

THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

BY-LAW 15-06-798

Being a By-law to Regulate and Licence Commercial Events on Municipal Property
within the Township of Whitewater Region

WHEREAS Section 150 and 151 of the Municipal Act 2001, provide that a municipality may licence, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

AND WHEREAS Section 150(c) and 151 provide that businesses that may be licenced, regulated and governed include the sale of goods or services on an intermittent or one-time basis and the activities of a transient trader;

AND WHEREAS Section 151(1)(c) permits a municipality to exercise its licensing powers under this section, including the right to impose certain conditions as a requirement for obtaining, continuing to hold or renewing a license:

1. Health and safety;
2. Nuisance control;
3. Consumer protection;

AND WHEREAS Section 128 of the Municipal Act, 2001, authorizes Council to prohibit and regulate those matters that, in the opinion of Council are public nuisances;

AND WHEREAS Council deems it to be in the best interest of the Municipality and its inhabitants, Council has decided to license, regulate and govern certain types of business activities;

NOW THEREFORE the Council of The Corporation of the Township of Whitewater Region enacts as follows:

1. DEFINITIONS

In this By-law:

“Business” means any business wholly or partly carried on within a municipality even if the business is being carried on from a location outside the municipality

“CAO” means the Chief Administrative Officer of The Corporation of the Township of Whitewater Region

“CBO” means the municipal Chief Building Official or their designate of The Corporation of the Township of Whitewater Region

“Council” shall mean the Council of The Corporation of the Township of Whitewater Region

“Event Site Plan” shall mean a document which is drawn to outline or show the requested services in order for this event to proceed;

“Fire Department” shall mean the Fire Chief or designate from the Whitewater Region Fire Department;

“Municipality” shall mean The Corporation of the Township of Whitewater Region;

“OPP” means the Ontario Provincial Police;

“Organizer” shall mean every person who proposes to organize, operate or manage a Commercial Event on municipal property pursuant to this By-law;

“Person” shall include an individual, any form of association of individuals or a corporation;

2. REQUIREMENT FOR LICENCE

No person shall organize or operate a Commercial Business on municipally owned lands unless the CAO has issued a licence for the Commercial Business in accordance with this By-law or unless special permission has been granted by Council.

3. APPLICATION FOR LICENCE

i) Every person who wishes to obtain a licence for a Commercial Business conducted on Municipal Property shall, not later than sixty (60) days prior to the proposed commencement date of the Commercial Business, submit a complete application to the CAO in the form of application attached as Schedule “A” to this By-law.

ii) Every application for a Commercial Business on Municipal Property shall include all of the applicable information prescribed by this By-law and be accompanied by a certified cheque payable to the Municipality for the licence fees payable in accordance with this By-law.

iii) A detailed drawing or event site plan showing the location and size of the area where it is proposed to hold the Commercial Event, including a description of the relevant facilities including, **where applicable:**

- a. The preparation, sale and consumption of food or refreshments, including necessary approvals from the Public Health Unit and local Fire Department, with fencing and seating noted;
- b. Toilet and other sanitary requirements, including disposal of grey water and waste from temporary “go-huts or commodes” or recreational vehicles with attached contracts or proof the existing facilities are approved to process the volume of septage and waste water produced;
- c. Waste and recyclables disposal bins;
- d. The entertainment and spectator areas and detailed plans on handicapped seating, necessary fencing and entrances and exits;
- e. Motor vehicle parking, including traffic control at the points of entry and exit onto public roads, and separation of motorized vehicles including, snow machines, ATV’s and motorcycles from the spectators and any temporary camping facilities;
- f. Any and all temporary grandstands and raised or constructed seating areas such to be inspected by the municipal CBO;
- g. The exhibition or sale of goods or services, if any;
- h. Temporary areas for camping and tenting complete with entry and access points for emergency vehicles;
- i. Lighting reports including hours of operation and after hours safety lighting, the pathway of wires on the ground, under ground and through the air and the plan to be signed off by a qualified electrician;
- j. Appropriately fenced or designated areas for the sale of alcohol and letters of compliance with the liquor licensing authority of the Province of Ontario;

- k. The discharge of fireworks. Fireworks can only be set off between the hours of 6 pm and 11 pm and must have an area shown on the site plan where they will be discharged from and an area shown where they will land. A copy of the licence of the person(s) setting them off must accompany the application for the Commercial Event. The time of the discharge must be advertised in advance to warn adjacent property owners and residents. The plan for setting them off and the site of discharge must be reviewed with the Fire Department.
- iv A plan (illness or incapacitation plan) for assisting those stricken by illness or incapacitation while attending the event in conjunction with the Chief of Paramedic Services, or the St John's Ambulance Service, or the Canadian Ski Patrol System or any other body qualified to offer such services;
- v A report indicating the expected levels of noise and the management of noise from the Commercial Event;
- vi A copy of a letter to the OPP (Pembroke or Renfrew Detachment) advising them of the Commercial Event and outlining the arrangements that have been made to provide adequate security for the Commercial Event, including crowd control, traffic control, on site security, emergency plan for evacuation of the site and the protection of properties in the vicinity of the Commercial Event;
- vii A copy of a letter advising the Medical Officer of Health of the Commercial Event and outlining the arrangements that have been made in respect of the preparation, refrigeration and sale of food, toilet and sanitary conditions, and the disposal of kitchen and expected waste;
- viii A copy of a letter advising the Fire Department of the Commercial Event identifying potential hazards, water sources and preventative measures expected to be employed by the applicant;
- ix A copy of a letter advising the CBO of the Commercial Event;
- x An agreement in a form satisfactory to the Municipality executed by each Organizer of the Commercial Event that includes a covenant to indemnify and save harmless the Municipality, its officials, agents and employees from all costs, expenses, damages, claims and actions that were directly or indirectly caused by or that were the result of the Commercial Event or that resulted from the issuing of a licence for the Commercial Event;

4. ISSUANCE OF LICENCE

- i A certified copy of a policy of comprehensive general liability insurance including the Township as an added insured, issued by an insurance company licensed to issue such policy in the Province of Ontario providing for coverage for the duration of the Commercial Event(s) in the amount of at least two million dollars (\$2,000,000.00) for injuries, damages, tort claims and actions caused by or resulting from the Commercial Event, and naming every Organizer of the Commercial Event and the Municipality as co-insured;
- ii An application fee in the form of cash, debit, certified cheque or money order payable to The Corporation of the Township of Whitewater Region in the amount of one hundred dollars. (\$100.00).
- iii Upon receipt of the insurance policy, the application fee, and an application for a Commercial Event licence and upon being satisfied as to the accuracy, completeness and sufficiency of the information submitted in support of the application, the CAO shall send a copy of the application to all neighbouring property owners and issue the Commercial Event licence in the name of every applicant.

iv The CAO may impose as a condition of issuing the licence, the requirement for an irrevocable letter of credit, drawn on a Canadian chartered bank in favour of the Municipality in such amount as the CAO determines, based on the recommendation and advice of the OPP, CBO, the Fire Department, or Medical Officer of Health, to be necessary on account of the estimated costs of security, supervision, monitoring or policing for the Commercial Event, such letter of credit to be maintained for at least six months following the Commercial Event.

v If the CAO and Council, having reviewed an application, determines that there are other unique or special circumstances concerning the Commercial Event that warrant the imposition of special conditions for the better protection of the community and its inhabitants or the persons attending the event, the CAO shall request additional information or conditions not identified in the body of this By-law.

vi In addition to such special conditions as the CAO may impose, every licence issued for a Commercial Event shall be deemed to have been issued on the condition that the Commercial Event will be operated strictly in accordance with the information submitted in support of the application.

vii A licence issued under this By-law may not be transferred except with the consent of the Municipality expressed in the form of a letter issued by the CAO.

viii Despite the mandatory requirements of Section 3, the CAO or Council may waive any or all the requirements listed in that section in the event that the CAO or Council determines that any of the requirements do not apply.

5. REVOCATION OF LICENCE

If at any time the CAO, acting reasonably, determines that:

- (i) Incorrect or false information of a material nature was submitted in support of an application for a Commercial Event,
 - (ii) The Commercial Event is being advertised or operated in a manner contrary to the conditions of the licence or the information submitted in support of the application for the licence,
 - (iii) Based on the advice or recommendation of the OPP, Medical Officer of Health, CBO or Fire Department that a situation has developed in connection with the Commercial Event that presents a serious risk to the health and safety of members of the community or those attending the event, the CAO may immediately cancel the licence upon written notice delivered to any person who is an Organizer of the Commercial event.
- iv If a licence for a Commercial Event is cancelled, every person who is an Organizer shall forthwith take all steps necessary to shut down the Commercial Event.

6. EXEMPTIONS

This By-law shall not apply to the following:

- (a) Commercial Events organized by
 - (i) The Municipality;
 - (ii) A church or other recognized religious organization
 - (iii) A local not for profit or community service group which can demonstrate continued and long standing contribution of funds to the betterment of the local community

(iv) Schools

7. OFFENCES

Any cost or expense incurred by the Municipality that results directly from the Commercial Event shall constitute a charge payable to the Municipality in accordance with Part XII of the Municipal Act, 2001, and every Organizer of the Commercial Event shall be liable for payment of the charge and the amount owing may be added to the tax roll of the Organizer's property within Whitewater Region and collected in the same manner as taxes together with interest thereon at the same rate as payable on unpaid taxes.

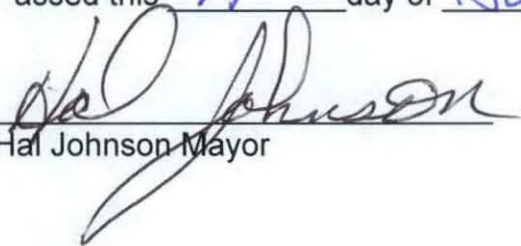
8. SEVERABILITY

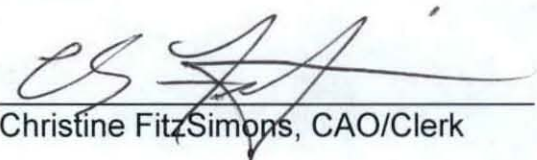
Should any section, clause, sub-clause, provision or part of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole, nor any part thereof, other than the part declared invalid.

9. EFFECTIVE DATE

This By-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of Whitewater Region.

Passed this 17th day of JUNE, 2015


Hal Johnson Mayor


Christine FitzSimons, CAO/Clerk

SCHEDULE 'A'
BY-LAW NUMBER 15-06-798

APPLICATION FOR COMMERCIAL EVENT LICENCE

Being a By-law to regulate and license Commercial Events held on municipal property
in the Township of Whitewater Region

DATE _____

NAME OF APPLICANT (S): _____

MAILING ADDRESS:

CURRENT EMAIL: _____

PHONE NUMBER: _____

CELL NUMBER: _____

LOCATION OF EVENT, 911 CIVIC ADDRESS AND SIZE OF AREA ON WHICH THE
EVENT WILL BE HELD

DATE(S) OF EVENT(S) _____

Documentation Checklist:

FACILITIES / ARRANGEMENTS FOR THE FOLLOWING:

HANDLING OF FOOD

TOILET AND SANITARY REQUIREMENTS

HOUSEHOLD WASTE AND RECYCLING DISPOSAL

ON SITE SECURITY

EVENT SITE PLAN TO BE INCLUDED:

Indicate location of event, spectators, motor vehicle parking, food/refreshments, sale of
goods/services, camping, sanitary services etc

ESTIMATED NUMBER OF ATTENDEES

LETTERS OF COMPLIANCE PERTAINING TO THE EVENT (to be filed with the
application if applicable)

ONTARIO PROVINCIAL POLICE _____
(Upper Ottawa Valley and/or Renfrew Detachment)

MEDICAL OFFICER OF HEALTH _____

(Renfrew County & District Health Unit)

CHIEF FIRE OFFICIAL _____
(Township of Whitewater Region section)

CHIEF BUILDING OFFICIAL _____
(Township of Whitewater Region section 3)

CHIEF OF PARAMEDIC SERVICES _____
(County of Renfrew section 3)

DESCRIPTION OF THE MEANS/METHODS TO KEEP NOISE TO A LEVEL THAT
WILL NOT DISTURB INHABITANTS IN THE VICINITY (section 3)

MANDATORY CERTIFIED COPY OF COMPREHENSIVE GENERAL LIABILITY
INSURANCE (section 3) _____

LICENCE FEE (\$100 Payment to be included with application) _____

DECLARATION

As the applicant/owner named above, I hereby make this application and confirm that I have read By-law Number 15-06-798 and agree to abide by its regulations.

INDEMNITY

As an Organizer/owner, I hereby covenant and agree to indemnify and save harmless The Corporation of the Township of Whitewater Region, its officials, agents and employees from all costs, expenses, damages, claims and actions that are directly or indirectly caused by or that are the result of the Commercial Event or that may result from the issuing of a licence for the Commercial or Event.

I also certify I have the authority to sign this agreement on behalf of the Organizers of the Commercial Event.

DATED THIS _____ DAY OF _____, _____.

Applicant(s)

Owner(s)

THIS LICENCE IS HEREBY
GRANTED AND IS IN EFFECT
FOR THE PERIOD

CAO Christine FitzSimons