



**BYLAW NO. 09-01
OF THE TOWN OF STRATHMORE
IN THE PROVINCE OF ALBERTA**

**BEING OF BYLAW OF THE TOWN OF STRATHMORE, IN THE PROVINCE
OF ALBERTA TO REGULATE AND LICENSE CONCERTS AND OTHER
SPECIAL EVENTS.**

WHEREAS the *Municipal Government Act R.S.A. 2000, Chapter M-26*, and amendments thereto, provides that a Town may pass Bylaws respecting:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public; and
- (c) businesses, business activities and persons engaged in business.

NOW THEREFORE, the Council of the Town of Strathmore in the Province of Alberta, duly assembled, hereby enacts as follows:

TITLE:

101. This Bylaw may be cited as the "Concerts and Special Events Bylaw."

DEFINITIONS:

201. In this Bylaw:

- a) "Applicant" means a Person who applies for a Special Events Permit, as required by this Bylaw;
- b) "Application" means an application for a Special Events Permit under this Bylaw;
- c) "CAO" means the Chief Administrative Officer of the Town;

- d) "Concert or Special Event" means any public or private event, gathering, celebration, festival, competition, contest, exposition or similar type of activity which has an Expected Attendance of more than 500 people in a twenty four (24) hour period, including but not limited to the following types of events:
- i. music festivals or Concerts, including live and/or pre-recorded music, and professional and/or amateur performers,
 - ii. dances and dance parties, including live and/or pre-recorded music, and professional and/or amateur performers,
 - iii. rodeos,
 - iv. circuses,
 - v. parades,
 - vi. trade shows,
 - vii. expositions,
 - viii. exhibitions,
 - ix. athletic or sports events, meets or contests, and, shows, trials and other competitive events;
- e) "Council" means the Council of the Town of Strathmore;
- f) "Expected Attendance" means the number of people reasonably expected to attend the Concert or Special Event including the Concert or Special Event promoters, staff, personnel and entertainers.

A Concert or Special Event will be deemed to have an Expected Attendance of more than 500 if:

- i. the Special Event is held in a Venue with an occupancy of more than 500 people,
 - ii. the Special Event involves the printing or sale of more than 500 tickets or invitations, or
 - iii. any advertising for the Concert or Special Event implies that attendance at the Concert or Special Event will be more than 500 people.
- g) "Garbage" has the same meaning as set out in the Town's Garbage Bylaw;
- h) "Health Officer" means the Medical Officer of Health appointed by the Calgary Health Authority, or a person designated by the Medical Officer of Health, or where no Medical Officer of Health

has been appointed the Regional Health Authority or such other person as is designated by the Regional Health Authority;

- i) "Licensee" means the Person who has applied for and obtained a Special Event Permit pursuant to this Bylaw;
- j) "Licensing Officer" means the CAO or his/her designate;
- k) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Peace Officer appointed pursuant to the *Alberta Peace Officer Act* or a Bylaw Enforcement Officer employed by the Town;
- l) "Person" means any individual, corporation, partnership or other legal entity;
- m) "Premises" means any land or buildings situated within the Town, whether owned privately or by the Town;
- n) "Special Event Permit" means the permit issued pursuant to this Bylaw;
- o) "Town" means the Town of Strathmore and its jurisdictional boundaries;
- p) "Venue" means the Premises where the Concert or Special Event is held;
- q) "Venue Owner" means the Person who is shown on the Town's tax roll as being the registered owner of the Premises where the Concert or Special Event is to be held; and
- r) "Violation Tag" means a tag or similar documents issued by the Town pursuant to the *Municipal Government Act, R.S.A. 2000, Chapter M-26* as amended.
- s) "Violation Ticket" means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act, R.S.A. 2000, Chapter P-34*, as amended, and Regulations there under.

GENERAL PROHIBITION:

301. No Person shall operate, maintain, conduct or advertise or permit to be operated, maintained, conducted or advertised a Concert or Special Event

at any Premises in the Town unless that Person has first obtained a Special Event Permit in accordance with this Bylaw.

CONCERT OR SPECIAL EVENTS PERMIT APPLICATION

401. Applications shall be submitted to the Licensing Officer in writing, on the Application form attached to this Bylaw as Schedule "A", at least ninety (90) days prior to the proposed date of the Concert or Special Event.
402. All Applications shall be accompanied by a non-refundable Application fee of \$100.00 and shall contain, at minimum, the following information:
 - a) The name, mailing address and telephone number(s) of the Applicant and the Venue Owner.
 - i. If the Applicant is a partnership, the Application must include the names and addresses of each of the partners.
 - ii. If the Applicant is a corporation or society , the Application must have a certified copy of the Certificate of Incorporation attached and the Application form must be signed by at least two directors of the corporation or society and the Application shall contain the addresses of both directors;
 - b) A detailed description of the kind, character, or type of Concert or Special Event which the Applicant proposes to conduct, operate, or carry on;
 - c) The address or legal description of the proposed Venue, including the area and maximum occupancy of the Venue;
 - d) The Applicant shall submit proof of ownership of the Venue together with a written statement signed by the owner of the Premises indicating consent to use the site as the Venue.
 - e) The date(s) and the hours during which the Concert or Special Event is to be conducted;
 - f) The Expected Attendance for each day of the Concert or Special Event;
 - g) A detailed plan for the Concert or Special Event which provides, to the reasonable satisfaction of the Licensing Officer, the following:

- i. a general plan showing the arrangement of the facilities, including those for parking, egress, and ingress,;
 - ii. security and fire protection details;
 - iii. water supplies and facilities details and description;
 - iv. sewage and drainage facilities details and descriptions;
 - v. food supplies and facilities details and descriptions;
 - vi. sanitation facilities details and descriptions;
 - vii. first aid facilities and services details and descriptions;
 - viii. vehicle parking spaces details and descriptions;
 - ix. vehicle access for policing and on-site traffic control details and descriptions;
 - x. clean-up and removal of Garbage details and descriptions; and
 - xi. any other detail or description that the Licensing Officer in his/her discretion deems appropriate.
 - h) Contingency plan if the actual numbers of attendees at the Concert or Special Event exceed the Expected Attendance;
 - i) If it is proposed or expected that attendees, spectators or participants will remain at the Venue at night or overnight, satisfactory arrangements must be made for illuminating the Venue and for camping or similar facilities; and
 - j) Proof of liability insurance in the amount of not less than Two Million dollars (\$2,000,000), covering public liability for all personal injury and property damage that may occur by reason of the operation of the Concert or Special Event.
403. The Applicant shall agree to enter into an indemnity and hold harmless agreement with the Town to protect the Town from any liability for damage to personal or property caused by way of the issuance of the Special Event Permit.
404. Upon receipt of a completed Application, the Licensing Officer shall circulate the completed Application, at the expense of the Applicant, to all adjacent landowners. Landowners will have twenty-one (21) days from the date of circulation, to provide written comment to the Licensing Officer about the Application. The Licensing Officer may require, at

his/her sole discretion, that the Applicant hold a public meeting to address the concerns of the adjacent landowners.

405. Upon receipt of a completed Application, the Licensing Officer shall circulate the completed Application to the following individuals and agencies for their respective review and comments:
- a) the Health Officer;
 - b) the Town's Peace Officers and Bylaw Enforcement Officers,
 - c) the Town's Fire Chief,
 - d) the local RCMP,
 - e) the Alberta Gaming and Liquor Commission,
 - f) the Town's Planning Department, and
 - g) any other agency or person having jurisdiction and which, in the opinion of the Licensing Officer, may assist him/her in determining whether or not issuing the Special Event Licence is appropriate in the circumstances.
406. Upon the request by any of the individuals or agencies set out in Section 404, the Applicant shall provide access to the proposed Venue for the purpose of the individual or agency making the request conducting an inspection of the Venue. Upon request by any such individual or agency, the Applicant shall accompany the individual or agency representative on the inspection of the proposed Venue.
407. The Licensing Officer shall, within 40 days after receipt of a completed Application for a Special Event Permit, approve, approve with conditions or refuse the Application.
408. The Licensing Officer shall not issue a Special Event Permit if, in the sole opinion of the Licensing Officer:
- a) the Application is not complete,
 - b) the Application fee has not been paid,
 - c) any individuals or agencies in Sections 403 of this Bylaw were unable to inspect the Venue because the Applicant was unable or unwilling to provide them with access to all of the Venue in a timely fashion,
 - d) the proposed safety or security procedures are inadequate,

- e) the proposed Venue is inadequate for the proposed Concert or Special Event, or
 - f) the proposed Venue lacks the appropriate zoning under the Town's Land Use Bylaw to host the Concert or Special Event.
409. The Licensing Officer may refuse to issue a Special Event License if, in his/her sole opinion:
- a) the Applicant, Venue Owner or any of the directors of the Applicant or the Venue Owner have previously operated a Concert or Special Event in breach of a condition of a Special Event Permit or a Town Bylaw;
 - b) any of the individuals or agencies in Sections 403 or 404 of this Bylaw recommends against issuing the Special Event Permit;
 - c) the anticipated noise created by the Special Event would cause an unreasonable disturbance to Town residents or the general public; or
 - d) issuing the Special Event Permit may otherwise harm the health, safety, welfare or property of the attendees, Town residents, or members of the public.
410. Having consideration to the Application and to the comments received pursuant to Sections 403 and 404 of this Bylaw, the Licensing Officer may impose such conditions on the Special Event Permit that he/she in his/her sole discretion, reasonably determines as being necessary to protect the health, safety, welfare and property of the Special Event attendees, Town residents and members of the public including all minimum conditions and requirements set out in Schedule "B" of this Bylaw and, without limiting the foregoing, any or all of the following conditions:
- a) the number and qualifications of emergency medical personnel and equipment which must be available at the Venue during the Special Event,
 - b) the number and qualifications of security personnel which must be available at the Venue during the Special Event,
 - c) safety and security procedures to be in place during the Special Event,
 - d) Expected Attendance,
 - e) parking at the Venue and transportation and transportation routes to and from the Venue in accordance with Schedule "B",
 - f) noise abatement and/or monitoring measures,
 - g) hours of operation of the Special Event, and

- h) such other conditions which are, in the opinion of the Licensing Officer, reasonably necessary to protect the health, safety, welfare and property of the Special Event attendees, Town residents or members of the public.
- 411. An Applicant whose Application has been refused may file a written appeal , including the reasons for the appeal, with Council within 7 days of receipt of the Licensing Officer's decision to refuse the Application. Council shall hold an appeal hearing within 30 days of receipt of the written appeal and shall hear from the Applicant, Licensing Officer, any party who received notice of the Application, and any other party who claims to be affected by the decision and who Council deems appropriate to hear.
- 412. After hearing the appeal, Council may refuse the appeal or allow the appeal and issue the Special Events Permit with or without conditions in accordance with this Bylaw.

PERMIT REQUIREMENTS

- 501. Unless the Licensing Officer has, in his/her sole discretion, enhanced, waived or modified the minimum requirements set out in Schedule "B", every Special Event Permit shall be, at minimum, subject to the conditions and requirements set out in Schedule "B" attached to this Bylaw.
- 502. A Licensee shall comply with all relevant Federal, Provincial or Municipal laws in existence at the time of the Concert of Special Event.
- 503. All costs and expenses incurred in meeting the requirements of this Bylaw and any conditions of the Special Event Permit shall be borne by the Licensee.

EXEMPTIONS

- 601. The Licensing Officer may, in his/her sole discretion, modify or waive any of the Schedule "B" conditions where it appears that granting such modification or relief would not compromise the interests, safety and well being of the attendees, Town residents, or the general public or where the proposed event would serve the greater community interest.
- 602. The authority of the Licensing Officer to grant relief from the requirements of Schedule "B" shall be limited to those items within the authority of the Licensing Officer under this Bylaw and does not relieve the Licensee from any conditions or requirements imposed by other

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Federal, Provincial or Municipal legislation, regulation, bylaw, or contract or otherwise.

VALIDITY OF SPECIAL EVENT PERMIT

701. A Special Event Permit is only valid for one Special Event held on the date as specified on the Special Event Permit.

GENERAL PENALTY PROVISION:

801. Any Person who holds, conducts, manages or organizes or who permits to be held, conducted, managed or organized, a Concert or Special Event without obtaining a Special Event Permit or in contravention of this Bylaw or the conditions of the Special Event Permit is guilty of an offence under this Bylaw and is liable on conviction to imposition of a penalty as prescribed by this Bylaw.
802. Any Person who provides false or misleading information in an Application is guilty of an offence and is liable on conviction to imposition of a penalty as prescribed by this Bylaw.
803. Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a penalty as prescribed by this Bylaw.
804. A Venue Owner must ensure that a Special Event Permit has been obtained before permitting the Concert or Special Event to take place at the Venue.
805. The Licensee and Venue Owner are jointly and severally responsible for ensuring that all conditions of the Special Event Permit and this Bylaw are fully complied with.

ENFORCEMENT AND PENALTY

901. Any Person who has contravened this Bylaw or provisions of a Special Event Permit is guilty of an offence and is liable on conviction to the imposition of a fine of not more than Ten Thousand Dollars (\$10,000.00) and not less than Five Thousand (\$5,000.00) Dollars and, in addition, to a fine of not more than Ten Thousand Dollars (\$10,000.00) for every day the offence continues and in default of payment, to imprisonment for a term not exceeding one (1) year.
902. The Licensing Officer or a Peace Officer may immediately revoke a Special Event Permit where:

- a) The Licensee fails, neglects, or otherwise refuses to pay to the Town, the fee prescribed by a provision of this Bylaw;
 - b) The Licensee or his/her employee or agents fail, neglect, or otherwise refuse to fulfill any or all of the Special Event Permit conditions imposed pursuant to the provisions of this Bylaw;
 - c) The Licensee allows the Concert or Special Event to be conducted in a manner contrary to the terms of this Bylaw or contrary to the terms and conditions of the Special Event Permit;
903. In addition to the authority under Section 902 above, where a Peace Officer has reasonable grounds to believe that a provision of this Bylaw has been contravened, that Peace Officer is authorized and empowered to issue a Violation Tag to any Person who the Peace Officer has reasonable grounds to believe is responsible for the contravention.
904. A Violation Tag issued pursuant to this Bylaw shall be in a form approved by the CAO and may be delivered to the Person reasonably believed to have contravened this Bylaw by means of actual service upon the Person or by mailing a copy to the Person at his/her address as it appears on the tax roll.
905. Where a Violation Tag is issued pursuant to this Bylaw, the Person to whom the Violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town, the penalty specified on the Violation Tag within seven (7) business days if delivered by actual service to the Person and within fourteen (14) business days if served by mail.
906. Where a violation Tag has been issued and the specified penalty not paid within the prescribed time, the right of the Person named on the Violation Tag to pay the penalty in lieu of prosecution shall expire and the Peace Officer is authorized to issue a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act R.S.A. 2000, c. P-34*, as amended or repealed and replaced from time to time, to any Person that the Peace Officer has reasonable ground to believe contravened a provision of this Bylaw.
907. Notwithstanding Section 903, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person whom the Peace Officer has reasonable grounds to believe has contravened or is responsible for a contravention of any provision of this Bylaw regardless of whether a Violation Tag has first been issued. Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket.

EFFECTIVE DATE:

1001. This Bylaw shall come into full force and effect upon third and final reading.

READ A FIRST TIME this _____ day _____ of _____
January 21, 2009.

READ A SECOND TIME this _____ day of _____,
January 21, 2009.

READ A THIRD AND FINAL TIME this _____ day of _____,
January 21, 2009.

MAYOR

MUNICIPAL CLERK

Schedule "A"
Concert or Special Events Permit
Application Form

Applicant's Name: _____

Mailing Address: _____

If Application being made by Partnership or Incorporation:

Partner's/ Director's Name: _____

Mailing Address: _____

Partner's/ Director's Name: _____

Mailing Address: _____

(If more space is required please attach a separate sheet along with a copy of the Certificate of Incorporation)

Venue Owner's Name: _____

Mailing Address: _____

Kind, Character or Type of Concert or Special Event: _____

Address or Legal Description of the location event is to be held:

(Applicant must attach proof of ownership the above Venue or a written statement signed by the Owner indicating consent for use of the property).

This information is being collected for the purpose of the issuance of a Concert of Special Events Permit pursuant to the provisions of the Municipal Government Act and its regulations, and pursuant to Section 32 (c) of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection and distribution of this information you may contact the Town of Strathmore FOIP Coordinator at (403) 934-3133.

Area and Maximum Occupancy of the Venue: _____

Date(s) and hours Concert of Special Event is to be conducted: _____

Expected Attendance for Each Day of the Concert of Special Event: _____

Please attach the following:

1. A detailed plan for the Concert or Special Event which provides, to the reasonable satisfaction of the Licensing Officer, the following:
 - a. a general plan showing the arrangement of the facilities, including those for parking, egress, and ingress,;
 - b. security and fire protection details;
 - c. water supplies and facilities details and description;
 - d. sewage and drainage facilities details and descriptions;
 - e. food supplies and facilities details and descriptions;
 - f. sanitation facilities details and descriptions;
 - g. first aid facilities and services details and descriptions;
 - h. vehicle parking spaces details and descriptions;
 - i. vehicle access for policing and on-site traffic control details and descriptions;
 - j. clean-up and removal of Garbage details and descriptions; and
 - k. any other detail or description that the Licensing Officer in his/her discretion deems appropriate.

2. A contingency plan if the actual numbers of attendees at the Concert or Special Event exceed the Expected Attendance;

3. If it is proposed or expected that attendees, spectators or participants will remain at the Venue at night or overnight, satisfactory arrangements must be made for illuminating the Venue and for camping or similar facilities; and
4. Proof of liability insurance in the amount of not less than Two Million dollars (\$2,000,000), covering public liability for all personal injury and property damage that may occur by reason of the operation of the Concert or Special Event.

Schedule "B"
Special Event Permit Conditions

1. Subject to the discretion of the Licensing Officer, the following conditions are mandatory minimum requirements for all Special Event Permits. At the Licensing Officer's sole discretion, these conditions may be modified, waived, added to or enhanced.
2. The Licensee is solely responsible for the cost associated with meeting the following Conditions:
 - a) **Security protection:** Every Licensee shall provide, at minimum, six (6) security officers for the first five hundred (500) persons expected to be in attendance and an addition of one (1) more security officer for every additional one hundred (100) persons in attendance.
 - b) **Peace Officers:** If the presence of Peace Officers at the Concert or Special Event is deemed required by the Licensing Officer and the RCMP, in joint consultation, the cost of having Peace Officers in attendance at the Special Event shall be paid for by the Licensee at the time the Concert or Special Event Permit is issued.
 - i) A minimum of two Peace Officers is required for every one thousand (1000) persons expected at the Concert or Special Event. The Town and the RCMP, in joint consultation, shall determine the maximum number of Peace Officers required based upon the nature of the Concert or Special Event together with the Expected Attendance.
 - ii) For the purposes of this section only, a Peace Officer shall mean members of the Royal Canadian Mounted Police but *may* include the combination of a member of the RCMP and a Peace Officer as appointed pursuant to the Alberta ***Peace Officer's Act*** and shall *not* refer solely to the Town of Strathmore Peace Officers alone.
 - iii) The fee rate for Peace Officers shall be current to the date of the Application, at the top end scale hourly rate for the individual agency plus time and a half. In the event that the actual costs incurred in providing Peace Officers exceeds the amount paid at the time of Permit issuance, the Licensee is responsible to pay the difference to the Town, upon receipt of the Town's invoice to that regard.
 - c) **Water and sanitation facilities:** Every Licensee shall provide an ample supply of potable water for drinking and sanitation purposes at the Venue.

- i) The minimum supply of water to outdoor Concerts or Special Events shall be sixty-eight (68) liters of water for each person in attendance per day;
- ii) All water shall meet all Federal and Provincial drinking water standards; and
- iii) Public and private flush-type water closets, lavatories and drinking facilities and sewage and drainage systems and items incidental to the operation of the foregoing shall be required in numbers as determined by the Health Officer.

This condition shall only be deemed to have been met where the Health Officer has accepted such arrangements as satisfactory.

- d) ***Garbage Disposal:*** Every Licensee shall be required to furnish such trashcans and Garbage receptacles as may be required by the Health Officer.
 - i) An adequate supply of plastic bag liners to fit the trash cans shall be provided and each container shall at all times have a plastic bag liner inserted and, when full, it shall be tied and removed and a new plastic bag liner inserted.
 - ii) The pickup and removal of trash, refuse, garbage and rubbish shall be done at least once a day or more often if required by the Health Officer, and at the end of the Concert or Special Event. A signed contract with a licensed refuse collector shall be submitted and filed with the Licensing Officer and with the Health Officer.
- e) ***First aid facilities:*** Every Licensee shall provide such first aid facilities at the Venue as may be required by the Health Officer.
 - i) The Licensee shall provide on-site ambulance services to transport persons attending the Concert or Special Event from the Venue to the nearest hospital where the need arises.
 - ii) The type of ambulance service shall be as required by the Health Officer.
- f) ***Parking areas:*** Every Licensee shall provide adequate parking spaces for persons attending the Concert or Special Event by motor vehicle.
 - i) The Licensee may be required to provide a separate parking space for every two (2) persons expected to attend the Concert or Special Event by motor vehicle. Such parking areas shall be clearly marked.

- i) The Applicant's "parking plan" requires approval by the Licensing Officer before the Special Event Permit shall be issued.

- g) ***Access and parking control:*** The Licensee shall provide adequate ingress and egress to the Venue and parking areas, therefore necessary roads, driveways and entrance ways shall exist to insure the orderly flow of traffic into the Venue from a public highway or road.
 - i. A special access way for fire equipment, ambulances and other emergency vehicles may be required. The Licensing Officer shall approve the Licensee's plan for ingress and egress before a the Special Event Permit shall be issued.
 - ii. Any Licensee may be required to show that traffic guards are under the Licensee's employ to insure orderly traffic movement and relieve traffic congestion in the vicinity of the Venue.

- h) ***Hours of operation:*** All Concerts or Special Events, which are subject to a Special Event Permit shall close and cease operations continuously between the hours of 2:00 a.m. and 6:30 a.m. of each and every day.