

**BY-LAW 2014-020**

**OF**

**THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE**

**A BY-LAW TO REGULATE AND GOVERN THE HOLDING OF SPECIAL EVENTS IN THE TOWNSHIP OF UXBRIDGE, AND TO ESTABLISH A PERMIT SYSTEM FOR SPECIAL EVENTS**

**WHEREAS** the Council of the Corporation of the Township of Uxbridge deems it necessary to regulate special events within the boundaries of the Township of Uxbridge;

**AND WHEREAS** The *Municipal Act, 2001 S.O. 2001, c.25, as amended*, authorizes municipal councils to pass By-laws regulating cultural, recreational and educational events, including public fairs, and requiring a permit to be obtained for such special events;

**AND WHEREAS** Section 10(2) of the *Municipal Act, 2001 S.O. 2001, c.25, as amended*, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public including regulating events, for the health, safety and well-being of persons in the municipality and the protection of persons and property;

**AND WHEREAS** Section 150 of the *Municipal Act, 2001 S.O. 2001, c.25, as amended*, allows a municipality to licence, regulate and govern any event wholly or partially carried on within the municipality;

**AND WHEREAS**, pursuant to Section 150 of the *Municipal Act, 2001 S.O. 2001, c.25, as amended*, the Council of the Corporation of the Township of Uxbridge is exercising its powers including imposing conditions, for the following reasons, as identified in Section 11 of the *Municipal Act, 2001 S.O. 2001, c.25, as amended*:

- Economic, social and environmental well-being of the municipality;
- Health, safety and well-being of persons; and
- Protection of persons and property, including consumer protection.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE ENACTS AS FOLLOWS:**

**SHORT TITLE**

**This By-law shall be known and may be cited as the “Special Event By-law.”**

**Section 1-Definitions**

For the purposes of this By-law,

- 1.1 **“AGCO”** shall mean the Alcohol and Gaming Commission of Ontario;
- 1.2 **“Amusement Device”** shall mean a machine, contrivance, structure or vehicle used in an amusement park to entertain members of the public by moving them or causing them to be moved;
- 1.3 **“Applicant”** shall include a person seeking a Special Event Permit or a person whose Special Event Permit is being considered for revocation or suspension;
- 1.4 **“Application”** shall mean an application for a Special Event Permit;

- 1.5 **“Agricultural Fair”** shall mean an agricultural or horticultural exhibition hosted by an agricultural society or fair board or a similar organization recognized by the Alcohol and Gaming Commission of Ontario;
- 1.6 **“Certificate of Insurance”** shall mean a document issued by an insurance company licensed to provide insurance in the Province of Ontario that certifies that an insurance policy has been purchased for the Special Event, or which applies to the property or premises on which the Special Event shall occur, and which provides an abstract of the liability provisions of the insurance contract;
- 1.7 **“Charitable Organization”** shall mean a registered organization that provides for the Relief of Poverty, the Advancement of Education, the Advancement of Religion, or other charitable purposes beneficial to the community as defined by Order in Council 1413/08;
- 1.8 **“Clerk”** shall mean the Clerk of the Corporation of the Township of Uxbridge;
- 1.9 **“Council”** or **“Township Council”** shall mean the Council of the Corporation of the Township of Uxbridge;
- 1.10 **“Fees”** shall mean an application fee, administrative fee or processing fee paid by the Applicant for a Special Event Permit, as outlined in Schedule “A” attached hereto;
- 1.11 **“Fire Chief”** shall mean the person who holds that position and his or her delegate(s) appointed by Council;
- 1.12 **“Director of Public Works and Operations”** shall mean the person who holds that position and his or her delegate(s) appointed by Council;
- 1.13 **“Liquor Licence”** shall mean a licence issued by the Province of Ontario in the form of a Special Occasion Permit (SOP) or a Liquor Licence for the purpose of serving alcohol;
- 1.14 **“Major Event”** shall mean an exhibition, concert, festival or other organized event, on Township property, held for profit or otherwise, where 1,000 or more people are expected to be in attendance for the event but shall not include:
- a) Uxbridge Fall Fair
  - b) Ribfest
  - c) Art in the Park
  - d) Highlands of Durham Games
  - e) Everything Equine
- 1.15 **“Manager of Ambulance Services”** shall mean the person who holds that position and his or her delegate(s) designated by the Region of Durham;
- 1.16 **“Medical Officer of Health”** shall mean the Medical Officer of Health of the Durham Region Health Unit and his or her delegate(s) designated by the Region of Durham;
- 1.17 **“MNR”** shall mean the Ministry of Natural Resources of the Province of Ontario;
- 1.18 **“Motor Vehicle”** shall mean an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in this By-law, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine;
- 1.19 **“Occupant”** shall mean any person in lawful control of any grounds, yards or vacant lots or identified by the most current Municipal Assessment Roll as being the occupant of the premises and/or property;

- 1.20 **“Officer”** shall mean a Municipal Law Enforcement Officer appointed by Township of Uxbridge By-law, a Police Officer, a person authorized by Council or an assigned individual with the responsibility for enforcing and administering this By-law;
- 1.21 **“Owner”** shall mean any person identified by the most current Municipal Assessment Roll as being the owner of the premises and/or property;
- 1.22 **“Person”** shall include an individual, a sole proprietorship, a partnership, an unincorporated association, a trust, a body corporate or a natural person;
- 1.23 **“Police Chief”** shall mean the Police Chief or commanding officer of the Durham Regional Police Service and his or her delegate(s);
- 1.24 **“Premises”** shall mean any structure, building, vehicle or thing used in conjunction with a Special Event Permit issued pursuant to the provisions of this By-law;
- 1.25 **“Property”** shall mean a parcel of land which is shown as a lot or block on a registered plan of subdivision or described in a transfer/deed of land of legal effect registered in the Land Registry Office;
- 1.26 **“Special Event”** shall include but is not limited to any cultural, recreational or educational event including an exhibition, show, display, concert, festival, race, competition, public entertainment, parade, carnival or circus held for profit or otherwise and includes any other organized public amusement, whether free or for a fee which may include the operation of one or more Amusement Devices;
- 1.27 **“Special Event Permit”** shall mean a Special Event Permit authorizing the holding of a Special Event, and includes any conditions imposed as a condition of obtaining and continuing to hold the Special Event Permit and any agreements respecting the Special Event that are attached to the Special Event Permit;
- 1.28 **“Special Event Permit Holder”** shall mean the Applicant and holder of a Special Event Permit issued by the Township;
- 1.29 **“Township”** or **“Township of Uxbridge”** shall mean the Corporation of the Township of Uxbridge;
- 1.30 **“Township Facility”** shall mean any land owned or leased by the Township of Uxbridge which is accessed by the public or provided for public use, including but not limited to an arena, community hall, park or green space, parking lot, public library, office, cultural buildings, opened and unopened road allowances, and those facilities under agreement with any club or organization.

### **Section 2-Purpose**

- 2.1 The purpose of this By-law is to ensure public safety, to control noise, traffic, odour and nuisance or any applicable by-law of the Township of Uxbridge, to mitigate any negative impact on the community and the environment, and to ensure that the Township is able to prepare for a Special Event where necessary.

### **Section 3-General Provisions**

- 3.1 No person shall hold or cause to be held any Special Event without first obtaining a Special Event Permit as set out in this By-law.
- 3.2 No person shall hold or cause to be held a special event except in accordance with the terms and conditions of a valid permit.

- 3.3 No Special Event Permit shall be issued for a Special Event that would contravene the provisions of certain applicable Region of Durham By-laws or a Provincial or Federal Statute.
- 3.4 Except as may be provided by Council in Section 3.26 of this By-law, no Special Event Permit shall be issued for a Special Event that would contravene the provisions of the Township of Uxbridge Zoning By-law that regulates the use of land, buildings or structures or certain other applicable Township By-laws.
- 3.5 Special Events shall be on an application basis on a premises and/or property which the Township of Uxbridge is not the Owner and shall be limited to one (1) Special Event per year. At the discretion of Council, pursuant to Section 3.26 of this By-law, a Special Event Permit shall not be granted for the purposes of circumventing the requirements of the Township of Uxbridge Zoning By-law or any other applicable Township By-laws on a recurring basis.

#### SPECIAL EVENT PERMIT - POWERS

- 3.6 The Township system of Special Event Permits may:
- a) prohibit the carrying on of or engaging in a Special Event without a Special Event Permit;
  - b) refuse to grant a Special Event Permit, revoke and/or to suspend a Special Event Permit;
  - c) impose conditions, including special conditions as a requirement of obtaining, or continuing to hold a Special Event Permit;
  - d) impose event specific conditions on the Applicant or the Property in order to obtain, or to continue to hold a Special Event Permit; and,
  - e) regulate to the extent permitted by this By-law and the Township's authority to regulate a Special Event as authorized by the Municipal Act provisions.

#### MUNICIPAL SPECIAL EVENT PERMIT POWERS

- 3.7 The Clerk may refuse to issue, revoke or suspend a Special Event Permit under the provisions of this By-law. Where a Special Event Permit is refused, revoked or suspended, the Clerk shall provide the reason for the refusal, revocation or suspension of the Special Event Permit.
- 3.8 The Council of the Corporation of the Township of Uxbridge may issue, refuse to issue, revoke or suspend a Special Event Permit under the provisions of this By-law. Where a Special Event Permit is refused, revoked or suspended, Council shall provide the reason for the refusal, revocation or suspension of the Special Event Permit.

#### SPECIAL EVENT PERMIT SHALL BE DISPLAYED

- 3.9 Every person granted a Special Event Permit shall display the Special Event Permit in a conspicuous place in or on the said premises and/or property.
- 3.10 Every person granted a Special Event Permit shall, when requested by any Officer, produce the Special Event Permit for inspection.

#### TERM OF SPECIAL EVENT PERMIT

- 3.11 A Special Event Permit issued under the provisions of this By-law shall be valid only for the period of time specified by the Special Event Permit.

#### NUISANCE CONTROL

- 3.12 Every Special Event Permit Holder under this By-law is responsible for the due performance and observance of all the provisions of this By-law and any

additional conditions as imposed by the Clerk and/or by Council individually and by their employees, representatives, agents and/or all other persons in or upon the premises and/or property which are regulated by a Special Event Permit under the provisions of this By-law.

- 3.13 Every Special Event Permit Holder under this By-law, in addition to any other provisions or requirements expressed elsewhere in this By-law, shall at all times:
- a) keep safe, clean, maintain and/or repair any object, vehicle, place of Special Event, premises and/or property for which the Special Event Permit is issued;
  - b) refrain from any breach, violate or cause, suffer, or permit any breach or violation of any By-law of the Township or of any local board thereof, or of any Statute, Orders-in-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Authority, Agency, Board or Commission thereof, in, upon, or in connection with the Special Event or premises and/or property for which, or in relation to which, such Special Event Permit was issued; and
  - c) not cause or commit any nuisance to arise in, or in connection with the object, vehicle, place of Special Event or premises and/or property for which the Special Event Permit was issued.

#### SPECIAL EVENT PERMIT FEES

- 3.14 All Special Event Permit fees are for administrative and processing purposes and are non-refundable if the application is refused for any reason or is withdrawn by the Applicant prior to the issuance of a Special Event Permit.
- 3.15 All Special Event Permit fees shall be as set out in Schedule 'A' to this By-law, and shall be reflected in the Township User Rates and Fees By-law.
- 3.16 A duplicate Special Event Permit may be issued by the Clerk to replace any Special Event Permit previously issued which has been lost, stolen or destroyed and the Special Event Permit Replacement Fee shall be as set out in Schedule 'A' to this By-law, and shall be reflected in the Township User Rates and Fees By-law.

#### SPECIAL EVENT PERMIT APPLICATION – CRIMINAL REFERENCE CHECK

- 3.17 Every Applicant shall submit an original Criminal Reference Check for the Applicant, which is dated within one (1) year or less before the date of the Special Event Permit application and shall include vulnerable sector screening, all at his own expense.
- 3.18 Where the Applicant or Special Event Permit Holder is a corporation, the Applicant or Special Event Permit Holder shall provide a Criminal Reference Check which is dated within one (1) year or less before the date of the Special Event Permit application and shall include vulnerable sector screening, all at its own expense.
- 3.19 The Clerk shall refuse to issue a Special Event Permit to any person or shall revoke or suspend a Special Event Permit issued to any Special Event Permit Holder who employs any person;
- a) who has been convicted of any offence included in Sections 150-174 of the *Criminal Code of Canada R.S.C.1985,C-46, as amended*, (Sexual Offences), for which a pardon has not been granted;
  - b) who has been convicted of any offence under the *Controlled Drugs and Substances Act, S.C.1996,c.19, as amended*, or its predecessor or successor legislation, for which a pardon has not been granted;
  - c) who has any unpaid fines outstanding arising from a conviction for an offence under this By-law;
  - d) who has submitted false information or documents in support of an application for a Special Event Permit; or

- e) who has not satisfied all of the requirements of this By-law.
- 3.20 The Special Event Permit Holder shall not employ any persons convicted of any offence during the term of the Special Event Permit that would cause the Clerk to refuse the application, pursuant to Section 3.18 of this By-law, if he were the Applicant.
- 3.21 In the event that an Applicant has been convicted of a criminal offence other than those listed in Section 3.18 of this By-law, he may be issued a Special Event Permit at the discretion of Council.

#### SPECIAL EVENT PERMIT APPLICATION - FULL INFORMATION REQUIRED

- 3.22 Every Applicant shall provide in full, within minimum sixty (60) days prior to the proposed Special Event, a complete application, at the time the application is submitted, inclusive of all the information required on the application and shall provide:
- a) payment of the prescribed Special Event Permit fees set out in Schedule 'A' of this By-law;
  - b) any other document or information as may be required by any other Section of this By-law;
  - c) the name under which the Applicant carries on or intends to carry on the Special Event; and
  - d) any other affidavit, document or information as may be requested by the Clerk at any time.
- 3.23 Applications for a Special Event Permit issued under the provisions of this By-law:
- a) shall be made to the Clerk on forms to be provided; and
  - b) when received by the Clerk, shall be stamped with the date and time of receipt and processed in the order in which they are received.

#### CONDITIONS FOR SPECIAL EVENT PERMIT ISSUANCE

- 3.23 Every Special Event Permit that is issued is subject to the following conditions, all of which shall be performed and observed by the Applicant:
- a) the Applicant shall pay the applicable Special Event Permit fee;
  - b) the Applicant or Special Event Permit Holder shall not carry on activities that are in contravention of this By-law or any other Municipal By-law;
  - c) the Applicant or Special Event Permit Holder shall pay in full, any fine for contravention of this By-law or any other Municipal By-law by himself or any of his operators or employees after the fine becomes due and payable under Section 66 of the Provincial Offences Act, including any extension of time for payment ordered under that section;
  - d) the Applicant shall submit the full amount of any outstanding amounts owed to the Township as a result of any previously permitted Special Event and any fines or costs from illegal events prior to the issuance of a Special Event Permit;
  - e) the Applicant or Special Event Permit Holder shall not construct or equip the premises and/or property used for the Special Event so as to hinder the enforcement of this By-law;
  - f) the conduct of the Applicant or Special Event Permit Holder shall not afford reasonable cause to believe that the Applicant or Special Event Permit Holder will not carry on or engage in the Special Event in accordance with the law or with honesty and integrity;
  - g) the Applicant or Special Event Permit Holder, or an individual who is a member of a partnership that is the Special Event Permit Holder, shall be a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resides in Canada;
  - h) where the Applicant or Special Event Permit Holder is a corporation, or a partnership of which a member is a corporation, the conduct of its officers or directors or of a shareholder who owns or controls ten percent (10%) or

- more of its issued and outstanding voting and non-voting shares shall not afford reasonable cause to believe that the Applicant or Special Event Permit Holder will not carry on or engage in the Special Event in accordance with the law or with honesty and integrity;
- i) where the Applicant or Special Event Permit Holder is a corporation, or a partnership of which a member is a corporation, a majority of the members of the board of directors shall be Canadian citizens or persons lawfully admitted to Canada for permanent residence and ordinarily reside in Canada;
  - j) where the Applicant or Special Event Permit Holder is a corporation, or where there is a change in the controlling interest, or a change in the registered office address of the corporation, it shall, within ten (10) days of the event, notify the Clerk in writing where there is a change in an officer or director of the corporation or where there is a change in the controlling interest;
  - k) the premises and/or property in which the Special Event is located shall be in accordance with the requirements of the *Building Code Act, 1992, S.O. 1992, c. 23, as amended* and the Regulations thereunder, the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended*, and Regulations thereunder, and any By-law of the Township or the Regional Municipality of Durham prescribing standards for the maintenance and occupancy of premises and/or property within the Township;
  - l) where premises in which the Special Event is located are altered and a building permit is required to carry out the alterations, the premises, as altered, shall be in accordance with the *Building Code Act, 1992, S.O. 1992, c. 23, as amended*, and the Regulations thereunder, the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended*, and the Regulations thereunder, and any By-law of the Township of Uxbridge or the Regional Municipality of Durham prescribing standards for the maintenance and occupancy of premises and/or property within the Township;
  - m) the Applicant or Special Event Permit Holder shall have a contractual or proprietary interest in the premises and/or property upon which the Special Event is to be operated which will enable the Applicant or Special Event Permit Holder to carry on the Special Event.

#### SPECIAL EVENT PERMIT APPLICATION - SUBJECT TO APPROVAL

- 3.24 Every Special Event Permit application will be subject to investigations by and comments or recommendations from such other persons, civic departments, boards, commissions and authorities, or as directed by Council, including but not limited to:
- a) Durham Region Police;
  - b) Durham Region Health Department;
  - c) Township of Uxbridge Fire Department;
  - d) Development Services Department;
  - e) By-law Enforcement Department;
  - f) Conservation Authorities;

#### SPECIAL EVENT – GRANTING OF SPECIAL EVENT PERMIT

- 3.25 The Clerk, if satisfied that all information has been submitted pursuant to this By-law, and that the use of the premises and/or property of the proposed Special Event will not contravene the Township of Uxbridge Zoning By-law or any other applicable law, and that it would be appropriate and desirable to do so, and that the Special Event will not result in undue or adverse impacts on surrounding lands or to the public, shall submit a report to Council for consideration on the issuance of a Special Event Permit once the following documentation has been submitted:
- a) a letter from the owner or occupant of the premises and/or property, if the applicant is not the owner or occupant, confirming that the applicant has

- been granted permission to hold the proposed Special Event on the premises and/or property;
- b) a letter from the Medical Officer of Health confirming that the Applicant's proposed arrangements for occupational and environmental health appear to be adequate;
  - c) a letter from Durham Regional Police confirming that the Applicant's proposed arrangements for security and police protection, including crowd control, traffic control and protection of premises and/or properties, appears to be adequate;
  - d) a letter from the Fire Chief confirming that the Applicant's proposed arrangements for fire protection and prevention appear to be adequate;
  - e) a letter from the Manager of Ambulance Services confirming that the Applicant's proposed arrangements for ambulance services appear to be adequate;
  - f) a letter from St. John Ambulance or similar first aid assistance organization confirming that they have been retained to provide first aid at the Special Event;
  - g) a letter from the Director of Public Works and Operations, the Chief Building Official, Municipal Law Enforcement Officer and Fire Chief confirming that the Applicant's proposed arrangements for traffic, parking, municipal public utilities and the collection and disposal of waste appear to be adequate and comply with the requirements of this By-law;
  - h) a letter from the Chief Building Official that the Applicant has obtained any necessary building permits as required through the Ontario Building Code;
  - i) a letter from the Chief Building Official confirming there is a sufficient number of washroom facilities (portable toilets and portable hand basins) commensurate with the anticipated attendance at the Special Event in accordance with the Ontario Building Code;
  - j) a letter from the head of any other governmental or private body affected by the proposed Special Event, as identified by the Clerk, confirming that the Applicant's proposed arrangements for dealing with matters of interest that they govern/regulate appear to be adequate.
  - k) if alcohol is to be served or sold, the AGCO Special Occasion Permit shall be attached as part of the application and the Applicant shall provide an affidavit that they shall comply with the Township of Uxbridge Municipal Alcohol Policy;
  - l) if deemed necessary, proof of adequate crowd control, security, food handling, noise restrictions and any other action or documentation required by the Clerk;
  - m) a list of all amusement devices to be operated at the proposed Special Event and a copy of the inspection certificate issued pursuant to the *Technical Standards and Safety Act, 2000. S.O. 2000, CHAPTER 16.* for each amusement device, if applicable.

- 3.26 Where the use of the premises and/or property, building or structure for the proposed Special Event would not comply with the Township of Uxbridge Zoning By-law or any other applicable Township By-law, the Clerk shall direct the application to Council, pursuant to Section 3.47 of this By-law and Council shall determine if it would be appropriate and desirable to grant an exemption to the Applicant for the Special Event.
- 3.27 Pursuant to Section 3.26 of this By-law, where Council has determined, in its sole, absolute and unfettered discretion, that an exemption be granted, and a Special Event Permit be issued, Council shall issue a Special Event Permit to the Applicant once the Applicant has submitted all documentation required pursuant to this By-law, inclusive of the requirements of Section 3.25 of this By-law.
- 3.28 It is the responsibility of the Applicant to obtain all documents required pursuant to this By-law and attach them to the application for the Special Event Permit, where applicable;



SPECIAL EVENT AGREEMENT

- 3.29 Without limiting the requirements of this By-law, where Council directs that a permit be issued pursuant to Section 3.26 of this By-law, the Applicant shall enter into a written agreement with the Township a minimum of thirty (30) days prior to the event which may include any conditions determined to be required by Council, including but not limited to the following:
- a) that security be provided to be used to remedy any breach of this By-law or the agreement;
  - b) that the Applicant indemnify the Township, pursuant to Section 6.1 of this By-law, for any liability, costs, damages or losses incurred directly or indirectly, caused by the issuing of a Special Event Permit, including legal costs and costs for engaging any consultants required by the Township at the Township's sole discretion;
  - c) that the Applicant provide insurance, pursuant to Section 5.1 of this By-law, satisfactory to the Township;
  - d) any other matter described in the By-law or determined to be necessary by the Clerk or Council; and,
  - e) that a Site Plan depicting all property and/or premises to be utilized in the holding of the Special Event, including the location of any septic beds or well heads.

SPECIAL EVENT DEPOSIT

- 3.30 If deemed necessary, the Applicant shall be required to submit to the Township a deposit, bond or other security in an amount of not less than two-thousand five-hundred dollars (\$2,500.00), but in an amount sufficient to cover the Township's anticipated costs of providing services, other than police services, at the Special Event, including the costs of enforcing the Township's By-laws.
- 3.31 The Clerk shall refund any deposit funds submitted to the Township by the Applicant in accordance with Section 3.30 of this By-law that remains after the total costs incurred by the Township in providing services at the Special Event have been determined and deducted.
- 3.32 Upon request, the Clerk shall provide the Applicant with a written summary of the costs incurred by the Township in providing services at the Special Event.

INCOMPLETE APPLICATION

- 3.33 Any Special Event Permit application that does not comply with the provisions of Section 3.25 shall be deemed incomplete and shall be returned by registered mail to the Applicant pursuant to Section 3.38 of this By-law.
- 3.34 Any Special Event Permit application that has not received approvals from all persons, civic departments, board, commission, authority or other agency or municipal or provincial departments as the Clerk deems necessary within ninety (90) days from the date of the filing of the application shall be deemed to be incomplete unless the application is referred to Council pursuant to Section 3.46 of this By-law.

INFORMATION HELD BY CLERK IS OPEN TO INSPECTION

- 3.35 Any application, comment, recommendation, information, document or thing in the possession of the Clerk pursuant to the provisions of this By-law shall be made available by the Clerk for an inspection:
- a) by any person or Officer employed in the administration or enforcement of this By-law; and
  - b) by any other person upon the consent, satisfactory to the Clerk, of the person, civic department, board, commission, authority or other agency which produced or submitted the application, comment, recommendation, information, document or thing; subject only to the limitations imposed by

*the Municipal Freedom of Information and Protection of Privacy Act.  
R.S.O. 1990, CHAPTER M.56, as amended.*

Notice

- 3.36 Every Applicant or Special Event Permit Holder shall notify the Clerk, in writing, of any proposed changes to the arrangements for the Special Event no later than ten (10) business days prior to the Special Event.

Clerk  
Township of Uxbridge  
P.O. Box 190  
51 Toronto Street South  
Uxbridge, ON  
L9P 1T1

- 3.37 The Clerk shall amend the Special Event Permit in writing if the proposed changes to the arrangements for the event comply with this By-law and upon payment of the Special Event Permit Amendment fee as outlined in Schedule "A" attached hereto.
- 3.38 Any notice or request made by the Clerk or an Officer pursuant to this By-law may be given in writing by registered mail and is effective:
- a) on the date on which a copy is hand delivered to the person to whom it is addressed;
  - b) on the fifth (5<sup>th</sup>) day after a copy is sent by registered mail to the address on the application.
- 3.39 For the purpose of Section 3.38 of this By-law, the Applicant or Special Event Permit Holder's last known address shall be deemed to include those provided pursuant to Section 3.21 of this By-law as they may be changed pursuant to Section 3.36 of this By-law.
- 3.40 Every Applicant or Special Event Permit Holder served with a notice under Section 3.38 of this By-law shall comply with such notice within the time provided by such notice.

TRANSFER OF SPECIAL EVENT PERMIT IS PROHIBITED

- 3.41 Every Special Event Permit, at all times, is owned by and is the property of the Township and is valid only with respect to the person and the premises and/or property named therein and for the Special Event stated in the Special Event Permit.
- 3.42 No Special Event Permit may be sold, purchased, leased, mortgaged, charged, encumbered, assigned, pledged, transferred, seized or otherwise dealt with.

CONTRAVENTION OF OTHER LAWS PROHIBITED

- 3.43 The issuance of a Special Event Permit under this By-law is not intended and shall not be construed as permission or consent by the Township for the Special Event Permit Holder to contravene or to fail to observe or comply with any law of Canada or Ontario or any other By-law of the Township or the Regional Municipality of Durham.

REVOCAION OF SPECIAL EVENT PERMIT

- 3.44 The Clerk may revoke a Special Event Permit:
- a) which is voluntarily surrendered by the Special Event Permit Holder for revocation;

- b) at any time when the Special Event Permit Holder fails to meet any provision of this By-law, any other Municipal By-law, any Federal or Provincial Statute or other Legislation; or
- c) that was obtained by any mistake or misstatement.

NOTICE OF SPECIAL EVENT PERMIT REFUSAL, REVOCATION OR SUSPENSION

3.45 Where the Clerk decides to refuse to issue or to revoke or suspend a Special Event Permit, he shall give notice of his reason for refusal to the Applicant and to such other persons, civic departments, boards, commissions, authorities or agencies as appear to have an interest in the decision.

REQUEST FOR A HEARING

3.46 Within ten (10) days of receipt of a Notice referred to in Section 3.48 of this By-law, an Applicant may request a hearing before Council. Such request for a hearing shall be in writing and shall be accompanied by the Hearing Fee as set out in Schedule 'A' to this By-law, which shall be reflected in the Township User Rates and Fees By-law.

NOTICE OF HEARING – CONTENT

- 3.47 Where the Clerk receives a written request for a hearing in compliance with Section 3.46 of this By-law, the Clerk shall schedule a hearing before Council and shall provide Notice of Hearing to the Applicant pursuant to Section 3.38 of this By-law. The Notice of Hearing shall:
- a) contain a reason or reasons for the refusal, suspension or revocation;
  - b) specify the time, place and purpose of the hearing at which the refusal, suspension or revocation will be considered;
  - c) inform the Applicant that he is entitled to attend the hearing and make submissions regarding the decision and that, in his absence, Council may proceed to consider the decision and the Applicant will not be entitled to any further notice in the proceeding;
  - d) be given at least ten (10) days notice prior to the date of the hearing.

SUSPENSION - INTERIM – HEARING PENDING

3.48 Where there is a request for a hearing pursuant to Section 3.46 of this By-law, the Clerk may, where the Clerk considers it to be necessary and in the public interest, immediately suspend the Special Event Permit for a period not exceeding fourteen (14) days.

SUSPENSION - INTERIM NOTICE CONTENT

3.49 The Notice of Hearing in Section 3.47 of this By-law shall inform the Applicant of any interim suspension under Section 3.48 of this By-law.

COUNCIL – HEARING PROCEEDINGS

- 3.50 At a hearing, Council:
- a) shall afford the Applicant an opportunity to make submissions in respect of the matter that is the subject of the hearing;
  - b) shall afford such other persons, civic departments, boards, commissions, authorities or agencies given notice pursuant to Section 3.45 of this By-law, and in attendance at the hearing, or any other person at the discretion of Council, an opportunity to make submissions in respect of the matter that is the subject of the hearing;
  - c) may close a portion of the hearing to the Applicant only for the purposes of receiving confidential legal advice;
  - d) may close all or a portion of the hearing to the public if Council is of the opinion that intimate financial or personal matters may be disclosed of such a nature, having regards to the circumstances, that the desirability of

avoiding disclosure thereof in the interests of any person affected or in the public interest, outweighs the desirability of adhering to the principle that the hearing be open to the public;

- e) shall give due consideration to the submissions made to it;
- f) shall take such action to refuse, suspend or revoke the application or Special Event Permit, or not to refuse, suspend or revoke the application or Special Event Permit, as Council considers proper in the circumstances; and
- g) shall give written notice of its decision to the Applicant, and to any persons, civic departments, boards, commissions, authorities or agencies in attendance at the hearing, together with reasons for its decision.

#### HEARING - REFUSAL - SUSPENSION - REVOCATION BY COUNCIL

- 3.51 At the hearing, Council may suspend, revoke or refuse to issue any Special Event Permit that may be issued under the provisions of any Section of this By-law:
- a) where the Applicant is in breach of a condition of the Special Event Permit or of this By-law;
  - b) if a report is filed subsequent to the date of the issuance of the Special Event Permit or by any persons, civic departments, boards, commissions, authorities or agencies which provided their approval of the issuance of the Special Event Permit and which indicates that a Special Event no longer complies with any of the provisions of this By-law upon such grounds as are set out in this By-law; and
  - c) if the conduct of the Applicant affords reasonable cause to believe that the Applicant will not carry on or engage in the Special Event in accordance with the law or with honesty and integrity.

#### COUNCIL - DECISION - IMMEDIATE EFFECT - FINAL

- 3.52 A decision of Council to refuse to issue, to suspend or to revoke an application or Special Event Permit takes effect immediately upon the rendering of such decision by Council.
- 3.53 A decision of Council shall be final and binding.

#### Section 4-Fee Exemption

- 4.1 Certain Major Events held at a Township premises and/or property shall be exempt from payment of the fees associated with the Special Event process once approved by the Council of the Township of Uxbridge.
- 4.2 Notwithstanding Section 4.1 of this By-law, an application shall be filed and all other requirements of this By-law shall apply.
- 4.3 A Special Event Permit is not required for a Special Event held:
- a) on a municipal highway in accordance with a written agreement with the Township;
  - b) on a Provincial or Regional highway in accordance with a written agreement with the Ministry of Transportation or the Region of Durham;
  - c) by any registered charitable organization operating in a park or a cultural or recreational facility on any premises and/or property owned or occupied by the Township in accordance with a written agreement or in the form of a facility booking permit with the Township;
  - d) in a park or in a cultural, recreational or educational premises and/or property owned or occupied by a local board, school board or conservation authority in accordance with a written agreement with the owner, provided that notification of the Special Event is given in advance to the Clerk in writing thirty (30) days prior to the event; or
  - e) in a theatre, arena, community centre, hall or other enclosed structure in accordance with a written agreement.

### **Section 5-Insurance**

- 5.1 Prior to the issuance of a Special Event Permit, the owner shall maintain insurance, and continue to maintain such insurance until cessation of the Special Event and expiry of the Special Event Permit, against all damages or claims for damage, (including injury to participants and/or spectators) with an insurance company satisfactory to the Township. Such policy or policies shall include the Township and the Region as additional insured and a certified copy of such insurance policy shall be delivered to the Township and be in full force and effect during the set up and until cessation of the Special Event, and including completion of all clean up and Special Event related activities, and expiry of the Special Event Permit. Such policy of insurance shall be in a form acceptable to the Township and without limiting the generality of the foregoing, shall provide:
- a) that the minimum limits shall be not less than five million (\$5,000,000.00) dollars for any single occurrence;
  - b) if Council deems that in their opinion the event warrants a higher limit, they may at their discretion increase the minimum insurance requirement;
  - c) that the insurance premium has been prepaid;
  - d) that the policy will provide that it is not cancellable unless prior notice by registered mail has been received by the Township from the insurer not less than thirty (30) days prior to the cancellation date;
  - e) the policy shall not contain a deductible clause, provided however, if the policy does contain a deductible clause, the same shall be approved by the Township, and the Owners shall provide an additional cash deposit payable to the Township in an amount to be determined by the Township. In the event of claims made against the Township to which the deductible applies, the Township shall appoint an independent adjuster to investigate such claim, and the finding of the independent adjuster shall authorize the Township to pay such claims deemed valid by such adjuster out of the additional cash deposit posted with the Township. In the event such additional cash deposits are deemed to be insufficient by the Township at any time and from time to time, the Owner hereby agrees to pay such additional cash deposits forthwith to the Township. All costs of the adjuster shall be borne by the Owner.

### **Section 6-Indemnification**

- 6.1 The Owner shall indemnify and save harmless the Township against all actions, causes of action, suits, claims and demands whatsoever which may arise directly or indirectly by reason of an Agreement or of the Owner undertaking the Special Event.

### **Section 7-Enforcement and Penalties**

- 7.1 This By-law shall be enforced by a Municipal Law Enforcement Officer or a Police Officer.
- 7.2 No person shall hinder or obstruct, or attempt to hinder or obstruct any Officer while exercising any power or performing any duty under this By-law.
- 7.3 Inspections conducted by an Officer, the Chief Building Official, or the Fire Chief, may be required based on the size, location and nature of the event and may be conducted prior to, during and upon the completion of the Special Event.
- 7.4 Every person, other than a corporation, who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the penalties prescribed in the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, for each offence.

- 7.5 Every corporation, who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the penalties prescribed in the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, for each offence.
- 7.6 A director or officer of a corporation who knows that the corporation is violating or has violated any provision of this By-law is guilty of an offence, and upon conviction is liable for the penalties prescribed in the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, for each offence.

**Section 8-Interpretation**

- 8.1 The regulations established by this By-law apply to Special Events throughout the Township.
- 8.2 In this By-law, unless the contrary intention is indicated, words used in the singular shall include the plural and words used in the male gender shall include the female gender or vice versa, where applicable.
- 8.3 If there is a conflict between a provision in this By-law and a provision of any other Township By-law, the provision that establishes the highest standard to protect the health, safety and welfare of the general public shall apply.

**Section 9-Severability**

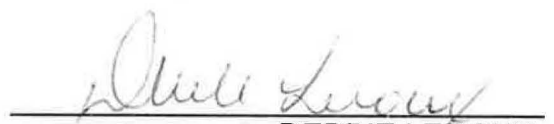
- 9.1 If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of this By-law shall be valid and shall remain in force.

**Section 10-Administration**

- 10.1 The Clerk is responsible for the administration of this By-law.
- 10.2 This By-law comes into force and effect on the date of passing thereof.

**BY-LAW READ A FIRST, SECOND and THIRD time, and finally passed this 24th day of February, 2014**

  
GERRI LYNN O'CONNOR,  
MAYOR

  
DEBBIE LEROUX,  
CLERK

**SCHEDULE "A"**

Special Event Permit	\$500.00
Special Event Permit Replacement Fee	\$ 25.00
Special Event Permit Amendment fee	\$ 50.00
Hearing Fee	\$125.00
Special Event Deposit (minimum)	\$2500.00