

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2018

Item 8, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 21, 2018.

8 REVIEW OF SPECIAL EVENTS BY-LAW – PHASE 1

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Community Services, dated February 6, 2018:

Purpose

In response to ongoing administrative and enforcement-related challenges with respect to special events, staff seek Council approval to adopt a new Special Events By-law that will clarify when a permit is required, provide strengthened authority to refuse, suspend or revoke permits, enhance enforcement powers, and establish significant penalties.

Recommendations

1. That City Council adopt a new Special Events By-law to replace the current Special Events and Outdoor Exhibitions By-laws, in accordance with Attachment 1, subject to final wording and in a format satisfactory to the City Solicitor, Legal Services; and
2. That City Council authorize staff to take any other actions required to implement the above recommendation, including any consequential amendments to other by-laws.

Report Highlights

- To address needs for the 2018 special event season, staff are recommending clearer and strengthened administrative authorities and enforcement powers.
- Key administrative changes are expected to improve service experience.
- Staff will report back in 2019 on an overall Special Event Strategy that may result in administrative changes and further by-law amendments.

Background

In accordance with the City's By-law Strategy, a strategy focused on the modernization of the City's regulatory By-laws, a review of the Special Events By-law was initiated.

The number of special events requiring permits has been steadily growing, from 119 in 2015 to 192 in 2016 and 200 in 2017. Although this growth speaks to the vibrancy of Vaughan's diverse and active communities, it has also resulted in a number of ongoing and growing challenges.

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Vague and ambiguous applicability

With an increasing diversification of events in the City, and given the current language in the By-law, staff have found it challenging at times to determine whether or not a proposed event requires a permit. The emergence of new technologies and the increasing sophistication of events have left gaps in the current regulation (e.g., the use of drones to film events).

Non-compliance with timelines

The current By-law requirements state that no application will be accepted later than 30 days before the date of the proposed event. This time frame is intended to accommodate a circulation that often extends to external agencies such as York Region Police and York Region Public Health, but which can vary depending on the specifics of the proposed event. When this time frame is not adhered to, and required clearances are not received, it can mean the refusal of an application or the requirement to limit one or more aspects of the event, such as not being able to offer food, if a clearance from Public Health is absent. Currently, the majority of special event applications are not being submitted within the prescribed time frame.

Limited authority to refuse, suspend or revoke

The current By-law established requirements for a permit and provides a basic issuance process; however, it does not provide a clear process for the refusal of an application or the suspension and revocation of a permit. The absence of such provisions can result in inconsistency on how applications and permits are issued and controlled.

Lack of powers to enforce

The City issues many permits for special events on private property. Although staff have the permit to leverage their enforcement actions, the current By-law is relatively weak on providing explicit authority to enter onto private property for purposes of conducting inspections and ensuring compliance with the By-law and permit terms and conditions. The By-law also lacks provisions to make the hindering or obstruction of a Municipal Law Enforcement Officer an offence.

Absence of a system of penalties

Under the current provisions of the Municipal Act, the City has the authority to establish a system of fines that best meets its need. Under the current regulations no such system exists. In addition, without stronger provisions, fines are often relatively insignificant for event organizers who carry out large events and may take in tens or even hundreds of thousands of dollars in revenues.

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Report from the Internal Auditor

In June of 2017, the City's Internal Auditor released a report evaluating the adequacy and effectiveness of the internal controls, processes and procedures in place to mitigate the business risks associated with the management and execution of events. Among the Internal Auditor's key recommendations were the need to develop and implement a formal event strategy and the need to enhance policy, procedures and guidelines for several processes, including Special Events Permits.

Requirement for public notice

Public notice for the fee proposals in this report was given in accordance with section 4(4) of the City's Notice By-law No. 392-2002.

Previous Reports/Authority

[Internal Audit Report](#) (Item 2, Report No. 6, of the Finance, Administration and Audit Committee)

[Special Events By-law](#) (No. 370-2004)

[Outdoor Exhibition By-law](#) (No. 373-2004)

Analysis and Options

The By-law being proposed by staff, along with a number of administrative changes currently under way, addresses the areas of risks identified.

More precise definitions

In line with a risk-based approach, and for the purposes of permitting, staff are proposing to define a special event as one where any of the three following conditions is met:

- (1) the event is open to the public and takes place outdoors or in a City venue;
- (2) the event is open to the public and takes place in a private venue that is not a for-purpose venue;
- (3) the event takes place outdoors and in a private venue that is not a for-purpose venue.

A for-purpose venue is one deemed to be intended to for the type of event proposed and in which any of the activities being proposed as part of the event comply with all relevant by-laws.

The new definition for special event will ensure that the type of events most likely to have an impact on the surrounding community are captured under the permitting regime.

City-held events will continue to be exempted from requiring a special event permit, but continue to be subject to all other applicable regulations. Farmers markets and events

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held at places of worship by religious organizations will also be exempted from requiring a permit. These exemptions are in line with current practice and with what many other municipalities do. Finally, political rallies or protests will also be exempted, as permitting conditions could be seen as unreasonable limits on freedom of expression.

Despite the more precise definition and the explicit exemptions, the Chief Licensing Officer will have the authority to require a permit from anyone if he or she has grounds to believe that it is in the public interest to require one.

Consolidation of By-laws

The provisions of the Outdoor Exhibitions By-law largely mirrors those of the Special Events By-law, as such their consolidation will create one process that addresses all events.

Notification to event organizers

In order to reduce the number of last-minute permit applications, staff will be generating a list of prior-event organizers and sending notices to them 2-3 months in advance of the anticipated date of their event. This reminder notice shall be sent with an overview of the requirements for applications, which should result in event organizers being better prepared to meet all required clearances. More comprehensive and thorough applications should consequently result in better turn-around times for permits and less pressure on staff. This is being reflected in the proposed requirement for application submissions being reduced from at least 30 calendar days before the date of the event to 15 business days.

Explicit authorities respecting permits

Staff propose to have provisions in the By-law that prescribe the conditions under which a permit application is denied and give the Chief Licensing Officer some level of discretion to assess those circumstances. In addition, staff are recommending that the Chief Licensing Officer, on advice from enforcement staff, have the authority to suspend or revoke a permit when its terms and conditions are being violated.

By providing more explicit authorities respecting the refusal of applications and the suspension or revocation of permits, staff will have more consistent and effective control over events on private property.

Greater powers to enforce the By-law and permit conditions

To more effectively control and regulate special events on private property, staff are recommending that enforcement officers have the authority to enter upon lands for the purposes of carrying out inspections and that any hindrance or obstruction of their duties be considered an offence. Above and beyond inspections and site visits that are a condition of obtaining a permit, enforcement staff need to have the ability to access

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event premises and, if necessary, make observations, obtain readings (such as for noise levels) and obtain samples or documentation. These activities can be critical in obtaining the evidence necessary to obtain convictions on any charges, if required.

Penalties commensurate with offences

Explicit penalties make enforcement action credible and a deterrent to not complying with the By-law. In the case of special events, staff believe that it is also necessary to ensure that organizers of large events cannot operate in contravention of the By-law, considering regular fines to be little more than just another cost of doing business. For this reason, staff are recommending that where revenue is generated by a special event, a special fine may be imposed that is equal to the lesser of 50% of gross revenues or \$100,000. Precedent for the use of such fines exist, with a most recent example being the special fine tied to an offender's gross revenue in York Region's Holiday Shopping By-law No. 2017-55.

Development of a strategy going forward

In line with the Internal Auditor's key recommendations, staff are currently in the process of engaging an external consultant to help the City develop a Festivals and Events Strategy that will focus on comprehensively and efficiently integrating the relevant departments, regulations, policies and processes. A staff report with recommendations is expected in early 2019 and may include further amendments that will support the proposed strategy.

Financial Impact

The adoption of the new Special Events By-law, as recommended in Schedule "A" of this report is not expected to have a material impact on the City's 2018 budget, as approved.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

Having regulatory By-laws that are effective, current and relevant to existing and future demands is critical in supporting the health, well-being and over-all quality of life for all the people who live, work and play in the City of Vaughan.

As the City continues to grow and diversify so will the numerous special events organized by members of the community. At the same time, ongoing intensification will mean that the impact of these events will be felt more acutely and potentially result in increased conflicts. Regulations need to be revised to address these new challenges. Staff will be implementing some administrative measures to streamline processes and

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improve client service and are seeking approval of a new By-law that will support these changes and provide them with the tools to more effectively protect the public and control nuisances.

This report proposes By-law changes to mitigate risks going into the 2018 special event season, that include clearer definitions in terms of what type of events require a permit, stronger enforcement powers, and explicit penalties, including special fines to deter non-compliance. Staff will be engaging an outside consultant and be coming forward with a more comprehensive Festivals and Events Strategy in 2019.

For more information, please contact: Gus Michaels, Director, By-law & Compliance, Licensing & Permit Services, ext. 8735.

Attachment

1. Summary of proposed Special Events By-law.

Prepared by

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)