

VILLAGE OF PEMBERTON

Special Events Bylaw No.750, 2014

A Bylaw to regulate Special Events within the boundaries of the municipality

WHEREAS the Village of Pemberton Council recognizes the importance of Special Events in enhancing the quality of life, tourism, culture, recreation and education and in providing economic benefits to the local economy;

AND WHEREAS Council deems advisable the provision of adequate health, safety, sanitation and protective measures of persons attending special events where large numbers of people are in attendance, or may be anticipated to be in attendance;

AND WHEREAS planning for and accommodating a special event which is expected to involve extraordinary costs to the Village for policing, highway and traffic control, water and other services, and dealing with potential adverse impacts such as nuisance;

NOW THEREFORE, the Council of the Village of Pemberton, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw is cited as the "Village of Pemberton Special Events Bylaw 750, 2014".

2. **DEFINITIONS**

In this Bylaw:

"Applicant" means an applicant for a permit and the holder of the issued permit;

"Application" means a special event permit application in a form as established by the Chief Administrative Officer;

"Attendees" means all people who are present at an event or activity and includes all participants, staff, volunteers, contractors and employees;

"Chief Administrative Officer" means the Chief Administrative Officer for the Village or the person appointed to act in his or her place;

"Council" means the Council of the Village of Pemberton;

"Commercial Event" means a special event held where a fee is charged for attendance or that is held for the purpose of business or otherwise for profit or gain;

"Day" means the whole or any part of a period of 24 hours from midnight to midnight;

"Fire Department" means the Village of Pemberton Fire Department or any other Fire Department that the Village holds agreements for service with;

“Highway” includes a street, road, lane, bridge, sidewalk, boulevard, road shoulder any other way open to public use, and any road shoulder, adjacent land or ditch on municipal or Crown land, but does not include a private right of way on private land;

“Major Event” means a special event that is likely to be attended by more than one thousand (1,000) individuals or more per day;

“Minor Event” means a special event that is likely to be attended by less than (1,000) individuals per day;

“Permit” means a special event permit issued under this Bylaw in a form as prescribed by the Village;

“Police” means the Royal Canadian Mounted Police (RCMP) or any other police agency that is responsible for policing the Village of Pemberton;

“Site” means the land described in a Permit, on which a special event is to be held;

“Special Event” means any festival, concert, exhibition, show, performance, competition, involving music, sports or athletics, or of a theatrical, community or cultural nature, that is likely to be attended by 300 or more individuals, whether or not held as a commercial undertaking, where any part of the event is held outdoors;

“Village” means the Village of Pemberton;

“Special Event Guideline Form” means a set of guidelines in a form approved by the CAO for special events within parks or on land owned or under the control of the Village.

3. PERMIT REQUIREMENTS AND EXEMPTIONS

(1) The following Special Events require a Permit:

- (a) A Special Event that is a Major Commercial Event
- (b) A Special Event that is a Minor Commercial Event;
- (c) Special Events that last more than twelve (12) consecutive hours from set-up to take down of the event; and
- (d) Special Events that are less than twelve (12) consecutive hours of a particular day, but that carry over into the next day.

(2) The following events do not require a Permit:

- a. Special Events held or sponsored by the Village;
- b. Special Events held by Sea to Sky School District No. 48 & No. 93;
- c. Special Events held outdoors that can facilitate the attendance of less than 300 people and applied for by a local business or a community or rate payer

association incorporated under the *Society Act* and operating within the Village unless the event is a “Commercial Event”;

- d. Special Events facilitated by organizations or groups that hold a valid Parks & Public Space Use Permit issued by the CAO;

4. PROHIBITION

- (1) A person must not publicize or hold a Special Event described in Section 3 (1), or permit, suffer or allow the publication or holding of a Special Event, in the Village except in accordance with this Bylaw.
- (2) Prior to publicizing or holding a Special Event described in Section 3 (1) the owner of land, the owner’s authorized agent or representative, or other person responsible for the Special Event must submit a complete Application to the CAO, together with full payment of the Application fee, and must obtain a Permit for that Special Event as provided for in this Bylaw.

5. APPLICATON FEE AND ADDITIONAL COSTS

- (1) The following Application fee is to be paid to the CAO by the Applicant at the time of submitting the Application:
 - (a) **for Minor Events**: Two hundred dollar (\$200.00) Application fee
 - (b) **for Major Events**: Three hundred dollar (\$300.00) Application fee, plus:
 - i. \$100 for every one thousand (1,000) participants or any part thereof between two thousand (2,000) participants and ten thousand (10,000) participants; and.
 - ii. \$200 for every one thousand (1,000) participants or any part thereof between ten thousand (10,000) participants and twenty thousand (20,000) participants; and.
 - iii. \$300 for every one thousand (1,000) participants or any part thereof over twenty thousand (20,000) participants.
- (2) In addition to the Application fee, where and when Village staff resources are used in excess of fees collected for either a Minor or Major Event, an administration fee of actual cost plus 10% will apply and the owner of private lands used for the Special Event, as well as the Applicant named on the Permit, will be responsible to pay that amount to the Village within thirty (30) days of being delivered an invoice from the Village.

6. OBTAINING A PERMIT

(1) Type of Event

A fully complete Application for a Permit must be submitted to the CAO as follows:

- (a) for Minor Events: at least sixty (60) days prior to any Site preparations for the Special Event;
- (b) for Major Events: at least one hundred and eighty (180) days prior to any Site preparations for the Special Event.

(2) Required Information

- (a) An Application for a Permit shall be made in the form as approved by the CAO..
- (b) The Application must include the written approvals and any relevant supporting documentation by any or all of the following stakeholders, as the CAO deems necessary or advisable taking into account the size, scope, nature and location of the Special Event, sanitation, water and firefighting facilities, and the geography, weather, highway, traffic and other conditions potentially relevant to ensuring public health and safety and the avoidance of nuisance, hazards and other adverse effects:
 - (i) The registered owner and occupier of the land upon which the special event is to be held;
 - (ii) Vancouver Coastal Health - Office of the Medical Health Officer;
 - (iii) Royal Canadian Mounted Police;
 - (iv) Office of the Fire Commissioner, BC Forest Service Protection Branch and Pemberton Fire Rescue (as applicable);
 - (v) British Columbia Liquor Inspector (if liquor is to be sold during the event);
 - (vi) British Columbia Safety Authority;
 - (vii) British Columbia Ministry of Transportation & Infrastructure (if accessing on or near an arterial Highway)
 - (viii) British Columbia Ministry of Forests, Lands, and Natural Resource Operations (if access will be from a forest service road or if located adjacent to or within a wildfire hazard assessment area)
 - (ix) Agricultural Land Commission (proof of compliance with any requirements and any approvals as applicable)
 - (x) Other jurisdictions that could be affected by the Special Event;
 - (xi) Village of Pemberton Building Inspector and/or Compliance Officer;
 - (xii) Village of Pemberton Emergency Program Coordinator;
 - (xiii) Village of Pemberton Development Services Department;
 - (xiv) Village of Pemberton Public Works Department
- (c) The Application must include proof that owners and occupiers of property within one (1) kilometre of the site of the Special Event who may be affected have been notified in writing prior to submission of the application for the Special Event;
- (d) The Application must include a document, including a Site plan of the Special Event site and neighbouring properties as the CAO deems necessary or advisable, setting out in reasonable detail:
 - i. Applicant emergency information;
 - ii. Site access information;
 - iii. parking, traffic and noise Management Plans;
 - iv. event layout and locations that include, as required, public and vendor sanitary facilities;
 - v. solid and liquid waste management plans;

- vi. staging;
- vii. vendors;
- viii. fire safety;
- ix. first aid care and facilities;
- x. security information;
- xi. an on-site and off-site signage plan; and
- xii. location of any hazards for the Special Event,

made in accordance with the Special Event Guidelines and to the satisfaction of the stakeholders listed in section 2 (b), and such other information the CAO deems necessary or advisable in the circumstances of the Special Event.

- (e) An application for a Special Event Permit must include a written agreement in a form acceptable to the CAO, to release, indemnify and save harmless the Village, its officers, elected officials, employees, agents and volunteers from and against any and all suits, claims, demands, complaints, or claims of any kind whatsoever that do or may arise as a result of publicizing, holding or carrying out the Special Event and all related activities, including, without limitation, for compensation for loss, injury or death to persons, loss of, injury or damage to property, and for reasonable legal expenses, unless directly caused by an intentional wrongdoing of the Village or its officers, officials, employees, agents or volunteers,
- (f) The CAO may exempt an applicant from providing some or all of the information and materials described in this section.

(3) Security

The Applicant must post Security as required under Section 8.

(4) Application Fee

The Applicant must pay the Application Fee as required under Section 5.

(5) Liability Insurance

The Applicant must provide the CAO with proof of insurance as a condition of granting a Special Event Permit, as follows:

- (a) The owner, occupier or promoter shall buy and keep in force at their own expense until completion of the Special Event, Personal Injury and Property Damage Liability Insurance;
- (b) Such insurance shall be for a minimum of \$5,000,000 coverage per occurrence;
- (c) Such insurance shall be in the name of the owner and any occupier, or promoter; shall name as an added covered agency the Village, and shall include a Cross Liability or Severability of Interests clause;
- (d) Such insurance shall be in a form and with an Insurer acceptable to the Village. Both Personal Injury and Property Damage sections are to provide coverage on an "Occurrence Basis"; and

- (e) If the CAO believes the nature of the proposed Special Event creates an unusual risk of injury to participants or spectators, or an unusual risk of damage to property, the CAO may require the applicant to provide additional insurance coverage.

(6) Business Licence

The Applicant must hold a valid Business License within the Village.

(7) Sign Permit

The Applicant must hold valid Sign Permits from the Village, the British Columbia Ministry of Transportation and Infrastructure and any other agency as required and authorized by those agencies.

7. COSTS, FEES AND EXPENSES

All costs and expenses incurred in meeting the requirements of this bylaw shall be by the applicant.

8. SECURITY FOR SERVICES AND COSTS

- a. As a condition of granting a Special Event Permit, the owner or occupier of the premises, or by the person or persons holding the Special Event must post a security deposit.
- b. An application must be accompanied by a refundable security deposit in the form of a standby irrevocable letter of credit or cash in the amount to be determined by the CAO based on the size, duration and type of Special Event and likelihood of the need for services set out in paragraph 8 (e) but in any event, in an amount not less than \$1,000 for a Minor Special Event and not less than \$10,000 for a Major Event.
- c. The CAO may set a higher or lower amount for the security required in subsection 8 (b) if the CAO believes that the scope, scale, and nature of the proposed Special Event creates an increased or decreased risk of damage to land and property.
- d. The Applicant and any owner or occupier of land where the Special Events are held shall be responsible for all costs incurred by the Village arising from or related to the Special Event, including but not limited to, the cost to provide policing, public works and fire services and all costs to restore the Site after the Special Event.
- e. The Village will hold any security deposit for up to one hundred and twenty (120) days following the conclusion of the Special Event, at which time the Village shall return the security or such portion of the security not returned under subsection 8 (g).

- f. Despite paragraph (e), if, in the opinion of Village, the Special Event causes damage or results in the Village incurring financial costs and expenses for the cleanup, repair, reconstruction or replacement of any public place or Village property which is not remedied immediately upon demand, the Village may from time to time draw down on the security posted to the extent of any cost incurred or expected to be incurred by the Village in connection with the cleanup, repair, reconstruction, or replacement.
- g. Either one or both of the Applicant and the owner or Occupier of Land where the Special Event is held shall, within one hundred and twenty-seven (127) days of the Special Event, pay any costs incurred by the Village as a result of the Special Event that exceed the security provided under 8(b).
- h. For the purposes of Section 5, damage caused by the Special Event includes damage caused by a participant or spectator at the Special Event.
- i. Any and all costs and expenses incurred by the Village in providing services to the land or improvements on which a special event is held shall be a debt owed to the Village by the land owners and if not paid in full by December 31st of the year in which the debt is incurred, may be collected as if for property taxes from the owner of property for which the Village service was provided or work carried out.

9. APPROVAL OF A PERMIT

- (a) A Permit for a Special Event will not be issued or may be withheld if:
 - i. The application is incomplete or inaccurate; or
 - ii. There are insufficient police or safety services available; or
 - iii. If the necessary approvals and permits from other agencies have not been obtained.
- (b) The applicant is responsible to ensure that the Special Event is held in compliance with all other applicable Acts, regulations, decisions, orders, Bylaws or legislation of any other person or body having jurisdiction over the subject lands.
- (c) Council delegates to the Chief Administrative Officer, or a person appointed to act in the absence of the Chief Administrative Officer, the authority to approve, exempt, and revoke on behalf of the Village applications for either a Minor or Major Special Event Permit under this bylaw.

10. OFFENCE

- (a) A person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable, upon conviction, to a fine of at minimum \$500 and a maximum penalty of Ten Thousand Dollars (\$10,000.00), the costs of prosecution and any other penalty or order imposed pursuant to the *Community Charter* or the *Offence Act* (British Columbia).

- (b) Each day that an offence against this Bylaw continues or exists shall be deemed to be a separate and distinct offence.
- (c) The penalties imposed under Section 9(a) shall be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw or any other statute, law or regulation.

11. SEVERANCE

If any provision contained in the Bylaw is found by a Court of competent jurisdiction to be invalid, illegal or unenforceable, the validity, legality or enforceability of the remaining provisions contained herein shall not be in any way affected or impaired thereby to the extent that the purpose of the Bylaw may be fulfilled in the absence of the impugned provision or provisions of the Bylaw.

12. EFFECTIVE DATE

The Village of Pemberton Special Events Bylaw comes into full force and effect on the date of its adoption by Council.

READ A FIRST TIME this 7th day of January, 2014.

READ A SECOND TIME this 7th day of January, 2014.

READ A THIRD TIME this 21st day of January, 2014.

ADOPTED this 4th day of February, 2014.

Jordan Sturdy
Mayor

Sheena Fraser
Corporate Officer