

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 045-2018

A By-law to regulate special events within the City of Vaughan, to repeal Special Events By-law Number 370-2004, as amended, and Outdoor Exhibition By-law Number 373-2004, as amended, and to amend Noise By-law Number 96-2006, as amended, Parks By-law Number 134-95, as amended, and Fees and Charges By-law Number 171-2013, as amended.

WHEREAS section 8(1) of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that sections 8 and 11 shall be interpreted broadly as to confer broad authority on municipalities to (a) enable them to govern their affairs as they consider appropriate, and (b) enhance their ability to respond to municipal issues;

AND WHEREAS 8(3) of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that a by-law under sections 10 and 11 respecting a matter may regulate or prohibit respecting the matter, require persons to do things respecting the matter, and provide for a system of licences respecting the matter.

AND WHEREAS section 11(2)6 of the *Municipal Act*, 2001, S.O. 2001, c.25 provides for a municipality to pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS section 11(3)5 of the *Municipal Act*, 2001, S.O. 2001, c.25 provides for a municipality to pass by-laws respecting culture, parks, recreation and heritage;

AND WHEREAS section 126 of the *Municipal Act*, 2001, S.O. 2001, c.25, without limiting a municipality's powers to regulate or prohibit respecting a matter under sections 10 and 11, provides that a local municipality may regulate cultural, recreational and educational events, including public fairs, and may prohibit such events unless a permit is obtained from the municipality, and may impose conditions for obtaining, and continuing to hold and renewing such permits;

AND WHEREAS section 425 of the *Municipal Act*, 2001, S.O. 2001, c.25 provides for a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS section 426 of the *Municipal Act*, S.O. 2001, c.25 provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under the Act;

AND WHEREAS section 429 of the *Municipal Act*, S.O. 2001, c.25 provides for a municipality to establish a system of fines for offences under a by-law of the municipality passed under the Act;

AND WHEREAS section 436 of the *Municipal Act*, S.O. 2001, c.25 provides for a municipality to pass by-laws that authorize it to enter on land at any reasonable time for the purpose of carrying out an inspection; require information and inspect documents; and take samples;

AND WHEREAS sections 444 and 445 of the *Municipal Act*, S.O. 2001, c.25 provides for a municipality to make an order to either discontinue a contravening activity or do work to correct a contravention;

AND WHEREAS section 446 of the *Municipal Act*, S.O. 2001, c.25 provides for a municipality to do a matter or thing at a person's expense if such person fails to do it pursuant to an order of the municipality;

AND WHEREAS the Council of The Corporation of the City of Vaughan wishes to pass a by-law that, for the purpose of maintaining public safety, controlling nuisances, and promoting community standards, regulates the manner in which public events organized by individuals or organizations are conducted;

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

SHORT TITLE

1. This By-law shall be known and may be cited as the "Special Events By-law."

DEFINITIONS

2. In this By-law,

(a) "Applicant" means a *Person* who has submitted an application for a *Special Event* permit either in person or through an *Authorized Agent*. Where the proposed *Special Event* takes place on private property, the owner of such private property shall be deemed to be an *Applicant* and shall be jointly responsible for compliance with this by-law.

(b) "Authorized Agent" means a *Person* authorized in writing by an *Applicant* to submit an application for a *Special Events Permit* on the Applicant's behalf.

- (c) "Charitable Event" means any event carried out by a charity registered with federal government, or by any other group where the funds raised are for a registered charity.
- (d) "City" means the Corporation of the City of Vaughan, in the Regional Municipality of York and its employees and agents acting on the Corporation's behalf;
- (e) "City Facility" includes any administrative building, city yard, community centre, library, fire station, park or parquette, sports field, municipal golf course, or cemetery owned or managed by the *City*.
- (f) "City Property" includes all real property owned or managed by the *City* and includes, but is not limited to, *City Facilities*, woodlands, open spaces, *Highways*, and the *Boulevard*, but does not include any property owned by the Regional, Provincial, or Federal Government, a Crown Corporation, Hydro, Utility, or Railway Company.
- (g) "Chief Fire Official" means the Chief of the Fire Department for the City of Vaughan, or a person designated to act on his or her behalf;
- (h) "Chief of Police" means the Chief of the York Regional Police Department or a person designated to act on his or her behalf;
- (i) "Community Service Organization" or "CSO" means a *City*-approved, Vaughan-based, not for profit community organization run by an elected and volunteer board of directors whose primary purpose is to provide recreation, cultural, leisure or community services to the residents of Vaughan. Groups must be comprised of a minimum of 75% residents except in the case of minor sports groups (aged 19 and under) that must be comprised of a minimum of 90% house-league residents.
- (j) "Director" means the Director and Chief Licensing Officer of By-law & Compliance, Licensing & Permit Services, or his or her designate;
- (k) "Farmers Market" means a premises where a group of persons who operate food stalls or other food vendor operations meet to sell, or offer for sale, products that include, without being restricted to, farm products, baked goods and preserved foods, and at which the majority of the persons operating the stalls or other food vendor operations are producers of farm products and are primarily selling or offering for sale their own products;

- (l) "For-Purpose Venue" means a premises for an event that:
 - (i) is licensed by the City, or otherwise permitted to operate;
 - (ii) does not contravene the City's Zoning By-law through the activities proposed for the event;
and
 - (iii) does not contravene any other City by-law through the activities proposed for the event.
- (m) "Highway" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- (n) "Medical Officer of Health" means the Medical Officer of Health for the Regional Municipality of York or a person designated to act on his or her behalf;
- (o) "Municipal Law Enforcement Officer" or "MLEO" means a *Person* appointed or employed by the *City* as a municipal law enforcement officer under the *Police Services Act*, R.S.O. 1990, c.P.15, as amended
- (p) "Open to the Public" means that an event where any of the following is true:
 - (i) access to the event does not depend on the receipt of a personal invitation to identifiable individuals;
 - (ii) the number of invitations exceeds the capacity of the venue; or
 - (iii) the event is advertised to the general public.
- (q) "Order" means a written direction by the *Director*, under the authority of sections 444 or 445 of the *Municipal Act*, S.O. 2001, c.25, as amended, requiring a *Person* to cease a contravening activity or correct a contravention.
- (r) "Outdoors" means an event held in a venue not fully enclosed on all sides by solid, closed-construction walls and a solid, closed-construction roof.
- (s) "Permit Holder" means an *Applicant* once a *Special Event* permit has been granted. Where the proposed *Special Event* takes place on private property, the owner of such private property shall be deemed to be a *Permit Holder* and shall be jointly responsible for compliance with this by-law.

- (t) "Person" includes a natural individual, a corporation, partnership, proprietorship or other form of business association;
- (u) "Place of Worship" means a premises or part thereof where religious worship, services or rites are performed by a religious organization, as defined under the *Religious Organizations' Lands Act*, R.S.O. 1990, c. R.23.
- (v) "Rental Contract" means a contract between the *City* and a *Person* for the use of a *City Facility*.
- (w) "Special Event" means any event that is either:
 - (i) *Open to the Public* and takes place *Outdoors* or in a *City Facility*;
 - (ii) *Open to the Public* and takes place in a private venue that is not a *For-Purpose Venue*; or
 - (iii) an event that takes place *Outdoors* and in a private venue that is not a *For-Purpose Venue*.

SPECIAL EVENT PERMITS

- 3. No *Person* shall hold, carry on, engage in, or conduct a *Special Event* in the *City* without a valid *Special Event* permit.
- 4. Section 3 does not apply to:
 - (a) any *Special Event* held by the *City*;
 - (b) a *Farmers Market*, as defined;
 - (c) a *Place of Worship*, as defined;
 - (d) any political rally or protest.
- 5. Notwithstanding any other provision in this By-law, including the definition of "*Special Event*", the *Director* may require a *Special Event* permit for any event if he or she has reasonable grounds to believe that doing so is in the public's best interest.
- 6. Application for a *Special Event* permit shall be made at least fifteen (15) business days prior to the event and shall be accompanied by the following:
 - (a) the prescribed application forms;
 - (b) the appropriate permit application fee as set out in the Fees and Charges By-law; and
 - (c) any other documentation or information required by the *Director*.
- 7. Despite 6(b), a *Charitable Event* and events held by a *Community Service Organization* shall be exempt from the permit application fee.

8. The *Director* may require, for any *Special Event* permit application, that *Applicants*:
 - (a) provide a traffic control plan;
 - (b) provide a crowd control plan;
 - (c) provide an emergency response plan;
 - (d) provide a noise attenuation plan;
 - (e) notify affected residents, as specified;
 - (f) provide a plan of the venue's layout that identifies all permanent and temporary structures to be present at the event;
 - (g) provide proof of general liability insurance in an amount satisfactory to the *Director*;
 - (h) pay a damage deposit fee in accordance with the Fees and Charges By-law;
 - (i) produce any other documentation as required by the *Director*.
9. The *Director* may impose any additional requirements to ensure the health and safety of the public or to control any potential nuisances, as part of the conditions of the *Special Event* permit.
10. The *Applicant* shall be responsible for any costs relating to any and all of the requirements under Sections 6, 8 and 9 of this By-law, including but not limited to paying first responders, road closures, and noise monitoring.
11. The *Applicant* may be required to provide proof, to the satisfaction of the *Director* and prior to the issuance of the permit, that all of the conditions of the permit have been met.
12. The *Director* may refuse to issue or renew a *Special Events* permit, or may suspend or revoke a permit, if he or she has grounds to believe that the *Applicant* has not met or will not meet the conditions set out in the permit, or if the *Applicant* has been guilty of not complying with any of the *City's* by-laws in connection with any past event, and the *City* shall not be responsible or liable for any damages or legal action arising against the *Applicant* or *Permit Holder* as a result of such decision.
13. The *Director's* decision, pursuant to section 12, is final with respect to the issuance, suspension or revocation of any *Special Event* permit.

14. The *Director* may, at his or her discretion, use any amount from the damage deposit under section 8(h) to cover any remedial action or other costs incurred by the *City* as a result of the *Special Event*, whether caused by event organizers or event participants.
15. The *Chief of Police*, the *Chief Fire Official*, and the *Medical Officer of Health* shall be notified of every application for a *Special Event* permit and no permit shall be issued in instances where any of the foregoing objects to the permit being issued.
16. In the instance where an application for a *Special Event* is denied, the *Applicant* shall be notified of the decision.

SPECIAL EVENT RESTRICTIONS

17. A *Special Event* shall:
 - (a) run for not for more than four consecutive days;
 - (b) not take place more than once every 30 days; and
 - (c) not take place more than six times within a 12-month period.

DUTIES OF PERMIT HOLDERS

18. Every *Permit Holder* and every *Person* acting on the *Permit Holder's* behalf shall:
 - (a) comply with all of the terms and conditions of the *Special Event* permit;
 - (b) follow all directions provided by a *Municipal Law Enforcement Officer*;
 - (c) provide access to all premises and equipment upon request by the *City*; and
 - (d) comply with an *Order* issued by the *Director*.
19. Every *Permit Holder* or *Person* required to be permitted under this By-law shall ensure that:
 - (a) access for emergency response is provided and maintained at all times during the *Special Event*;
 - (b) all fire hydrants, private driveways, sidewalks, access ramps, and/or the regular flow of vehicular and/or pedestrian traffic are not impeded;
 - (c) traffic is not stopped for more than a three (3) minute interval unless the appropriate traffic plan has been submitted and approval has been granted by the *City*;

- (d) amplified sound is in compliance with the applicable provisions of the *City's* Noise By-law, as amended; and
 - (e) where the provisions of this By-law are in conflict with those of any other applicable by-law, unless specifically exempted under the terms of a *Special Event* permit, the more restrictive provisions are applied.
20. Every *Person* holding, carrying on, and/or conducting a *Special Event* shall ensure that such *Special Event* is only held, carried on, and/or conducted between the local times of 7:00 a.m. and 11:00 p.m. of the same day, or as otherwise provided for in the terms of the *Special Event* permit.
21. Every *Permit Holder* or *Person* who requires a permit under this By-law shall ensure that once a *Special Event* has ended, all debris, litter, refuse and equipment has been removed and the location of the *Special Event* is restored, to the satisfaction of the *City*, to the condition prior to the *Special Event*.
22. Nothing in this By-law shall be interpreted as reducing or eliminating the need for full compliance with the provisions of any and all other applicable by-laws or Acts of the Province of Ontario or the Government of Canada.

ENFORCEMENT POWERS

23. A *Municipal Law Enforcement Officer* may enter on land, premises, buildings or venues at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) a provision of this By-law or any other by-law;
 - (b) the terms and conditions of a *Special Event* permit; or
 - (c) a direction or an *Order*.
24. A *Municipal Law Enforcement Officer* may, for the purposes of an inspection pursuant to section 23:
- (a) require the production for inspection of documents or things relevant to the inspection, including but not limited to government-issued photo identification and a *Special Event* permit;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

- (c) require information from any *Person* concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

25. A *Municipal Law Enforcement Officer* may issue an *Order*:

- (a) requiring the *Person* who contravened the By-law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, or the *Permit Holder*, to discontinue the contravening activity; and/or
- (b) requiring the *Person* who contravened the By-law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, or the *Permit Holder*, to do work to correct the contravention.

26. Pursuant to the authorization of the *Director*, a *Municipal Law Enforcement Officer* may suspend or revoke a *Special Event* permit for any violation of this By-law or the *Special Event* permit.

27. No *Person* shall hinder or obstruct a *Municipal Law Enforcement Officer* from performing any of his or her duties, as provided for in this By-law.

OFFENCES AND PENALTIES

28. Every *Person* who contravenes a provision of this By-law and every director or officer of a corporation who concurs in such contravention by a corporation, is guilty of an offence and, upon conviction, is liable to the following fines:

- (a) a fine of not less than \$500 and not more than \$10,000 for every offence committed;
- (b) a fine of not less than \$250 and not more than \$5,000 for every day or part thereof that an offence was committed;
- (c) in the instance of a *Special Event* for which the *Permit Holder* was paid for participation in the event (e.g., tickets were sold to the public or a fee was charged to participating vendors or other businesses), a special fine equal to the lesser of 50% of gross revenue or \$100,000.

29. In addition to being an offence subject to the fines in Section 28, a *Person* who does not comply with an *Order* may have anything that is required by that *Order* be undertaken by the *City* at that *Person's* expense.

REPEAL AND AMENDMENT OF OTHER BY-LAWS

30. By-law Number 370-2004, as amended, and all of its amending by-laws, and By-law Number 373-2004 are hereby repealed.

31. By-law Number 96-2006, as amended, be further amended by:

(a) Replacing the definition for “Special Events” in Section 3 with the following definition:

“Special Event” means an event as defined in the Special Events By-law, as amended, or its successor by-law.

(b) Amending Section 17(2) to read:

The provisions of this By-law shall not apply to preclude musicians or performers providing outdoor entertainment involving sound reproduction devices during *City* events.

32. By-law Number 171-2013, as amended, be further amended by,

(a) Adding to Schedule “I”, under By-law & Compliance Services, the following fees:

Special Event Permit and deposit costs based on maximum attendance*	2018	2019	2020
Special event permit – up to 250 people	\$ 52	\$ 53	\$ 55
Special event permit – up to 500 people	\$ 103	\$ 106	\$ 109
Special event permit – up to 1,000 people	\$ 206	\$ 212	\$ 218
Special event permit – more than 1,000 people	\$ 412	\$ 424	\$ 437
Special event damage deposit – up to 250 people	\$ 1,000	\$ 1,000	\$ 1,000
Special event damage deposit – up to 500 people	\$ 2,500	\$ 2,500	\$ 2,500
Special event damage deposit – up to 1,000 people	\$ 5,000	\$ 5,000	\$ 5,000
Special event damage deposit – more than 1,000 people	\$ 10,000	\$ 10,000	\$ 10,000

*Note that attendance may not exceed the maximum attendance amount at any given time.

FORCE AND EFFECT

33. This By-law shall come into force and effect on the date it is enacted.

Enacted by City of Vaughan Council this 20th day of March, 2018.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, Deputy City Clerk

Authorized by Item No. 8 of Report No. 6
Of the Committee of the Whole
Adopted by Vaughan City Council on
February 21, 2018.