

MOUNTAIN VIEW COUNTY

BYLAW NO. 09/23

PUBLIC EVENTS

**Mountain View County
Province of Alberta**

Bylaw No. 09/23

A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE REGULATION AND CONTROL OF PUBLIC EVENTS WITHIN MOUNTAIN VIEW COUNTY

SECTION 1 - AUTHORITY

- 1.01 The Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26 provides that Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; people, activities and things in, on or near a Public Place or place that is open to the public; and, provide for a system of licenses, permits or approvals.
- 1.02 This bylaw may be cited as the “Public Event(s) Bylaw”.

SECTION 2 - DEFINITIONS

- 2.01 In this Bylaw, unless the context otherwise requires:
- a. **“APPLICANT”** means the person who applies for a Public Event Permit pursuant to this Bylaw;
 - b. **“APPROVING AUTHORITY”** means The County Chief Administrative Officer or designate in consultation with the Planning and Development Department;
 - c. **“COMMUNITY ASSOCIATION”** means a group of people established to serve a specific purpose within, or on behalf of, their community and shall include rodeo associations and service groups.
 - d. **“COUNTY”** means Mountain View County duly established pursuant to the laws of Alberta.
 - e. **“COURT”** means a Court of competent jurisdiction in the Province of Alberta;
 - f. **“ENFORCEMENT OFFICER”** means a member of the Royal Canadian Mounted Police (R.C.M.P), a Community Peace Officer appointed by the Solicitor General of Alberta in accordance with the Peace Officers Act, SA 2006, c P-3.5, as amended from time to time, or a Bylaw Enforcement Officer employed by Mountain View County in accordance with the Municipal Government Act;
 - g. **“MOUNTAIN VIEW COUNTY”** means Mountain View County as a municipal corporation established pursuant to the laws of the Province of Alberta and the area within the jurisdictional boundaries of Mountain View County, as the context of this Bylaw so requires;
 - h. **“MUNICIPAL GOVERNMENT ACT”** means the Municipal Government Act, RSA 2000, Chapter M-26 and the respective regulations thereunder;

- i. **"PERSON(S)"** means an individual or corporation and the heirs, executors, administrators or other legal representatives of a Person(s) or corporation;
- j. **"PROVINCIAL OFFENCES PROCEDURE ACT"** means the Provincial Offences Procedure Act, RSA 2000, c P-34, as amended from time to time;
- k. **"PUBLIC EVENT"** means and includes any music concert, concert, performance, amusement, dance, exhibition, entertainment, parade, assembly, game, athletic or sports contest and any event or function which is held at a Public Place in the County and to which members of the general public are invited or admitted for a fee, donation or free of charge, but does not include those listed as exceptions within Section 4.
- l. **"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 it is not necessary that all segments of the public have a right of access thereto. This may include a Public Event that takes place on privately owned lands;
- m. **"RESPONSIBLE PARTY"** means every person who is an Applicant (if a corporation, all directors), Public Event promoter, Public Event manager, or provides entertainment or concessions for the Public Event;
- n. **"VIOLATION TICKET"** means a ticket issued pursuant to the **Provincial Offences Procedures Act** R.S.A. 2000 Chapter P-34, or as amended from time to time.

SECTION 3 – GENERAL PROHIBITION

- 3.01 No person(s) shall hold, conduct, manage, or allow to be held or organized a Public Event within the County unless that person(s) has first obtained a Public Event Permit from the Approving Authority.
- 3.02 No person shall hold, conduct, manage or allow to be held or organized a Public Event except in compliance with the terms of a Public Event Permit.
- 3.03 A Public Event Permit must not be issued to circumvent the need for a Development Permit or to exceed limitations contained within an existing Development Permit.
- 3.04 There may be specific circumstances where the ability to obtain a Public Event Permit is specified as a condition of an approved Development Permit. In such cases it is appropriate to consider issuing a Public Event Permit based on the merits of the application.
- 3.05 No person shall hold, conduct, manage, organize, or sell tickets for a Public Event without first obtaining a conditional Public Event permit for the event.

SECTION 4 – PUBLIC EVENT PERMIT EXCEPTIONS

- 4.01 The following organizations, clubs, groups or societies may not require a Public Event Permit to hold a Public Event unless the event is expected to attract greater than 150 people or, in the opinion of the Approving Authority, if the nature and scale of the event is such that a permit is required.

- a. Community Associations for events such as picnics, turkey suppers, Christmas concerts, pie socials, ball games, community dances, and other events which are held in or on the Community Association property;
 - b. An agricultural society registered pursuant to the *Agricultural Societies Act*;
 - c. Religious or church organizations including funerals, weddings and other services;
 - d. 4-H Clubs;
 - e. Schools or School Boards;
 - f. Any other club(s) or organization(s) determined by the Approving Authority to be similar in nature.
- 4.02 Non-reoccurring private gatherings that do not meet the definition of Public Event may not require a Public Event Permit to hold a Public Event unless the event is expected to attract greater than 150 people or, in the opinion of the Approving Authority, if the nature and scale of the event is such that a permit is required.

SECTION 5 – PERMIT REQUIREMENTS

- 5.01 Only one Public Event permit will be issued for a parcel of land per calendar year and will only be valid for the date(s) specified on the permit.
- a. Those organizations listed in Section 4.01 shall be permitted to apply for more than one Public Event Permit annually.
- 5.02 A complete application for a Public Event Permit pursuant to this Bylaw must be made no later than Sixty (60) days before the proposed date of the Public Event. The Approving Authority may accept a complete application within 60 days of the proposed date of the Public Event if he/she is satisfied that the application can be properly evaluated within that time.
- 5.03 A complete application for a Public Event must include the following:
- a. Full name and address of the Applicant (If the Applicant is a corporation, the names and addresses of all corporate directors;
 - b. Full name and address of all responsible parties;
 - c. The legal description of the location of the proposed Public Event and a current copy of the Certificate of Title for the proposed location;
 - d. A letter of authorization from the registered landowner;
 - e. A letter from the registered landowner authorizing County personnel, personnel contracted by the County or Peace Officers to visit the proposed site prior to the Public Event and if required during the Public Event to ensure that this or any other Bylaw, permit conditions or other legislation are being complied with;
 - f. A non-refundable permit fee as determined by Council in the Fee Schedule Bylaw;

- g. The applicant shall be required to undertake community consultation within one (1) mile of the subject property where the event is being held. This radius may be reduced at the discretion of the Approving Authority. Confirmation of consultation shall be submitted with the public event application form and written consent from the majority of adjacent landowners and residents shall be obtained.
- 5.04 The permit may be approved with or without conditions. Although not limited to, the following conditions may be imposed on any permit:
- a. The maximum number of persons that may attend the Public Event;
 - b. Specific requirements for access to and from the proposed location and parking;
 - c. Specific requirements for noise attenuation;
 - d. Specific requirements or procedures for any emergency medical personnel or equipment;
 - e. Specific requirements to confirm security personnel or policing has been retained;
 - f. Any other requirements that are deemed to be reasonably necessary by the Approving Authority to protect the safety, health, welfare, and property of the attendees of the Public Event or the adjacent landowners.
 - g. Dust control may be required in front of residences at the sole expense of the applicant along roads impacted with the event.
- 5.05 In addition to the above requirements, the following additional conditions may be imposed:
- a. That the Applicant obtain a Development Permit from the County if they wish to repeat similar Public Events on the same Property in the future;
 - b. That the Applicant provide the County with an irrevocable letter of credit or a cash deposit, in an amount specified by the Approving Authority, to be disposed of by the Approving Authority in amounts deemed appropriate to provide adequate security for compliance with the conditions of the Public Events Permit, on the basis of legitimate claims.
- 5.06 All costs and expenses incurred in meeting the requirements of this Bylaw or any conditions attached to the Public Events Permit or by reason of breach of this Bylaw shall be borne by the Applicant or the Person(s) in breach and are a debt owed to the County. This may include, but is not limited to all costs incurred by the County in regards to policing, emergency fire or medical expenses. The County may utilize and draw upon any security held by the County to pay any or all of the costs incurred by the County.
- 5.07 Where an irrevocable letter of credit is required, as a condition of a Public Event Permit, failure to provide the letter of credit within a time period stipulated by the Approving Authority shall render the permit to hold the Public Event as null and void.
- 5.08 The Approving Authority may, when evaluating an application for a Public Event Permit, consult with any appropriate agency or authority such as the local health authority, the Royal Canadian Mounted Police and any provincial or federal agency.

- 5.09 Any permit approved pursuant to this Bylaw does not relieve the Applicant of complying with any other municipal, provincial or federal legislation.
- 5.10 Failure to submit proof that all statutory obligations or requirements of the Public Event Permit application have been satisfied by the Applicant or evidence of previous mismanagement of similar Public Events shall be good and ample reason for the Approving Authority to refuse to issue a permit for the Public Event.
- 5.11 The Approving Authority may refuse to issue a Public Event Permit if:
- a. The Applicant or other Responsible Party have previously held an Public Event and breached any of the conditions of the permit for that Public Event;
 - b. In the opinion of the Approving Authority the potential noise impact of the Public Event would create a nuisance for the community;
 - c. In the opinion of the Approving Authority, the proposed Public Event cannot be conducted in a safe manner due to the proposed location or the proposals for security, access and egress for vehicle traffic, or emergency management; or
 - d. In the opinion of the Approving Authority, the proposed Public Event is not an appropriate Public Event for the proposed location.

SECTION 6 – ENFORCEMENT/OFFENCES

6.01 Offences:

- a. Any person who violates any provision in this bylaw has committed an offence and is subject to a minimum and specified penalty of \$1,000.00.
- b. Each responsible party is jointly and severally responsible for ensuring that all conditions of the Public Event permit and this bylaw are fully complied with.

6.02 General Penalty Provisions:

- a. In accordance with the Municipal Government Act, any Person who violates any provision of this bylaw is guilty of an offence and is liable upon conviction to a maximum penalty of \$10,000 or, in default of payment of the fine, to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

6.03 When an Enforcement Officer has reasonable and probable grounds to believe that a person has violated any provision of this bylaw, the Enforcement Officer may commence court proceedings against such person by:

- a. Issuing the person a violation ticket pursuant to the provisions of the Provincial Offences Procedure Act; or
- b. Swearing out an information and complaint against the person.

- 6.04 Where an Enforcement Officer issues a person a violation ticket the Enforcement Officer may either:
 - a. Allow the person to pay the specified penalty established in this bylaw for the offence by including such specified penalty in the violation ticket; or
 - b. Require a court appearance of the person where the Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of the Provincial Offences Procedure Act.
- 6.05 No provision of this bylaw, nor any action taken pursuant to any of its provisions, shall in any way restrict, limit, or preclude Mountain View County from pursuing any other remedy in relation to an offence that may be provided by the Municipal Government Act or any other law of the Province of Alberta.
- 6.06 **Obstruction:**
No Person shall obstruct, hinder, or impede any Enforcement Officer, or County employee, contractor, or agent in the exercise of any of their powers or duties under this Bylaw or make frivolous or vexatious complaints.

SECTION 7 - SEVERABILITY

- 7.01 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.

SECTION 8 – REPEAL OF BYLAW

- 8.01 Bylaw No. 09/16 and all amendments thereto are hereby repealed.


SECTION 9 - EFFECTIVE DATE

- 9.01 This Bylaw shall come into effect at such time as it has received third (3rd) reading and has been signed in accordance with the *Municipal Government Act*.

Read the first time this 12th day of April 2023.

Read the second time this 26th day of April 2023.

Read the third time this 10th day of May 2023.



 Reeve



 Chief Administrative Officer

May 12, 2023

 Date of Signing