

BYLAW NO. 3275/2001

Being a bylaw to regulate late night clubs in Red Deer.

WHEREAS, Council has the authority to pass bylaws for municipal purposes respecting:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public; and
- (c) for the licensing of businesses.

AND WHEREAS, it appears to Council that late night clubs in Red Deer have resulted in increased vandalism and litter in areas adjacent to the clubs and have also caused noise which is disturbing to residents who live in proximity to the clubs;

AND WHEREAS, Council deems it advisable to enact a bylaw to provide for the licensing and regulation of late night clubs so as to ensure that their possible adverse impacts upon the community are minimized.

COUNCIL ENACTS AS FOLLOWS:

- 1 This bylaw may be referred to as the "Late Night Clubs Bylaw".
- 2 In this bylaw, the following words shall have the following meanings:
 - (a) "Late night club" means a facility, the primary purpose of which is to host late night events where:
 - (i) no alcohol or alcoholic beverages are available on the premises for consumption or sale;
 - (ii) 20 or more patrons are assembled at any time between 3:00 a.m. and 6:00 a.m.;
 - (iii) the events are held for the purpose of gain or profit;
 - (iv) tickets are sold or an entrance or attendance fee is charged for persons to attend; and

- (v) music, noise or sound of any kind or source, including but not limited to amplified recorded or computer generated music, amplified recorded or computer generated sounds, live music, sound or band music is performed or played.
 - (b) "Late night club manager" means the person responsible for the day to day management of the late night club.
- 3 No person shall operate a late night club without a license.
- 4 A person wishing to obtain a license for a late night club may apply to the City license inspector by paying the annual license fee of \$450.00 and by providing an application in the form established by the license inspector from time to time and containing the following information:
 - (a) the full names and addresses of the following persons:
 - (i) the applicant;
 - (ii) where the applicant is a corporate entity, the directors and shareholders of the applicant;
 - (iii) the late night club manager.
 - (b) the consent of all the above parties for the Red Deer City RCMP to conduct a security check on them;
 - (c) the name and address of the registered owner of the premises in which the club will be located;
 - (d) a description of the usual types of events that will be held at the late night club, including the hours of operation and the method by which admission will be charged; and
 - (e) a description satisfactory to the license inspector of the sound system to be used at the late night club and any steps that will be taken by the applicant to ensure that no offence under the Noise Bylaw will occur and that noise disturbance outside the late night club is minimized.
- 5 The licence inspector may not issue a late night club licence if:

- (a) the City of Red Deer RCMP recommend against issuing the late night club licence because of the criminal record of the applicant or the manager; or
 - (b) there are reasonable grounds to believe that it would not be appropriate to issue a late night club licence to an applicant because the potential noise impact of the late night club would create a nuisance in the community near the proposed club.
- 6 The licence inspector may include in a late night club licence specific conditions respecting:
- (a) the number and qualifications of security personnel which must be available at the late night club;
 - (b) the procedures required to be in place to address emergency medical and security concerns;
 - (c) the number of people who may attend the late night club;
 - (d) noise abatement measures which must be made to ensure noise outside or within the venue is minimized; and
 - (e) such additional conditions as are, in the opinion of the licence inspector, reasonably necessary to protect the safety, health, welfare, and property of the attendees of the late night club and its employees.
- 7 A late night club must meet the following requirements:
- (a) maintain in place an adequate security plan which includes provisions for:
 - (i) first aid;
 - (ii) entrance control to ensure that alcohol or illicit drugs are not brought into the premises;
 - (iii) outside inspection and clean up in the vicinity of the late night club during and after the hours of operation; and

- (iv) line control including ensuring that patrons are not permitted to re-enter the late night club after they have left;
 - (b) provide for an adequate supply of potable water at no cost to those in attendance.
- 8 A late night club shall not remain open later than 6:00 a.m.
- 9 The license inspector may revoke or suspend any licence granted under this bylaw where:
 - (a) an applicant has provided false or misleading information in his or her application;
 - (b) the applicant acquires a criminal record that would, in the reasonable opinion of the license inspector, make the applicant unsuitable as the operator of a late night club;
 - (c) the applicant breaches any condition of a licence granted under this bylaw;
 - (d) the applicant fails to meet any of the standards required of a licensee or of an applicant hereunder; or
 - (e) the applicant or any of the officers, agents or employees of the late night club denies entry to the premises of a late night club by a member of the RCMP, a license inspector or a bylaw enforcement officer exercising powers of inspection under section 13 of this bylaw;
 - (f) where it appears to the license inspector that the operation of the late night club is resulting in complaints that the provisions of the Noise Bylaw are being breached.
- 10 The suspension of a license for non-compliance with this bylaw or a condition of the license, shall continue until, in the reasonable opinion of the license inspector, the requirements of this bylaw or of the conditions have been met.

- 11 A person who breaches any of the provisions of this bylaw shall be guilty of an offence and shall be liable upon conviction to a fine of \$500.00, plus \$100.00 for each day that such offence continues, and in default of payment thereof, to imprisonment for a period not exceeding six months.
- 12 Any peace officer, license inspector or bylaw enforcement officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw may:
- (a) serve upon such person a summons for the offence; or
 - (b) serve upon such person an offence ticket allowing payment of the specified penalty to the City which shall be accepted by the City in lieu of prosecution for the offence; and
 - (c) seize and take possession of any licenses where the same are revoked or suspended, or otherwise required to be returned to the City.

INSPECTION OF PREMISES AND FACILITIES

- 13 A licence inspector, bylaw enforcement officer or member of the RCMP may enter and inspect the premises of any intended or licensed late night club at any reasonable time, including during its hours of operation:
- (a) to determine if the facilities meet the requirements of this bylaw;
 - (b) to ensure that a licensee is complying with the requirements of this bylaw or of a licence issued under this bylaw;
 - (c) in the case of a facility whose late night club licence has been suspended, to examine the premises to determine whether the conditions leading to the suspension of the license have been corrected.

DUTY TO ASSIST INSPECTOR

- 14 Late night club licences issued shall be subject to a condition that the late night club manager must, on the request of a member of the RCMP, a licence inspector or a bylaw enforcement officer:

- (a) assist the member of the RCMP, licence inspector or bylaw enforcement officer in carrying out an inspection under section 13 of this bylaw, and
 - (b) provide the member of the RCMP, licence inspector or bylaw enforcement officer with the late night club licence and provide a place where it may be examined.
- 15 No person may hinder, obstruct or impede a member of the RCMP, licence inspector or bylaw enforcement officer in the performance of their duties or in the exercise of the powers of inspection under this bylaw.
- 16 Bylaw No. 3269/2000 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 12 day of February 2001.

READ A SECOND TIME IN OPEN COUNCIL this 12 day of February 2001.

READ A THIRD TIME IN OPEN COUNCIL this 12 day of February 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this 12 day of February 2001.

“G. D. Surkan”

MAYOR

“Kelly Kloss”

CITY CLERK