

**THE CORPORATION OF NORTH ALGONA WILBERFORCE TOWNSHIP  
BY-LAW NO. 2005-12**

**BEING A BY-LAW TO REGULATE AND PERMIT SPECIAL EVENTS WITHIN NORTH ALGONA WILBERFORCE TOWNSHIP.**

**WHEREAS** Section 150(1) of the *Municipal Act, 2001*, provides that subject to the *Theatres Act* and the *Retail Business Holidays Act*, a local municipality may permit, 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(2) permits a municipality to exercise its licensing powers under this section, including imposing conditions, for one or more of the following purposes:

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

provided the by-law contains an explanation as to the reason why the municipality is licensing the business or imposing the conditions and how those reasons relate to the foregoing purposes;

**AND WHEREAS** Section 150(6)(b) provides that businesses that may be permitted, regulated and governed under subsection (1) include exhibitions, concerts, festivals and other organized events held for public amusement, whether for profit or otherwise;

**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** having determined that concerts, festivals and other events organized for the purpose of entertainment or amusement that attract large numbers of people have the potential to create problems related to the health and safety for those who attend as well as for other members of the community, and to cause a public nuisance, Council deems it desirable and in the best interest of the municipality and its inhabitants to permit, regulate and govern certain types of events and activities.

**NOW THEREFORE** the Council of North Algona Wilberforce Township enacts as follows:

**1. DEFINITIONS - In this By-Law:**

“Council” shall mean the Council of The Corporation of North Algona Wilberforce Township;

“Municipality” shall mean North Algona Wilberforce Township;

“Organizer” shall mean every person who proposes to organize, operate or manage a Special Event pursuant to this By-Law;

“Person” shall include an individual, any form of association of individuals and a corporation.

“Special Event” shall mean any exhibition, concert, festival or other event organized for the purpose of entertainment or amusement and to which more than 50 people may attend.

**2. REQUIREMENT FOR PERMIT**

No person shall organize or operate a Special Event within the municipality or permit any lands within the municipality to be used for a Special Event unless Council has issued a permit for the Special Event in accordance with this By-Law.

**3. APPLICATION FOR PERMIT**

Every person who wishes to organize or conduct a Special Event shall apply in writing to Council, not less than thirty (30) days prior to the proposed commencement date of the Special Event for permission to conduct the Special Event.

Every application for permit for a Special Event shall include the following information:

1. A description of the Special Event;
2. The proposed date or dates of the Special Event and hours of operation;
3. The name, current address and telephone number of the organizers, property owner and/or occupants of the proposed location of the Special Event;
4. The municipal address of the property where the Special Event will be held;
5. A detailed drawing or written description showing the location and size of the area where it is proposed to hold the Special Event, including a description of the facilities and arrangements for food, water, toilet and other sanitary requirements; garbage disposal, motor vehicle parking and areas proposed for camping and tenting,

**4. ISSUANCE OF PERMIT**

Upon receipt of an application for a Special Event permit and upon being satisfied as to the accuracy, completeness and sufficiency of the information submitted in support of the application, Council may issue a Special Event Permit in the name every applicant and owner of the property and may attach such conditions that Council believes, in its sole discretion, are necessary to address any health, safety or nuisance concerns related to the Special Event. A permit issued under this By-Law may not be transferred except by Resolution of Council.

**5. REVOCATION OF PERMIT**

A Special Event Permit may be revoked at any time if it is determined that incorrect or false information of a material nature was submitted in support of an application for a Special Event, the Special Event is being operated in a manner contrary to the conditions of the permit or the information submitted in support of the application for the permit, or based on the advice or recommendation of the OPP, Medical Officer of Health or Fire Chief that a situation has developed in connection with the Special Event that presents a serious risk to the health and safety of members of the community or those attending the event. The By-Law Enforcement Officer with the assistance of the OPP, Medical Officer of Health or Fire Chief may immediately cancel the permit upon written notice delivered to any person who is an organizer of the event or to an owner of the property on which the Special Event is being operated.

If a permit for a Special Event is cancelled, every person who is an organizer and every person who is an owner of the property on which the event is being operated shall forthwith take all steps necessary to shut down the Special Event.

**6. EXEMPTIONS - This bylaw shall not apply to the following:**

- (a) Special Events organized by;
  - (i) the Municipality
  - (ii) a church, synagogue or other recognized religious organization
  - (iii) a school board
  - (iv) a registered charitable organization, or
- (b) Special Events to be operated on any property recognized by the Township as, and being utilized as a Commercial Tourist Operation.
- (c) And exemptions at Council's discretion.

**7. OFFENCES**

- (a) Any person who contravenes this By-Law is guilty of an offence and shall, upon conviction be liable to payment of a fine as provided for under the Provincial Offences Act R.S.O. 1990, c. P.33.
- (b) In addition to any other remedies available to the municipality, any cost or expense incurred by the municipality that results directly from the Special Event shall constitute a charge payable to the municipality in accordance with Part XII of the Municipal Act, 2001, and every organizer of the Special Event and every owner of the property where the Special Event is held shall be liable for payment of the charge and the amount owing may be added to the tax roll of the property 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.

**10. EFFECTIVE DATE**

This By-Law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of North Algona Wilberforce Township.

**READ A FIRST AND SECOND TIME THIS 20<sup>TH</sup> DAY OF JUNE, 2005.**

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MAYOR

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CLERK TREASURER

**READ A THIRD TIME AND PASSED THIS 20<sup>TH</sup> DAY OF JUNE, 2005.**

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MAYOR

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CLERK TREASURER