

1. Title

This By-law shall be known as the Special Event By-law.

2. Purpose

Special events enrich the cultural life of the community and contribute to the business community of Mahone Bay by encouraging visitors. The purpose of this Special Events By-Law is to contribute to the viability of the business community by ensuring consistency and providing guidelines for the safety of Event Organizers and participants.

3. Definitions

- a. Mass Gathering means a special event, typically 300 or more, at an event or activity where there is potential to place exceptional demands on, or have impact on, the community and its services and resources. Such events can be one-time or recurring annual activities attracting a relatively large number of people in a confined area (either indoor or outdoor). For clarity, all Mass Gatherings shall be considered Special Events as defined under this By-law.
- b. Organizer means the person/organization who has the financial and operational responsibility for the special event or mass gathering including contracting with entertainers, facility booking, advertising the special event, and any and all other arrangements for the event.
- c. Special Event means a sporting, cultural, business or other type of activity that may be one-time or annual but occurs for a limited or fixed duration and has an impact on the Town by involving the use of Town lands, including streets and sidewalks, or requiring Town services such as additional policing, or traffic/operational support.
- d. Temporary Street Closure means a permit issued by the Town Traffic Authority to allow a special event on a Town Street.

e. Town means the Town of Mahone Bay.

4. Event Permit Application Procedure

4.1 A promoter wishing to organize or hold a Special Event in the Town of Mahone Bay must first obtain a Special Event Permit from the Town. It shall be considered an offence under this by-law to organize or hold a Special Event without an approved Special Event permit from the Town.

4.2 A Special Event Permit will not be issued unless an application is received at least 30 calendar days prior to the event.

4.3 It shall be considered an offence under this by-law to publicize or cause to be publicized a Special Event as defined under this by-law without an approved Special Event permit from the Town.

4.4 The Special Event permit application must:

- a. include the completed Town of Mahone Bay Special Event permit application form (form must be signed by the Organizer);
- b. be presented to the Town of Mahone Bay at least thirty (30) calendar days prior to the event; and
- c. be accompanied by Schedule of Events in the manner requested
- d. be accompanied by Site and Route Map in the manner requested (as required)
- e. be accompanied by any fees as required
- f. be accompanied by insurance documents as required

4.5 The Town will only issue a Special Events Permit for events where:

- a. there is adequate traffic and parking control to ensure that streets are clear for the passage of emergency vehicles;
- b. adequate provisions have been made for first aid;
- c. it is reasonably expected that Town resources will not be over-extended by the events and/or the parking and traffic associated with the event

4.6 The Town will not approve applications from organizers/organizations that support social or racial intolerance, violence or hatred.

5. Temporary Street/Sidewalk Closure

5.1 All Temporary Street/Sidewalk Closures must be approved by the Town Traffic Authority

5.2 On receiving approval from the Traffic Authority for a Sidewalk or Street Closure request the Organizer shall:

- a. provide notification of the event to all properties abutting the route of the closure, including times and specific locations of the closure, a minimum of fourteen (14) calendar days prior to the event.
- b. provide proof to the Town that the notification to abutters has been circulated no less than fourteen (14) calendar days before the date of the special event.
- c. work with abutting businesses and residents to minimize inconvenience

6. Responsibilities of Organizer

The Organizer (or their declared designate) must:

6.1 be available to be contacted by the Town or emergency personnel for the duration of the event

6.2 ensure that Town land is cleared of all debris and waste after the Special Event is over.

6.3 Ensure compliance with all Provincial guidelines and regulations pertaining to the Special Event.

6.4 ensure that appropriate solid waste receptacles are provided for the activities and attendees of the Special Event. The facilities shall be emptied on a regular basis to prevent overflow and spillage.

6.5 dispose of solid waste contrary to methods prescribed in the Town of Mahone Bay Solid Waste Management By-law.

6.6 not leave any Special Event location without first picking up, removing and properly disposing of all recyclables, litter, and trash associated in any way with the vending activity, including emptying the litter and recycling receptacles.

6.7 not dump any products in Town sewers or storm sewers.

7. Mass Gathering

8.

7.1 When a Special Event can reasonably be expected to attract 300 or more people the organizer must include with their Special Event application, a Mass Gathering Planning Form.

7.2 The Mass Gathering Planning Form application must be submitted to the Town of Mahone Bay no later than 45 calendar days prior to the scheduled Event.

7.3 Mass Gathering organizers must show with their completed Mass Gathering Planning Form that they have ensured:

- a. coordination with REMO and Emergency Services to ensure that all reasonable precautions have been taken to address public safety risks, including during response to an emergency
- b. an appropriate plan for traffic and parking which will ensure safe passage for regular traffic and emergency services vehicles
- c. a communication plan to disseminate information on the planned event to residents and businesses in the Town of Mahone Bay
- d. Medical and lost person procedure

7.4 Mass Gathering organizers are responsible to:

- a. ensure that Emergency Services (RCMP, Ambulance/EHS, and Fire Department) are advised of the specific dates, times, and locations of activities at least fourteen (14) calendar days in advance of the Mass Gathering.
- b. provide proof to the Town no less than fourteen (14) calendar days before the Mass Gathering that the notification to the Emergency Services has been circulated.

9. Signage

8.1 Signage for the Special Event or Mass Gathering may only be posted in locations approved by the Traffic Authority and are subject to being removed if not approved.

8.2 Any signs which are found to be an impediment to the visibility of vehicle operators will be removed immediately.

8.3 Any signs which are an impediment to the safe passage of pedestrians will be removed immediately.

8.4 Event signage shall not be posted on private property without the permission of the property owner.

8.5 Signs for Special Events are not to be posted more than 30 calendar days prior to the scheduled event.

10. Insurance

9.1 The organizer shall provide and maintain General Liability insurance subject to limits of not less than Five Million (\$5,000,000) dollars inclusive per occurrence for incident, bodily injury, death and damage to property. The policy will be held with an insurer acceptable to the Town and the policy shall contain a cross liability clause, waiver of subrogation.

9.2 The organizer shall provide a Certificate of Insurance within 21 calendar days of the event date, evidencing proof of required insurance with the Town named on the policy as Additional Insured.

9.3 Dependent on the scope and nature of the special event – such as whether the event includes the consumption of alcohol – and as determined by the Town insurer, the organizer may be required to provide additional insurance coverage in excess of Five Million (5,000,000) dollars.

11. Cancellation of Permit

10.1 Where it is found that a Special Event permit holder is in violation of this By-law, the Town may cancel the permit or suspend the permit until conditions are met.

10.2 Where it appears to the Council that it is in the public interest to do so, Council may, by motion, instruct Town staff to cancel any permit issued under this By-law.

10.3 Where a permit issued under this by-law is cancelled due to failure of an organizer to adhere to the by-law and/or remediation instruction from the Town, the Town may withhold future permits for the organizer(s) of the Special Event or Mass Gathering.

10.4 Town of Mahone Bay staff will notify the holder of the Special Event Permit of any cancellation or revocation via mail to the address provided on the application.

12. Penalty

11.1 Applicants who are found to be guilty of an offense against this by-law may be held liable, and, on the discretion of Town staff, may:

- a. have their license(s) revoked by the Town of Mahone Bay;
- b. be served with a Summary Offense Ticket;
- c. not be refunded their application fee;
- d. not be issued subsequent permits within the Town of Mahone Bay;
- e. be barred from applying for a permits within the Town of Mahone Bay for a fixed period of time;
- f. be interrupted in their activity and be required to vacate Town property; and
- g. be reported to the RCMP for activities which are in violation of the Criminal Code of Canada

11.2 Any person who is guilty of an offense under this By-law is punishable on summary conviction by a fine of not less than \$200 and not more than \$1,000.

13. Canadian Charter of Rights and Freedoms

Section 2 of the Canadian Charter of Rights and Freedoms sets out the fundamental freedoms of all Canadians, including freedom of peaceful assembly. The Charter is the highest law in Canada. As such, all federal and provincial statutes, as well as municipal by-laws, must be compliant with the Charter.

Nothing in this By-law should be construed as limiting the freedoms afforded by the Charter, however the Town requires permits for Special Events as defined herein to maintain public safety (particularly for events on public property, where street closure is required for example). If a Special Event Organizer is unable to meet the requirements of this By-Law due to the spontaneous nature of the event, they are encouraged to contact the Town immediately. Town staff will work with the Organizer to ensure the Special Event complies with the By-law to the greatest extent possible.

14. Severability

A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part, and does not affect the enforceability of the remainder of the By-law.

15. Force and Effect

This By-law is to come into effect and take effect on the date of its enactment.

This by-law shall repeal and supersede any and all previous regulations and/or by-laws held by the town of Mahone Bay regarding the scheduling of special events.

David W. Devenne, Mayor

Maureen Hughes, Town Clerk

This is to certify that the foregoing is a true copy of the by-law passed at a duly convened meeting of the Council of the Town of Mahone Bay, held the ____ day of _____ 2020.

Given under the hand of the Mayor and the Town Clerk and the seal of the Town of Mahone Bay this ____ day of _____ 2020.

CLERK'S NOTATION

First Reading:	July 14, 2020
"Notice of Intent" Publication:	
Second Reading:	
Ministerial Approval:	
Date of Publishing:	
Forwarded to the Minister:	
Forwarded to Town Website:	