

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 2396

A bylaw to provide for the regulation of Special Events within the City

The Council of the Corporation of the City of Courtenay in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “**Special Events Regulation Bylaw No. 2396, 2005**”.

INTERPRETATION

2. In this bylaw:

“**Medical Health Officer**” has the same meaning as in the *Health Act*;

“**Permit**” means a Special Event Permit issued under this bylaw in the form set out in Schedule ‘A’ attached hereto and forming part of this bylaw;

“**RCMP**” means the Comox Valley Detachment of the Royal Canadian Mounted Police;

“**Site**” means the land described in a Permit on which a Special Event is to be held;

“**Special Event**” means any event or gathering at which the attendance is likely to exceed 1000 persons and for which a fee is charged directly or indirectly.

EXEMPTIONS

3. This bylaw shall not apply to:
 - (a) gatherings held within indoor facilities in accordance with the *Fire Services Act*;
 - (b) gatherings held by School District No. 71 Comox Valley; and
 - (c) gatherings held by the City of Courtenay.

PERMIT REQUIRED

4. No Special Event may be held or be permitted within the boundaries of the City of Courtenay unless a Permit for that Special Event has been obtained.
5. Where a Permit application has been made and the applicant has complied with the requirements of this bylaw, the Manager of Corporate Administration shall issue a Permit to the applicant for the Special Event.
6. The Permit application and all documentation submitted by the applicant with the application form part of, and are incorporated into, the Permit.
7. The Manager of Corporate Administration may refuse to issue a Permit to the applicant where the applicant has not complied with the requirements of this bylaw.

8. The Manager of Corporate Administration may revoke a Permit, by delivery of written notice of revocation to the applicant, where the applicant is not in compliance with the requirements of this bylaw or the Permit.

PERMIT APPLICATION AND PROCEDURE

9. An application for a Permit must be made at least forty-five (45) days before the date on which the Special Event is to be held or begin. An application must be made in the form set out in Schedule 'A' attached hereto and forming part of this bylaw.
10. All the following consents and documents are required with the permit application:
 - (a) The written consent of the registered owner of the land where the Special Event is to be held, if it is to be held by a party other than the registered owner of the land;
 - (b) A document in which the designated Medical Health Officer or their delegate expresses satisfaction that sufficient arrangements have been made for the following facilities and services for the Special Event, including but not limited to:
 - (i) potable water supply;
 - (ii) sanitary facilities;
 - (iii) waste collection and removal facilities; and
 - (iv) food and drink storage, dispensing, preparation and use;
 - (c) A document in which the Officer in Charge of the RCMP expresses satisfaction that sufficient arrangements have been made for the following as applicable:
 - (i) off-street parking of motor vehicles as that term is defined in the *Highway Act*;
 - (ii) policing resources and/or other necessary security on and around the site;
 - (iii) traffic control on and around the site;
 - (iv) provision of a police and security command post;
 - (d) A document in which the Officer in Charge of the RCMP sets out the estimated cost of providing policing for the Special Event;
 - (e) A document in which the Courtenay Fire Chief or designate expresses satisfaction that the site conditions including all buildings and other structures on the site comply with applicable fire safety enactments and requirements;
 - (f) A document in which the Courtenay Fire Chief or designate sets out the estimated cost of providing Fire Services for the Special Event;

- (g) A document in which the City of Courtenay Director of Regulatory and Property Services or designate expresses satisfaction that adequate arrangements have been made for life safety for the site and that all accommodation to be provided thereon will conform to the requirements of the *BC Building Code*;
- (h) A document setting out in reasonable detail that arrangements have been made for first aid care and facilities for the Special Event;
- (i) A policy of comprehensive general liability insurance with a per occurrence limit of not less than \$2,000,000.00 and an endorsement to add the City of Courtenay as additional insured to protect the City in the event of bodily injury, including death, and property damage liability that may result from or arise out of the holding of the Special Event and to indemnify and save harmless the City for damage to and destruction of City property that may occur by reason of the Special Event. The policy of insurance must contain a cross liability clause and be in a form acceptable to the City;
- (j) Approval from the City of Courtenay Director of Operational Services or designate expressing satisfaction that sufficient arrangements have been made for the following if applicable:
 - (i) the parking of automobiles and other means of transport;
 - (ii) traffic control on and around the site including access routes for emergency vehicles;
 - (iii) provision of signs, barricades, other traffic control devices, and/or traffic control personnel as may be deemed necessary and/or appropriate by the Director of Operational Service or designate;
- (k) A document in which the City of Courtenay Director of Operational Services or designate sets out the estimated cost of providing public works services for the Special Event; and
- (l) A document in which the City of Courtenay Director of Regulatory and Property Services or designate expresses satisfaction that the event is not in violation of existing bylaws.

RESPONSIBILITY FOR COSTS

11. The applicant is responsible for all costs incurred or connected with the Special Event.

PERFORMANCE BONDS

12. A Permit may not be issued to an applicant until the applicant has delivered to the Manager of Corporate Administration security, by cash, certified cheque or money order, or letter of credit, in the amount of the estimated costs incurred or connected with the Special Event as provided for in sections 10 (d) (f) (k) of this bylaw. Security required under this section shall be used by the City of Courtenay to pay actual costs connected with the Special Event that the City of Courtenay incurs as a result of the applicant's default under section 11 of this bylaw.

If the other costs incurred in respect of the Special Event exceed the amount of security deposited by the applicant with the Manager of Corporate Administration under this section, the excess of the actual costs must be paid at once by the applicant to the City of Courtenay. If the other costs incurred or connected with the Special Event are less than the amount of the security deposited by the applicant with the Manager of Corporate Administration under this section, the City of Courtenay shall refund the remaining amount of the security to the applicant as soon as is practicable after the Special Event has concluded. No interest is payable by the City of Courtenay on any amount of security tendered under this bylaw.

CONFLICT WITH ZONING BYLAW

13. Nothing in this bylaw is to be interpreted as permitting a Special Event to be held where the Special Event is not a Permitted use under the zoning bylaws of the City of Courtenay.

OFFENCE

14. Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of any provisions of this bylaw, or who neglects to do, or refrains from doing, anything required to be done by any of the provisions of this bylaw, or who does any act which violates any of the provisions of this bylaw, will be guilty of an offence and will be liable to the penalties imposed by this bylaw.

PENALTIES

15. A person who violates any of the provisions of this bylaw will upon summary conviction be liable to a penalty of not less than \$100.00 and not more than \$5000.00, plus the costs of the prosecution.

SEVERANCE

16. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed portion.

REPEAL

17. "Special Events Regulation Bylaw No. 2312, 2004" is hereby repealed.

Read a first time this 16th day of May, 2005

Read a second time this 16th day of May, 2005

Read a third time this 16th day of May, 2005

Consulted with the Medical Health Officer this 31st day of May, 2005

Deposited with the Minister of Health Planning this 10th day of June, 2005

Finally passed and adopted this 20th day of June, 2005

Mayor

Manager of Corporate Administration

SCHEDULE 'A'

SPECIAL EVENT LICENCE APPLICATION FORM

PLEASE SUBMIT LICENCE APPLICATION TO THE MANAGER OF CORPORATE ADMINISTRATION

Special Events Regulation Bylaw No. 2396, 2005 prohibits the holding of a Special Event without a licence under that bylaw. This form must be completed fully and submitted to the City of Courtenay in order to obtain a Special Event licence. A licence is considered to contain all provisions of Special Events Regulation Bylaw No. 2396, 2005 as licence conditions which must be complied with by the applicant. By taking out a licence, the applicant contractually agrees with the City of Courtenay to comply with those conditions.

1. Name of event: _____

2. Location of event including street address: _____

3. Nature of event: _____

4. Estimated attendance: _____ Admission Charges: _____ YES _____ NO

5. Dates of event: _____

6. Hours of each day event is held: _____

7. Full name and address of applicant: _____

8. Telephone Number of applicant or contact person: _____

Fax number: _____

9. Full names and telephone number of any affiliated organizations and sponsors:

SCHEDULE 'A' CONTINUED

10. Describe fully, arrangements for the following, as applicable:

a) Potable water: _____

b) Sanitary facilities: _____

c) Waste collection and removal: _____

d) Food and drink storage, dispensing
preparation and use: _____

e) Off street parking of motor
vehicles as that term is defined
in the Highway Act: _____

f) Policing and other necessary
security on and around the site: _____

g) Traffic control in and around
the site: _____

11. Public Liability Insurance Documents Attached

- Yes
- No

SCHEDULE 'A' CONTINUED

12. Consent of the registered owner of the land for the holding of the Special Event if applicable:

- Not Required
- Yes, see below

The registered owner (s) of the land described above hereby consent to the holding of the above Special Event:

Owner (s) Name and Signature

Witness Name and Signature

Owner (s) Name and Signature

Witness Name and Signature

Your application will not be considered complete and a Special Events Licence will not be issued until you have supplied the following written approvals. Please check the appropriate box to indicate approvals are attached to your application.

- Medical Health Officer or their delegate**
- Courtenay Fire Department**
- Comox Valley RCMP Detachment**
- City of Courtenay Director of Regulatory and Property Services**
- Written approval from the City of Courtenay Director of Operational Services**
- Performance Bond (where required)**
- Public Special Occasion Liquor Licence Request (if applicable)**

By signing below, the applicant agrees to conform to Special Events Regulation Bylaw No. 2396, 2005 including being solely responsible to pay all policing, site restoration and any other costs and agrees to release, indemnify and save harmless the City of Courtenay, its elected an appointed officers and employees form and against all claims, actions, causes of action, suits, demands, expenses, fees or fines arising from the holding of the Special Events.

Applicant Name and Signature

Witness Name and Signature

Applicant Name and Signature

Witness Name and Signature

Personal information contained on this form is collected under the Freedom of Information and Protection of Privacy Act, and will be used for the purpose of responding to your request.

CITY OF COURTENAY BYLAW NO. 2396, 2005

SPECIAL EVENT LICENCE

This licence is considered to contain all provisions of Special Events Regulation Bylaw No. 2396, 2005 as licence conditions that must be complied with by the applicant.

This licence is hereby issued to:

1. Name of event: _____
2. Location of event including street address: _____

3. Nature of event: _____
4. Estimated attendance: _____
5. Dates of event: _____
6. Hours of each day event is held: _____
7. Full name and address of applicant: _____

8. Telephone Number of applicant or contact person: _____
Fax number: _____

This Special Event Licence is issued this _____ day of _____, 20____.

Manager of Corporate Administration