

# RURAL MUNICIPALITY OF SHERWOOD NO. 159

## BYLAW NO. 16/15

### A Bylaw to License and Regulate Concerts and Special Events

**Whereas** clause 8(1)(b) of *The Municipalities Act* provides that a council of a Rural Municipality may pass bylaws respecting the safety, health and welfare of people and the protection of people and property; and

**Whereas** it is necessary and advisable and in the public interest to regulate concerts and other special events within the municipality;

NOW THEREFORE the Council of the Rural Municipality of Sherwood No. 159 in the Province of Saskatchewan, enacts as follows:

#### Title

1. This Bylaw may be referred to as the *Concert and Special Events Bylaw*.

#### Definitions

2. (1) In this Bylaw,

(a) "**concert or special event**" means any public or private event, gathering, celebration, festival, competition, contest, exposition or similar type of activity, held indoors, outdoors or a combination of both, that has an expected attendance of more than 50 people, including promoters, staff personnel and entertainers, but does not include:

- (i) any event on lands owned or controlled by the municipality that is either hosted by the municipality or has been authorized by the municipality pursuant to the terms of a lease, license or facility rental agreement;
- (ii) any event on lands owned or controlled by a school board; or
- (iii) any event for which a development permit has been issued in accordance with a municipal zoning bylaw to allow for incidental gatherings or events as contemplated in the permit;

(b) "**licence**" means a licence issued by the administrator authorizing a concert or special event to take place;

(c) "**licensee**" means a person named on a licence issued;

(2) For the purposes of clause (1)(a), a concert or special event is deemed to have an expected attendance of more than 50 people when:

- (a) it is to be held in a venue with an occupancy of more than 50 people;
- (b) it involves the printing or sale of more than 50 tickets or invitations; or

(c) any advertising for it implies that attendance at the concert or special event will be more than 50 people.

### **Licence required for concert or special event**

3. Unless the administrator provides an exemption pursuant to section 6, no person shall operate, maintain, conduct or advertise a concert or special event without a valid and subsisting licence, and then only in accordance with this Bylaw and any terms and conditions of the licence.

### **Application**

4. An application for a licence for a concert or special event must be made to the administrator, in writing, at least 90 days prior to the proposed date of the concert or special event, together with a non-refundable application fee of \$500.00, and include the following information:

- (a) the name, email address, mailing address, and telephone number or numbers of the applicant as well as proof that the applicant or agent is at least 18 years of age;
- (b) if the applicant is a partnership, the information described in clause (a) with respect to each of the partners;
- (c) if the applicant is a corporation, the information described in clause (a) with respect to at least two directors of the corporation and a certified copy of a Certificate of Status for the Corporation;
- (d) an outline of the specific nature, kind, character, and type of concert or special event which the applicant is seeking a licence;
- (e) the municipal address and legal description of the property where the concert or special event is propose to be held, together with proof of ownership of the property or the written consent of the owner of the property to use the property for the concert or special event;
- (f) the date or dates and the hours during which the concert or special event is proposed to be held;
- (g) an estimate of the number of customers, spectators, participants, and other persons expected to attend the concert or special event for each day that it is proposed to be held;
- (h) proof that the applicant has adequate financial means to carry out the concert or special event and to comply with any conditions that may be imposed on the licence being applied for;

- (i) a detailed plan to provide:
  - (i) security and fire protection;
  - (ii) water supplies and facilities;
  - (iii) sewage and drainage facilities;
  - (iv) food supplies and facilities;
  - (v) sanitation facilities;
  - (vi) first aid facilities and services;
  - (vii) vehicle parking spaces and vehicle access; and
  - (viii) policing and on site traffic control;
- (j) whether it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for illuminating the property and for camping or similar facilities;
- (k) provisions for numbers of spectators in excess of the estimate;
- (l) provisions for the clean-up of the property and for the removal of garbage after the concert or special event has concluded;
- (m) a site plan that clearly indicates the arrangement of the all facilities associated with the proposed concert or special event;
- (n) the details of any licensing request that the applicant has made or intends to make to the Saskatchewan Liquor and Gaming Authority;
- (o) proof that the applicant has general and host liquor liability insurance for the proposed concert or special event in an amount of not less than \$2,000,000, covering public liability for all personal injury and property damage that may occur by reason of the operation of the concert or special event, naming the municipality as an additional insured; and
- (p) access permit where required
- (q) road haul agreement where required
- (r) off site traffic provisions where required
- (s) any other information reasonably required by the administrator to process the application.

### **Consultation with other agencies**

5. The administrator may consult with and obtain relevant and material information from the Royal Canadian Mounted Police, Regina Qu'Appelle Health Region, Saskatchewan Liquor and Gaming Authority, or any other agency that may assist the administrator in determining whether or not issuing a licence for a particular concert or special event is appropriate in the circumstances.

### **Exemption**

6. Exempt from the requirement to obtain a licence are private social functions such as family reunions and weddings, non-profit private parties or events, or community hall or public-facility based events and celebrations that are non-commercial in nature, or any similar function.

### **Power to refuse licence**

7. The administrator may refuse to issue a licence to an applicant where, in the administrator's opinion, it is in the public interest to do so.

### **Power to suspend or cancel licence**

8. The administrator may suspend or cancel a licence where the licensee, or any of its agents, officers or employees:

- (a) furnishes false information or misrepresents any fact or circumstance; or
  - (b) has contravened this Bylaw whether or not the contravention has been prosecuted;
- or

### **Conditions attached to licences**

9. (1) A licence is not transferrable.

(2) Every licensee shall, at the licensee's expense and to the satisfaction of the municipality:

- (a) provide security for the approved concert or special event, which shall include at least one security officer who is licensed in Saskatchewan as a security officer for every 100 persons expected to be in attendance, and comply with any security plan approved by the administrator;
- (b) provide an ample supply of potable water for drinking and sanitation purposes and adequate drinking water and sanitation facilities for the concert or special event;
- (c) provide adequate garbage receptacles and remove all garbage from the location of the concert or special event;
- (d) provide first aid services and comply with any medical plan approved by the administrator;

- (e) ensure that the liability insurance associated with the concert or special event remains in full force and effect;
- (f) only hold the concert or special event on the dates and times specified on the licence;
- (g) comply with any direction from the municipality to provide notice of the concert or special event to adjacent landowners; and
- (h) comply with all applicable federal, provincial and municipal laws.

**Offence and penalty**

- 10. Any owner of land in the municipality who:
  - (a) allows a concert or special event to be operated, maintained, conducted or advertised on his or her land without ensuring that a valid and subsisting licence for the concert or special event has been issued; or
  - (b) allows a licensee to fail to comply with any term or condition set out in this Bylaw; is guilty of an offence and liable on summary conviction to a fine of not less than \$5,000.00 and to imprisonment for a term of not more than six months for non-payment of the fine.

**Coming into force**

- 11. This Bylaw comes into force on the day on which it is passed.

READ A FIRST TIME this 17 day of December, 2015

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2016

READ A THIRD TIME AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_

Reeve

[SEAL]

\_\_\_\_\_

Administrator