



## **A BY-LAW RESPECTING SPECIAL EVENTS**

### **Short Title**

- 1** This By-Law shall be known and may be cited as the "Special Event By-Law".

### **Authority**

- 2** Section 172 (1) (a-c) and (d) (iii-vi) of the Nova Scotia Municipal Government Act (MGA) provides municipalities with the power to make bylaws, for municipal purposes, respecting the health, well-being, safety and protection of persons; the safety and protection of property; and respecting nuisances, activities and things that, in the opinion of Council, may be or may cause nuisances, including noise, as well as prescribing the hours during which certain noises, or all noises above a certain level, specified in the by-law is prohibited, authorizing the granting of exemptions in such cases as the bylaw provides, and providing that it is an offense to engage in any activity that unreasonably disturbs the peace and tranquility of a neighborhood.
- 3** Section 10A of the Emergency Management Act- Chapter 8 of the Acts of 1990, amended 2005, c. 48, ss. 1-6; 2007, c. 10, s. 2; 2009, c. 12- An Act to provide for a Prompt and coordinated response to a state of Emergency, states that "Every municipality shall, immediately upon becoming aware of it, inform the Emergency Management Office of any real or anticipated event or emergency that could impact the health, safety or welfare of Nova Scotians, their property or the environment. 2009, c. 12, s. 3.

### **Interpretation**

- 4** (1) In this By-Law:
  - a) "**Clerk**" means the Municipal Clerk Treasurer of the Municipality;
  - b) "**Coordinator**" means the Emergency Management Coordinator for the Municipality.
  - c) "**Council**" means the Council of the Municipality;
  - d) "**Special Event**" means a musical, cultural, athletic or sporting event held outdoors or partly outdoors to which members of the public have admission in exchange for monetary or any other form of consideration, but does not include car races held at enclosed tracks;
  - e) "**Large**" means Seven Hundred and Fifty (750) people or more;
  - f) "**Municipality**" means the Municipality of the County of Antigonish;

- g) **"Owner"** means the registered owner or occupant of premises upon which an special event is held;
  - h) **"Permit"** means a permit in Form "B" issued pursuant to this by-law;
  - i) **"Person"** includes natural persons, bodies, corporate and unincorporated bodies or associations.
  - j) **"REMO"** means Regional Emergency Management Organization.
- (2) Section headings herein are provided solely for reference purposes and do not form part of this by-law.
- (3) Anything required to be done by the Clerk in this by-law may be done by the Deputy Municipal Clerk or by such other municipal employee or agent as may be designated by Council.

### **General Prohibition**

- 5 (1) A person shall not promote, organize or hold a large special event within the Municipality without first obtaining an event permit issued in accordance with the provisions of this by-law.
- (2) Any person who promotes, organizes or holds a large special event without a permit, and the owner or occupant of any property where such an event is held, who knowingly allows such an event to be held, commits an offence.

### **Application for Permit**

- 6 (1) Event Permit Application Procedure
- (a) A promoter wishing to organize or hold a special event must complete an event application provided by the Municipality for that purpose.
  - (b) The event application specified in subsection (a), must:
    - i. Be signed by the promoter;
    - ii. Be presented to the Clerk at least forty-five (45) days prior to the event; and,
    - iii. Be accompanied by a deposit of \$2000 or such lesser amount as the Clerk deems required to cover clean-up costs, or the remission of a bond or other form of security acceptable to the Clerk.
- (2) Application for a Special Events Permit shall be made:
- (a) to the Council, when a Special Events Permit has not been granted to the applicant or a predecessor organization within the previous five (5) years for an event substantially of the same nature;

- (b) to the Clerk, when a Special Events Permit has been granted to the applicant or a predecessor organization within the previous five (5) years for an event substantially of the same nature.
- (c) notwithstanding subsection (b), the Clerk may refer any application to Council at his or her discretion.

**Issuance of Permit**

**7 (1) Event Permit Requirements**

(a) The Municipality will only issue a special event permit for events where:

- a. Premises continue to meet all relevant fire, safety, and health regulations/codes;
- b. All sewage and waste water is directed to a system that has the capacity to absorb it or shall be collected and lawfully transported to a disposal site;
- c. All garbage and refuse shall be collected at the site, shall not be permitted to be deposited elsewhere, and shall be lawfully disposed of;
- d. A payment is made to the RCMP prior to the issuance of the event permit for additional policing services on the basis of such presented by the RCMP (based up to the maximum capacity of the facility, and as established in the event application);
- e. Notice of the date and location of the special event is provided by the applicant to local hospital(s), fire department(s) and emergency management office.
- f. There is adequate traffic control and security plan in place for the special event, which includes provisions for:
  - i. First aid;
  - ii. Severe weather;
  - iii. Easy access to the site by emergency and police vehicles;
  - iv. Adequate and lawful parking area for vehicles of those attending the event;
  - v. Entrance control to deter alcohol or illicit drugs being brought to the premises during a special event;
  - vi. Outside inspection and clean up in the vicinity of the premises during and after the event;
  - vii. The employment of a security firm licensed by the Government of Nova Scotia;
  - viii. Traffic control for safe traffic and pedestrian flow.

- g. Proof of event insurance to an amount deemed appropriate by the Clerk is provided;
    - h. There is provision for an adequate supply of potable water to those in attendance;
    - i. All other conditions as outlined in the event permit are carried out to the satisfaction of the Clerk.
- (3) Any person holding a special event shall ensure that:
  - (a) Noise generated by the event shall not unreasonably disturb the peace and tranquility of the neighborhood where the event takes place;
  - (b) No noise that would be audible from adjoining properties is generated before 7:00 a.m. or after 2:00 a.m.;
- (4) A permit for a special event will not be issued to any promoter:
  - (a) Who does not have a valid business license to hold such special event, or
  - (b) Who does not agree to comply with existing Municipal by-laws, or Provincial statutes or regulations, or
  - (c) Whose application indicates the employment or hiring of any person or company connected with a previous special event, was operated in contravention of any Municipal by-laws or Provincial statutes or regulations.

### **Revocation of Permit**

- 8 Where a permit has been issued, but a special event is being carried out without regard to the conditions in the permit or otherwise in contravention of this by-law, it may be revoked by the Clerk or their designate.

### **Exemption**

- 9 (1) Council, or a Committee of Council designated for that purpose, may exempt any person from the requirements of this by-law.
- (2) Any person seeking an exemption under this section shall apply, in writing, to the Clerk no less than 60 days before the event, or such shorter time as the Clerk may allow, setting out the nature of the exemption and the reasons for the application.
- (3) The Clerk shall thereupon fix a date for a hearing by Council or the Committee and the applicant shall give written notice of the hearing, in a form approved by the Clerk, by personal service or registered mail to all persons residing within 200 metres of the property. In the event that the applicant fails to provide proof of service of the notice on said residents, no hearing shall be held.

- (4) At the hearing, the applicant and any resident given notice shall have the opportunity to be heard in regard to the application.
- (5) Council or the Committee, following the hearing, may exempt the applicant from any or all of the requirements of this by-law, or relax those requirements, if satisfied that the number of persons attending the event, the nature of the event, or the charitable character of the event, do not require strict compliance with this by-law.

### **Enforcement**


- 10
  - (1) A peace officer or an employee or agent of the Municipality designated for that purpose may enter any property where an event is being held for the purpose of determining whether this by-law is being complied with.
  - (2) A person referred to in subsection (1) may direct that a contravention be remedied and may remove and impound vehicles, improvements, or other things being used at an event in contravention of this by-law, the costs of collecting the same being a first lien on the owner's property.
- 11
  - (1) In the event that the applicant does not cause the site to be cleaned or fails to collect garbage or refuse on adjoining or nearby properties that was generated at the event, within 72 hours of the conclusion of the event (or such further period as the Clerk may allow) the Municipality may cause the deposit or other security to be used to pay the expense of that clean-up.
  - (2) Any part of a deposit or other security not expended under subsection (2) shall be refunded, without interest, to the applicant.
  - (3) Any expenditure by the Municipality for clean-up under this section in excess of the deposit may be recovered from the applicant or owner as a debt due to the Municipality.
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  - (1) Any person who commits an offence under this by-law shall be liable to pay a fine of not less than Two Thousand Dollars (\$2000) and not more than Ten Thousand (\$10,000) and, in default of payment, to a period of imprisonment for a period of no more than two months.
  - (2) In addition to any fine, a further penalty shall be imposed on any person guilty of an offence comprising the costs incurred by the Municipality in bringing the property in issue in compliance with the requirements of this by-law.
  - (3) If any part, section, subsection, clause, or sub clause of this by-law is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this by-law.

This By-law is effective upon publication.

**THIS IS TO CERTIFY THAT** the foregoing By-Law was passed at a duly called meeting of the Council of the Municipality of the County of Antigonish held on the 17<sup>th</sup> day of March 2015.

GIVEN under the hands of the Warden and Clerk and the seal of the Municipality this 24<sup>th</sup> day of March, 2015.

  
WARDEN

  
CLERK

**Clerks Annotation (Office Use Only)**

Date of first reading:	February 17, 2015
Dates of advertisement of Notice of Intent to Consider:	February 25, 2015
Date of second reading:	March 17, 2015
*Date of advertisement of passage of Bylaw:	March 25, 2015
Date of mailing to Minister a certified copy of Bylaw:	March 25, 2015

I certify that this Special Event By-Law was adopted.



Municipal Clerk Treasurer  
Municipality of the  
County of Antigonish

\*Effective Date of the Bylaw unless otherwise specified in the text of the Bylaw