

BYLAW NO. 3572/2016

WHEREAS, pursuant to section 7 of the *Municipal Government Act*, RSA 2000, c M-26, a council may pass bylaws for municipal purposes respecting the following matters the safety, health and welfare of people and the protection of people and property and for any services provided by or on behalf of the municipality and services provided by or on behalf of the municipality;

AND WHEREAS, pursuant to section 8 of the *Municipal Government Act*, a council may pass bylaws to deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways to provide for a system of licences, permits or approvals;

AND WHEREAS, Council deems advisable to provide adequate health, sanitation, vehicle control and security for persons attending special events;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Short Title

1. This bylaw may be cited as the *Special Event Permit Bylaw*.

Purpose

2. The purpose of this bylaw is to set out the application and approval procedure for Special Event Permits where they impact City property, sidewalks, streets, parks, or green spaces.

Definitions

3. In this bylaw, the following terms shall have the meanings shown:
 - (a) "Applicant" means the person who applies for a Special Event Permit, pursuant to this Bylaw;
 - (b) "Application" means an application for a Special Event Permit;
 - (c) "Block Party" means any one time public or private event or gathering held outdoors in whole or in part, on City of Red Deer property and which is not expected to result in or include any of the following:
 - i. impact to traffic or pedestrian flows requiring partial or full road closures;
 - ii. impact to public use of City infrastructure or services;
 - iii. high risk activity or structure such as, but not limited to, fireworks, pyrotechnics, inflatable bouncers, tents/canopies/stages; and/or
 - iv. noise that will likely exceed permitted noise levels.

- (d) “Building” means “building” as defined in the Alberta Building Code, as amended;
- (e) “City” means The City of Red Deer;
- (f) “City Facilities” means any Building, structure, or recreational facility owned or operated by the City. It also includes any land owned or occupied by the City, including but not limited to:
 - i. City parks, sport fields, baseball diamonds, recreational areas, parking lots, and reserves;
 - ii. Land leased to the City and land for which an interest in land has been granted to the City;
 - iii. Highways within the City of Red Deer corporate limit;
- (g) “City Manager” means the chief administrative officer for the City appointed by Council, in accordance with the provisions of the *Municipal Government Act*, as amended, or person designated to act in his or her place, or other designated City employee;
- (h) “Council” means the Council of the City of Red Deer;
- (i) “Expected Attendance” means the number of people reasonably expected to attend the Special Event, including the Special Event promoters, staff, personnel, volunteers, and entertainers;
- (j) “Highway” is as defined in the *Traffic Safety Act*, as it may be amended or replaced from time to time;
- (k) “Peace Officer” is as defined in the *Provincial Offences Procedure Act*, as amended;
- (l) “Permit” means a Special Event Permit;
- (m) “Permit Holder” means the person in whose name the Special Event Permit is issued, pursuant to this Bylaw;
- (n) “Person” means an individual, partnership, association, corporation, organization, business, cooperative, trustee, executor, administrator or legal representative;
- (o) “Site” means the parcel(s) or Highway on which a Special Event is to be held;

- (p) “Special Event” means any one time or re-occurring public or private event, gathering, festival, competition, contest, exposition or similar type of activity, held outdoors in whole or in part, on City of Red Deer property and which is expected to result in or include any of the following:
- i. impact to traffic or pedestrian flows requiring partial or full road closures;
 - ii. impact to public use of City infrastructure or services;
 - iii. high risk activity or structure such as fireworks, pyrotechnics, inflatable bouncers, tents/canopies/stages; and/or
 - iv. noise that will likely exceed permitted noise levels;

but does not include:

- v. an event or activity that has been expressly authorized by the City pursuant to the terms of a lease, license, or facility or green space rental;
 - vi. an event, game, race, tournament, or similar type of competition held as part of league or club play; or
 - vii. an event, game, race, tournament, or similar type of competition held at a location which has been specifically designed or built to be used for hosting such events;
- (q) “Special Event Permit” means a Permit issued pursuant to this Bylaw;
- (r) “Special Event Permit Issuer” means the City Manager or his/her designate;
- (s) “Structure” is as defined in the City of Red Deer *Land Use Bylaw*, as it may be amended or replaced from time to time.

Administrative Authority

4. Council hereby delegates the City Manager the authority to carry out the terms and conditions of this Bylaw.
5. The Special Event Permit Issuer may issue a Special Event Permit, and this Permit may include conditions, as deemed necessary.
6. The Special Event Permit Issuer may refer any Application to Council if he or she believes the matter should be administered by Council.
7. The Special Event Permit Issuer may impose such conditions, costs, fees, or bonds as is deemed suitable to the public interest, including, but not limited to, the recovery of costs related to clean-up, maintenance, fire, public health, police and security.
8. If clean-up, maintenance and/or dismantle has not been completed by the Permit Holder in a reasonable time or the property is left unsightly, the City of Red Deer

reserves the right to perform necessary restorative duties and the Permit Holder shall be solely responsible for costs associated with these duties.

9. Upon a Special Event Permit being granted under this Bylaw, and in conjunction with the City of Red Deer *Use of Streets Bylaw*, as it may be amended, the Special Event Permit Issuer is hereby authorized, to the extent she or he deems necessary, to temporarily close or restrict the use of any Highway under City direction, and may provide for the proper enforcement of any Special Event either by way of erection of barricades or by the adoption of any other means considered necessary or expedient.

Interpretation

10. In this Bylaw, words in the singular include the plural and vice versa and gender specific terms include both genders and include corporations.
11. A reference to another enactment in this Bylaw refers to the enactment as it may be amended.
12. The headings in this Bylaw are for convenience only and must not be construed as defining or in any way limiting the scope or intent of the provisions of this Bylaw.

Scope

13. Events organized by the City are not exempt from requiring a Special Event Permit.
14. Every Applicant must comply with all applicable laws, bylaws, orders, directions, and regulations of any governmental authority having jurisdiction in any way with respect to the Site or Special Event including, but not limited to, the Royal Canadian Mounted Police, Alberta Health Services, and Alberta Gaming and Liquor Commission.
15. A separate Special Event Permit must be obtained for each Special Event.
16. A Block Party does not require a Special Event Permit.

Permit Application Requirements

17. A Permit shall not be issued under this Bylaw unless the Applicant has provided the Special Event Permit Issuer, or designate, with the information required in Schedule A within the following deadlines:
 - (a) Four months prior to the event, if the Special Event
 - i. Uses any Highway including a major Arterial Road, as defined in the *Land Use Bylaw*; or
 - (b) Three months prior to the event, if the Special Event
 - i. Uses any roadway other than an Arterial Road;

- (c) Two months prior to the event if the Special Event
 - i. Is held on any other City owned property, including parking lots and sidewalks.

18. The Special Event Permit Issuer may, at their discretion, receive and consider an Application that does not comply with the deadlines set out above. All other requirements of this Bylaw shall continue to apply. The Special Event Permit Issuer shall advise the Applicant of the decision as expeditiously as possible in the circumstances.

Neighbourhood Notification

19. The Special Event Permit Issuer may notify adjacent property owners of the proposed Special Event and provide opportunity to make comments.

20. The Special Event Permit Issuer may require the Permit Holder, as a condition of a Special Event Permit, to hand deliver notifications to properties that the Special Event Permit Issuer considers may be particularly affected by of the proposed Special Event prior to the date of the Special Event at their cost.

21. In addition to the notifications set out above, the Special Event Permit Issuer may require the Applicant, at the Applicant's cost, to post signage in public places and provide further notice including, but not limited to, any one or more of the following:

- (a) Posting Highway signage, where traffic is impacted, at or near the entrance to the Site, indicating the date(s) and time(s) of the Special Event; and
- (b) Publication in a local newspaper of information of interest to the public about the Special Event.

Indemnification

22. A Special Event Permit will not be valid unless and until the Applicant provides the City with indemnification, to the satisfaction of the Special Event Permit Issuer.

Applicant Responsibilities

23. The Applicant shall apply to the City within the timeframes set out in this Bylaw for any Special Event it wishes to hold.

24. The information and plans provided by the Applicant shall be to the satisfaction of the Special Event Permit Issuer.

25. The onus of obtaining the necessary information, plan or specification is solely that of the Applicant and is at the Applicant's cost.

Insurance

26. A Special Event Permit will not be valid unless and until the Applicant provides the City with proof of Commercial General Liability insurance in a form and with an insurer acceptable to the City:
- (a) In the amount of
 - i. Two million dollars (\$2,000,000.00) per occurrence, including The City of Red Deer as an Additional Insured for the date(s) of the event; and/or
 - ii. Five million dollars (\$5,000,000.00) per occurrence or such higher amount as the Special Event Permit Issuer may deem necessary or advisable including The City of Red Deer as an additional insured for the date(s) of the event, where high risk events are included, such as: pyrotechnics, hot air balloons, extreme sports, and others.
 - (b) That includes a cross liability clause;
 - (c) That provides the City a minimum of 30 days prior written notice of cancellation or material change.
27. The requirement to provide proof of insurance does not apply to Special Events where the City is the Applicant.

Conditions of Issuance

28. No Applicant shall be issued a Permit unless the Applicant has provided the Special Event Permit Issuer with the following in relation to the Special Event:
- (a) If the Special Event requires the provision of medical services or medical transport, or the provision of first aid services by non-paramedic staff, on site for the Special Event, the Applicant shall provide proof that these services have been procured for the Special Event at the Applicant's cost;
 - (b) If the Special Event 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 Special Event at the Applicant's cost;
 - (c) If the Special Event requires the provision of paid-duty Police Officers or provincially licensed security services on site for the Special Event, the Applicant shall provide proof that these services have been procured for the Special Event at the Applicant's cost;
 - (d) If the Special Event requires the provision of Bylaw enforcement, the Applicant shall provide proof that these services have been procured for the Special Event at the Applicant's cost.

Permit Conditions

29. Conditions may be added to a Special Event Permit to ensure the safety of the public, protection of property, and the orderly conduct of the event.
30. Applications shall be circulated to affected City departments for comment and identification of concerns. A meeting between the Applicant and The City may be held to discuss issues related to the proposed Special Event.
31. The following conditions apply to all Special Event Permits, unless otherwise stated:
 - (a) No staking or pounding of objects or fixtures into the ground is permitted unless special approval is granted by the Special Events Permit Issuer;
 - (b) Marking of pathways and trails is to be temporary. The only marking methods that are allowed are sidewalk chalk, cones or flags. Spray paint and spiking is prohibited;
 - (c) Signage may not be attached to trees, park furniture, existing signs or Buildings. Signage should be freestanding, not staked, and must be removed after event;
 - (d) City flowers, trees, shrubs and other vegetation may not be cut, moved, removed, nor have wires or ropes attached;
 - (e) The City may charge and collect damages from Permit Holder if Site is left in an unacceptable manner and requires clean-up or repair. This includes garbage, turf damage, etc;
 - (f) Vehicles must be kept on road surfaces unless expressly authorized by the Special Event Permit;
 - (g) The City reserves the right to cancel green space bookings due to potential site damage incurred from heavy traffic on site during or immediately following inclement weather;
 - (h) Permit Holders are responsible to be aware of municipal bylaws that may affect their events;
 - (i) Any advertising, signage, barricading or staff costs incurred in the closing of roads or other public areas are the responsibility of the Permit Holder.
32. Promotional signs for a Special Event are permitted on City property, in connection with a Special Event provided that:
 - (a) Signs are not located within residential areas unless special approval is granted by the Special Events Permit Issuer;

- (b) Signs are erected no more than seven days prior to the special event and removed within 24 hours of the conclusion of the Special Event unless otherwise by the City;
- (c) There are no more than 30 signs per Special Event;
- (d) The signs are not within 50 linear meters of any other promotional sign that is part of a Special Event;
- (e) The top of the sign does not exceed 0.9 m from grade;
- (f) The signs are not more than 0.55 square meters;
- (g) The signs are not within 3 meters of any access/egress to/from a property, or within 10 meters from any intersection;
- (h) Signs do not interfere with pedestrian or vehicular traffic;
- (i) Signs are not illuminated or employ any flashing or sequential lights; and
- (j) Signs have a professional appearance, are kept neat and clean and are maintained in such condition.

Fire Prevention

33. The following conditions apply to all Special Event Permits, unless otherwise stated:

- (a) A clear 6-meter fire lane access is required to the face of Buildings;
- (b) A clear 6-meter fire lane access must be maintained throughout the entire road closure area;
- (c) Displays set up on sidewalks must not obstruct exits or fire department connections;
- (d) Clear access to fire hydrants must be maintained;
- (e) Details of fire pit use must be forwarded to the Emergency Services for review and approval. Fire pits must meet the *Fire Permit Bylaw* requirements and be supervised until completely extinguished;

- (f) Request for a fireworks permit must be submitted directly to Emergency Services for review and approval. Emergency Services will only issue a possession or display permit to a person that is certified as a fireworks display technician;
- (g) Food vendors having cooking processes producing grease laden vapors that are used in fixed, mobile, or temporary concessions, such as trucks, buses, trailers, pavilions, tents, or any form of roofed enclosure shall comply to NFPA 96 "Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations". A fire extinguisher is to be located in each food vendor applicable for the hazard;
- (h) Propane tanks must be kept in a secure cabinet away from generators. A fire extinguisher is to be kept in the vicinity of propane appliances and generators.

Refusal of Applications

34. The City shall not issue a Permit if, in the opinion of the Special Event Permit Issuer:

- (a) The Application is not complete;
- (b) The proposed safety or security procedures are inadequate; and/or
- (c) The proposed Site is inadequate for the proposed Special Event.

35. The Special Event Permit Issuer may refuse to issue a Permit if:

- (a) The Applicant has previously operated a Special Event in breach of a condition of a Permit or a City Bylaw;
- (b) Any of the individuals or agencies consulted recommends against the Permit;
- (c) In the opinion of the Special Event Permit Issuer, the anticipated noise created by the Special Event would cause an unreasonable nuisance for Persons in the area of the Special Event;
- (d) In the opinion of the Special Event Permit Issuer, issuing the Special Event Permit may harm the health, safety, welfare and property of the Special Event attendees, City residents and/or members of the public; and/or
- (e) The complete Application was not submitted in time.

36. Where the Application is denied, the Special Event Permit Issuer shall mail or email a written notice to the Applicant within five business days after the Application is denied. The notice shall include a statement of the reasons the Application was denied.

Right of Appeal

37. The Applicant may file a written request for an appeal with the Inspections & Licensing Manager concerning the refusal of the Special Event Permit within ten business days after the date of the written notice of decision.

38. The Inspections & Licensing Manager may:

- (a) Grant a Special Event Permit without conditions;
- (b) Grant a Special Event Permit with conditions; or
- (c) Refuse to grant a Special Event Permit.

Entry and Inspection

39. The Special Event Permit Issuer, any Bylaw Enforcement Officer, RCMP Officers, or other City employee designated by the City Manager, is authorized at all reasonable times to enter on any property to inspect and determine whether this Bylaw, and any terms, conditions, restrictions and requirements of a Special Event Permit issued under this Bylaw are being observed.

40. A Person must not prevent or obstruct any of those persons identified above from entering onto the property for the purposes of this Bylaw.

Revocation of Permits

41. The Special Event Permit Issuer, any Bylaw Enforcement Officer, RCMP Officers, or other City employee designated by the City Manager, shall have the power to revoke the Permit when the following cause(s) exist:

- (a) The Special Event is being run, operated or conducted in a manner contrary to the terms of this Bylaw, or contrary to the terms and conditions of the Permit;
- (b) The Permit Holder or his/her employees or agents fail, neglect, refuse to fulfill any or all of the conditions and requirements imposed pursuant to the provisions of this Bylaw, or conditions and requirements of the Special Event Permit.

Enforcement

42. Where a Peace Officer has reasonable grounds to believe that a provision of this Bylaw has been contravened, that Peace Officer is authorized to issue a Violation Tag to any Person who the Peace Office has reasonable grounds to believe is responsible for the contravention.

43. A Violation Tag issued pursuant to this Bylaw shall be in a form approved the City Manager and may be delivered to the Person reasonably believed to have contravened to this Bylaw by means of actual service upon the Person or by mailing a copy to the Person at the address as it appears on the Application form.

44. Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the City, the penalty specified on the Violation Tag within ten business days of issuance.

45. Where a Violation Tag has been issued and the specified penalty is not paid within the prescribed time, the right of the Person named on the Violation Tag to pay the penalty in lieu of prosecution shall expire and the Peace Officer is authorized to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*, as amended, to any Person that the Peace Officer has reasonable grounds to believe contravened a provision of this Bylaw.
46. Notwithstanding the above, a Peace Officer may immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable grounds to believe has contravened or is responsible for a contravention of any provision of this Bylaw regardless of whether a Violation Tag has first been issued. Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

Offence and Specified Penalties

47. No Person shall hold, conduct, manage or organize a Special Event unless that Person has obtained and holds a valid Special Event Permit pursuant to the terms of this Bylaw.
48. Any Person who provides false or misleading information in an Application for a Special Event Permit is guilty of an offence and is liable to a penalty, as prescribed by this Bylaw.
49. A copy of the approved Permit must be kept at the Special Event location and be produced upon demand. Failure to comply with the conditions of the permit could result in the approval being withdrawn, future Applications being denied, and/or prosecution for breach of City Bylaws.
50. Failure to apply for and/or failure to comply with a Special Event Permit and/or failure to produce a copy of the approved Permit upon demand is an offence under this Bylaw.
51. The Permit Holder is responsible for ensuring that all conditions of the Special Event Permit and this Bylaw are fully complied with.
52. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of \$10,000.00 or in default of payment of the fine, to imprisonment for a period not exceeding six months, or to both fine and imprisonment in such amounts as the Court deems fit.
53. The specific penalty for a violation of any provisions of this Bylaw is a fine in the amount of one thousand dollars (\$1,000.00).
54. The specific penalty for a second offence within one calendar year, is a fine of two thousand dollars (\$2,000.00).

55. The specific penalty for a third offence within one calendar year, is a fine of five thousand dollars (\$5,000.00).

General

56. It is the intention of Council that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.

57. It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

Coming into Force

58. This Bylaw shall come into force and take effect on July 18, 2016.

READ A FIRST TIME IN OPEN COUNCIL THIS 25 day of April 2016.

READ A SECOND TIME IN OPEN COUNCIL THIS 18 day of July 2016.

READ A THIRD TIME IN OPEN COUNCIL THIS 18 day of July 2016.

AND SIGNED BY THE MAYOR AND CITY CLERK THIS 18 day of July 2016.

"Frank Wong"
DEPUTY MAYOR

"Frieda McDougall"
CITY CLERK

SCHEDULE A

1. The Application must include the following information:
 - (a) A completed Application for a Permit in a form satisfactory to the Special Event Permit Issuer, including:
 - i. Name and contact information of the Organization and/or Event Organizer;
 - ii. Nature and name of the event;
 - iii. Date and time of the event including set-up and takedown;
 - iv. Signature of person responsible for the event.
 - (b) Satisfactory proof that the Applicant is 18 years of age or older;
 - (c) With respect to the Special Event:
 - i. The civic address and/or location of the Site;
 - ii. The total number of people expected to attend, whether as spectators or participants, including volunteers;
 - iii. An emergency plan, including a First Aid plan, missing child plan, evacuation plan, contingencies for extreme weather, emergency response structure, primary & secondary emergency contact person and phone number, etc.;
 - iv. A security plan, as defined by the RCMP and/or insurer;
 - v. If the Applicant is a corporation an emergency contact person for the Applicant;
 - vi. The quantity and type of any commercial vehicles and heavy vehicles, as defined under the *Traffic Safety Act*, and the quantity of vehicles that are included or used in the Special Event; and,
 - vii. The quantity and type of all cooking, heating, sound and lighting equipment, stages, bleachers, tents, amusement rides, dunk tanks, heating equipment to be used during the Special Event, including the type of fuel used to operate the equipment and fuel storage plans;
 - (d) A site plan and a traffic plan including, at the discretion of the Special Event Permit Issuer:
 - i. The location and use of existing Structures and Buildings and any proposed Structures and Buildings, whether temporary or permanent, including any proposed seating arrangements and barricades;
 - ii. Traffic control and means of transport on and around the Site including access routes for emergency vehicles, any proposed road closures and parking arrangements;
 - iii. Washroom, hand washing, and other sanitary facilities;
 - iv. Solid waste facilities, including garbage, recycling and composting collection and disposal;
 - v. Domestic water supply facilities;
 - vi. Food and beverage preparation, storage and serving facilities, including any cooking facilities, whether on or offsite;
 - vii. Electricity and power supply to the Site;

- viii. Policing and other necessary security and crowd control on and around the Site;
 - ix. Fire protection and fire plan for the Site;
 - x. Emergency medical and first aid facilities;
 - xi. Event information tent;
 - xii. Noise control measure to protect the quiet, peace, rest enjoyment, comfort and convenience of neighbouring residents and the general public; and
 - xiii. List of vendors.
2. Any other information that the Special Event Permit Issuer deems necessary in the circumstances.