or devices, games of skill, animal rides or exhibitions, food concession or live entertainment.

- c) Outdoor festivals offering live or recorded music or entertainment for public or private audiences.
- d) Organized scheduled contests and exhibitions.
- e) Marine events, including any prescheduled organized concentration of watercraft, involving participants and/or spectators, of a competitive or non-competitive nature.
- f) Scheduled races, exhibitions or other events involving the operation of motorized vehicles of any type.

4. APPLICATION FEES AND PROCESSING

- 4.1 A Special Event application (Schedule "A" attached) may be obtained from the Clerk's Office and shall be submitted to the Clerk's office.
- 4.2 The application fee (as per the current Fees and Charges By-law) may be waived at the discretion of the Clerk if the event is for charitable or not-for-profit purposes, or for the benefit of the Melancthon Community. However, Administration fees will not be waived.
- 4.3 An application for a Special Event shall be submitted with all required documentation no less than sixty (60) days before the proposed event.
- 4.4 Written approval may be required from outside agencies such AGCO, OPP, Dufferin County EMS, and the Wellington-Dufferin-Guelph Public Health Unit or other approval authorities. It is the responsibility of the applicant to obtain these documents and attach them to the application for license, where applicable.
- 4.5 If the Special Event is to be held on lands owned by other than the applicant, written approval of the property owner shall be submitted with the application.
- 4.6 The applicant may be required to meet with the Clerk's Office, other municipal departments and Council. The Clerk shall forward the completed application to other departments as needed for comment.
- 4.7 If approval for an event is denied, such decision will be provided in writing setting forth the reasons for denial. Such decision may be appealed to Council.

5. LICENSE APPROVAL PROCESS

- 5.1 A Special Event License may be issued upon receipt and review of an application if, in the opinion of the Clerk, the following conditions have been met:
 - a. There is a demonstrated benefit to the community, residents and businesses by holding the event;
 - b. The proposed event or activity is compatible with the surrounding area or neighbourhood, giving consideration to acceptable increases in noise, traffic, crowd control and other municipal concerns;
 - c. Any proposed use of public property, rights of way, or facilities will not unreasonably interfere with the normal use of the property, rights of way or facilities by the Township or the general public;
 - d. If the event involves the use and or sale of alcohol, the applicant shall provide proof of current liability insurance in the minimum amount of five million dollars (\$5,000,000.00) along with a copy of the liquor license, Special Occasion Permit, or application for S.O.P.;
 - e. The applicant shall provide proof of current liability insurance in the minimum amount of two million dollars (\$2,000,000.00), for a non-alcoholic event;

- f. The Certificate of Insurance shall be submitted to the Township with the application clearly stating the address of the insured location or event;
- g. Municipal resources, if applicable, to support the proposed activity are available;
- h. All comments or recommendations from municipal departments and related agencies have been received and are favourable;
- i. Any concerns noted shall require reconciliation before approval is granted.

6. LICENSE REQUIREMENTS

- 6.1 Further conditions or requirements may be imposed to ensure health, safety, welfare and nuisance control. Such conditions may include, but are not limited to:
 - a. The payment of a reasonable fee for the use or allocation of Municipal property and equipment, and the posting of a performance bond, a letter of credit irrevocable up to ninety (90) days after the conclusion of the event, or other surety securing payment of such fee;
 - b. The provision of adequate crowd control and traffic control, security, fire protection, food handling, waste and refuse disposal, and noise restrictions;
 - c. Inspections conducted by the Municipal By-law Enforcement Officer, the Building or Fire Departments and the local Health Unit may be required based on the size, location and nature of the event.

7. EXEMPTIONS

- 7.1 This By-law shall not apply to Special Events organized by the Township.
- 7.2 At the discretion of the Clerk in consultation with the Chair of the Hall or Park Board, the requirement for a Special Event License for the Community Hall or Community Park may be waived.
- 7.3 Events held at locations which are properly zoned and designated for the event shall not require a License.

8. ADMINISTRATION

- 8.1 The Clerks Department shall be the main contact for Special Events in the Township. Administration of this By-law may be conducted through By-law Enforcement, Fire and Emergency Services, Building, or Parks.

9. OTHER REQUIREMENTS

- 9.1 Any Special Event license issued to a person, group or business under this By-law shall adhere and comply with other Municipal By-laws, policies, rules and regulations, and those of other governmental agencies.
- 9.2 A Major Event, whether for profit, not-for-profit, where more than 1,000 people will be in attendance, shall require the approval of Council.

- 9.3 Municipal By-laws, policies, rules and regulations noted in Sec. 9.1 may include, but are not limited to the most recent version of the following:
- a. Melancthon Municipal Alcohol Risk Management Policy (if applicable)
 - b. User Fees for Facility Rentals
 - c. Noise By-law
 - d. Refreshment Vehicles (if applicable)
 - e. Lottery Licensing requirements of the Province of Ontario
 - f. Statutes under the Alcohol and Gaming Commission of Ontario
- 9.4 Other proposed events or uses that have not otherwise been identified in existing municipal by-laws or policy documents may be regulated by the Special Events By-law in order to minimize any conflict that may result from the use.
- 9.5 Should an applicant fail to comply with any of the provisions of this By-law, and any provisions of the Special Event license or any other By-laws of the Township, the Clerk may, at any time, revoke or suspend the Special Event License without notice.
- 9.6 Should an application for a Special Event license under this By-law be denied or revoked, the application may be reconsidered at a subsequent occasion upon the applicant addressing, to the satisfaction of the Clerk, the reasons given for the initial denial of the application
- 9.7 An Officer of the Township may enter onto private property at any reasonable time for the purpose of carrying out an inspection to determine compliance with:
- a. This and any other municipal By-law;
 - b. A Direction or Order of the Township made under the *Municipal Act*, the *Ontario Building Code Act*, or under a Municipal By-law;
 - c. A condition of a license issued under this or any other Municipal By-law.

10. OFFENCES

- 10.1 No person shall permit or hold a Special Event as defined herein without first obtaining a Special Event License issued under this By-law.
- 10.2 No person shall hold or permit to be held a Special Event except in accordance with the Terms and Conditions set out in the License.

11. PENALTIES

- 11.1 Every person who contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to a fine as provided for in the Municipal Act.
- 11.2 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable:
- a. on a first conviction, to a fine of not more than \$10,000.00; and
 - b. on any subsequent conviction, to a fine of not more than \$25,000.00.
- 11.3 Any Corporation which contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable:

- a. on a first conviction, to a fine of not more than \$50,000.00; and
- b. on any subsequent conviction, to a fine of not more than \$100,000.00.

12. GENERAL

- 12.1 This By-law shall be called the "Special Events By-law".
- 12.2 This By-law shall be administered by the Clerk's Office.
- 12.3 This By-law shall be enforced by the Municipal By-law Enforcement Officer of the Township of Melancthon or the Ontario Provincial Police.
- 12.4 The Township may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law, a condition of this By-law, or to ensure compliance with a direction or order made under this By-law or under the Municipal Act, 2001.
- 12.5 Should any section, subsection, clause, paragraph or provision of this by-law, including any part of the Schedules to this by-law, be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part, other than the provision or part of the Schedule declared invalid.
- 12.6 Schedule "A" attached hereto and forming part of this by-law shall be called the Application for Special Event Permit.

12.7 This by-law shall come into force and take effect December 5, 2013

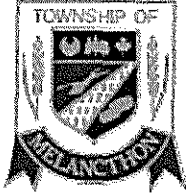
By-law read a first and second time, this 5th day of December, 2013.

By-law read a third time and passed this 5th day of December, 2013.

The Corporation of the Township of Melancthon

Bill Hill
Bill Hill - Mayor

Denise B. Holmes
Denise B. Holmes – CAO/Clerk Treasurer



Application for Special Event Permit
Schedule "A" to By-law 2013 - _____

Applicant Name: _____

Organization: _____

Address: _____ Postal Code: _____

Telephone: Day _____ Evening _____

Email: _____

Date(s) of Proposed Event: _____

Time(s) of Proposed Event: _____

Location of the Event: _____

Property Owner (if different than applicant): _____

Property Owner Contact (if different than applicant): _____

1. Describe the Proposed Event:

2. Does this event require the use of Municipal Property (i.e. roads, facilities)? Y N

If yes, explain: _____

3. How many people are expected to attend the event: _____

Note: Major Events of 1,000 people or more require the approval of Council.

4. Does the event involve the use and/or sale of alcohol? Y N

Note: Licensed events on Municipal property must comply with the Melancthon Municipal Alcohol Risk Management Policy.

5. The OPP Dufferin County Detachment has been notified of this event: Y N

Written confirmation from the OPP may be required.

6. What is the Zoning designation on the subject property? _____

7. Proof of Current Insurance Attached: Y N

Regular Event	Event Involving Use/Sale of Alcohol
Provide proof of current liability insurance in the minimum amount of two million dollars (\$2,000,000.00).	Provide proof of current liability insurance in the minimum amount of five million dollars (\$5,000,000.00).

Note: The Certificate of Insurance shall identify the address of the event as being the insured property.

8. Are you planning a fire or any burning? Y N If so, burn permit is required.

9. Will there be food vendors at the event? Y N If so, a Special Event Food Vendor Application (attached) must be completed and sent to the Wellington Dufferin Guelph Health Unit for approval prior to the event.

Permit Requirements: Applicants may be required to post a performance bond up to ninety (90) days after the conclusion of the event.

Applicant Signature: _____ Date: _____

For Internal Use Only:

Department	Comments/Conditions	Signature
Council		
Fire		
Parks		
Building & By-law Enforcement		
Transportation & Environmental Services		
Finance		
Planning		

Application: Approved ___ Denied ___ Approval Date: _____

Reason for Denial: _____

How will temperature be maintained on site:

- Refrigerated truck
- Thermal unit (e.g. Cambro units)
- Insulated container/bag
- Coolers with ice
- Chafing dish
- Other _____

* A probe thermometer must be available on site to ensure proper internal food temperatures.

Describe your handwashing station:

- Portable handwash station
- Container with turn spout
- Other _____

* Liquid hand soap in a dispenser and paper towels must be available for use.

What sanitizer will be used:

- Chlorine bleach
- Iodine
- QUAT
- Other _____

Please attach a Floor Plan which includes:

- Handwash station with soap in dispenser, paper towel and wastewater container
- Two/three compartment sink
- Adequate refrigeration (include method of refrigeration)
- Food preparation areas
- Food storage
- Garbage disposal

_____ Name of Event Coordinator/Contact/Vendor (Please Print)	_____ Signature of Event Coordinator/Contact/Vendor
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Office Use Only:

Date Received: _____ CSR/File#: _____

Premise Exempted Yes No If yes, number of signs provided _____

Inspection Required Yes No Inspector _____

Inspection criteria: Food offered to the public / > 800 people / unserviced site / hazardous food offered for sale

Educational material provided e.g., Food Safety Information for Special Events

Comments: _____

Date Reviewed: _____ Signature of PHI: _____