



## **A BY-LAW RESPECTING ENTERTAINMENT EVENTS**

### **Short Title**

- 1** This By-Law shall be known and may be cited as the “Entertainment Events By-Law”.

### **Authority**

- 2** Section 172 (1) (a-c) and (d) (iii-vi) of the Nova Scotia Municipal Government Act (MGA) provides municipalities with the power to make bylaws, for municipal purposes, respecting the health, well-being, safety and protection of persons; the safety and protection of property; and respecting nuisances, activities and things that, in the opinion of council, may be or may cause nuisances, including noise, as well as prescribing the hours during which certain noises, or all noises above a certain level, specified in the by-law is prohibited, authorizing the granting of exemptions in such cases as the bylaw provides, and providing that it is an offense to engage in any activity that unreasonably disturbs the peace and tranquility of a neighborhood.
- 3** Section 10A of the Emergency Management Act- Chapter 8 of the Acts of 1990, amended 2005, c. 48, ss. 1-6; 2007, c. 10, s. 2; 2009, c. 12- An Act to provide for a Prompt and coordinated response to a state of Emergency, states that “Every municipality shall, immediately upon becoming aware of it, inform the Emergency Management Office of any real or anticipated event or emergency that could impact the health, safety or welfare of Nova Scotians, their property or the environment. 2009, c. 12, s. 3.

### **Interpretation**

- 4** (1) In this By-Law:
  - a) **“Application”** means an application in Form “A” made pursuant to this Bylaw;
  - b) **“CAO”** means the Chief Administrative Officer of the Municipality;
  - c) **“Coordinator”** means the Emergency Management Coordinator for the Municipality.
  - d) **“Council”** means the Council of the Municipality;
  - e) **“Entertainment Event”** means a musical, cultural, athletic or sporting event held outdoors or partly outdoors to which members of the public have admission in exchange for monetary or any other form of consideration;

- f) **“Large”** means One Thousand (1,000) people or more; ***If the event is utilizing municipal property, without partnerships and involvement from Municipality staff for planning and executing the event, “Large” shall mean two hundred and fifty (250) people or more; This does not include events at the Chedabucto Lifestyle Complex covered by a rental agreement.***
- g) **“Municipality”** means the Municipality of the District of Guysborough;
- h) **“Owner”** means the registered owner or occupant of premises upon which an entertainment event is held;
- i) **“Permit”** means a permit in Form “B” issued pursuant to this by-law;
- j) **“Person”** includes natural persons, bodies, corporate and unincorporated bodies or associations;
- k) **“Promoter”** means the person who has the financial responsibility for the Entertainment Event including contracting with entertainers, security firms, renting the facility, advertising the Entertainment Event and collecting gate receipts;
- l) **“EMO”** means Emergency Management Organization.

(2) Section headings herein are provided solely for reference purposes and do not form part of this by-law.

(3) Anything required to be done by the CAO in this by-law may be done by the Deputy CAO or by such other municipal employee as may be designated by Council.

### ***Permit Required***

- 5 (1) No person shall promote, organize or hold a large entertainment event within the Municipality unless that person holds a permit issued under this by-law.
- (2) Any person who promotes, organizes or holds a large entertainment event without a permit, and the owner or occupant of any property where such an event is held, who knowingly allows such an event to be held, commits an offence.

### ***Application for Permit***

- 6 (1) A person seeking a permit shall submit to the CAO a fully completed and signed application in Form “A” no later than 30 days before the event.
- (2) The application must be accompanied by a deposit of the sum of \$2,000 or such lesser amount as the CAO determines is required to cover clean-up costs, or the remission of a bond or other form of security acceptable to the CAO.
- (3) *The application must provide proof of and the amount of liability insurance for the Entertainment Event.***

### ***Issuance of Permit***

7 (1) The CAO or his or her designate shall review all applications and shall issue a permit only if satisfied that it is in proper form and that the applicant has made provision for all required information.

(2) If the application is determined to be satisfactory pursuant to this section, the CAO shall issue a permit in Form "B". The applicant shall provide sufficient evidence to satisfy the CAO as to the following:

- a) Noise generated by the event shall not unreasonably disturb the peace and tranquility of the neighborhood where the event takes place;
- b) No noise that would be audible from adjoining properties is generated before 7:00 a.m. or after 3:00 a.m.;
- c) All sewage and waste water shall be directed to a system that has the capacity to absorb it or shall be collected and lawfully transported to a disposal site;
- d) All garbage and refuse shall be collected at the site, shall not be permitted to be deposited elsewhere, and shall be lawfully disposed of;
- c) First aid treatment is available to assist any person who becomes ill or is injured at the event;
- d) There is adequate supply of potable water for the use of those attending the event;
- e) Provision is made for easy access to the site by emergency and police vehicles;
- f) There is an adequate and lawful parking area for vehicles of those attending the event;
- g) All other conditions as determined by the CAO or his or her designate

### **Revocation of Permit**

8 Where a permit has been issued, but a large entertainment event is being carried out without regard to the conditions in the permit or otherwise in contravention of this by-law, it may be revoked by the CAO or his or her designate.

### **Conduct of Events**

- 9 (1) Any person holding a large entertainment event shall ensure that:
- a) Noise generated by the event shall not unreasonably disturb the peace and tranquility of the neighborhood where the event takes place;
  - b) No noise that would be audible from adjoining properties is generated before 7:00 a.m. or after 3:00 a.m.;
  - c) All sewage and waste water shall be directed to a system that has the capacity to absorb it or shall be collected and lawfully transported to a disposal site;

- d) All garbage and refuse shall be collected at the site, shall not be permitted to be deposited elsewhere, and shall be lawfully disposed of;
  - c) First aid treatment is available to assist any person who becomes ill or is injured at the event;
  - d) There is adequate supply of potable water for the use of those attending the event;
  - e) Provision is made for easy access to the site by emergency and police vehicles;
  - f) There is an adequate and lawful parking area for vehicles of those attending the event;
  - g) All other conditions as outlined in the event permit are carried out to the satisfaction of the CAO or their designate.
- (2) Any person who fails to observe the requirements to subsection (1), and any owner who knowingly allows a large entertainment event to be held in contravention of those requirements, commits an offence.
- (3) In the event that the applicant does not cause the site to be cleaned or fails to collect garbage or refuse on adjoining or nearby properties that was generated at the event, within 72 hours of the conclusion of the event (or such further period as the CAO may allow) the Municipality may cause the deposit or other security to be used to pay the expense of that clean-up.
- (4) Any part of a deposit or other security not expended under subsection (3) shall be refunded, without interest, to the applicant after completion of the entertainment event.
- 5) Any expenditure by the Municipality for clean-up under this section in excess of the deposit may be recovered from the applicant, or promoter or owner as a debt due to the Municipality.

### **Exemption**

- 10** (1) Council, or a Committee of Council designated for that purpose, may exempt any person from the requirements of this by-law.
- (2) Any person seeking an exemption under this section shall apply, in writing, to the CAO not less than 60 days before the event, or such shorter time as the CAO may allow, setting out the nature of the exemption sought and the reasons for the application.
- (3) The CAO shall thereupon fix a date for a hearing by Council or the Committee and the applicant shall give written notice of the hearing, in a form approved by the CAO, by personal service or registered mail to all persons residing within 200 metres of the property on which the entertainment event is to occur. If the applicant fails to provide proof of service of the notice on said residents, no hearing shall be held and the application for an exemption shall be dismissed.

(4) At the hearing, the applicant and any resident given notice shall have the opportunity to be heard in regard to the application.

(5) Council or the Committee, following the hearing, may exempt the applicant from any or all of the requirements of this by-law, or modify those requirements, if satisfied that the number of persons attending the event, the nature of the event, or the charitable character of the event, do not require strict compliance with this by-law.

### ***Enforcement***

**11** (1) A peace officer or an employee or agent of the Municipality designated for that purpose may enter any property where an event is being held for the purpose of determining whether this by-law is being complied with.

(2) A person referred to in subsection (1) may direct that a contravention be remedied and may remove and impound vehicles, improvements, or other things being used at an event in contravention of this by-law, the costs of collecting the same being a first lien on the owner's property.

**12** (1) Any person who commits an offence under this by-law shall be liable to pay a fine of not less than Two Thousand Dollars (\$2000) and not more than Ten Thousand (\$10,000) and, in default of payment, to a period of imprisonment for a period of no more than two months.

2) In addition to any fine, a further penalty shall be imposed on any person guilty of an offence comprising the costs incurred by the Municipality in bringing the property in issue in compliance with the requirements of this by-law.

**13** If any of the Sections or subsections of this Bylaw are ever held to be invalid for any reason by a court of competent jurisdiction, such invalidity shall not affect the remaining parts of this Bylaw, and the balance of the Bylaw, less the objectionable Section or subsection, shall be construed and enforced as if such invalid Section or subsection had never been contained therein.

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**CAO's Annotation (Office Use Only)**

Date of first reading:	
Dates of advertisement of Notice of Intent to Consider:	
Date of second reading:	
*Date of advertisement of passage of Bylaw:	
Date of mailing to Minister a certified copy of Bylaw:	

I certify that this Special Event Bylaw # \_\_\_\_ was adopted

Chief Administrative Officer  
Municipality of the  
District of Guysborough

\*Effective Date of the Bylaw unless otherwise specified in the text of the Bylaw

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- h) Type of entertainment: \_\_\_\_\_
- i) Transportation options to and from the event (personal vehicle, shuttle, taxi, etc...):  
\_\_\_\_\_
- j) Vehicular parking arrangements (number & location): \_\_\_\_\_
- k) Security Company & Business License No.: \_\_\_\_\_
- l) Is the Security Company insured for late night events? \_\_\_\_\_
- m) Will an additional policing presence be required during the event? If yes, how many? \_\_\_\_\_
- n) Type of food and beverages available at the event: \_\_\_\_\_

**4) REQUIRED ATTACHMENTS**

- a) Two copies of the completed proposal;
- b) A deposited of Two Thousand Dollars (\$2000);
- c) A letter from the property owner indicating their approval of the event;
- d) Two copies of the complete security/operational plan that meets industry standards and include provisions and details on:
  - a. First aid,
  - b. Security,
  - c. Entrance and line control,
  - d. Traffic control,
  - e. Collection and disposal of solid waste, garbage and refuse during and after the event,
  - f. A supply of potable water.

**5. APPLICANT COMMITMENTS**

In executing this application, the Applicant and the owner of the site agrees to the following:

- Ensuring that potable water will be available to all participants.
- To cover the cost of additional Municipal Services above and beyond their normal services as proposed, presented and recommended by and agreed upon all parties involved. (Payment for additional police officers will NOT be accepted in-lieu of security personnel).
- To ensure full access to the site for all emergency personnel.

- To accept full responsibility for dealing with ticket holders in the event that a permit is not approved by the Municipality of the District of Guysborough.

DATE:

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*Applicant*

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*Owner or Occupant*

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**FORM B - Entertainment Event Permit**



A Permit to hold an entertainment event is hereby granted to:

The event shall be held at \_\_\_\_\_ on the following date(s):  
\_\_\_\_\_

The holder of this permit must observe the requirements of the By-Law, and any conditions appended to the application, copies of which are attached to this permit. Failure to comply with the By-Law may result in prosecution.

**DATED** at Guysborough, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ .

SIGNED:

\_\_\_\_\_  
Barry Carroll, CAO

**FOR OFFICE USE ONLY**

**PLANNING DEPARTMENT**

Is the proposed location suitable? Y or N  
Are residential uses in close proximity? Y or N  
Do you approve of this event? Y or N  
Comments/Conditions:

Dir. Of Planning:

**FIRE DEPARTMENT**

Max. fire capacity:  
Plans submitted/approved? Y or N  
Do you approve of this event? Y or N  
Comments/Conditions:

Fire Chief:

**Emergency Management Office**

Operational Plan submitted/approved? Y or N  
Do you approve of this event? Y or N  
Comments/Conditions:

EMO Coordinator:

**RCMP**

Security Plan submitted / approved? Y or N  
Do you approve of this event? Y or N  
Comments/Conditions:

S/Sgt:

**Emergency Health Service**

Operational Plan submitted/approved? Y or N  
Do you approve the event? Y or N  
Comments/Conditions:

EHS Rep:

**ADDITIONAL COMMENTS**