

Committee of the Whole (2) Report

DATE: Tuesday, June 18, 2024

WARD(S): ALL

TITLE: AMENDMENTS TO THE SPECIAL EVENTS BY-LAW

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

This report seeks approval from Council for a series of amendments to the Special Events By-law to clarify event organizer responsibilities.

Report Highlights

- The City's Special Event By-law provides the regulatory framework for conducting non-City special events. The aim of the by-law is to allow for a wide range of diverse events to take place in a manner that ensures public health and safety and mitigates nuisances.
- Over the course of the numerous events that take place in the City, staff have come across circumstances and challenges that can be better addressed in the future through the fine tuning of language in the By-law.
- This report provides a series of recommendations that aim to clarify the responsibilities of event organizers, including the owners of private venues on which such special events take place.

Recommendations

1. THAT Council approve the following amendments to the Special Events By-law:
 - (a) Eliminate the numbering of definitions in section 3.0(1) and order all definitions in alphabetical order;
 - (b) Add a provision clarifying that frequency of event restrictions do not apply to a joint applicant when that joint applicant is such solely on the basis of being the owner of the venue on which a special event is to take place;

- (c) Add a provision to require special event permit applicants to provide the name or names of all contact persons for the event;
 - (d) Add a provision to require that at least one contact person be available by phone and on site at least one hour before, during, and one hour after the event;
 - (e) Amend the by-law to require that a special event permit applicant provide proof that the required number of private security, off-duty police officers, and first responders has been arranged and secured for the event; and
 - (f) Add to existing indemnification provisions to clarify that the City is not liable for damages arising from the suspension or revocation of a permit as a result of non-compliance with the by-law or with permit conditions by any of the permit holders.
2. THAT Council direct staff to bring forward a by-law, in a manner satisfactory to Legal Services, that effects the above amendments.

Background

The City's Special Events By-law provides the regulatory framework for conducting non-City special events. The aim of the by-law is to allow for a wide range of diverse events to take place in a manner that ensures public health and safety and mitigates nuisances. Over the course of the numerous events that take place in the City, staff have come across circumstances and challenges that can be better addressed in the future through the fine tuning of language in the by-law. Most of this fine tuning is intended to clarify special event organizer and venue owner roles and responsibilities.

Previous Reports/Authority

[Special Events By-law 045-2018](#), as amended.

Analysis and Options

Most special events that take place in the City are relatively straight forward, from a regulatory perspective. Some of these take place on City property, such as parks and community centres, while others take place in or on private venues, such as open spaces or for-purpose venues. In order to ensure that the latter are run responsibly and with the greater interest of the surrounding communities in mind, the current by-law considers a venue owner a co-applicant, making the venue owner jointly accountable for the event. With that said, the existing by-law provisions also limit the frequency of events that may be held by an applicant. This provision was introduced into the by-law to address non-charity events that were being run, in some cases weekly, like a business. The unintended consequence of these two provisions working together is that venue owners, as co-permit holders, may also only use their venue for one event, when in reality, outside of the rental itself, they have no connection to the event being carried

out. As such, staff are recommending that language be introduced in the by-law that clarifies that the co-applicant/permit holder status of such venue owners does not apply with respect to frequency of events; however, it will continue to apply for purposes of accountability, compliance and enforcement.

Larger and more complex events tend to require a high degree of organization and the establishment of clear lines of communication between City officials and special event organizers, to ensure that any challenges that arise can be addressed in a timely and effective manner. It is with this in mind that staff are recommending that applicants provide the names of contact personnel and that such personnel be required to be fully available, by phone and on site, before, during and after the event. Staff are of the opinion that this measure can serve to better ensure that as issues arise, they can be dealt with quickly before they escalate.

Although current provisions in the Special Events By-law require that special event permit applicants provide proof that off-duty police requirements have been met, there are no such provisions for private security and first responders. Staff propose that the relevant section be amended to include these. The precise number of security and emergency staff required will continue to be determined in consultation with those agencies, as requirements can vary significantly depending on the nature of the special event.

Finally, under the current provisions of the Special Events By-law, the City is not responsible or liable for any damages or legal action arising against an applicant or permit holder as a result of a decision to not issue, suspend or revoke a special event permit. This provision points to the catalyst for such action being having grounds to believe that conditions for a permit are not being met or will not be met, or that false or inaccurate information has been provided in the application, or that the applicant has failed to comply with any of the City's by-laws in connection with any past event. Staff are proposing additional language within this by-law provision to explicitly identify non-compliance with the by-law or permit conditions for a current and ongoing event, as a reason for permit suspension or revocation.

Financial Impact

There are no anticipated financial impacts anticipated as a result of the recommendations of this report.

Operational Impact

There are no anticipated operational impacts as a result of the recommendations of this report. This report was prepared in consultation with Legal Services.

Broader Regional Impacts/Considerations

There are no significant broader regional impacts as a result of the recommendations of this report. The proposed amendments are intended to clarify language to make enforcement less challenging. The City often works with York Regional Police in monitoring, seeking compliance, and if necessary carrying out enforcement, for larger and more complex events. To this end, the City's Enforcement Services continue to liaise with York Regional Police to make sure they are aware of any changes to by-laws that will assist them in compliance efforts.

Conclusion

The recommended amendments largely aim to clarify the roles and responsibilities of special event organizers and venue owners. The more explicit transparency is expected to clarify expectations and thus provide greater guidance for event organizers. The changes will also facilitate compliance and, if necessary, enforcement efforts.

For more information, please contact: Susan Kelly, Director and Chief Licensing Officer, By-law and Compliance, Licensing and Permit Services, ext. 8952.

Attachments

N/A

Prepared by

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