

BYLAW NO. 7-13

LEDUC COUNTY

A BYLAW OF LEDUC COUNTY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH LICENSING AND REGULATION OF CONCERTS AND OTHER SPECIAL EVENTS

WHEREAS

Sections 7 & 8 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended provide that a council may pass bylaws for municipal purposes 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;
- c) nuisances; and
- d) the enforcement of bylaws;

AND WHEREAS

the Council of Leduc County deems it advisable and in the public interest to regulate concerts and other special events within the boundaries of Leduc County;

NOW THEREFORE

the Council of Leduc County in the Province of Alberta, duly assembled, hereby enacts as follows:

TITLE

1. This Bylaw may be cited as the "Concert & Special Events Bylaw."

DEFINITIONS

2. In this Bylaw,
 - (a) "County Manager" means the Chief Administrative Officer of Leduc County or their delegate;
 - (b) "Concert or Special Event" means any public or private event, gathering, celebration, festival, competition, contest, exposition or similar type of activity, held indoors, outdoors or a combination of both, which has an expected attendance of more than 250 people, including promoters, staff personnel and entertainers, and includes but is not limited to the following events:
 - i. Music festivals or concerts, including live and / or pre-recorded music with professional and / or amateur performers;
 - ii. Dances and dance parties, including live and / or pre-recorded music with professional and / or amateur performers;

BYLAW NO. 7-13

- 2 -

- iii. Rodeos;
 - iv. Circuses;
 - v. Parades;
 - vi. Trade shows;
 - vii. Expositions;
 - viii. Exhibitions;
 - ix. Athletic or sports events, meets, shows, contests, trials and other competitive events;
- (c) "Council" means the Council of Leduc County;
- (d) "Licence" means a licence issued by the County Manager authorizing a Concert or Special Event to take place within the Municipality;
- (e) "Licensee" means a person named on a Licence issued pursuant to this Bylaw;
- (f) "Municipality" means Leduc County;
- (g) "Peace Officer" means any Community Peace Officer or Bylaw Enforcement Officer employed by Leduc County, or member of the Royal Canadian Mounted Police;
- (h) "Person" means
- (i) "Security Officer" means a person who is licensed in the Province of Alberta to patrol, guard or provide security for another person or for the property of another person, or detect loss of or damage to the property of another person.

GENERAL PROHIBITION

3. A person shall not operate, maintain, conduct or advertise a Concert or Special Event in the Municipality unless they hold a valid and subsisting Licence for that Concert or Special Event and then only in accordance with the terms and conditions of the Licence issued.

LICENCE APPLICATION

4. (a) Application for a Licence to conduct a Concert or Special Event shall be made to the County Manager, in writing, at least ninety (90) days prior to the proposed date of the Concert or Special Event and shall be accompanied by a non-refundable application fee as prescribed by the Municipality's and shall contain the following information:
- i. The name, age, email address, residence and mailing address with the phone number or numbers of the person making such application. If the application is made by a partnership the name and addresses of the partners shall appear. Where the applicant an incorporated company the application shall be signed by at

BYLAW NO. 7-13

- 3 -

- ii. least two directors of the incorporated company and shall contain the address of such corporate directors and shall have attached a certified copy of the Certificate of Incorporation;
- iii. A written statement outlining the specific nature, kind, character, and type of Concert or Special Event which the applicant is seeking a Licence;
- iv. The municipal address and legal description of the property where the proposed Concert or Special Event is to be held. The applicant shall submit proof of ownership of the place where the Concert or Special Event is to be held or a written document signed by the owner of the property indicating their consent that the property be used for the proposed Concert or Special Event;
- v. The date or dates and the hours during which the proposed Concert or Special Event is to be held;
- vi. An estimate of the number of customers, spectators, participants, and other persons expected to attend the Concert or Special Event for each day it is proposed to be held;
- vii. Proof, in a form satisfactory to the County Manager, that the applicant has adequate financial means to carry out the Concert or Special Event, including any conditions that may be imposed on the License being applied for. The County Manager may, in their discretion, require the applicant to provide a letter of credit, in an amount deemed appropriate given the nature of the proposed event, as security;
- viii. A detailed written explanation of the applicant's plans to provide security and fire protection, water supplies and facilities, sewage and drainage facilities, food supplies and facilities, sanitation facilities, first aid facilities and services, vehicle parking spaces, vehicle access, policing and on site traffic control and if it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for illuminating the property and for camping or similar facilities. The applicant's plans shall include what provisions will be made for numbers of spectators in excess of the estimate, provisions for the clean-up of the property and provisions for the removal of garbage after the Concert or Special Event has concluded. The applicant shall include a site plan that clearly indicates the arrangement of the all facilities associated with the proposed Concert or Special Event, including but not limited to those for parking and event ingress and egress;

BYLAW NO. 7-13

- 4 -

- ix. A written statement outlining the details of any licensing request that the applicant has made or intends to make to the Alberta Liquor and Gaming Commission where the applicant is planning to have alcohol at the proposed Concert or Special Event;
 - x. Proof, in a form satisfactory to the County Manager, that the application has liability insurance for the proposed Concert or Special Event in an amount of not less than five million dollars (\$5,000,000), covering public liability for all personal injury and property damage that may occur by reason of the operation of the Concert or Special Event, and naming the Municipality as an additional named insured; and
 - xi. Anything else reasonably required by the County Manager to process the application.
- (b) A Concert or Special Event shall be deemed to have an expected attendance of more than 250 people when:
- i. The event is to be held in a venue with an occupancy of more than 250 people;
 - ii. The event involves the printing or sale of more than 250 tickets or invitations; or
 - iii. Any advertising for the event implies that attendance at the event will be more than 250 people.
5. The County Manager shall not issue a Licence pursuant to this Bylaw unless the County Manager is satisfied that the applicant meets all of the conditions and requirements set out in this Bylaw.
6. (a) Notwithstanding section 5, the County Manager may, in their discretion, exempt a specific function or event from the requirement to obtain a Licence where, in the opinion of the County Manager, to do so would be in the public interest.
- (b) Functions or events the County Manager may exempt from the requirement to obtain a Licence include but are not limited to private social functions such as family reunions and weddings, non-profit private parties/events and community hall or public facility based events and celebrations that are non-commercial in nature.
7. Prior to issuing a Licence the County Manager may consult with and obtain relevant and material information from the Royal Canadian Mounted Police, Alberta Health Services, the Alberta Liquor and Gaming Commission, any department of the Municipality or any other agency which, in the opinion of the County Manager, may assist the County Manager in determining whether or not issuing a Licence for a particular Concert or Special Event is appropriate in the circumstances.

BYLAW NO. 7-13

- 5 -

8. If a Concert or Special Event to which a Licence has been issued is of a recurring nature, the County Manager may, in their discretion, renew the Licence for that Concert or Special Event on any terms or conditions the County Manager deems appropriate.
9. The County Manager may refuse to issue or renew a Licence and may suspend or cancel a Licence for the following reasons:
 - (a) the applicant or Licensee does not or no longer meets the requirements of this Bylaw with respect to the Licence applied for or held;
 - (b) the applicant or Licensee or any of its officers or employees:
 - (i) furnishes false information or misrepresents and fact or circumstance to a Peace Officer or the County Manager;
 - (ii) has, in the opinion of the County Manager based on reasonable grounds, contravened this Bylaw whether or not the contravention has been prosecuted; or
 - (c) in, the opinion of the County Manager based on reasonable grounds, it is in the public interest to do so.

LICENCE CONDITIONS

10. A License is not transferrable.
11. It is a deemed condition of every Licence that the Licensee shall, **at their sole expense and to the satisfaction of Leduc County**:
 - (a) provide security for the approved Concert or Special Event, which shall include at least one Security Officer for every 100 persons expected to be in attendance, and comply with any security plan approved by the County Manager;
 - (b) provide ample supply of potable water for drinking and sanitation purposes and adequate drinking water and sanitation facilities for the Concert or Special Event;
 - (c) provide adequate garbage receptacles and remove all garbage from the location of the Concert or Special Event;
 - (d) provide first aid services and comply with any medical plan approved by the County Manager;
 - (e) ensure that the liability insurance associated with the Concert or Special Event remains in full force and effect;
 - (f) only hold the Concert or Special Event on the dates and times specified on the Licence;
 - (g) comply with all terms and conditions specified on the Licence; and

BYLAW NO. 7-13

- 6 -

- (h) comply with all relevant Federal, Provincial and Municipal laws in effect.

GENERAL PENALTY PROVISION

12. Any person who:

- (a) operates, maintains, conducts or advertises a Concert or Special Event in the Municipality without having a valid and subsisting Licence for the Concert or Special Event; or
- (b) having obtained a Licence, fails to comply with any term or condition set out in this Bylaw or specified on the Licence; or
- (c) who obstructs or hinders any other person in the exercise or performance of that person's powers or duties pursuant to this Bylaw;

is guilty of an offence and is liable on summary conviction to a fine in an amount not less than that established in section 13 and not exceeding \$10,000 and to imprisonment for not more than six months for non-payment of a fine.

13. Without restricting the generality of section 12, the following fine amounts are established for use on violation tickets if a voluntary payment option is offered:

- (a) **five thousand dollars (\$5,000) for a first offence;** and
- (b) **seven thousand five hundred dollars (\$7,500) for any subsequent offence.**

ENFORCEMENT

14. Where a Peace Officer has reasonable grounds to believe that a person has violated any provision of this Bylaw, the Peace Officer may commence Court proceedings against such person by:

- (a) issuing the person a violation ticket pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, as amended; or
- (b) swearing an information and complaint against the person.

15. Where a Peace Officer issues a person a violation ticket in accordance with Section 14, the Peace Officer may either:

- (a) allow the person to make a voluntary payment of the minimum specified penalty as provided for the offence in this Bylaw by indicating such specified penalty on the violation ticket; or

BYLAW NO. 7-13

- 7 -

- (b) require the person to appear in court without the alternative of making a voluntary payment where the Peace Officer believes that such court appearance is in the public interest, pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.

- 16. No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall in any way restrict, limit, prevent, or preclude the Municipality from pursuing any other remedy the Municipality may have at common law or by operation of statute.

SEVERABILITY

- 17. Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

STRICT LIABILITY OFFENCE

- 18. It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

PROOF OF LICENCE OR EXEMPTION

- 19. The onus of proving that a person has a valid and subsisting Licence is on the person alleging the existence of the Licence on a balance of probabilities.
- 20. The onus of proving that a person is exempt from the provisions of this Bylaw requiring a Licence is on the person alleging the exemption on a balance of probabilities.

DELEGATION OF POWERS

- 21. Without restricting any other power, duty or function granted by this Bylaw, the County Manager may:
 - (a) carry out whatever inspections are reasonably required to determine compliance with this Bylaw;
 - (b) take any steps or carry out any actions required to enforce this Bylaw;
 - (c) take any steps or carry out any actions required to remedy a contravention of this Bylaw;
 - (d) establish forms for the purposes of this Bylaw;
 - (e) refuse to issue a Licence or issue a Licence, with or without terms and conditions as the County Manager deems appropriate, acting reasonably; and
 - (f) delegate any powers, duties or functions under this Bylaw to an employee of the Municipality.

BYLAW NO. 7-13

- 8 -

OTHER PERMITS AND APPROVALS

22. Nothing in this Bylaw relieves any person from any requirement to obtain any license, permit or approval under any other Bylaw of the Municipality or any provincial or federal statute or regulation.

REPEAL

23. Bylaw No. 1546-81 and Bylaw No. 1644-83 are hereby repealed.

EFFECTIVE DATE

24. This Bylaw shall come into force and effect upon the date of its third reading.

Read a first time this 9th day of April, A.D. 2013.

Read a second time this 9th day of April, A.D. 2013.

John Whaley
MAYOR

[Signature]
COUNTY MANAGER

Read a third time and passed this 23 day of April, A.D., 2013.

John Whaley
MAYOR

[Signature]
COUNTY MANAGER