

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 061-2019

A By-law to regulate Special Events within the City of Vaughan, to replace the portion of the Special Events By-law Number 045-2018, as amended, that pertains to Special Events.

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 its 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, prohibit such events unless a permit is obtained from the municipality, impose conditions for obtaining, and continuing to hold and renewing 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, 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 this 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 this 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, 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 maintain public safety, control nuisances, and promote community standards, by regulating 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 this By-law to establish conditions and grant permits for Special Events, regulate activities therein, and where appropriate, refuse, suspend or revoke such permits.

1.0 Authority and Short Title

- (1) This By-law was approved by Item 12 of Report 11 of the Committee of the Whole (with separate attachment) and passed by City Council on March 19, 2019.
- (2) This By-law shall be known and may be cited as the "Special Events By-law."

2.0 Applicability and Scope

- (1) The provisions of this By-law apply to all *Special Events*, as defined in this By-law, within the boundaries of the City of Vaughan;
- (2) Despite 2.0(1), the provisions of this by-law do not apply to any event held by the City.

3.0 Definitions

- (1) In this By-law,
 - (a) "Applicant" means a *Person* seeking to hold a *Special Event* permit and, either in person or through an *Authorized Agent*, makes such an application. Where the

proposed *Special Event* takes place on private property, the owner of such private property shall be considered jointly an Applicant;

- (b) “Authorized Agent” means a *Person* authorized in writing by an *Applicant* or *Permit Holder* to act on behalf of such *Applicant* or *Permit Holder* for the identified purpose of making an application or otherwise complying with the provisions of this By-law;
- (c) “Charitable Event” means any event carried out by a charity registered under *Canada’s Not-for-profit Corporation Act S.C. 2009, c.23* 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, its employees, and agents authorized to act on the Corporation’s behalf;
- (e) “City Facility” means 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” means 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 prime 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) “Expenses” means any and all sums of money actually spent or required to be spent by the *City*, and shall include, but not be limited to the following: charges, costs, application fees, administration fees, dispute resolution/mediation fees, taxes, outlays, legal fees and losses;
- (l) “Farmers’ Market” has the same meaning as the term defined in R.R.O. 1990, Reg. 562, and which exempts such Farmers’ Markets from its provisions and that also meets the exemption requirements under Section 2 of O. Reg. 119/11;
- (m) “For-Purpose Venue” means a premise 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;
- (n) “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;
- (o) “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;
- (p) “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;
- (q) “Open to the Public” in reference to a *Special Event*, means that 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;
- (r) “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. An Order shall be served in person or by registered post with the effective date of service being deemed five business days after mailing;
- (s) “Outdoors” in reference to this By-law means not fully enclosed on all sides by solid, closed-construction walls and a solid, closed-construction roof;
- (t) “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 considered jointly an *Applicant*;
- (u) “Person” includes a natural individual, a corporation, partnership, proprietorship or other form of business association and the heirs, executors, administrators, successors and assigns, or other legal representatives thereof, or a receiver or mortgagee in possession;
- (v) “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;
- (w) “Public Boulevard” means that part of a *Highway* that is not used, or intended to be used, for vehicular travel by the general public, and is situated between the travelled portion of the road and the adjoining property line, including the 0.3 metre reserve, where applicable;
- (x) “Rental Contract” means a contract between the *City* and a *Person* for the use of a *City Facility*;
- (y) “Same Nature” means an event having the same or similar theme or subject matter as another;
- (z) “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*.

4.0 Special Event Permits

- (1) No *Person* shall hold, carry on, engage in, or conduct a *Special Event* in the city without a valid *Special Event* permit.
- (2) Only a *Person* may apply for a *Special Event* permit.
- (3) Section 4.0(1) does not apply to:
 - (a) a *Farmers Market*, as defined;
 - (b) a *Place of Worship*, as defined;
 - (c) any political rally or protest.
- (4) 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.
- (5) 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;
 - (c) any other documentation or information required by the *Director*.
- (6) Any application for a *Special Event* that is not received within fifteen (15) business days prior to the event may still be processed but the *Applicant* or any other affected parties shall not have any recourse if the permit cannot be issued in time for the event.
- (7) Application fees are non-refundable and must be paid before the application is processed.
- (8) Despite 4.0(5)(b), a *Charitable Event* and events held by a *Community Service Organization* shall be exempt from the permit application fee.

- (9) An application for a *Special Event* that makes use of a *Highway* or *Public Boulevard* requires a deposit as set out in the Fees and Charges By-law.
- (10) *Applicants* shall provide the maximum number of attendees to be present at the event at any given time, and this number shall not exceed the venue capacity.
- (11) 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*;
 - (j) provide proof of legal status if the *Applicant* is not a natural individual;
 - (k) provide a tentative *Rental Contract* if the *Applicant* is intending to use a *City Facility*;
 - (l) provide proof that the required number of York Regional Police Officers have been arranged and secured for the proposed event;
 - (m) provide a copy of the Special Occasion Permit or the Liquor Licence of the venue as issued by the Alcohol and Gaming Commission, if alcohol is being served at the proposed event; and
 - (n) provide written authorization from the property owner if the special event venue is located on private property.
- (12) 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.

- (13) The *Applicant* for the *Special Event* permit shall be responsible for any costs relating to any and all of the requirements under this By-law, including but not limited to pay-duty first responders, road closures, and noise monitoring.
- (14) The *Applicant* for a *Special Event* permit shall provide proof, to the satisfaction of the *Director* and prior to the issuance of the permit, that all of the conditions of the application and/or permit have been met.
- (15) 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 necessary to obtain the permit, or if the *Applicant* furnishes any information on the application that is false or inaccurate, or if the *Applicant* has failed to comply 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.
- (16) The *Director* may, at his or her discretion, use any amount from the damage deposit under subsection 4.0(11)(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.
- (17) 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.
- (18) In the instance where an application for a *Special Event* is denied, the *Applicant* shall be notified of the decision.
- (19) The *Director's* decision, pursuant to section 4.0(14), is final with respect to the issuance, suspension or revocation of any *Special Event* permit.

5.0 Special Event Restrictions

- (1) A *Special Event* shall not:
 - (a) run for more than four consecutive days;
 - (b) be eligible for a permit within 30 days of the issue of a *Special Event* permit for the same event;

- (c) be eligible for more than 12 *Special Event* permits for the same event within any 12-month period.
- (2) Section 5.0(1)(b) shall not apply to a *Charitable Event*.
- (3) A *Special Event* shall be considered to be the same event if any of the following apply:
 - (a) the *Applicant* is the same *Person* as *the Permit Holder* for a previous event of the *Same Nature*;
 - (b) any of the event organizers or sponsors were *Permit Holders* for a previous event of the *Same Nature*;
 - (c) the advertising or communication for the event is in any way associated with any other previous event of the *Same Nature*.

6.0 Duties of Permit Holders

- (1) 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*;
 - (e) comply with all applicable law.
- (2) Every *Person* permitted or 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 is 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.
- (3) 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.
- (4) Every *Person* who receives a permit or 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*.
- (5) 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.
- (6) A *Permit Holder* shall not allow the number of attendees to exceed the number provided as per section 4.0(10).

7.0 Recovery of Costs

- (1) Deposits shall be applied to any damages or to any other costs incurred by the *City* to bring the *Highway* or *Public Boulevard* back to its condition prior to the event.
- (2) Where the costs associated with any remedial action taken by the *City* exceed the amount of the damages deposit, the *City* shall issue a bill for the difference. Where the bill is not paid in a timely manner, the billed amount shall be considered a debt to the *City* and added to the tax roll of the event organizer(s).

8.0 Enforcement Powers

- (1) 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*.
- (2) A *Municipal Law Enforcement Officer* may, for the purposes of an inspection pursuant to section 8.0(1) of this By-law:
- (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.
- (3) 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.
- (4) 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.
- (5) 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.

9.0 Delegation

- (1) The *Director* may close streets or parts thereof, and/or erect temporary signage prohibiting or otherwise regulating parking, if doing so is in the public interest and is required to effectively enforce any of the provisions of this By-law, subject to the Delegation By-law.

10.0 Offences and Penalties

- (1) Every *Person* who contravenes a provision of this By-law and every director or officer of a corporation who causes or permits such contravention by a corporation, is guilty of an offence and, upon conviction, is liable to the following fines, exclusive of *Expenses*:
 - (a) Upon a first conviction, a fine of not less than \$500.00 and not more than \$10,000.00;
 - (b) Upon a second or subsequent conviction, a fine of not less than \$250.00 and not more than \$10,000.00;
 - (c) Upon conviction for a multiple offence, for each offence included in the multiple offence, a fine of not less than \$100.00 and not more than \$10,000.00
 - (d) 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, where gross revenue shall be calculated on the basis of advertised ticket prices or other admission fees multiplied by the advertised number of tickets or admissions available.
- (2) In addition to being an offence subject to the fines in Section 10.0(1), 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.

11.0 Amendment of Other By-laws

- (1) In By-law Number 045-2018, Sections 1 to 29 are hereby deleted.

12.0 Force and Effect

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

Enacted by City of Vaughan Council this 1st day of May, 2019.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 12 of Report No. 11
of the Committee of the Whole
Adopted by Vaughan City Council on
March 19, 2019.