

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2018 - 31

Being a By-law to regulate the holding of events in the Municipality of Magnetawan

WHEREAS Section 126 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, authorizes local municipalities to regulate cultural, recreational and educational events including public fairs; to prohibit such events unless a permit is obtained from the municipality for those activities; and to impose conditions for obtaining, continuing to hold and renewing any such permit;

AND WHEREAS Section 128 of the *Municipal Act, 2001*, authorizes local municipalities to prohibit and regulate public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 129 of the *Municipal Act, 2001* authorizes local municipalities to prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination; to prohibit those matters unless a permit is obtained from the municipality for those matters; and to impose conditions for obtaining, continuing to hold and renewing any such permit;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1. DEFINITIONS

- 1.1. "Event" means any occasional cultural, recreational or educational event, including any fair, show, sale, tournament, competition, concert, family event or any similar event, that occurs on one or more consecutive calendar days, and is expected or intended to be attended by a total of 500 or more persons, including participants, competitors, spectators, vendors, support staff, and members of the general public, during any one calendar day.
- 1.2. "Officer" means a Municipal By-law Enforcement Officer, a Police Officer or the Fire Chief or their designate.
- 1.3. "Municipality" means the Corporation of the Municipality of Magnetawan

2. APPLICABILITY

- 2.1. This By-law shall apply to all lands in the Municipality of Magnetawan, notwithstanding the provisions of any zoning by-law or temporary use by-law, made pursuant to Section 34 and/or Section 39 of the *Planning act, R.S.O. 1990, c.P.13.*, as amended.

3. PROHIBITIONS:

- 3.1. No person shall hold, cause or permit the holding of any Event without having obtained a valid Permit issued pursuant to this by-law that authorizes the holding of that Event.
- 3.2. No person shall hold, cause or permit the holding of an Event, except in accordance with the terms and conditions of a valid Permit for that Event issued pursuant to this By-law

4. APPLICATION FOR PERMIT

- 4.1. An applicant for a Permit pursuant to this By-law shall submit a completed application form and provide the information as set out in Schedule 'A' to this by-law and such other information in support of the application as the Municipality may require.
- 4.2. A complete application for a Permit shall be submitted by an applicant at least 30 days prior to the intended date of the event to allow time for processing by the Municipality.
- 4.3. Municipal Council may, by way of resolution, abridge or extend the minimum 30 day review time for any application, where it determines that it is reasonable to do so. Notwithstanding this normal minimum 30 day requirement, during the first 90 days that this By-law is in effect, an application for a Permit may be submitted by an applicant less than 30 days prior to the date of the intended event and the Municipality will make all reasonable efforts to process any such applications prior to the intended event.

5. PROCESSING OF APPLICATION

- 5.1. A Permit under this by-law shall be issued by the Municipal Clerk unless the Clerk determines that a Permit application requires review and approval by Council.
- 5.2. Council may decide to give public notice of an application and/or hold a public meeting or otherwise seek to obtain public and/or agency input on the application.
- 5.3. In determining whether or not a Permit under this by-law will be issued to an applicant, the Municipality may take into consideration:
 - 5.3.1. the information provided by the applicant in their application or to supplement their application;
 - 5.3.2. the applicant's track record of compliance with any previous Permit and with any other applicable municipal by-law or federal or provincial law;
 - 5.3.3. any written or oral submissions provided by members of the public who may be affected by the holding of the Event or who were affected by a previous Event held by the applicant;
 - 5.3.4. whether the holding of the Event could cause or result in a public nuisance, an unreasonable risk to public health or safety, or a breach of any applicable law;
 - 5.3.5. the recommendations of Municipal staff;
 - 5.3.6. any comments from any other affected public agency; and
 - 5.3.7. whether certain terms and conditions may be appropriate to protect the public interest.

6. PERMITS

- 6.1. A Permit may be issued for a single Event or for a series of related Events in any one calendar year, not to exceed a maximum of FOUR (4) events per Permit. The specific dates for which a Permit is issued shall be identified in the Permit, together with an expiry date for the Permit.
- 6.2. The issuance of a Permit for an Event does not represent or imply a commitment or a promise by the Municipality to issue a subsequent Permit for any subsequent, continuing, or similar Event.
- 6.3. A Permit under this By-law may be issued subject to such terms and conditions as are considered appropriate to minimize the potential for the Event to cause a public nuisance, or to create an unreasonable risk to public health or safety, or to result in a breach of any applicable law. Conditions may include, but are not limited to:
 - 6.3.1. restrictions on hours of operation for an Event or for the operation of particular activities during an Event;
 - 6.3.2. restrictions on dates of operation for an Event;
 - 6.3.3. restrictions on the number of attendees permitted per Event;
 - 6.3.4. parking requirements;
 - 6.3.5. security requirements;

- 6.3.6. traffic control requirements;
 - 6.3.7. restrictions on noise, outdoor illumination, and/or electronically amplified sound, including announcements, music or other sounds;
 - 6.3.8. any other restrictions considered necessary to minimize potential nuisances from noise, vibration, odour, dust or outdoor illumination; and
 - 6.3.9. other terms or conditions considered necessary in the public interest.
- 6.4. A Permit issued under this by-law does not relieve the Permit holder of any responsibility or liability under any other municipal, provincial or federal law, nor from any civil liability. It is the permit holder's responsibility to ensure compliance with all applicable laws and to ensure that adequate insurance is in place for the Event. The Municipality neither assumes nor accepts any responsibility or liability for any such matters.
- 6.5. Any representations made by the applicant in an application for a Permit or in any supplementary information provided by the applicant in support of an application for a Permit shall be deemed to be a term or condition of any Permit that is issued for that Event, except to the extent that the specific terms or conditions of the Permit contradict those representations.
- 6.6. A Permit issued under this by-law expires immediately following the conclusion of the Event for which it was issued, unless the Permit specifically provides for an alternative expiry date.

7. REVOCATION OR MODIFICATION OF PERMIT

- 7.1. Council, the Clerk or a designated member of staff may modify or revoke a Permit at any time, if there are reasonable grounds to believe that the holding or continuation of the Event will pose a danger to the health and safety of any person or if there is a contravention of this by-law or of the terms or conditions of the Permit issued for the Event.
- 7.2. In the case of a revocation of a Permit, the Municipality shall immediately inform the Permit holder or the Permit holder's agent of the revocation and the reasons for it by contacting the permit holder or agent using the contact information provided in the Permit application.
- 7.3. If the applicant wishes to amend a Permit application or the details of an Event, they shall immediately notify the Clerk in writing. The Municipality may allow modifications to the Permit after it has been issued so long as those modifications do not contravene this By-law.

8. INSPECTION AND ENFORCEMENT

- 8.1. An Officer is authorized to enter on any land at any reasonable time for the purposes of conducting an inspection of an Event, whether or not a Permit under this By-law has been issued, including entering during the set-up, occurrence or dismantling of the Event, in order to ensure compliance with this By-law and with any terms or conditions of a Permit.
- 8.2. During an inspection an Officer may, with or without the assistance of any other person:
- 8.2.1. require the production for inspection of any document or thing relevant to the inspection;
 - 8.2.2. require the production of information relevant to the inspection; and
 - 8.2.3. make examinations or take tests, samples or photographs necessary for the inspection.
- 8.3. No person shall hinder or obstruct an Officer or any person assisting the Officer during an inspection.

9. OFFENCES AND PENALTIES

- 9.1. Any person who contravenes any of the provisions of this by-law is guilty of an offence.
- 9.2. Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

9.3. When a person has been convicted of an offence under this by-law, the Ontario Court of Justice; or any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted make an order prohibiting the continuation or repetition of the offence by the person convicted.

10. EFFECTIVE DATE

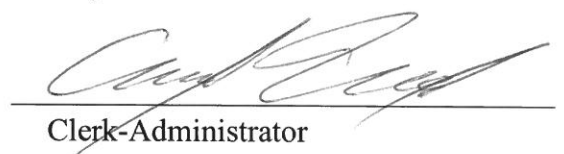
10.1. This by-law takes effect on the date of its passing.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 9th day of May, 2018

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**



Mayor



Clerk-Administrator

SCHEDULE 'A' TO BY-LAW 2018 – 31

Checklist of Information to be Included in an Application for a Permit for an Event

- Applicant's name, address, telephone and email contact information.
- Agent's contact information, if different from above.
- Address and location of property where the Event is proposed.
- Name and contact information for owner of subject property.
- Name of the Event.
- Description of the Event, including activities planned.
- Date(s) of the Event.
- Proposed operating hours (opening and closing hours) that the Event will be open to attendees (including participants, competitors, spectators, vendors, support staff, or members of the general public).
- Anticipated number of attendees per day, (including participants, competitors, spectators, vendors, support staff, or members of the general public).
- Site Plan, including location of various activities, parking, facilities, etc.
- Will there be amplified announcements, amplified music or other amplified sound? If so, describe the proposed extent and any proposed measures to minimize potential nuisance.
- Will there be any attendees staying on the property overnight? If so, describe the proposed overnight arrangements.
- Describe how traffic and parking for the Event will be managed.
- Describe the proposed sewage and water systems for the Event.
- Describe how solid waste will be managed.
- Describe the proposed security arrangements.
- Describe the proposed emergency response arrangements.
- If this is an application for a Permit for multiple related Events in the same calendar year (maximum 4 Events per Permit), provide the above information for each Event.