

SPECIAL EVENTS BYLAW VILLAGE OF PEMBERTON BYLAW NO. 750, 2015

Fourth & Final Readings

February 4, 2014



OFFICE CONSOLIDATION: August 27, 2021

This document is an office consolidation of the Village of Pemberton Special Events Bylaw No. 750, 2015 (adopted February 4, 2014) and subsequent amendments adopted by Village Council.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application that original bylaw should be consulted.

The Village of Pemberton will, in no event, be liable or responsible for damages of any kind arising out the use of this consolidation.

This is not the official version of Village of Pemberton Special Events Bylaw No. 750, 2015, nor is it admissible in a court of law. For such purposes, official certified copies can be obtained from the Village Office or by contacting us at: admin@pemberton.ca.

Table of Amendments

Bylaw	Date Adopted	Sections Amended	Description
Amendment (Application and Fine Structure) Bylaw No.810, 2017	March 7, 2017	4, Prohibition 5, Application Fee and Additional Costs 6, Obtaining a Permit	
Fees and Charges Bylaw No. 905, 2021	July 27, 2021	2, Definitions 5 8 10	Removes fee schedule and adds reference to Fees and Charges Bylaw in its place.

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;

“Fees and Charges Bylaw” means Village of Pemberton Fees and Charges Bylaw No. 905, 2021, as amended or replaced from time to time. *(Amendment Bylaw No. 905, 2021)*

“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 organizer of the event must submit for the Village’s approval the proposed dates of the event and the expected number of attendees. *(Amendment Bylaw No. 810, 2017)*
- (3) Prior to holding a Special Event, the person responsible for the Special Event must submit a complete Application to the CAO, together with full payment of the Application fee as required under Section 5 and all applicable supporting documentation as required under Section 6. *(Amendment Bylaw No. 810, 2017)*
- (4) Prior to holding a Special Event, the person responsible for the Special Event must obtain a Permit for that Special Event. *(Amendment Bylaw No. 810, 2017)*

5. **APPLICATION FEE AND ADDITIONAL COSTS**

- (1) Fees and charges for services that may be or are provided under this Bylaw shall be payable as set out in the *Fees and Charges Bylaw*. *(Amendment Bylaw No. 905, 2021)*
- 2(a) Late submission of Special Event Application for a Major Event, as required under Section 6 of this Bylaw, constitutes an offense subject to the following fine structure and will be implemented on a cumulative basis: *(Amendment Bylaw No. 810, 2017)*
 - (i) Application submitted over seven (7) days of the submission deadline will be subject to a ten percent (10%) fine of original application fee.
 - (ii) Application submitted over fourteen (14) days of the submission deadline will be subject to a twenty percent (20%) fine of original application fee
 - (iii) Application submitted over twenty one (21) days of the submission deadline will be subject to a thirty percent (30%) fine of original application fee.

- (iv) Applications submitted over thirty (30) days of the submission deadline will be subject to a forty percent (40%) fine of the original application fee plus forfeiture of the entire security deposit.

2(b) The CAO may set a higher or lower amount for the fine structure as required in Section 5 (a) 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. *(Amendment Bylaw No. 810, 2017)*

2(c) The Village will withhold any amounts owing resulting from fines from the security deposit as outlined in Section 8. In the event that the amount remaining in the security deposit does not satisfy the amounts owing, the Village will submit an invoice for this amount to the person responsible for the Special Event which must be paid within thirty (30) business days. Late payment of invoice may result in an additional fine of fifty percent (50%) of the invoiced amount. *(Amendment Bylaw No. 810, 2017)*

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 forty-five (45) days prior to any Site preparations for the Special Event;

(Amendment Bylaw No. 810, 2017)

(b) for Major Events: at least sixty (60) days prior to any Site preparations for the Special Event.

(Amendment Bylaw No. 810, 2017)

(2) Required Information

(a) An Application for a Permit shall be made in the form as approved by the CAO.

(b) The Application upon submission must include the written approvals and any relevant supporting documentation by any or all of the following stakeholders, as determined by the CAO. *(Amendment Bylaw No. 810, 2017)*

- (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 Ministry of Transportation & Infrastructure (if accessing on or near an arterial Highway);
- (vii) 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);

- (viii) Agricultural Land Commission (proof of compliance with any requirements and any approvals as applicable);
- (ix) Other jurisdictions that could be affected by the Special Event;
- (x) Village of Pemberton Emergency Program Coordinator;
- (xi) Village of Pemberton CAO (for Land use and Service Agreements)

Requirements may vary based on the scope and nature of the event and will be communicated to the organizer by the CAO or his/her designate. Further approvals and documents under Subsection (c) are required prior to commencement of the event.

- (c) The following stakeholder approvals and/or documents are to be submitted to the Village a minimum of ten (10) days prior to the commencement of event activities unless otherwise authorized by the CAO : *(Amendment Bylaw No. 810, 2017)*

- (xii) British Columbia Safety Authority;
- (xiii) Approval of Structural Engineer;
- (xiv) Village of Pemberton Development Services Department;
- (xv) Village of Pemberton Public Works Department.
- (xvi) Village of Pemberton Building Inspector and/or Compliance Officer.

- (d) 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; *(Amendment Bylaw No. 810, 2017)*

- (e) The Application must include a Communications Plan, which will outline the procedure, timelines and type of communication to be shared with the community and media for the purpose of the event; *(Amendment Bylaw No. 810, 2017)*

- (f) The Application must include a document which provides details on the following items and any other information as deemed necessary by the CAO: *(Amendment Bylaw No. 810, 2017)*

- (i) Public Safety, Security Plan and Emergency Preparedness Plan
- (ii) Emergency Communications Plan including relevant contact information
- (iii) Noise management plan as applicable
- (iv) Set-up and tear down timelines
- (v) Off-site traffic management/parking plan (delivery/set-up vehicles)
- (vi) Site Plan of Special Event Site and neighbouring properties which includes:
 1. Site access information;
 2. Parking, on-site traffic management plans,;
 3. Event layout and locations that include, as required, public and vendor sanitary facilities
 4. Solid and liquid waste management plans;
 5. Location of staging, camping and attractions and vendor locations
 6. Fire safety plan;
 7. First aid care and facilities;
 8. On-site Security program;

9. On-site and off-site signage plan; and
10. 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 6 (b) and (c), and such other information the CAO deems necessary or advisable in the circumstances of the Special Event

- (g) 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, *(Amendment Bylaw No. 810, 2017)*
- (h) The CAO may exempt an applicant from providing some or all of the information and materials described in this section. *(Amendment Bylaw No. 810, 2017)*

(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 as set out in the *Fees and Charges Bylaw*. (Amendment Bylaw No. 905, 2021).
- c. Deleted. (Amendment Bylaw No. 905, 2021)
- 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 10(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. *(Amendment Bylaw No. 905, 2021)*

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, 202114.

Jordan Sturdy
Mayor

Sheena Fraser
Corporate Officer