

**CORPORATION OF THE TOWNSHIP OF
SMITH-ENNISMORE-LAKEFIELD**

BY-LAW NO. 2002-60

**BEING A BY-LAW TO REGULATE AND LICENSE EXHIBITIONS HELD FOR
HIRE OR GAIN WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE
CORPORATION OF THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD.**

WHEREAS Section 236 (6) of the Municipal Act, R.S.O. 1990, c.M.45 provides, in part, that the Council of a local municipality may pass bylaws for regulating and licencing, subject to the Theatres Act, exhibitions held for hire or gain;

AND WHEREAS the Council of the Corporation of the Township of Smith-Ennismore-Lakefield considers it to be in the public interest to provide for the regulation and licensing of exhibitions held for hire or gain in the municipality;

NOW THEREFORE the Council of the Corporation of the Township of Smith-Ennismore-Lakefield enacts as follows:

1. DEFINITIONS

In this By-Law:

- (a) "Applicant" shall mean a person who has signed an application for license submitted pursuant to this By-Law;
- (b) "Council" shall mean the Council of the Corporation of the Township of Smith-Ennismore-Lakefield,
- (c) "Exhibition" shall mean an exhibition held for hire or gain or a sponsored event;
- (d) "Exhibition held for hire or gain" shall mean an exhibition held for hire or gain as referred to in paragraph 6 of Section 236 of the Municipal Act, R. S. 0. 1990, c.M45, or a sponsored event, and, without limiting the meaning of the term, includes a gathering at which:
 - (i) entertainment is provided to persons who attend;
 - (ii) persons who attend are required to pay a fee for admission; and
 - (iii) the entertainment or the persons to whom the entertainment is being provided or both, are located outdoors or in a location which is not entirely within a hall, arena, theatre or other enclosed building,
- (e) "Fee" shall mean any charge, whether direct or indirect, which entitles a person to the entertainment provided and includes a fee for admission to the location at which the exhibition is being held, a membership fee and any other charge, including for the purchase of any goods and/or services, which entitles a person to the entertainment as an incidental right or privilege;
- (f) "Municipality" shall mean The Corporation of the Township of Smith-Ennismore-Lakefield; and
- (g) "Person" shall include a corporation.

2. REQUIREMENT FOR LICENSE

No person shall hold or put on an exhibition within the municipality and no person shall permit any lands within the municipality to be used for an exhibition unless a license for the exhibition has been issued by the Clerk of the Municipality pursuant to this By-Law at least fifteen (15) calendar days prior to the proposed date for commencement of the exhibition.

3. APPLICATION FOR LICENSE

- (a) To obtain a license pursuant to this By-Law a written application shall be submitted to the Clerk of the Municipality at least forty-five (45) calendar days prior to the proposed date for commencement of the exhibition.
- (b) The application for license shall name and be signed by and include a current address and telephone number for:
 - (i) each person who proposes to hold or put on or conduct the exhibition;
 - (ii) each person who has an ownership or leasehold interest in the lands on which it is proposed to hold the exhibition.
- (c) The application for license shall include:
 - (i) The location at which it is proposed to hold the exhibition, including both the municipal civic address and the description of the property as contained in the last registered deed or lease of the lands.
 - (ii) The dates and times proposed for the exhibition.
 - (iii) The fee or schedule of fees to be charged for the exhibition and details of what such fee(s) include.
 - (iv) Particulars of the facilities and arrangements to be implemented for: the handling of food, medical, toilet and sanitary requirements, garbage disposal, parking, policing and security, including crowd and traffic control.
 - (v) A sketch of the lands and premises to be used for the exhibition, showing the location of the proposed entertainment areas and facilities for spectators, motor vehicle parking, areas and facilities for preparation, sale and consumption of food or refreshments and for exhibiting or offering for sale other goods or services, areas for camping, tenting, toilets and other sanitary services, and any other uses and facilities incidental to the exhibition.
 - (vi) A description of the entertainment intended to be provided, including the type of entertainment, the location where it is to be staged or provided, and the dates and time frames at which entertainment is to occur, a statement as to the maximum number of persons who will be permitted to be in attendance at the exhibition at any time, together with a description of the means by which attendance will be limited to such number of persons.
 - (vii) The sworn statement of each Applicant attesting to the truth of the information contained in the application.
 - (viii) A letter signed by the By-Law Enforcement Officer of the Municipality confirming that in the opinion of the officer the proposed exhibition will not contravene any zoning by-law or other by-law in effect in the municipality.
 - (ix) A letter signed by the Commanding Officer of the police service having responsibility for policing of the area of the Municipality where it is proposed to hold the exhibition certifying that, in the officer's opinion, appropriate arrangements have been made to provide adequate security and police protection for the exhibition, including crowd control, traffic control and municipal police protection of properties in the vicinity of the exhibition, and providing an estimate of the cost (if any) to provide adequate additional police protection for the exhibition.
 - (x) A letter signed by the Medical Officer of Health having responsibility for the municipality certifying that, in the opinion of the officer, the arrangements

proposed by the Applicant(s) for health and sanitary requirements and concerns will be adequate for the exhibition.

- (xi) A letter signed by the Chief Fire Official of the municipality certifying that a Fire Safety Plan for the exhibition has been approved, or that in the opinion of the Chief Fire Official such a plan is not required, and providing an estimate of the cost (if any) to provide adequate additional fire protection services for the exhibition.
- (xii) A letter signed by the Director of Emergency Medical Services having responsibility for the Municipality certifying that, in the opinion of the Director, the arrangements proposed by the Applicant for emergency medical care and ambulance services will be adequate for the exhibition and providing an estimate of the cost (if any) to provide adequate additional ambulance service for the exhibition.
- (xiii) For an exhibition being held on Township property a letter signed by the Manager of Recreation Services certifying that the subject facility has been approved for use for the event and providing the amount required (if any) for a damage deposit sufficient to repair minor damage and cleaning of the buildings and grounds after the exhibition.
- (xiv) A description of the reasonable means and methods proposed by the Applicant(s) to keep noise from the exhibition to a level that will not disturb the inhabitants of lands and premises in the vicinity of the exhibition.
- (xv) A letter signed by the Manager of Public Works certifying that, in the opinion of the Manager, the parking plan, clearly showing entrances and parking area to be provided at the exhibition site, are adequate and that there are no safety concerns. Where there are other road authorities involved, the Applicant shall provide a similar letter from each authority.
- (xvi) An agreement executed by the Applicant(s) covenanting to indemnify and save harmless the Corporation of the Township of Smith-Ennismore-Lakefield and its officials, agents and employees from all costs, expenses, damages, claims and actions, caused by or resulting from the exhibition or as a result of issuing a license to the Applicant(s) for the exhibition.
- (xvii) A certified copy of a policy of comprehensive general liability insurance, issued by an insurance company licensed to issue such policy in the Province of Ontario providing for coverage in the amount set out below for injuries, damages, torts, claims and actions caused by or resulting from the exhibition, and naming the Applicant(s) and the Corporation of the Township of Smith-Ennismore-Lakefield as the insured parties; such coverage to be in effect for the period of the exhibition. This policy shall contain a provision that 30 days written notice of cancellation shall be provided to the Township.
 - (a) a limit of protection of \$10,000,000 per occurrence for an exhibition which includes or involves any of the following:
 - mechanized entertainment such as carnival rides, motor vehicle races, demolition derbies or speed demonstrations;
 - liquor licensed premises and an anticipated attendance of 2,500 people or more; or
 - (b) a limit of protection of \$5,000,000 per occurrence for an exhibition which includes a liquor licenced premises with an anticipated attendance of less than 2,500 people; or
 - (c) a limit of protection of \$2,000,000 per occurrence for any other exhibition.

- (xviii) A security deposit in the form of cash, bank draft or certified cheque made payable to the Corporation of the Smith-Ennismore-Lakefield or an irrevocable letter of credit in favour of the Municipality in an amount sufficient to cover all estimates provided for in Sections 3(c)(ix), 3(c)(xi), 3(c)(xii) and 3(c)(xiii), plus an additional amount of \$2,500 to cover any unforeseen costs incurred by the Municipality in processing the application and/or as a result of the event.
- (xix) An application fee payable to the Corporation of the Township of Smith-Ennismore-Lakefield in the amount of Five Hundred (\$500.00).

4. ISSUANCE OF LICENSE

Upon verification that all conditions of Paragraph 3, Sections (a) to (c) inclusive of this By-Law have been met, the Clerk of the municipality or designate shall issue the license within seven (7) days.

5. REVOCATION OF LICENSE

At any time prior to the completion of an exhibition for which a license has been issued pursuant to this By-Law, the license may be revoked by the Clerk at the direction of the Council for the Municipality by written notice delivered to any Applicant or to the address of any Applicant as set out in the application for license,

- (a) If the Clerk is satisfied that incorrect or false information of a material nature was submitted in support of the application for license; or
- (b) If the Medical Officer of Health advises the Clerk in writing that he or she is no longer of the opinion that the health and sanitation arrangements for the exhibition are satisfactory, or that the health and sanitation requirements are not being maintained; or
- (c) If the Commanding Officer of the police service responsible for policing of the area where the exhibition is being held advises the Clerk in writing that, notwithstanding any letter provided pursuant to paragraph 3(d)(ii) of this By-Law, he or she is of the opinion that the arrangements for security and police protection for the exhibition will not be adequate or that the arrangements have not been carried out; or
- (d) If the Chief Fire Official of the municipality advises the Clerk in writing that he or she is no longer of the opinion that the, approved Fire Safety Plan for the exhibition is satisfactory; or
- (e) If the Council is satisfied that any other arrangements or facilities proposed by the Applicant(s) for the exhibition have not been put into place or carried out and the Council considers it to be a cause for serious concern.

6. TERMS OF LICENSE

- (a) Any license issued pursuant to this By-Law shall be deemed to authorize only the exhibition for which application was made, in accordance with the information provided by the Applicant(s).
- (b) Any license issued pursuant to this By-Law may specify or limit the hours during which the exhibition may be held and may contain such other provisions for regulation of the exhibition as the Council of the municipality may consider to be necessary or advisable.

7. MANAGEMENT OF SECURITY DEPOSIT

- a) Upon confirmation that all costs with respect to prescribed matters have been paid, the security deposit, or balance thereof, shall be returned to the Applicant with a complete summary of any costs that were incurred.
- b) Where the cost for a prescribed matter exceeds the deposit the Applicant shall pay to the Municipality the unsecured balance upon demand.

8. EXEMPTIONS

1. A license under this By-Law shall not be required for:
 - a) an exhibition at which the total number of persons in attendance on each day of the exhibition is 1,000 or fewer;
 - b) the Lakefield Agricultural Society Annual Fair,
 - c) events operated by the Municipality or any Committee thereof.
2. Notwithstanding Section 3(c)(xix), Council may by resolution waive the application fee for an event which is deemed to be of a charitable, religious or educational nature. A request for such an exemption must be submitted in writing by the Applicant at least fifteen (15) days prior to the submission of the application and must provide sufficient detail setting out the charitable, religious or educational nature of the event.

9. OFFENCES

A person who contravenes any provision of this By-Law is guilty of an offence and shall, upon conviction therefore, be liable to a fine as provided under the Provincial Offences Act. Such penalty shall be recoverable pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c.P.33.

10. SEVERABILITY

In the event that any Court of competent jurisdiction should adjudge that any section or sections of this bylaw are not valid for any cause, such section or sections shall be deemed to be independent and severable from the remainder of the Bylaw and the remainder of the Bylaw shall stand and shall be enforced to the same extent as if the offending section or sections had not been included herein.

11. EFFECTIVE DATE

This By-Law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Township of Smith-Ennismore-Lakefield.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16th DAY OF July, 2002.

Reeve, Burritt Mann

Corporate Seal

Clerk, Janice Lavalley