

Item:



Committee of the Whole Report

DATE: Tuesday, March 05, 2019

WARD(S): ALL

TITLE: AMENDMENTS TO SPECIAL EVENTS BY-LAW NO. 045-2018

FROM:

Mary Reali, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

After one full season since the adoption of the new Special Events By-law, staff have identified areas in the By-law that require clarification and/or strengthening in order to ensure that the permit process is transparent and consistent, and that staff are able to most effectively enforce the By-law's provisions.

Report Highlights

- A number of administrative and enforcement-related challenges have prompted staff to consider and recommend further amendments to the Special Events By-law.
- The amendments make event eligibility clearer, make permit requirements more explicit, and provide greater clarity of regulations.

Recommendations

1. THAT Council approve the proposed amendments on Attachment 1 of this report, subject to being in a form satisfactory to the City Solicitor;
2. THAT Council approve the consolidation of the Special Event By-law; and
3. THAT Council approve all other necessary actions by staff, including any related and consequential amendments to the Special Events By-law or other by-laws, in order to give effect to Recommendations Nos. 1 & 2.

Background

In March of 2018, Council enacted a new Special Events By-law in anticipation of the 2018 event season. The By-law was intended to bring greater clarity to application requirements and permit obligations, as well as strengthening staff's enforcement authorities. Over the course of the ensuing event season, staff identified a number of administrative and enforcement-related challenges that revealed opportunities to fine tune the By-law further.

This report was prepared in consultation with internal stakeholders including, Recreation Services and external regulatory agencies, including York Regional Police ("YRP").

The recommendations in this report are intended to address immediate regulatory concerns in anticipation of the 2019 special event season. In the meantime, the City continues to review its broader event strategy, which may entail some additional future by-law amendments. The recommendations arising from this broader review are expected to be before Council in Q4 of 2019.

Previous Reports/Authority

Review of Special Events By-law – Phase 1 ([Item 8, Report No. 6, of the Committee of the Whole](#), adopted by Council on February 21, 2018)

Analysis and Options

The purpose of the Special Events By-law is to ensure that events that are open to the public are carried out in a way that do not put the health and safety of event participants at risk and that do not create hazards or unnecessary nuisances for the public at large.

In general terms, a special event for regulatory purposes is an organized gathering that could present a health or safety hazard or could otherwise reasonably be expected to have an impact on the well-being of the public. The City regulates and imposes conditions on special events to reasonably mitigate both direct and indirect negative impacts. For example, to ensure public health and safety, the City requires that events prepare emergency plans, obtain any necessary building permits and otherwise comply with the requirements of the Building Code, and provide adequate security and health-related clearances if offering food. To mitigate nuisances, the City also places limits on the number of events and their frequency.

Permit Eligibility

Staff are recommending that more stringent eligibility requirements be placed on applicants in order to ensure that non-existing entities cannot be used to apply for special event permits. Specifically, staff are recommending that only "Persons" as defined can apply for a permit and that in the event that the applicant is a corporation

proof of that corporation's legal status be provided [Recommendations 3 and 9]. Staff are also recommending more explicit clarification that for purposes of the By-law, owners of private venues also be considered applicants and permit holders [Amendment 1].

Staff are also recommending that greater clarity around the type and frequency of special events be included. The current provision of the By-law that restricts special events to no longer than four consecutive days, no more frequently than every 30 days and no more than six within any twelve-month period. Staff are recommending that the number of events be increased to 12 per year and that these restrictions apply to special events considered to be the "same event" as defined [see Amendments 16, 17 and 18]. This is intended to thwart applicants who by changing the name of the event or the name of the applicant try to have the same event more frequently than otherwise permitted.

Application Requirements

In order to make the process more transparent and consistent, staff are recommending more explicit provisions with respect to applications. Specifically, staff are recommending clarifying that applications not received within the required time frame will be processed but may not be issued, or issued without granting the full request, if clearances from other City departments or external agencies, such as Public Health or YRP, have not yet been received [Amendment 7].

Staff are also recommending that applicants be required to demonstrate that they have authority to use the venue for the type of event they are applying for. In the case of a City facility, applicants would need to show a rental agreement from the Recreation Department [Recommendation 10]. In the event of a private venue, staff could require a letter of authorization from the property owner [Amendment 13].

For events where the serving of alcohol is being proposed, applicants will be required to provide either the Special Occasion Permit from the AGCO or a copy of the venue's Liquor Licence [Amendment 12].

In order to ensure that safety and security measures are appropriate and effective, applicants will be required to provide the maximum number of attendees at any given time and permit holders will be required to not exceed this number [Amendment 8].

Enforcement Powers

To facilitate compliance and enforcement efforts, staff are also recommending greater authorities. This includes that applicants be required to prove that they have met all conditions of the application and/or are compliant with the permit issued thereof

[Amendment 14]. In addition to the more general powers to refuse, suspend or revoke an application/permit, staff are also seeking explicit powers to do so if the conditions of application or a permit are not met [Amendment 15]. Staff also recommend that the requirements and obligations set out under a permit be extended to every person otherwise required to be permitted or acting on behalf of the permit holder or person required to be permitted [Amendment 19]. This gives enforcement staff maximum leverage in dealing with event organizers. To further the City's ability to enforce its By-law and ensure public health, safety and well-being, staff are also recommending that the Director, By-law & Compliance, Licensing and Permit Services be authorized to temporarily close streets or parts thereof [Amendments 21 and 22].

Penalties

Under the current By-law, the City may seek special fines equal to the lesser of 50% of gross revenue or \$100,000; however, no guidance is provided on how this is to be ascertained. Staff therefore recommend that gross revenue under these circumstances be determined by multiplying the advertised number of tickets or admissions available by the advertised ticket prices or admission fees [Amendment 23].

Deposits and Fees

Staff recommend more explicit provisions pertaining to deposits and fees. Specifically, staff are recommending clarification that deposits are only required when applicants propose to use City streets or the public boulevard [Amendment 4], and that such deposits may be used where the streets or public boulevard have been damaged or where the City has incurred expense to bring the streets and/or public boulevard back to its condition before the event [Amendment 5]. In addition, staff recommend that application fees be non-refundable and must be paid before an application is processed [Amendment 6]. Staff are also including a schedule of fees for 2021 [Amendment 21] and clarifying that to determine the appropriate deposit amount, event "attendance" is to be taken to mean the maximum number of people that can be present at the event, which is normally governed by occupancy load limits [Amendment 25].

Provide analysis that supports the recommendation, including relevant findings and an overview of the options considered. Summarize the analysis to help the reader understand it and compare the options. Present the benefits and risks.

Financial Impact

There is no financial impact anticipated to the City's 2019 budget as a result of the recommendations of this report.

Broader Regional Impacts/Considerations

There are no foreseen impacts to other agencies or levels of government as a result of the recommendations of this report.

Conclusion

Adoption of the recommendations of this report will both add clarity for event applicants respecting permitting requirements and obligations, and further strengthen the City's ability to effectively regulate special events and enforce the By-laws provisions. These recommendations include a proposal to maintain a consolidated Special Events By-law in accordance with the principles of the City's Council-approved By-law Strategy to maintain relevant, effective and user-friendly by-laws.

The City continues to review its broader event management strategy, with the recent engagement of a consultant to lead the review. Staff expect to bring forward additional recommendations by Q4 of 2019 that will provide a consistent and comprehensive approach to all events managed or regulated by the City and which may result in additional amendments to the Special Events By-law.

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

Attachments

1. Proposed By-law Amendments

Prepared by

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