

TOWN OF SMITHERS
EVENT REGULATIONS BYLAW NO. 1342, 2000

A Bylaw to regulate events in the Town of Smithers

WHEREAS the Local Government Act authorizes the Town of Smithers' Council to regulate persons, their premises and their activities to further the care, protection, promotion and preservation of the health and safety of the inhabitants of the municipality;

AND WHEREAS Council may make regulations to prohibit the creation of unsanitary or unsafe conditions and require a person to remedy or remove an unsanitary or unsafe condition for which he or she is responsible or which exists on property owned, occupied or controlled by him or her;

AND WHEREAS Council deems it advisable for the provision of adequate health, sanitation and protective measures for persons attending public community events where large numbers of people are in attendance or may be anticipated to be in attendance;

NOW THEREFORE the Council of the Town of Smithers, in open meeting assembled, hereby enacts as follows:

1. **CITATION**

This Bylaw may be cited as "Event Regulations Bylaw No. 1342, 2000" and comes into effect on the date of adoption.

2. **DEFINITIONS**

In this bylaw:

"Applicant" means an applicant for a permit and the holder of the issued permit;

"Application" means an event permit application on the form set out in Schedule "A" of this bylaw;

"Event" means any public indoor or outdoor event or gathering between the hours of 6:00 a.m. and 2:00 a.m. at which the attendance is likely to exceed 125 persons. If the Town Council has reason to believe that 125 or more persons may be anticipated to attend at any location within the Town it may request notice in writing to be given by the owner or occupier of the lands upon which such event congregation or gathering of people is to be held requiring such owner or occupier to apply for a permit to hold such events, congregation or gathering of people and to comply with the provisions of this bylaw.

"Council" means the Council of the Town of Smithers;

"Fire Department" means the Town of Smithers Fire Department;

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“Highway” includes every highway, road, street, lane or right-of-way designed or intended for use by the general public for the passage of vehicles and includes the shoulder, boulevard, ditch and sidewalk area and whatever public lands lie between the property lines of the highway;

“Late night event” means a commercial or for-profit dance, rave, other entertainment or performance, or other event where 20 or more persons are assembled at any time between 2:00 a.m. and 6:00 a.m. in a non-residential premises and where:

- a) the dance, performance or event is held for the purpose of gain or profit;
- b) tickets are sold or an entrance or attendance fee is charged for persons to attend by either private or public invitation; and
- c) music, noise or sound of any kind or source, including but not limited to amplified recorded or computer generated music, amplified recorded or computer generated sounds, live music, sound or band music is performed or played.

“Recreation Department” means the Town of Smithers Recreation Department;

“Permit” means an event permit issued under this bylaw in the form set out in Schedule “B” of this bylaw;

“Police” means the Town of Smithers Royal Canadian Mounted Police Department;

“Promoter” means the person or persons who have the financial and organizational responsibility for a late night event including contracting with entertainers, security firms, facility rentals, advertising of the events and/or collection of gate receipts;

“Site” means the land described in the event permit on which an event is to be held; and

“Town” means the municipality incorporated as the Town of Smithers.

3. APPLICATION OF BYLAW

Subject to provision of public liability insurance, the following do not require an event permit:

- a) events sponsored by the Town of Smithers, its agencies, committees or boards, or events held on municipally-owned property given permission from the Town of Smithers;

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- b) events sponsored or held by School District No. 54 or Northwest Community College;
- c) family or charitable gatherings held in public parks or community halls;
- d) events approved by contract with the Town of Smithers Recreation Department held within Town boundaries;
- e) the Smithers Airshow held at the Smithers Airport; and
- f) public events of 500 or less persons held by businesses incorporated under the Company Act, community organizations or rate payers associations incorporated under the Society's Act, and operating within the Town of Smithers.

4. **PERMIT REQUIRED**

No event shall be held, or be permitted to be held, in the Town of Smithers unless a permit for that event has been obtained as required and provided for in this bylaw.

5. **OBTAINING A PERMIT**

The registered owner or the occupier of land where an event is to be held must obtain a permit for that event. An application for a permit must be made at least 30 days before the date on which the event is to be held or begin. An application for a permit shall be made in the form set out in Schedule "A" attached to and forming part of this bylaw. The application shall be accompanied by:

- a) the written consent of the registered owner and the occupier of the land where the event is to be held;
- b) a document in which the Medical Health Officer, as that term is defined in the Health Act, expresses his or her satisfaction that sufficient arrangements have been made for the following facilities or services for the event, as applicable:
 - i) drinkable water supply;
 - ii) toilet facilities;
 - iii) waste collection and removal; and
 - iv) food and drink preparation, dispensing and servicing.
- c) a document in which the Staff Sergeant or designate of the Smithers R.C.M.P. Detachment:

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- i) expresses satisfaction that sufficient arrangements have been made for the following, as applicable:
 - i. off-street parking of motor vehicles, as defined under the Motor Vehicle Act;
 - ii. policing and other necessary security on and around the event site;
 - iii. traffic control on and around the event site, including access routes for emergency vehicles;
 - iv. provision of a police and security command post; and
 - v. sets out the estimated cost to provide policing for the event which may or may not include overtime rates.
- d) a document in which the Director of Operational Services:
 - i) expresses satisfaction that sufficient arrangements have been made for the following, if applicable:
 - i. off-street parking of motor vehicles, as defined under the Motor Vehicle Act;
 - ii. traffic control on and around the event site, including access routes for emergency vehicles; and
 - iii. provision of public works equipment such as barricades and/or signage equipment.
 - ii) sets out the estimated cost to provide public works services for the event which may or may not include overtime;
- e) a document in which the Chief of the Fire Department expresses satisfaction that sufficient arrangements are made for access routes for emergency vehicles; that the site conditions and buildings and other structures on the site comply with applicable fire safety enactments; and clearly defines emergency procedures and the personnel assigned to emergency responsibilities;
- f) a performance bond if required under Section 7;
- g) payment of the application permit fee as required under Section 8;
- h) a document setting out in reasonable detail, that arrangements have been made for first aid care and facilities for the event;

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- i) a document setting out public liability insurance in the name of the applicant with the Town, its employees, servants and agents named as additional insured. Such insurance shall be in a form, and with an insurer acceptable to the Town, and shall provide coverage on an “occurrence basis” in an amount satisfactory to the Town, as reasonable for such an event;
- j) a valid liquor permit should alcoholic beverages be served or dispensed with evidence that a server has completed the special occasion license requirements for responsible beverage service from the “Serving It Right” program; and
- k) a business licence where products or services will be sold for profit or gain.

If an applicant refuses or fails to pay any amount assessed for services rendered as determined by the Town of Smithers above, the assessment may be added to the applicants property taxes, or, if he has no taxable property, against the property taxes of the owner of the premises in which the event was held.

6. LATE NIGHT EVENTS

- a) A promoter must not hold a late night event without first obtaining an event permit issued in accordance with all provisions of this bylaw.
- b) A promoter wishing to organize or hold a late night event must complete an event application provided for that purpose by the Town.
- c) The event application signed by the promoter must be presented to Council at least two weeks prior to the late night event and be accompanied by an application fee of \$100.00.
- d) A late night event permit will be issued provided that:
 - i) the location of the event continues to meet all relevant fire, safety, and health regulations;
 - ii) remains adequately sound-proofed to ensure that no person other than those in attendance will be impacted by the event;
 - iii) a payment is made, prior to issuance of the event permit, for additional policing services, on the basis of a minimum of 1 officer for the first 100 persons; and a further officer for each 100 persons, or portion thereof up to a maximum capacity of the facility, as stated on the event application;

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- iv) there is an adequate security plan in place for the late night event which includes provisions for:
 - i. first aid;
 - ii. entrance and exit control to ensure that alcohol or illicit drugs are not brought in the premises during a late night event;
 - iii. outside inspection and clean up in the vicinity of the premises during and after the event;
 - iv. line control including ensuring that patrons are not permitted to reenter the event after they have left; and the employment of a security firm licensed by the Government of British Columbia; and
 - v. there is provision for an adequate supply of potable water at no cost to those in attendance.

- e) A permit for a late night event will not be issued to any promoter:
 - i) who does not have a valid business licence; or
 - a) whose application indicated the employment or hiring of any person or company connected with a previous late night event which operated in contravention of any Town bylaw or Provincial statutes or regulations; and/or
 - b) who does not meet or conform to other provisions of this bylaw.

7. PERFORMANCE BOND FOR SERVICES AND COSTS

- a) Applicants for events, where costs for policing are to be paid by the applicant or promoter, shall post a \$2,000 performance bond with the Town of Smithers, by cash or certified cheque, before issuance of a permit. The Town shall be entitled to draw on the bond for reimbursement of any costs incurred by the Town, or to restore the site after the event, if required.
- b) Unless otherwise agreed to by the Town of Smithers, applicants for events are responsible for all costs incurred by the event, including the cost to providing policing, public works and/or fire services, and/or restoring the site as necessary after the event.
- c) The applicant shall, within seven days of the event, pay any costs that exceed the performance bond to provide policing, public works and/or fire service, and/or to restore the site.

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- d) Any balance of the performance bond remaining after payment of actual costs shall be refunded by the Town to the applicant. Interest shall not be paid by the Town on any performance bond.

8. PERMIT ISSUANCE

Subject to full compliance with the requirements of this bylaw, hereof, and payment of the permit application fee of \$100.00, the Corporate Administrator or designate is hereby authorized to issue an event permit authorizing the holding of a community event or gathering within the property boundaries of the Town of Smithers upon which such event is to be held.

9. OFFENCE

Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw, or neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw is guilty of an offence and shall be liable upon summary conviction to a fine of not less than \$50 and not more than \$1,000, or to an imprisonment of not more than three months, or to both, pursuant to the Offence Act.

10. SEVERABILITY

If any part, section, subsection, clause, or subclause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

READ A FIRST TIME THIS 27TH DAY OF SEPTEMBER, 2000.

READ A SECOND TIME THIS 27TH DAY OF SEPTEMBER, 2000.

READ A THIRD TIME THIS 27TH DAY OF SEPTEMBER, 2000.

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APPROVED BY THE MINISTER OF HEALTH THIS 12TH DAY OF OCTOBER, 2000.
ADOPTED THIS 8TH DAY OF NOVEMBER, 2000.

The Corporate Seal of the Town of
Smithers
was hereto affixed in the presence of:

S E A L

Brian J. Northup
Mayor

Wallace Mah
Corporate Administrator (CAO)

**CERTIFIED A TRUE AND
CORRECT COPY** of Bylaw No. 1342,
cited as "Event Regulations Bylaw No.
1342, 2000"

Wallace Mah
Corporate Administrator (CAO)

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CONSENT OF REGISTERED OWNER OF LAND WHERE EVENT BEING HELD:

The registered owner(s) of the land described above consent to the holding of the above event in accordance with all provisions of the Event Regulations Bylaw:

Registered Owner:

Witness:

_____/_____

_____/_____

Name and Signature

Name and Signature

Registered Owner:

Witness:

_____/_____

_____/_____

Name and Signature

Name and Signature

By signing below the applicant agrees to obey the Town of Smithers Event Regulation By-law No. 1342, as amended, by being solely responsible to pay all costs associated with the application fee, performance bond, insurance, policing, clean-up and other costs as deemed required by the Town prior to issuance:

Applicant:

Witness:

_____/_____

_____/_____

Name and Signature

Name and Signature

Telephone Number

Applicant:

Witness:

_____/_____

_____/_____

Name and Signature

Name and Signature

Telephone Number

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of Privacy Act, and will be used only for the purpose of responding to your request.

An application for an Event Permit must be accompanied by the following written approvals as indicated by the check marks ☒ by the Town of Smithers below:

☐ 1. Medical Health Officer (or designate):

Comments:

Authorized by:

Amount of Security Required to Cover Inspection Costs:

Date:

☐ 2. RCMP:

Comments:

Authorized by:

Amount of Security Required to Cover Policing Costs:
(sheet to be attached with cost breakdown)

Date:

☐ 3. Director of Development Services (or designate):

Comments:

Authorized by:

Date:

☐ 4. Director of Operational Services (or designate):

Comments:

Authorized by:

Amount of Security Required to Cover Engineering Costs:

Date:

☐ 5. Fire Chief (or designate):

Comments:

Authorized by:

Amount of Security Required to Cover Fire Protection Costs:

Date:

☐ 6. Business Licence/Building Inspector (or designate):

Comments:

Authorized by:

Amount of Security Required to Cover Inspection Costs:

Date:

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FOR OFFICE USE ONLY

Date of Council Consideration:
Application Approved by:

Signature of Corporate Administrator (or designate)

Permit Fee of \$100.00 Received: _____ Permit Issued:

Date

Date

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SCHEDULE "B"
EVENT PERMIT

(Must be displayed in a prominent location at all times during the event)

Pursuant to Bylaw No. 1342 cited as "Event Regulations Bylaw No. 1342, 2000", I,

_____ ,

_____ hereby
(Name of Corporate Administrator or designate) (Position Title)

issue a permit to _____ ,

_____ (Legal name of applicant) _____ (Name of organization)
to hold an event at

_____ (Civic address of location where event to be held)
from the date(s) of _____ to

_____ from the hours of _____ to

_____. The applicant hereby agrees to adhere to all provisions of the Event Regulations Bylaw or as directed by local officials, including but not limited to members of the Smithers R.C.M.P. Detachment, in the carrying out of this event. Should the applicant not conform to this bylaw or other statutes, regulations or bylaws, the Town or its representatives reserve the right to immediately cancel, close, or terminate the event.

Certified and approved by:

SEAL

Corporate Administrator (or designate)

Event Applicant

Date of Issue

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NOTE: THIS PERMIT IS TO BE DISPLAYED IN PROMINENT PLACE AT THE EVENT LOCATION AND MUST BE PRODUCED UPON REQUEST FOR INSPECTION BY TOWN OF SMITHERS OFFICIALS.

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INITIALS
REQUIRED

INITIALS
REQUIRED

ORIGI- NATOR	CORP ADMIN	ACTION TO BE TAKEN	CLERICAL STAFF	
			DONE	DATE
		FIRST READING		
		SECOND READING		
		RESCIND SECOND READING		
		AMEND BYLAW AND RE-READ SECOND		
		APPROVAL OF REGIONAL DISTRICT		
		APPROVAL OF MINISTRY OF HIGHWAYS		
		APPROVAL OF INSPECTOR OF MNCPLTS		
		APPROVAL OF MIN. OF MUN. AFFAIRS		
		ADVERTISE BYLAW		
		PUBLIC HEARING		
		THIRD READING		
		RESCIND THIRD READING		
		AMEND BYLAW AND RE-READ THIRD		
		APPROVAL OF INSPECTOR OF MNCPLTS		
		COUNTER-PETITION PROCESS		
		ADVERTISE BYLAW		
		PUBLIC HEARING		
		QUASHING PERIOD		
		ADOPTION		
		QUASHING PERIOD		
		FILE WITH INSPECTOR		

THIS MUST BE COMPLETED BY ORIGINATOR

LEGAL AUTHORITIES _____

MISCELLANEOUS _____

DONE LIST FOR
EVENT REGULATIONS BYLAW NO. 1342, 2000

Originator: _____

When a bylaw has had a reading:

Enter any action, i.e. readings, on the computer (**don't print that page**); and initial & date the checklist page, i.e. Feb 6, 1999

done on computer
(initials)

marked on checklist
(initials)

___	Had first and second readings	___
___	___
___	___
___	Been adopted	___

When a bylaw has been adopted:

___ Checklist has been put into blue working folder
___ Has been deleted from the Follow up list
___ Entered on the database, i.e. Feb 3, 1999, and printed for the bylaw index
___ Given to originator to re-initial page
___ Given to the Chief Administrative Officer for signature.

When it comes back from the Chief Administrative Officer:

___ Sealed and given to Mayor for signature

When it comes back from the Mayor:

___ Signed-bylaw copied for the blue working file.
___ Working file includes any relevant pages from Council Minutes.
___ Anything that needed changing in the Bylaw Index, i.e. amendments, etc., has been done

Bylaw given to Shannon for any possible follow-up, i.e. some of them need to be registered; signature needed on agreement, etc.

Finished, ready for filing _____ Shannon's initials