

**THE CORPORATION OF THE MUNICIPALITY
OF OLIVER PAIPOONGE**

BY-LAW NO. 12 - 2023

*A By-Law of the Municipality of Oliver Paipoonge respecting the
permitting, regulating and governing of special events on public
and private property.*

Whereas Section 126 of the Municipal Act, 2001, S.O. 2001, c. 25, 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, and Subsection 10(2) of the Municipal Act, 2001, further 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 special events are occasionally held on private and public property within the Municipality of Oliver Paipoonge, and these special events not only enhance the quality of life of residents and visitors alike but generate tourism and economic development in the Municipality;

And whereas Council wishes to encourage a creative Municipality, rich in heritage and unique in identity, and promote a healthy and active Municipality;

And whereas the Municipality works to ensure the continued cooperation among the various agencies involved in and affected by special events in Oliver Paipoonge in order to enhance the quality of life for local residents and to further tourism and economic development in the Municipality as well as ensure that affected agencies are provided with timely information for proper advance planning to ensure public safety and so that unnecessary disruptions to communities and vehicular and pedestrian traffic are avoided, and to ensure that those individuals and organizations seeking to organize special events receive timely assistance and services;

Now therefore the Council of the Municipality of Oliver Paipoonge enacts as follows:

Section 1 – Definitions

In this by-law,

“applicant” means a person applying for a permit under this by-law;

“Building Code Act, 1992” means the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended;

“CAO” means the Chief Administrative Officer of the Municipality;

“Chief Building Official” means the Chief Building Official of the Municipality of Oliver Paipoonge or authorized representative;

“Council” means the Council of the Municipality;

“emergency plan” means a plan that details procedures to follow in emergencies, including but not limited to fire, criminal acts, accidents, medical emergencies or extreme weather events, and includes communications and evacuation procedures as well as the name and contact information of event organizers, and may include any other information deemed to be necessary by the Municipality;

“farmers’ market” means a seasonal, multi-vendor, community-driven market occurring outdoors in which agricultural, food, or art and craft products are sold including home-grown produce, home-made crafts and value-added products;

“Fire Chief” means the Chief of Oliver Paipoonge Fire and Emergency Services or an authorized representative;

“Fire Protection and Prevention Act, 1997” means the Fire Protection and Prevention Act, 1997, S.O. 1997, Chapter 4, as amended;

“fire service resource” includes Oliver Paipoonge Fire and Emergency Services personnel and equipment required by the Fire Chief;

“Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended;

“Municipality” means the Municipality of Oliver Paipoonge;

“permit” means a permit for a special event issued under this by-law;

“person” includes an individual, a corporation, a partnership, and an association, and includes a permit holder or an applicant for a permit under this by-law as the context requires;

“security plan” means a plan produced by the applicant that provides information on conditions and criteria for access to the event or locations on site, security services dedicated to the event and the roles and responsibilities of each, provisions of communications within the event during its duration, decision-making authorities, and restricted areas, and any other information required by the Municipality’s contracted police service;

“special event” means a fair or festival, or a social, recreational, educational, community or similar event that is occurring outdoors on any property that is not a highway and having an expected attendance of at least three hundred (300) persons at any one time during the event, or a fair or festival, or a social, recreational, educational, community or similar event that is occurring outdoors on any property that involves the use of a highway;

“traffic plan” means a detailed plan providing for the control of traffic and parking for the special event, including vehicular, pedestrian and cyclist movements to and from, and within the event location, and if applicable to the special event, information regarding the following:

1. detours of public transit routes and highways
2. emergency vehicles access and egress,
3. public access and separation from hazardous areas,
4. temporary barriers and devices necessary for traffic control or parking,
5. designated accessible pick-up and drop-off locations for persons with disabilities, and
6. the pick-up and drop-off locations for commercial vehicles;

Section 2 – Interpretation

1. This by-law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this by-law.
2. Where the time for doing any act or taking any proceeding expires on a Saturday, Sunday or Public Holiday, the act or proceeding may be done or taken on the next workday except as provided otherwise in this by-law.

3. Where notice is sent by registered mail, the date of service on the application is the date of the next workday following the date of mailing.
4. It is declared that if any section, subsection or part or parts thereof be 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.
5. Wherever this by-law refers to a person with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.
6. The reference to a day or days in this by-law shall mean a calendar day or days unless the by-law specifically indicates otherwise.
7. Headings are inserted for ease of reference only, form no part of this Bylaw, and shall have not effect in any way the meaning or interpretation of the provisions of this By-law.

Section 3 - Permit required for special events

1. No person shall hold or carry on, or permit to be held or carried on, a special event unless such special event is held or carried out under the authority of a valid permit issued under this by-law by the CAO.
2. A separate permit shall be obtained for each special event.

Section 4 – Exemptions

1. This by-law does not apply to:
 1. a sporting event for regular league play and exhibition games (excluding playoffs and special tournaments) or other event occurring outdoors at:
 2. an event occurring outdoors on Municipal property that is authorized under an agreement with the Municipality, provided that such event meets the requirements of the Municipality;
 3. an outdoor event occurring under the authority of the Federal Government on land owned by the National Capital Commission, Parks Canada or Public Works and Government Services Canada, provided that the event meets the requirements of the Municipality;
 4. an event occurring outdoors on property owned by a School Board and under the authority of a School Board, provided the event meets the requirements of the Municipality; and,
 5. a regularly-occurring farmers' market, provided the farmers' market meets the requirements of the Municipality.

Section 5 - Application for permit

1. To apply for a special events permit applicants must complete the application form prescribed by the CAO.
2. A permit shall not be issued under this by-law unless the applicant has provided the Municipality with the information required in subsection (2) within the following application deadlines:
 1. 60 days in advance of the special event, if the special event
 1. includes pyrotechnics or fireworks,
 2. includes the preparation, storage, handling, serving or sale of food or beverages,
 3. includes one or more vendors of any type,
 4. includes or uses one or more vehicles,

5. includes a lottery which requires a license,
 6. uses Municipal property, or
 7. includes open air fires;
2. 90 days in advance of the special event, if the special event
 1. uses property owned or leased by the Provincial or Federal government,
 2. requires a noise exemption pursuant to the Municipality's Noise Bylaw,
 3. uses or includes aircraft, watercraft, or helicopters, or,
 4. includes or uses temporary structures or equipment, such as tents larger than 60 m² or 645ft²;
3. 120 days in advance of the special event, if the special event
 1. requires a special occasion permit or a temporary extension to an existing license issued by the Alcohol and Gaming Commission of Ontario relating to the sale or serving of alcohol,
 2. uses a highway other than a residential highway, or
 3. occurs on Victoria Day, Canada Day, Remembrance Day, or New Year's Eve; and,
4. should a special event not include any of the factors listed in paragraphs (a) to (c), the application deadline for the purposes of subsection (1) shall be 60 days.
3. An applicant for a special event permit shall provide the Municipality with the following information as it relates to the special event in question:
 1. a completed application for a special events permit in a form satisfactory to the CAO;
 2. satisfactory proof that the applicant is eighteen (18) years of age or more;
 3. with respect to the special event:
 1. a site plan and a traffic plan;
 2. an emergency plan;
 3. a security plan;
 4. written proof that the owner and occupant of the property on which the special event is to be held has knowledge of and consents to the special event; and,
 5. any other information the Municipality deems necessary in the circumstances, including the production of plans and specifications.
4. The Municipality may at its discretion receive and consider an application that does not comply with the application deadlines set out in subsection (1), and if they considers such application, all other requirements of this by-law shall apply and they shall advise the applicant of her decision as expeditiously as possible in the circumstances.
5. Applicants shall only apply for one special event permit per event.
6. The information and plans provided by the applicant under subsection (2) shall be to the satisfaction of the CAO.
7. The onus of obtaining the necessary information, plan or specification required under this Section, including a consent to hold a special event in a particular

location on private property, is solely that of the applicant and is at the applicant's cost.

Section 6 - Conditions of issuance

1. No applicant shall be issued a permit unless the applicant has provided the Municipality with the following in relation to the special event:
 1. if medical services or medical transport, or the provision of first aid services by non-paramedic staff, are deemed to be required for the special event, the applicant shall provide proof that these services have been procured for the event at the applicant's cost;
 2. if the Fire Chief requires the provision of fire service resources on site for the special event, the applicant shall provide proof that these services have been procured for the event at the applicant's cost;
 3. if Paid-Duty Police Officers or provincially licensed security services are required on site for the special event, the applicant shall provide proof that these services have been procured at the applicant's cost;
 4. confirmation that all permits, licenses or other authorizations required under Municipal by-laws have been obtained;
 5. if alcohol will be sold or served in relation to the special event, proof in writing that all licenses, permits and requirements relating to the serving or sale of alcohol have been obtained and fulfilled;
 6. confirmation from the Fire Chief that the special event complies with all applicable fire regulations including requirements of the Fire Protection and Prevention Act, 1997;
 7. confirmation from the Chief Building Official of the Municipality of compliance with the Building Code Act, 1992, and that all required building permits and occupancy permits have been obtained;
 8. proof, satisfactory to the CAO, that the applicant has provided the required indemnity and has obtained the required insurance in accordance with Sections 11 and 12;

Section 7 – Permits

1. The CAO is authorized on behalf of the Municipality to receive and consider applications for permits, and to conduct all investigations necessary to ensure that a permit is issued in accordance with this by-law and Municipal policies, and to issue the permit in accordance with this by-law.
2. Prior to making a decision on any application for a permit, the CAO shall consult with and if necessary convene a meeting with any Department of the Municipality or any other person or group that the Manager or CAO deem has an interest in the special event.
3. The CAO is authorized to impose conditions on a permit including but not limited to conditions related to public health and safety, and the protection of persons and property.
4. No later than twenty (20) days after the receipt of the application, the CAO shall consider the application and notify the applicant whether a permit will be issued as well as the conditions for such a permit. No permit shall be valid until the applicable conditions of issuance specified in Section 6 have been fulfilled.
5. A permit issued under this by-law shall specify the name of the permit holder, the nature of the special event, its date(s) and time(s) including set up and take down, including alternate dates and times if any, its location and route if applicable, and any conditions imposed by the Manager.

6. A permit issued pursuant to this by-law is not transferrable, and is only valid for the specific applicant, special event, date, time and location listed on the permit, or alternative dates listed on the permit, if any.
7.
 1. The CAO shall consider and approve, if applicable, applications for special events with the same proposed date on a first-come-first-served basis and shall consider and approve, if applicable, succeeding applications in the order in which they are received only if the proposed time, location and route of the special events do not conflict and the required municipal services pursuant to Section 6 do not exceed available resources.
 2. Notwithstanding clause (1), an applicant for a permit for a special event proposed on property owned by the Municipality shall have precedence over all other applications for the same property on the same date and time if the applicant has previously held a similar special event on that property for at least 3 years, and has no outstanding debts to the Municipality in relation to special events.
8. No permit shall be issued unless the applicant has completed the application form prescribed by the CAO and has submitted all required information.
9. The issuance of a permit for a special event does not represent a commitment or a promise by the Municipality to issue a permit for any subsequent, continuing, or similar event.

Section 8 - Request for appeal

1. Any person may request an appeal of a decision of the CAO by filing a request for an appeal to Council no later than 5 days after receiving the notification provided in subsection 7(6).
2. A request for an appeal under subsection (1) shall be in writing and shall set out the reasons for appeal.
3. Council shall consider the request for an appeal and shall provide the applicant with a decision in writing no later than fourteen (14) days in advance of the special event.
4. In considering the request for appeal Council may request further information from the applicant or from any other person.
5. The decision of Council shall be final.

Section 9 - Revocation or modification of permit

1. The CAO is authorized to modify or to revoke a permit at any time if there are reasonable grounds to believe that the holding or continuation of the special event:
 1. poses a danger to the health and safety of any person;
 2. poses a danger to property;
 3. is not in the public interest; or
 4. is in contravention of this by-law or of a permit.
2. In the case of a revocation under subsection (1), the CAO shall immediately inform the permit holder or the permit holder's representatives of the revocation and the reasons for it by means of contacting the permit holder at the address or at the coordinates provided in the permit application.

Section 10 - Insurance

1. Prior to the issuance of the permit, every applicant shall file with the CAO proof of Commercial General Liability insurance acceptable to the Municipality and subject to limits of not less than two million dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof, for the duration of the special event.
2. If deemed necessary by the Municipality, the insurance coverage required in subsection (1) shall include coverage for premises and operations liability, products and completed operations liability, cross liability, severability of interest clause, employees as additional insured, contingent employer's liability, personal injury liability, incidental medical malpractice, owners and contractors malpractice, blanket contractual liability, and non-owned automobile liability.
3. The insurance coverage required in subsection (1) shall be in the name of the permit holder and shall name the Municipality as an additional named insured. This insurance shall be non-contributing with, and apply as primary and not as excess of, any insurance available to the Municipality.
4. The insurance coverage required in subsections (1) and (5) shall contain the endorsement to provide the Municipality within thirty (30) days prior written notice of any cancellation or change.
5. The CAO is authorized to vary the insurance requirements of this Section in relation to a special event.

Section 11 - General administrative and regulatory provisions

1. No person shall give false or incorrect information for the purposes of obtaining a permit.
2. No permit holder shall fail to notify the CAO in writing of any change in any of the information contained in, or provided with, the permit application within two (2) days of the change.
3. Every person applying for or holding a permit issued pursuant to this bylaw shall, in such application or in carrying on the special event for which a permit is issued, be governed by this by-law and comply with all other municipal by-laws and provincial and federal statutes and regulations.
4. No permit holder shall fail to comply with any condition imposed under a permit and any regulation and condition of this by-law, including its Schedule.
5. No person shall fail to produce a permit for inspection when directed to do so by the CAO.
6. Every permit holder shall be responsible for obtaining all required permits, licenses or other authorizations, and for paying all applicable fees, that may be required by any level of government or from any agency in relation to the special event.
7. No permit holder shall fail to ensure that all equipment and structures used for the special event are safe and used for their intended use, are purpose-built, and are properly and lawfully installed, inspected, used and dismantled by persons who have been trained as to their installation, inspection, use and dismantling.
8. No person shall affix or place any banner, sign, material, or other item on private property or on Municipal property as part of a special event unless:
 1. the banner, sign or other item does not pose a hazard for vehicular or pedestrian traffic on the highway or for persons on adjacent property; and,
 2. the placement of such sign, banner, material or item complies with all Municipal by-laws regulating the placement of signs and the use and care of roadways.
9. No permit holder shall carry on a special event or allow it carried on

1. outside the confines of a site as specified on the application for the permit or the permit,
2. at a location not specified on the permit,
3. on a date not specified on the permit, or
4. at a time not specified on the permit, unless otherwise approved by the CAO.

Section 12 - Offences and penalties

1. This by-law may be enforced by a police officer or a municipal law enforcement officer.
2. Any person who contravenes any of the provisions of this by-law is guilty of an offence.
3. 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.
4. When a person has been convicted of an offence under this by-law,
 1. the Ontario Court of Justice; or
 2. 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.

Section 13 – Representation

1. No person shall publish or cause to be published any representation that the person is the holder of a valid permit under this by-law if they do not hold a valid permit under the by-law.
2. No person to whom a permit has been issued under this by-law shall alter, erase or modify a permit, or permit the alteration, erasing or modification of the permit or any part thereof, unless approved by the CAO who has initialled the change.

Sections 14 - Short title

This by-law may be referred to as the “Special Events on Public and Private Property By-law.”

Section 15 – In Force Date

This by-law shall come into force and effect upon enactment.

Enacted and passed the 1st day of March, A.D. 2023, as witnessed by the Seal of the Corporation and the hands of its proper Officers.

THE CORPORATION OF THE MUNICIPALITY
OF OLIVER PAIPOONGE

Mayor Lucy Kloosterhuis

Wayne Hanchard, CAO/Clerk