

**WHEATLAND COUNTY
BYLAW 2023-15
SPECIAL EVENTS BYLAW**

BEING A BYLAW OF WHEATLAND COUNTY IN THE PROVINCE OF ALBERTA TO ESTABLISH LICENSING AND REGULATION OF SPECIAL EVENTS

WHEREAS the *Municipal Government Act*, RSA 2000, C. M-26 provides that a Council of a municipality may pass bylaws that regulate or prohibit, and provide for a system of licences, permits, or approvals 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 Wheatland County deems it advisable and in the public interest to regulate special events within the boundaries of Wheatland County;

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

1. TITLE

1.1 This Bylaw may be cited as the "Special Events Bylaw."

2. DEFINITIONS

2.1 In this Bylaw,

- (a) "Applicant" means a person who applies for a Licence, as required by this Bylaw.
- (b) "Council" means the Council of Wheatland County;
- (c) "Licence" means a Licence issued by the Licensing Officer authorizing a Special Event to take place within the Municipality;
- (d) "Licensee" means a person named on a Licence issued pursuant to this Bylaw;
- (e) "Licensing Officer" means the Chief Administrative Officer of Wheatland County or their delegate;
- (f) "Municipality" means Wheatland County;
- (g) "Owner" means the Person or Corporation who is shown on the title as being the registered owner of the venue where the Special Event is being held;
- (h) "Peace Officer" means any Community Peace Officer or Bylaw Enforcement Officer employed by Wheatland County, or member of the Royal Canadian Mounted Police;

- (i) "Person" includes a corporation and the heirs, executors, administrators, or other legal representatives of a person;
- (j) "Public Place" means any place to which the public has access as a right or by invitation, express or implied, and without restricting the foregoing to constitute a public place, not all segments of the public need to have a right of access, this includes public land and may include private land;
- (k) "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 200 or more 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;
- (iii) parades;
- (iv) rodeos;
- (v) circuses;
- (vi) trade shows;
- (vii) expositions;
- (viii) exhibitions;
- (ix) athletic or sports events, meets, shows, contests, and other competitive events; that may include one or more of the following;

- i. blocking or restricting the use of a public place
- ii. Impacting adjacent landowners
- iii. Requiring the set-up of structures
- iv. Requiring road closures or traffic control
- v. Requiring signage, parking, or security

but does not include:

- (i) family reunions, weddings, or funerals;
 - (ii) events for which a development permit has been issued under the Municipality's Land Use Bylaw to allow for incidental gatherings or events; or
 - (iii) farmers' markets.
- (j) "Venue" means the location or locations where a special event is held, including all ingress/egress routes, parking, and necessary facilities for the event.

3. GENERAL PROHIBITION

- 3.1 A Person shall not operate, maintain, conduct, or advertise a Special Event in the County unless they hold a valid and subsisting Licence for that Special Event and then only per the terms and conditions of the Licence issued.

4. SPECIAL EVENTS

- 4.1 A Special Event shall be deemed to have an expected attendance of 200 or more people when:
- a) the event is to be held in a venue with an occupancy of 200 or more people;
 - b) the event involves the printing or sale of 200 or more tickets or invitations; or
 - c) any advertising for the event implies that attendance at the event will be more than 200 or more people.
- 4.2 Regardless of the number of expected attendees, a Licence shall be required where the event may reasonably be expected to:
- a) impact traffic or pedestrian flows on highways, or require partial or complete temporary highway closures;
 - b) impact the public use of County property or services;
 - c) include high-risk activities such as pyrotechnics or inflatable activity structures, or the construction or erection of tents, canopies, or stages; or
 - d) result in noise levels that will likely exceed those permitted under the Wheatland County Noise Bylaw.

5. LICENCE APPLICATIONS

- 5.1 An application for a Licence to conduct a Special Event shall be made to the Licensing Officer at least ninety (90) days before the proposed date of the Special Event.
- 5.2 An application for a Licence to conduct a Special Event shall include the following information;
- a) Full name and address of the Applicant (if the Applicant is a corporation, the names and address of all corporate directors);
 - b) Full name and addresses of all responsible parties;
 - c) The complete rural address and legal land location of the venue where the Special Event is being conducted;
 - d) A letter of authorization from the registered landowner (If there are multiple registered landowners, there must be letters from all owners) allowing the event to be held on their land;
 - e) A detailed description of the kind, character, or type of Special Event which the Applicant proposes to conduct, operate, or carry on;

- f) The date(s) and hours during which the Special Event is to occur;
 - g) The expected attendance for each day of the Special Event.
- 5.3 The Licensing Officer may, at their discretion, consider an application received outside of the deadline set out in subsection 5.1.
- 5.4 The Licensing Officer shall only issue a Licence pursuant to this Bylaw if the Licensing Officer is satisfied that the Applicant meets all the conditions and requirements set out in this Bylaw.
- 5.5 Notwithstanding subsection (3), the Licensing Officer may, in their discretion, exempt a specific function or event from the requirement to obtain a Licence where, in the opinion of the Licensing Officer, to do so would be in the public interest.
- 5.6 Before issuing a Licence, the Licensing Officer 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 Licensing Officer, may assist the Licensing Officer in determining whether issuing a Licence for a particular Special Event is appropriate in the circumstances.
- 5.7 If a Special Event to which a Licence has been issued is recurring, the Licensing Officer may, at their discretion, renew the Licence for that Special Event on any terms or conditions the Licensing Officer deems appropriate.

6. LICENCE CONDITIONS

- 6.1 A Licence is not transferrable.
- 6.2 Every Licence shall include a commencement and expiry date.
- 6.3 A copy of the Licence shall be kept at the Special Event's location and produced upon demand.
- 6.4 It is a deemed condition of every Licence that the Licensee shall, at their sole expense and to the satisfaction of Wheatland County:
- a) provide ample supply of potable water for drinking and sanitation purposes and adequate drinking water and sanitation facilities for the Special Event;
 - b) provide adequate parking for Persons attending the Special Event by motor vehicle;
 - c) provide adequate garbage receptacles and remove all garbage from the location of the Special Event;
 - d) comply with a security plan approved by the Licensing Officer;
 - e) comply with a medical and safety plan approved by the Licensing Officer;
 - f) comply with a fire plan approved by the Licensing Officer;

- g) ensure that adequate liability insurance associated with the Special Event remains in full force and effect;
- h) only hold the Special Event on the dates and times specified on the Licence;
- i) comply with all terms and conditions specified on the Licence; and
- j) comply with all relevant Federal, Provincial and Municipal laws.

7. ENTRY AND REVOCATION

- 7.1 A designated officer of the Municipality or his or her delegate may, at all reasonable times, enter on any public or private property to inspect and determine whether this Bylaw, and the terms, conditions, restrictions, and requirements of any Licence issued under this Bylaw, are being complied with.
- 7.2 The Licensing Officer may refuse to issue or renew a Licence and may suspend or revoke a Licence for the following reasons:
 - a) the Applicant or Licensee does not or no longer meets the requirements of this Bylaw concerning the Licence applied for or held;
 - b) the Applicant or Licensee or any of its officers or employees:
 - (i) furnishes false information or misrepresents any fact or circumstance to a Peace Officer or the Licensing Officer;
 - (ii) has, in the opinion of the Licensing Officer based on reasonable grounds, contravened this Bylaw whether the contravention has been prosecuted; or
 - (iii) in the opinion of the Licensing Officer, based on reasonable grounds, it is in the public interest to do so.
- 7.3 The licencing officer may refuse to issue a Special Events Licence for a venue where the design and use of the property, whether designated or not, is designed specifically to hold multiple functions.

8. PENALTIES

- 8.1 Any Person who:
 - a) operates, maintains, conducts, or advertises a Special Event in the Municipality without having a valid and subsisting Licence for the 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 under this Bylaw;is guilty of an offence and liable to a fine not less than that established in this section and not exceeding \$10,000.00.
- 8.2 Without restricting the generality of subsection (1) the fine amounts set out in

Schedule "A" are established for use on municipal tags and violation tickets if a voluntary payment option is offered.

- 8.3 Notwithstanding subsection (1), any Person who commits a second or subsequent offence under this Bylaw within one (1) year of conviction for a first offence under this Bylaw, is liable on summary conviction to a fine not less than the increased amount set out for the offence in Schedule "A" to this Bylaw.
- 8.4 In the case of an offence that is continuing, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues, and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

9. MUNICIPAL TAG

- 9.1 A Peace Officer is hereby authorized and empowered to issue a municipal tag to any Person who the Peace Officer has reasonable and probable grounds to believe has committed an offence under this Bylaw.
- 9.2 A municipal tag may be issued to such Person:
- a) either personally;
 - b) by mailing a copy to such Person at his or her last known post office address; or
 - c) by electronic means if the Person has consented to receive documents from the Municipality by those electronic means and has provided an e-mail address, website, or other electronic address to the Municipality for that purpose.
- 9.3 The municipal tag shall be in a form approved by the Licensing Officer and shall state:
- a) the name of the Person;
 - b) the offence;
 - c) the specified penalty established by this Bylaw for the offence;
 - d) that the penalty shall be paid within 14 days of the issuance of the municipal tag; and
 - e) any other information as may be required by the Licensing Officer.
- 9.4 Where a municipal tag is issued pursuant to this Bylaw, the Person to whom the municipal tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified within the time period indicated on the municipal tag.

10. VIOLATION TICKET

- 10.1 If a municipal tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences*

Procedure Act, RSA 2000 c P-34.

- 10.2 Notwithstanding subsection (1), a Peace Officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the *Provincial Offences Procedure Act, RSA 2000 c P-34*, to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 10.3 Where a Peace Officer issues a Person a violation ticket in accordance with this section, 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
 - b) require a Person to appear in court without the alternative of making a voluntary payment.
- 10.4 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.

11. STRICT LIABILITY OFFENCE

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

12. PROOF OF LICENCE OR EXEMPTION

- 12.1 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.
- 12.2 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.

13. OTHER PERMITS AND APPROVALS

- 13.1 Nothing in this Bylaw relieves any Person from any requirement to obtain any licence, permit or approval under any other Bylaw of the Municipality or any provincial or federal statute or regulation.

14. SEVERABILITY

- 14.1 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.

15. REPEAL

- 15.1 Bylaw 2002-02 is hereby repealed upon passage of Bylaw 2023-15.

16. EFFECTIVE DATE

16.1 This Bylaw shall come into force and effect upon being passed.

Read a first time this ____ day of _____, 2023.

Read a second time this ____ day of _____, 2023.

Read a third time and finally passed this ____ day of _____, 2023.

Amber Link - Reeve

Brian Henderson - Chief Administrative Officer

SCHEDULE "A"

SECTION	DESCRIPTION	PENALTY
3	Fail to obtain Special Events Licence	First Offence: \$500 Second Offence: \$1000 Subsequent Offences: \$1000
6	Fail to comply with Special Events Licence Conditions	First Offence: \$250 Second Offence: \$500 Subsequent Offences: \$500
7	Obstruct Officer	First Offence: \$250 Second Offence: \$500 Subsequent Offences: \$500

DRAFT