

TOWN OF LADYSMITH

BYLAW NO. 2196

A Bylaw to provide for the granting of permits for special events on public property within the Town of Ladysmith

The Council of the Town of Ladysmith in open meeting assembled enacts as follows:

DEFINITIONS

1. In this Bylaw:

"Applicant" means the Person who applies for a Special Event Permit, pursuant to this Bylaw;

"Attendee" means a Person who is present at the Special Event and includes all participants, staff, volunteers, contractors and employees;

"Commercial Event" means any public or private event or gathering that:
(a) is held by a business or has a commercial aspect; and
(b) takes place wholly or in part on Public Property;

"Compliance Declaration" means a signed statement from the Permittee, in the format prescribed by the Director, indicating the Special Event complies with all requirements of this Bylaw and other local, provincial and federal laws and regulations;

"Council" means the Council of the Town of Ladysmith;

"Director" means the Director of Parks, Recreation & Culture with the delegated authority from Council within the "Ladysmith Officers and Delegation of Authority Bylaw 2016, No. 1905" for:

- a. approving Special Events on land reserved, dedicated, or held for park purposes, where such use is consistent with the Zoning Bylaw and any restrictions on title;
- b. approving Special Occasion Licences pertaining to the aforementioned Special Events obtained in accordance with the *Liquor Control and Licensing Act*;

"Extraordinary Event" means a Special Event that is likely to be attended by four thousand (4,000) or more Attendees per day;

"Highway" has the same meaning as the term defined in British Columbia's Transportation Act [SBC 2004];

"Large Event" means a Special Event that is likely to be attended by less than four

thousand (4,000) but more than five hundred (500) Attendees per day;

"*Local Authority*" has the same meaning as the term is defined in the *Community Charter* [SBC 2003];

"*Medium Event*" means a Special Event that is likely to be attended by fewer than five hundred (500) but more than 200 Attendees per day;

"*Municipality*" means the corporation of the Town of Ladysmith, where the context requires, the area within the municipal boundaries of the Town of Ladysmith.

"*Offence Act*" means the *Offence Act* [RSBC 1996];

"*Permit*" means a valid permit for a Special Event issued pursuant to the provisions of this Bylaw;

"*Permittee*" means a Person who has obtained a valid Permit;

"*Person*" means an individual, partnership, association, corporation, organization, business, cooperative, trustee, executor, administrator or legal representative;

"*Public Authority*" has the same meaning as the term defined in the Community Charter;

"*Public Property*" means:

- (1) a Highway, street, park, plaza, public parking lot or other outdoor public right of way or place; and
- (2) any outdoor location that the Municipality maintains for the use of the public, including rights of way granted by a registered owner of land to the Municipality for public access.

"*Sign*" means any sign which is visible from any street or from the air, and which is used or capable of being used to convey information directly or attract attention for the purpose of an announcement, advertisement, business promotion, promotion of a product, activity, service or idea, or of providing direction, identification or information;

"*Site*" means the Public Property described in the Permit on which a Special Event is to be held;

"*Small Event*" means a Special Event that is likely to be attended by fewer than 200 Attendees per day;

"*Special Event*" means any public or private event with or without a commercial aspect, including but not limited to a market, craft fair, bake sale, auction, performance,

promotional activity, show, exhibition, wedding, parade, procession, advertising or marketing activity, athletic event, Commercial Event or other event or gathering of people, in which any part of the event or gathering takes place on Public Property;

"*Special Event Permit Application Form*" means the application form for a Permit prescribed by the Director, to be updated from time to time to reflect all federal, provincial and local legislative requirements.

REFERENCES

2. Reference to another enactment in this Bylaw is a reference to that enactment as it may be amended, replaced or in effect from time to time.
3. Reference to another bylaw in this Bylaw is a reference to a bylaw, as amended from time to time by the Municipality unless otherwise specified.

PROHIBITION

4. No Person shall hold a Special Event or prepare Public Property for holding a Special Event unless the Person holding the event has a valid Permit.
5. No Person shall publicize or advertise a Special Event without:
 - a. a Permit for the Special Event being advertised, or
 - b. written consent from the Director to publicize and or advertise the Special Event.

PERMIT REQUIREMENT EXEMPTIONS

6. Notwithstanding any other provision of this Bylaw, the following Special Events do not require a Permit:
 - a. Special Events for which the Municipality has already issued a Park Use Permit;
 - b. Special Events for which the Municipality has already issued a Film Permit; or
 - c. Special Events the Director has approved for emergency, public interest or other reasonably unforeseen circumstances not contemplated in this Bylaw.

PERMIT APPLICATION TIMELINE

7. A Person applying for a Special Event Permit must begin the Permit application process at least:
 - a) in the case of a Large or Extraordinary Event or events that include liquor that is being held in the Municipality: ninety (90) days before the date begins, unless:
 - i. it is the first time the event is occurring, one-hundred and twenty (120) days prior to the date the event begins; or
 - ii. it has not been held in the Municipality within a year of the date the Applicant submits the Application, one-hundred and twenty (120) days prior to the date the event begins.

- b) in the case of a Medium Event: sixty (60) days before the date the event begins.
- c) in the case of a Small Event: thirty (30) days before the date the event begins.

PERMIT APPLICATION REQUIREMENTS – REQUIRED MUNICIPALITY INFORMATION

- 8. Every Person applying for a Permit must complete the Special Event Permit Application Form provided by the Department of Parks, Recreation & Culture and must provide organizational and event details.

PERMIT APPLICATION REQUIREMENTS – REQUIRED THIRD PARTY INFORMATION

- 9. Before a Permit may be issued, the Applicant must provide to the Director, as part of the Permit application, proof of any applicable permits and licences that are a requirement of the special event application request from the Town or outside agencies.
- 10. Where a Special Event does not clearly fall into a prescribed type of Special Event in this Bylaw, the Director may process the Special Event Permit Application Form on the basis of the type of Special Event most similar to the Applicant's Special Event or require Council Approval.
- 11. No Person may make any material misrepresentations on a Special Event Permit Application Form.

ROAD USE, INTERRUPTION AND CLOSURES

- 12. No Person may hold a Special Event on any part of a Road or close any part of a Road as part of a Special Event unless the Person has received written authorization from the Town.
- 13. In addition to the information required under any other provision of this Bylaw, every Applicant for a Special Event that proposes to use or close or interrupt any part of a Road must make an application for a Temporary Street Closure on the prescribed form provided by the Corporate Officer for that purpose and must provide information that the Corporate Officer reasonably requests in order to assist the Corporate Officer in determining whether the Applicant may be granted approval to use or close any part of a Road.
- 14. If, in the opinion of the Corporate Officer, a Special Event will affect any traffic on a Road, as a condition of authorizing its closure the Corporate Officer may require the Applicant to provide a traffic control plan certified by a professional transportation engineer.

SECURITY DEPOSITS

15. Before issuing a Permit pursuant to this Bylaw, the Director will require a refundable deposit in the form of a standby irrevocable letter of credit, cash or another form of security of not less than \$350.00 by the Facility Rental Agreement on the basis of size, duration, impact, nature, and history of the Special Event for:
 - a. any loss or damage to land or property due to the Special Event;
 - b. any fines or penalties owed by the Permittee due to contravention of this Bylaw or any of the Municipality's bylaws if the fines or penalties are owed in relation to promoting or holding the Special Event, and which amounts may be deducted from the security deposit once the fine or penalty becomes due and payable to the Municipality;
 - c. any costs incurred by the Municipality arising from or related to the Special Event, including the cost to provide policing, emergency or fire services or any other services provided by the Municipality;
 - d. any costs to restore the Site to the condition that it was in prior to the Special Event, and
 - e. any costs and damages incurred by the Municipality arising from specified terms in a written agreement with the Municipality or in the terms and conditions of the Permit.
16. If, in the opinion of the Director, the Special Event causes or results in any of the losses, damages, fines, penalties or costs listed in section 15 the Director may from time to time:
 - a. draw down on the security deposit posted to the extent of any cost incurred or expected to be incurred by the Municipality in connection with such losses, damages, fines, penalties or costs; and
 - b. request enforcement and compliance support from the Municipality's bylaw services staff pursuant to Enforcement and Ticketing Bylaws.
17. The Municipality shall hold any security deposit for up to sixty (60) days following the conclusion of the Special Event, at which time the Municipality must return the security or such portion of the security not deducted by the Municipality under this Bylaw to the Person or Permittee who provided the security.
18. The Permittee holding the Special Event must, within sixty (60) days of the conclusion of the Special Event, pay any costs incurred by the Municipality because of the Special Event that exceed the security deposit.
19. For the purposes of this Bylaw, loss or damages caused by the Special Event includes loss or damages caused by an Attendee at the Special Event.

PERMIT APPROVALS

20. No Permit shall be granted to a Person for a Special Event unless the Director is

satisfied that:

- a. the Special Event Permit Application Form is complete, with all required information, including Third Party information;
- b. the Applicant has complied with this Bylaw and all other enactments and legislation that are applicable to the Special Event, including, if the Special Event includes the service of liquor, that such service will comply with all applicable provincial liquor regulations and the requirements of the Municipality Beer Garden and Special Occasion License Application Policy;
- c. the proposed Site is available and is reasonably appropriate to host the Special Event, considering the scope, scale, impact, nature and history of the Special Event and the Site; and
- d. all fees, including any fees charged under the Community Centre Fees and Charges Bylaw 2024, No. 2178 and any outstanding fees or fines owed to the Municipality in relation to the Special Event, or any other Special Event operated by the same Permit applicant or Permittee, have been paid by the Permit applicant or Permittee.

21. Upon being satisfied that an Applicant has submitted a Special Event Permit Application Form, meets all the requirements outlined in this Bylaw, and has provided subsequent additional documents that meet the requirements for issuance of a Permit within this Bylaw, the Director may issue a Permit.

22. Despite section 21, the Director may refer an application for a Permit to Council if the Director is of the opinion that the scope, scale, nature, impact or history of the proposed Special Event requires the approval of Council, and Council will decide to issue or deny such Permit application based on the factors enumerated in this Bylaw.

23. The Director shall approve Special Event Permit applications with the same proposed date and Site on the following basis:

- a. if an Applicant requests to use a Site on the same calendar date(s) that an annual Special Event was held in the preceding year, the previous Special Event Permittee, if in good standing with the Municipality, will have a right of first refusal to use that Site on the same calendar date(s) in the upcoming year; and
- b. the Director will, at their sole discretion, resolve any other date or Site conflict on a case-by-case basis.

24. Permits issued under this Bylaw:

- a. apply only to the Person or Permittee to whom the Permit was issued; and
- b. shall state the terms and conditions the Director has imposed on it.

25. The Permittee must ensure that the Special Event is held in compliance with all

bylaws and other enactments and legislation.

26. Issuance of a Permit shall not be deemed to be a representation by the Municipality to the Permittee or to anyone else that the Permittee or the Special Event complies with all applicable bylaws or other enactments.
27. Prior to issuing a Permit, the Director may require a signed Compliance Declaration in lieu of collecting and inspecting all plans, permits, licenses and approvals.

SIGNS

28. No Person shall erect, place, display, allow to be erected, placed or displayed on Public Property a Sign to advertise or promote or to be used as part of a Special Event unless the Sign and the location has been approved in writing by the Director or delegate.

SPECIFIC TERMS AND CONDITIONS

29. The Director may impose specific terms and conditions with respect to a Permit in relation to:
 - a. the duration of the Permit;
 - b. the hours of operation of the Special Event;
 - c. the maximum number of Attendees allowed to attend the Special Event;
 - d. waste management, clean-up and maintenance of the Site;
 - e. public health and sanitation;
 - f. traffic control plan (vehicular and traffic control, parking control and crowd control);
 - g. the protection of public or private property;
 - h. emergency management plan;
 - i. the presence of security, police or emergency services;
 - j. the presence of medical services, medical transport or first aid;
 - k. arrangements for public transit and emergency vehicle access;
 - l. the posting of a security deposit;
 - m. the use of stages, platforms or other temporary structures on Public Property, including certification from a qualified professional that the stage, platform or temporary structure is fit for its intended use;
 - n. the erection, placement or display of Signs for the Special Event on Public Property;
 - o. the provision of an indemnity in favour of the Municipality;
 - p. the consumption and use of liquor and cannabis products;
 - q. the selling or marketing of goods or services at the Special Event, including food and beverages;
 - r. the sale, service and consumption of liquor;
 - s. the protection of the environment and management of solid waste as per

- the required Solid Waste Management Plan;
- t. notification of neighbors or other Persons who may be affected by the Special Event;
- u. the requirement of receiving a valid fireworks permit or campfire permit issued in accordance with the Ladysmith Fire Rescue;
- v. the requirement of receiving a signed Compliance Declaration prior to the commencement of the Special Event; and
- w. any other terms or conditions related to compliance with this Bylaw or another enactment.

LIABILITY & RISK MANAGEMENT

30. As a condition of granting a Permit, the Applicant must provide the Director with proof of insurance, in the form of certified copies of all relevant policies of insurance, at least fifteen (15) days prior to the first day of the event for Small Events, and thirty (30) days for Medium, Large and Extraordinary Events, in accordance with the permit.
31. Third Party liability insurance of no less than \$2,000,000 (two million) is required and if the Director is of the opinion that the nature of the proposed Special Event creates an unusual risk of bodily injury, death or property damage, third party liability insurance of not less than \$5,000,000 (five million) may be required.
32. Any Permits that include the consumption or sale of cannabis or alcohol will require Third Party Liability insurance of not less than \$5,000,000 (five million) and Liquor Host Liquor Liability Insurance of not less than \$5,000,000 (five million).
33. The Director may, as a condition of granting a Permit, require the Applicant to provide proof that the unusual risk is adequately covered by a policy of insurance for the duration of the Applicant's use of the Site, including during any preparation, disassembly and clean-up of the Site.

REFUSAL, SUSPENSION OR CANCELLATION OF A PERMIT

34. The Director may refuse to issue, suspend or cancel a Permit if:
 - a. any part of the application for the Special Event is incomplete or inaccurate;
 - b. the Special Event conflicts with another Special Event for which a Permit has been issued pursuant to this Bylaw;
 - c. there are insufficient police or emergency services available for the Special Event;
 - d. the Applicant or Permittee fails to obtain a permit, licence, approval or authorization required by a Public Authority, a Local Authority or the Municipality in respect to the Special Event;
 - e. the Applicant or Permittee fails to provide proof of insurance required pursuant to this Bylaw;

- f. the Applicant or Permittee fails to ensure compliance with a term or condition of the Permit applicable to the Special Event;
- g. the Applicant or Permittee has failed to ensure compliance with a provision of this Bylaw or other provincial or federal law or enactment;
- h. the Special Event is violent or threatens violence or may pose a danger to the health and safety of any Person;
- i. the Special Event will cause, or the Special Event or its Attendees do cause, damage to Public Property;
- j. the Special Event promotes or condones illegal activity, including the use of illicit substances;
- k. the Special Event will cause or causes cruelty to animals;
- l. the Special Event will adversely affect or adversely affects wildlife or wildlife habitats;
- m. the Special Event will adversely affect or adversely affects the use and enjoyment of public services and amenities for Persons who are not Attendees to the Special Event;
- n. the Special Event will adversely affect or adversely affects communities and infrastructure outside of the Municipality;
- o. the Special Event exposes, advocates or justifies hatred against any Person or class of Persons on the basis of the race, ancestry, place of origin, religion, marital status, family status, physical or mental disability, gender, sexual orientation, gender identity or expression, or age of that Person or class of Persons; and
- p. the Special Event excludes, either indirectly or directly, Attendees based on race, ancestry, place of origin, religion, marital status, family status, physical or mental disability, gender, sexual orientation, gender identity or expression, or age of that Person or class of Persons, except those exclusions necessary for health and safety.

35. The Director may impose specific terms and conditions on a Permit in relation to the refusal, suspension or cancellation of a Permit.

36. If the Director refuses a Permit application or suspends or revokes a Permit, the Director must provide the Applicant or Permittee notice of and written reasons for

- a. the refusal, suspension or revocation, and
- b. the opportunity to be heard by Council for reconsideration.

RECONSIDERATION BY COUNCIL

37. An Applicant or Permittee may request that Council reconsider the Director's decision to refuse, suspend, or cancel a Permit by delivering to the Corporate Officer of the Municipality a written request stating the grounds upon which the request for reconsideration is based within ten (10) business days of the date of the notice of refusal, suspension or cancellation.

38. A Permittee may request that Council reconsider the Director's decision to draw down on the security deposit amount in accordance to section 16 or to require reimbursement for costs incurred or expected to be incurred by the Municipality in connection with such losses, damages, fines, penalties in accordance with section 17 by, within ten (10) business days of the date of the notification of the decision, delivering to the Corporate Officer of the Municipality a written request stating the grounds upon which the reconsideration request is based.

ENFORCEMENT

39. The Director and Bylaw Services staff are hereby authorized to enter at all times upon the Site of the Special Event to ascertain whether the regulations and provisions of this Bylaw are being or have been complied with.

40. No Person shall obstruct the entry of the Director or other authorized officials of the Municipality on the Special Event Site in the administration of this bylaw.

41. At any time, the Director or other authorized staff may require a Permittee to provide proof of any Permit, licence, approval or authorization that is required by a Public Authority, a Local Authority or the Municipality with respect to the Special Event.

42. Every Person who:

- a. violates any of the provisions of this Bylaw;
- b. causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
- c. neglects or omits to do anything required under this Bylaw;
- d. carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Bylaw; or
- e. fails to comply with an order, direction or notice given under this Bylaw is guilty of an offence under this Bylaw.

43. Every Person who commits an offence and, upon summary conviction, shall be liable to a penalty of not less than one hundred dollars (\$100) and not more than the maximum penalty provided under the Offence Act, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence. The penalties imposed under this section will be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw or any other enactment.

44. Each day that an offence against this Bylaw continues or exists will be deemed to be a separate and distinct offence.

NOTICE

45. The Director may deliver written notice to an Applicant or Permittee personally or by mail:

- a. if the Permit applicant or Permittee is a corporation, delivering or mailing the notice to the corporation's registered office; or
- b. delivering or mailing the notice to the address of the Permit applicant or Permittee provided on the Permit application. Notice delivered in accordance with this section is presumed to have been received by the Permit applicant or Permittee, if delivered personally, on the date of delivery and, if delivered by mail, on the seventh day after the notice is mailed.

SEVERANCE

46. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

CITATION

47. This Bylaw may be cited for all purposes as "Special Event Bylaw 2024 No. 2196".

READ A FIRST TIME on the 19th day of November, 2024
READ A SECOND TIME on the 19th day of November, 2024
READ A THIRD TIME on the 19th day of November, 2024

ADOPTED on the 3rd day of December, 2024





Acting Mayor (T. McKay)



Corporate Officer (S. Bouma)

