

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.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2018

Item 8, CW Report No. 6 – Page 2

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.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2018

Item 8, CW Report No. 6 – Page 3

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

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2018

Item 8, CW Report No. 6 – Page 4

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

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2018

Item 8, CW Report No. 6 – Page 5

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

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2018

Item 8, CW Report No. 6 – Page 6

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

Rudi Czekalla-Martinez, Manager of Policy and Business Planning, By-law & Compliance, Licensing & Permit Services, ext. 8782

(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.)

Item:



Committee of the Whole Report

DATE: Tuesday, February 06, 2018

WARD(S): ALL

TITLE: REVIEW OF SPECIAL EVENTS BY-LAW – PHASE I

FROM:

Mary Realì, Deputy City Manager, Community Services

ACTION: DECISION

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Conclusion

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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 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.

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Prepared by

Rudi Czekalla-Martinez, Manager of Policy and Business Planning, By-law & Compliance, Licensing & Permit Services, ext. 8782

Summary of Proposed
Special Events By-law

1. Definitions

THAT “Special Event” be defined as any event that:

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

Open to the public means that any of the following conditions is met: (a) access to the event is not by personal, unsolicited invitation; (b) the number of invitations exceeds the capacity of the venue; or (c) the event is advertised to the general public.

Outdoors means not fully enclosed on all sides by solid, closed-construction walls and a solid, closed-construction roof.

For-purpose venue means a premises for an event that meets all of the following: (a) is licensed by the City, or otherwise permitted to operate; (b) does not contravene the City’s Zoning By-law through the activities proposed for the event; (c) does not contravene any other City By-law through the activities proposed for the event.

2. Permit Requirement

THAT every person holding a special event, as defined, must obtain a permit. The following are exempted:

- (a) any events held by the City;
- (b) farmers markets;
- (c) events held at places of worship by religious organizations
- (b) any political rally or protest.

THAT the Director, By-law & Compliance, Licensing & Permit Services, have the authority to require an event that otherwise does not require a permit, to be required to have such permit if he or she believes it to be in the public interest to do so.

THAT all events that do not require a permit be required to comply with all applicable by-laws.

3. Application Requirements

THAT applications are to be made at least 15 business days before the date of the event and such application shall include a complete application form, the prescribed fee and any other documentation required by the City.

THAT charitable events and events held by Community Service Organizations shall be exempt from the permit fee.

THAT an event conducted under a rental agreement with the City shall be subject to the provisions of that agreement and all other applicable provisions of the By-law.

THAT the Director for any special event permit application, may require 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.

THAT the Director may impose additional requirements, require that the applicant prove he or she has met all such requirements and the applicant shall be responsible for all corresponding costs.

4. Refusal, Suspension and Revocation

THAT the Director may refuse to issue, 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.

THAT 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.

THAT in the instance that an application for a Special Event is denied, the applicant shall be notified in writing of the decision and the grounds for that decision and the Director's decision shall be final.

5. Event Restrictions

THAT a Special Event shall:

- (a) run consecutively, but not for more than four 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.

6. Duties of Permit Holders

THAT permit holders shall comply with the terms and conditions of the permit, follow directions provided by an Officer, provide access to all premises, and comply with any Order issued by the Director.

THAT permit holders shall ensure that during the special event access for emergency response is provided and maintained, hydrants, driveways, sidewalks, access ramps, and/or the regular flow of vehicular and/or pedestrian traffic is not impeded, amplified sound is in compliance with the City's Noise By-law, and that there be compliance with all other applicable By-laws.

THAT special events, unless otherwise provided for under the permit, shall be restricted to the times of 7:00 a.m. and 11:00 p.m. of the same day.

THAT event organizers shall ensure that upon completion all debris, litter, refuse and equipment is removed and that the location is restored to its original condition.

7. Enforcement Powers

THAT the Director may, at his or her discretion, use any amount from the damage deposit 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.

THAT Officers may enter upon a premises at any reasonable time to perform an inspection to ensure compliance with provisions of the By-law, the terms and conditions of the permit, or a direction or an Order.

THAT as part of an inspection, the City may inspect and make copies of documents, require other information, and make examinations or take other evidence as necessary for the purposes of the inspection.

THAT the City may issue an Order requiring an activity to be discontinued and/or for work to correct a contravention.

THAT the City may, in the absence of compliance with an Order by a person, undertake the corresponding remedial action at the person's expense.

THAT the Director may suspend or revoke a permit for a violation of the By-law or the permit.

THAT no one shall hinder or obstruct an Officer from performing any of his or her duties.

8. Offences and Penalties

THAT anyone guilty of an offence shall be liable to the following, exclusive of expenses:

- (a) a fine of no fewer than \$500 and not more than \$10,000 for every offence committed;
- (b) a fine of not fewer 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.

9. Permit Fees

THAT the following permit fees and damage deposits are proposed:

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.

10. Repeals

THAT this By-law repeal the City's current Special Events By-law and Outdoor Exhibitions By-law.