

Special Events on Public and Private Property By-Law No. 2013-232

A by-law of the City of Ottawa respecting the permitting, regulating and governing of special events on public and private property.

WHEREAS Section 126 of the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes a municipality to regulate cultural, recreational and educational events including public fairs, to issue permits for such events, and to impose conditions for obtaining, continuing to hold and renewing such permits including requiring the submission of plans, and Subsection 10(2) of the *Municipal Act, 2001*, further authorizes municipalities to pass by-laws for the economic and social well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property, including consumer protection;

AND WHEREAS numerous special events are held on private and public property within the City of Ottawa, and these special events not only enhance the quality of life of residents and visitors alike but generate significant tourism and economic development in the City;

AND WHEREAS the City Council wishes to encourage a creative City, rich in heritage and unique in identity, and promote a healthy and active City;

AND WHEREAS a one-stop co-ordinating office for major festivals, fairs and other special events has been created that incorporates a development, logistical, marketing and promotional function, and this has become the Event Central Office of the City of Ottawa;

AND WHEREAS the Event Central Office works to ensure the continued cooperation among the various agencies involved in and affected by special events in Ottawa in order to enhance the quality of life for local residents and to further tourism and economic development in the City as well as ensure that affected agencies are provided with timely information for proper advance planning to ensure public safety and so that unnecessary disruptions to communities and vehicular and pedestrian traffic are avoided, and to ensure that those individuals and organizations seeking to organize special events receive timely assistance and services;

THEREFORE the Council of the City of Ottawa enacts as follows:

DEFINITIONS

1. In this by-law,

“applicant” means a person applying for a permit under this by-law;

“Building Code Act, 1992” means the Building Code Act, 1992, S.O. 1992, Chapter 23, as amended;

“Chief Building Official” means the Chief Building Official of the City of Ottawa or authorized representative;

“Chief, By-law and Regulatory Services” means the Chief of By-law and Regulatory Services in the Emergency and Protective Services Department, City Operations Portfolio, or an authorized representative;

“Chief, Security and Emergency Management” means the Chief of Security and Emergency Management in the Security and Emergency Management Branch of the Emergency and Protective Services Department, City Operations Portfolio, or an authorized representative;

“Chief of Police” means the Chief of Police of the Ottawa Police Service and includes an authorized representative;

“City” means the City of Ottawa as constituted as a body corporate on January 1, 2001 under the City of Ottawa Act, 1999;

“City Clerk and Solicitor” means the City Clerk and Solicitor of the City, or an authorized representative;

“Council” means the Council of the City;

“Deputy City Treasurer, Revenue” means the Deputy City Treasurer of Revenue, in the Finance Department, City Manager’s Office, of the City or an authorized representative;

“emergency plan” means a plan that details procedures to follow in emergencies, including but not limited to fire, criminal acts, accidents, medical emergencies or extreme weather events, and includes communications and evacuation procedures as well as the name and contact information of event organizers, and may include any other information deemed to be necessary by the Chief, Security and Emergency Management, the Chief of Police, the Fire Chief or the Paramedic Chief;

“farmers’ market” means a seasonal, multi-vendor, community-driven market occurring outdoors in which agricultural, food, or art and craft products are sold including home-grown produce, home-made crafts and value-added products;

“Fire Chief” means the Chief of the City’s Fire Services in the Emergency and Protective Services Department, City Operations Portfolio, or an authorized representative;

“Fire Protection and Prevention Act, 1997” means the Fire Protection and Prevention Act, 1997, S.O. 1997, Chapter 4, as amended;

“fire service resource” includes Ottawa Fire Services personnel and equipment required by the Fire Chief pursuant to the Ottawa Fire Service deployment strategy;

“General Manager of Parks, Recreation and Cultural Services” means the General Manager of the Parks, Recreation and Cultural Services Department in the City Operations Portfolio, or an authorized representative;

“General Manager of Public Works” means the General Manager of the Public Works Department in the City Operations Portfolio, or an authorized representative;

“General Manager of Emergency and Protective Services” means the General Manager of the Emergency and Protective Services Department in the City Operations Portfolio, or an authorized representative;

“General Manager of Transit Services” means the General Manager of Transit Services, in the City Operations Portfolio or an authorized representative;

“highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for or used by the general public for the passage of vehicles and includes the entire right-of-way;

“Highway Traffic Act” means the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended;

“Manager” means the Program Manager of the Events Central Unit in the Parks, Recreation and Cultural Services Department of the City Operations Portfolio, or an authorized representative;

“Markets Manager” has the same meaning as the Markets Manager as defined in the Parkdale Market By-law (By-law No. 2008-448, as amended) and in the ByWard Market By-law (By-law No. 2008-449), as amended, or any successor by-laws;

“medical services” means the provision of first aid by certified first aid providers or the provision of a higher level of care by paramedics as required by the Ambulance Act, R.S.O. 1990, c.A.19, as amended;

“medical transport” means the transport and care of patients as required under the Ambulance Act, R.S.O. 1990, c.A.19, as amended;

“Municipal Law Enforcement Officer” means a person who is appointed by Council to enforce this by-law and includes any police officer;

“Paramedic Chief” means the Chief of the Ottawa Paramedic Service in the Emergency and Protective Services Department of the City Operations Portfolio, or authorized representative;

“paramedic services resources” includes personnel of the Ottawa Paramedic Service, vehicles and equipment that may be required to prepare for and respond to a required need for paramedic services;

“permit” means a permit for a special event issued under this by-law;

“person” includes an individual, a corporation, a partnership, and an association, and includes a permit holder or an applicant for a permit under this by-law as the context requires;

“police officer” means a Chief of Police or any other police officer, but does not include a special constable, a municipal law enforcement officer or an auxiliary member of a police force;

“School Board” means a Board as defined pursuant to the Education Act, R.S.O. 1990, c.E.2, as amended;

“security plan” means a plan produced by the applicant that provides information on conditions and criteria for access to the event or locations on site, security services dedicated to the event and the roles and responsibilities of each, provisions of communications within the event during its duration, decision-making authorities, and restricted areas, and any other information required by the Chief of Police;

“special event” means a fair or festival, or a social, recreational, educational, community or similar event that is occurring outdoors on any property that is not a highway and having an expected attendance of at least 500 persons at any one time during the event, and includes a Beach Event as set out in Schedule A;

“Special Events Advisory Team” means the body established by Council, comprised of City staff and external participants, that meets at the request of the Manager and provides recommendations regarding applications for special events, and “SEAT” shall have a corresponding meaning;

“Technical Standards and Safety Act, 2000” means the Technical Standards and Safety Act, 2000, S.O. 2000, Chapter 16, as amended;

“traffic plan” means a detailed plan providing for the control of traffic and parking for the special event, including vehicular, pedestrian and cyclist movements to and from, and within the event location, and if applicable to the special event, information regarding the following:

- (a) detours of public transit routes and highways
- (b) emergency vehicles access and egress,
- (c) public access and separation from hazardous areas,
- (d) temporary barriers and devices necessary for traffic control or parking,
- (e) designated accessible pick-up and drop-off locations for persons with disabilities, and
- (f) the pick-up and drop-off locations for taxis and limousines;

“transit property” means all property owned, leased or used by the City for the purpose of providing a passenger transportation system and includes the Transitway, the transit stations and platform areas, the transit vehicles, the transit shelters, the bus stops, the light rail facilities and the Park and Ride lots;

“vehicle”, for the purposes of this by-law, means a motor vehicle as defined under the Highway Traffic Act, a trailer, traction engine, farm tractor or any other vehicle that is drawn, propelled or driven by any kind of power including muscular power, and includes motorized snow vehicles, all-terrain vehicles, electric vehicles, helicopters, aircraft, trains, and watercraft.

INTERPRETATION

2. (1) This by-law includes the Schedules annexed hereto and the Schedules are hereby declared to form part of this by-law.
- (2) Where the time for doing any act or taking any proceeding expires on a Saturday, Sunday or Public Holiday, the act or proceeding may be done or taken on the next workday except as provided otherwise in this by-law.
- (3) Where notice is sent by registered mail, the date of service on the application is the date of the next workday following the date of mailing.
- (4) It is declared that if any section, subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

- (5) Wherever this by-law refers to a person with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.
- (6) The reference to a day or days in this by-law shall mean a calendar day or days, unless the by-law specifically indicates otherwise.
- (7) Headings are inserted for ease of reference only, form no part of this By-law, and shall have not effect in any way the meaning or interpretation of the provisions of this By-law.

PERMIT REQUIRED FOR SPECIAL EVENTS

3. (1) No person shall hold or carry on, or permit to be held or carried on, a special event unless such special event is held or carried out under the authority of a valid permit issued under this by-law by the Manager.
 - (2) A separate permit shall be obtained for each special event.

EXEMPTIONS

4. (1) This by-law does not apply to:
 - (a) a sporting event for regular league play and exhibition games (excluding playoffs and special tournaments) or other event occurring outdoors at:
 - (i) the Ottawa Stadium located at 300 Coventry Road, Ottawa, or
 - (ii) Lansdowne Park located at 1015 Bank Street, Ottawa, provided such event is authorized by an agreement with or on behalf of the City and the event meets the requirements of the SEAT;
 - (b) an event occurring outdoors on City property that is authorized under an agreement with the City, provided that such event meets the requirements of the SEAT;
 - (c) an event registered with the City's "Clean the Capital Campaign", administered by the Public Works Department in the City Operations Portfolio;
 - (d) an outdoor event occurring under the authority of the Federal Government on land owned by the National Capital Commission, Parks Canada or Public Works and Government Services Canada, provided that the event meets the requirements of the SEAT;
 - (e) an event occurring outdoors on property owned by a School Board and under the authority of a School Board, provided the event meets the requirements of the SEAT;
 - (f) a regularly-occurring farmers' market, provided the farmers' market meets the requirements of the SEAT; and,

- (g) an outdoor conference, corporate event, social or entertainment event, or similar gathering, that is occurring on property owned and operated by a special event venue provider where the property is purpose-built for hosting such events, provided the event meets the requirements of the SEAT.
- (2) Despite subsection (1), the services and related fees set out pursuant to Section 8 are applicable to an event or farmers' market that is exempt from the by-law for the purposes of subsection (1), if such services are deemed to be required in the circumstances by the officials or other persons set out in Section 8.
- (3) For the purpose of subsection (1), the requirements of the SEAT shall be determined by means of a meeting of the SEAT with the applicant, by an exchange of correspondence with the Manager, or by other method as may be determined by the Manager, and confirmation of satisfaction of these requirements, if any, shall be issued by the Manager to the applicant.

APPLICATION FOR PERMIT

- 5. (1) A permit shall not be issued under this by-law unless the applicant has provided the Manager with the information required in subsection (2) within the following application deadlines:
 - (a) 30 days in advance of the special event, if the special event
 - (i) includes pyrotechnics or fireworks,
 - (ii) includes the preparation, storage, handling, serving or sale of food or beverages,
 - (iii) includes one or more vendors of any type,
 - (iv) includes or uses one or more vehicles,
 - (v) uses City property, or
 - (vi) includes open air fires;
 - (b) 60 days in advance of the special event, if the special event
 - (i) uses property owned or leased by the Provincial or Federal government,
 - (ii) requires a noise exemption pursuant to the City's Noise By-law,
 - (iii) uses or includes aircraft, watercraft, or helicopters, or,
 - (iv) includes or uses temporary structures or equipment, such as tents larger than 60 m² or 645ft²;
 - (c) 90 days in advance of the special event, if the special event
 - (i) requires a special occasion permit or a temporary extension to an existing license issued by the Alcohol and Gaming Commission of Ontario relating to the sale or serving of alcohol,
 - (ii) uses a highway other than a residential highway, or

- (iii) occurs on Victoria Day, Canada Day, Remembrance Day, or New Year's Eve; and,
 - (d) should a special event not include any of the factors listed in paragraphs (a) to (c), the application deadline for the purposes of subsection (1) shall be 30 days.
- (2) An applicant for a special event permit shall provide the Manager with the following information as it relates to the special event in question:
 - (a) a completed application for a permit in a form satisfactory to the Manager;
 - (b) satisfactory proof that the applicant is eighteen (18) years of age or more;
 - (c) with respect to the special event:
 - (i) a site plan and a traffic plan;
 - (ii) an emergency plan;
 - (iii) a security plan;
 - (iv) if the applicant is a corporation, the copies of the letters of incorporation or other incorporating documents that have been duly certified by the proper authorities and that show the full corporate name of the applicant, and an emergency contact person for the applicant;
 - (v) the quantity and type of any commercial vehicles and heavy vehicles, as defined under the Highway Traffic Act, and the quantity of vehicles that are included or used in the special event; and,
 - (vi) the quantity and type of all cooking, heating, sound and lighting equipment, stages, bleachers, tents, amusement rides, dunk tanks, heating equipment, generators and any other specialized equipment to be used during the special event, including the type of fuel used to operate the equipment and fuel storage plans;
 - (d) written proof that the owner and occupant of the property on which the special event is to be held has knowledge of and consents to the special event; and,
 - (e) any other information the Manager deems necessary in the circumstances, including the production of plans and specifications.
- (3) The Manager may at her discretion receive and consider an application that does not comply with the application deadlines set out in subsection (1), and if she considers such application, all other requirements of this by-law shall apply and she shall advise the applicant of her decision as expeditiously as possible in the circumstances.
- (4) Applicants shall only apply for one special event permit per event.

- (5) The information and plans provided by the applicant under subsection (2) shall be to the satisfaction of the General Manager of Parks, Recreation and Cultural Services, the General Manager of Public Works, the General Manager of Emergency and Protective Services, and the Chief of Police.
- (6) The onus of obtaining the necessary information, plan or specification required under this Section, including a consent to hold a special event in a particular location on private property, is solely that of the applicant and is at the applicant's cost.

CONDITIONS OF ISSUANCE

6. No applicant shall be issued a permit unless the applicant has provided the Manager with the following in relation to the special event:
 - (a) if the Paramedic Chief requires the provision of medical services or medical transport, or the provision of first aid services by non-paramedic staff, on site for the special event, the applicant shall provide proof that these services have been procured for the event at the applicant's cost;
 - (b) if the Fire Chief requires the provision of fire service resources on site for the special event, the applicant shall provide proof that these services have been procured for the event at the applicant's cost;
 - (c) if the Chief of Police requires the provision of Paid-Duty Police Officers or provincially-licensed security services on site for the special event, the applicant shall provide proof that these services have been procured at the applicant's cost;
 - (d) if the Chief of By-law and Regulatory Services requires the provision of By-law officers for noise monitoring or parking enforcement for the special event, the applicant shall provide proof in writing that these services have been procured at the applicant's cost;
 - (e) if the General Manager of Public Works requires the provision of services for regulatory signs for the installation of regulatory signs or portable variable message signs for the special event, the applicant shall provide proof in writing that these services have been procured at the applicant's cost;
 - (f) confirmation that all permits, licenses or other authorizations required under City by-laws have been obtained, including but not limited to those relating to noise, business licensing, signs, fireworks, or special events on the highway pursuant to By-law No. 2001-260 (as amended);
 - (g) confirmation from the Medical Officer of Health of Ottawa Public Health, or an authorized representative, that the applicant has met all of the requirements of the Health Protection and Promotion Act;

- (h) if alcohol will be sold or served in relation to the special event, proof in writing that all licenses, permits and requirements relating to the serving or sale of alcohol have been obtained and fulfilled;
- (i) confirmation from the Fire Chief that the special event complies with all applicable fire regulations including requirements of the Fire Protection and Prevention Act, 1997;
- (j) confirmation from the Chief Building Official of the City of compliance with the Building Code Act, 1992, and that all required building permits and occupancy permits have been obtained;
- (k) proof, satisfactory to the City Clerk and Solicitor, that the applicant has provided the required indemnity and has obtained the required insurance in accordance with Sections 11 and 12;
- (l) confirmation in writing that all devices, vessels, fuels or other matters regulated under the Technical Standards and Safety Act, 2000, comply with that Act and with any requirements of the Technical Standards and Safety Association;
- (m) if the special event includes electrical installations or electrical work, confirmation in writing of compliance with the Ontario Electrical Safety Code, Ontario Regulation 164/99, as amended, and with the requirements of the Electrical Safety Authority; and
- (n) confirmation in writing that the applicant has paid the fees required by the Deputy City Treasurer, Revenue, under Section 8 of this by-law.

PERMITS

7. (1) The Manager is authorized on behalf of the City to receive and consider applications for permits, and to conduct all investigations necessary to ensure that a permit is issued in accordance with this by-law and City policies, and to issue the permit in accordance with this by-law.
- (2) Prior to making a decision on any application for a permit, the Manager shall consult with and if necessary convene a meeting with the SEAT, and with any Departments and Branches of the City or any other person or group that the Manager or SEAT deem has an interest in the special event.
- (3) If in the opinion of the Manager, the consultations under subsection (2) or the investigations undertaken pursuant to subsection (1) disclose any reason to believe that the carrying on of the special event may result in a breach of this by-law, another by-law or law, or may be adverse to the public interest, to public health safety, or the protection of persons and property, the Manager may refuse approval of the permit or may approve it with modifications or conditions as the Manager deems necessary in the circumstances.

- (4) Notwithstanding any other section of this by-law, the Manager shall refuse to issue a permit if she is notified by the City's Revenue Branch, in the Finance Department, that the applicant or any principal, director or officer of the applicant has an outstanding and unpaid debt to the City relating to a special event regardless of whether such debt was incurred through another organization or legal entity in relation to a special event.
- (5) The Manager is authorized to impose conditions on a permit including but not limited to conditions related to public health and safety, and the protection of persons and property.
- (6) No later than twenty (20) days after the receipt of the application, the Manager shall consider the application and notify the applicant whether a permit will be issued as well as the conditions for such a permit. No permit shall be valid until the applicable conditions of issuance specified in Section 6 have been fulfilled.
- (7) A permit issued under this by-law shall specify the name of the permit holder, the nature of the special event, its date(s) and time(s) including set up and take down, including alternate dates and times if any, its location and route if applicable, and any conditions imposed by the Manager.
- (8) A permit issued pursuant to this by-law is not transferrable, and is only valid for the specific applicant, special event, date, time and location listed on the permit, or alternative dates listed on the permit, if any.
- (9)
 - (a) The Manager shall consider and approve, if applicable, applications for special events with the same proposed date on a first-come-first-served basis and shall consider and approve, if applicable, succeeding applications in the order in which they are received only if the proposed time, location and route of the special events do not conflict and the required municipal services pursuant to Section 6 do not exceed available resources.
 - (b) Notwithstanding clause (a), an applicant for a permit for a special event proposed on property owned by the City shall have precedence over all other applications for the same property on the same date and time if the applicant has previously held a similar special event on that property for at least 3 years, and has no outstanding debts to the City in relation to special events.
- (10) The issuance of a permit for a special event does not represent a commitment or a promise by the City or the Manager to issue a permit for any subsequent, continuing, or similar event.
- (11) Despite any other provision of this by-law, the Markets Manager shall be consulted and, provided the requirements of the SEAT are met, is

authorized to approve all applications for special events proposed to take place in the area of the ByWard Market as it is established in By-law 2008-449 and in the area of the Parkdale Market as established in By-law No. 2008-448, as amended.

PROVISION OF CITY SERVICES OR POLICE SERVICES

8. (1) No later than thirty (30) days after the receipt of the application, the Deputy City Treasurer Revenue shall issue an invoice to the applicant requesting payment for all, or a portion of, the applicable fees for the municipal services or Ottawa Police Service services relating to the special event, including but not limited to any fees:
 - (i) identified in Schedule B for ambulances or paramedic services resources required by the Paramedic Chief, or Schedule C for fire service resources required by the Fire Chief;
 - (ii) for Paid Duty Officers identified in Schedule E required by the Chief of Police;
 - (iii) approved by Council for charter bus services to be provided by the Transit Services Department of the City;
 - (iv) identified in Schedule D for signage installation services required by the General Manager of Public Works;
 - (v) identified in Schedule F for noise monitoring and parking enforcement required by the Chief of By-law and Regulatory Services;
 - (vi) identified by the Deputy City Treasurer Revenue for any other service provided by the City in relation to the special event.
- (2) The applicant shall pay the full amount indicated in the invoice provided pursuant to subsection (1) no later than 14 days prior to the special event as required by the Deputy City Treasurer Revenue.
- (3) In addition to subsection (2), the applicant shall pay any additional fees calculated after the occurrence of the special event by the Deputy City Treasurer Revenue for services provided by the City or by the Ottawa Police Service in relation to the special event, where such fees were not included in the invoice provided under subsection (1).
- (4) A refund shall be issued to an applicant with a credit balance resulting from an overpayment, double payment or credit adjustment, in accordance with applicable City policy.
- (5) The fees set out in Schedule D for sign installation services provided by the Public Works Department shall not apply if the special event in question is for the direct benefit of a charitable or not-for-profit organization that operates solely for cultural, educational, or religious goals, social welfare,

civic improvement, recreation, amateur sport or any other similar community enhancement initiatives for any purpose except profit.

REQUEST FOR APPEAL

9. (1) Any person may request an appeal of a decision of the Manager by filing a request for an appeal jointly to the General Manager, Parks, Recreation and Cultural Services Department and to the General Manager, Public Works Department, no later than 5 days after receiving the notification provided in subsection 7(6).
- (2) A request for an appeal under subsection (1) shall be in writing and shall set out the reasons for appeal.
- (3) The General Manager, Parks, Recreation and Cultural Services Department and the General Manager, Public Works Department jointly shall consider the request for an appeal and shall provide the applicant with a decision in writing no later than fourteen (14) days in advance of the special event.
- (4) In considering the request for appeal, the General Manager, Parks, Recreation and Cultural Services Department and the General Manager, Public Works Department may request further information from the applicant or from any other person.
- (5) The following criteria will be considered by the General Manager, Parks, Recreation and Cultural Services Department and the General Manager, Public Works Department:
 - (a) a report of the Manager and any information provided by the applicant;
 - (b) public health and safety;
 - (c) protection of property;
 - (d) whether the application form or information provided by the applicant is not complete; and
 - (e) any breaches of the law or of a City by-law.
- (6) The decision of the General Manager, Parks, Recreation and Cultural Services and the General Manager, Public Works, shall be final.

REVOCAION OR MODIFICATION OF PERMIT

10. (1) The Manager is authorized to modify or to revoke a permit at any time if there are reasonable grounds to believe that the holding or continuation of the special event:
 - (a) poses a danger to the health and safety of any person;
 - (b) poses a danger to property;
 - (c) is not in the public interest; or

- (d) is in contravention of this by-law or of a permit.
- (2) In the case of a revocation under subsection (1), the Manager shall immediately inform the permit holder or the permit holder's representatives of the revocation and the reasons for it by means of contacting the permit holder at the address or at the coordinates provided in the permit application.

INDEMNIFICATION AND INSURANCE

11. Every permit holder shall enter into an indemnification agreement with the City to the satisfaction of the City Clerk and Solicitor in which the permit holder shall indemnify and save harmless the City, its employees and agents from and against all manner of actions, causes of action, claims, demands, losses and costs that may arise, be sustained, or prosecuted against the City for or by reason of the granting of the permit or of the performance of the permit holder under the permit whether with or without negligence on the part of the permit holder or the permit holder's employees, directors, agents and volunteers.

12. (1) Prior to the issuance of the permit, every applicant shall file with the Manager proof of Commercial General Liability insurance acceptable to the City and subject to limits of not less than two million dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof, for the duration of the special event.
- (2) If deemed necessary by the City Clerk and Solicitor, the insurance coverage required in subsection (1) shall include coverage for premises and operations liability, products and completed operations liability, cross liability, severability of interest clause, employees as additional insured, contingent employer's liability, personal injury liability, incidental medical malpractice, owners and contractors malpractice, blanket contractual liability, and non-owned automobile liability.
- (3) If applicable to the special event, and at the discretion of the City Clerk and Solicitor, the insurance coverage required in subsection (1) shall be endorsed to include Liquor License Liability.
- (4) The insurance coverage required in subsection (1) shall be in the name of the permit holder and shall name the City as an additional named insured. This insurance shall be non-contributing with, and apply as primary and not as excess of, any insurance available to the City.
- (5) If applicable to the special event, and at the discretion of the City Clerk and Solicitor, the applicant shall file with the Manager prior to the issuance

of the permit liability insurance in respect of licensed owned or leased motor vehicles subject to a limit of no less than two million dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof.

- (6) The insurance coverage required in subsections (1) and (5) shall contain the endorsement to provide the City within thirty (30) days prior written notice of any cancellation or change.
- (7) The City Clerk and Solicitor is authorized to vary the insurance requirements of this Section in relation to a special event.

GENERAL ADMINISTRATIVE AND REGULATORY PROVISIONS

13. (1) No person shall give false or incorrect information for the purposes of obtaining a permit.
- (2) No permit holder shall fail to notify the Manager in writing of any change in any of the information contained in, or provided with, the permit application within two (2) days of the change.
- (3) Every person applying for or holding a permit issued pursuant to this by-law shall, in such application or in carrying on the special event for which a permit is issued, be governed by this by-law and comply with all other municipal by-laws and provincial and federal statutes and regulations.
- (4) No permit holder shall fail to comply with any condition imposed under a permit and any regulation and condition of this by-law, including its Schedule.
- (5) No person shall fail to produce a permit for inspection when directed to do so by either the Manager of Event Central or General Manager of Public Works, a municipal law enforcement officer or a police officer.
- (6) Every permit holder shall be responsible for obtaining all required permits, licenses or other authorizations, and for paying all applicable fees, that may be required by any level of government or from any agency in relation to the special event.
- (7) No permit holder shall fail to ensure that all equipment and structures used for the special event are safe and used for their intended use, are purpose-built, and are properly and lawfully installed, inspected, used and dismantled by persons who have been trained as to their installation, inspection, use and dismantling.

- (8) No person shall affix or place any banner, sign, material, or other item on private property or on City property as part of a special event unless:
 - (a) the banner, sign or other item does not pose a hazard for vehicular or pedestrian traffic on the highway or for persons on adjacent property; and,
 - (b) the placement of such sign, banner, material or item complies with all City by-laws regulating the placement of signs and the use and care of roadways.

- (9) No permit holder shall carry on a special event or allow it carried on
 - (a) outside the confines of a site as specified on the application for the permit or the permit,
 - (b) at a location not specified on the permit,
 - (c) on a date not specified on the permit, or
 - (d) at a time not specified on the permit,unless otherwise approved by the Manager.

- (10) No permit holder shall fail to ensure that any special event held on the property of the City complies with the City's Municipal Alcohol Policy.

- (11) No special event shall take place on transit property unless prior approval has been obtained from the General Manager of Transit Services, or an authorized representative.

- (12) Nothing in this by-law derogates from the obligation of a person to obtain a permit or other authorization from the City for use of City property, including City parks and facilities.

INSPECTIONS

14. The Manager, a municipal law enforcement officer or the Chief of Police each are authorized to enter on any land at any reasonable time for the purposes of conducting an inspection of a special event, including during the set-up, occurrence or dismantling of the special event, in order to ensure compliance with this by-law and any conditions of a permit.

15. During an inspection conducted under Section 14, the Manager, the Chief of Police, or a by-law municipal law enforcement officer may himself or herself or with the assistance of any other person:
 - (a) require the production for inspection of any document or thing relevant to the inspection;
 - (b) require the production of information relevant to the inspection; and,
 - (c) make examinations or take tests, samples or photographs necessary for the inspection.

16. No person shall hinder or obstruct the Manager, a municipal law enforcement officer or the Chief of Police or any person assisting them during an inspection conducted under Section 14 or activities undertaken under Section 15.

RESPONSIBILITY OF ACTIONS OF EMPLOYEES OR ASSISTANTS

17. (1) Every permit holder shall be responsible for the act or acts and omissions of any of his or her employees, assistants, agents, contractors and volunteers in relation to a special event under a permit in the same manner and to the same extent as though such actions or omissions were done by the permit holder.

(2) No permit holder or person employed by a permit holder, or agent of a permit holder, shall discriminate against any member of the public on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability.

REVIEW OF PERMIT HOLDER'S RECORDS

18. (1) At the Manager's request, no permit holder shall fail to make available to the Manager any records or information providing proof that the monies collected by the permit holder, including donations and admission fees, in respect of off-street parking for the special event were used for their intended purpose, where such parking was the subject of an agreement with or exception by the City.

(2) At the Manager's request, no permit holder shall fail to make available to the Manager any records or information providing details of the expenditure of monies provided to the permit holder by the City or of the use of City property or services in relation to the special event.

OFFENCES AND PENALTIES

19. (1) This by-law may be enforced by a police officer or a municipal law enforcement officer.

(2) Any person who contravenes any of the provisions of this by-law is guilty of an offence.

(3) Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

(4) When a person has been convicted of an offence under this by-law,
(a) the Ontario Court of Justice; or

(b) any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

REPRESENTATION

20. (1) No person shall publish or cause to be published any representation that the person is the holder of a valid permit under this by-law if they do not hold a valid permit under the by-law.
- (2) No person to whom a permit has been issued under this by-law shall alter, erase or modify a permit, or permit the alteration, erasing or modification of the permit or any part thereof, unless approved by the Manager who has initialled the change.

ENFORCEMENT

21. This by-law may be enforced by municipal law enforcement officers who have been appointed for that purpose or by officers of the Ottawa Police Service, or any police officer working under the direction of the Chief of Police.

SHORT TITLE

22. This by-law may be referred to as the "Special Events on Public and Private Property By-law".
23. This by-law shall come into force and effect upon enactment.

ENACTED AND PASSED this 17th day of July 2013

CITY CLERK

MAYOR

Schedule A
City Beach Events

1. The following regulations apply to a special event taking place on a beach that is owned, leased or occupied by the City:
 - (a) The permit holder shall place barricades around the area in which the special event is to be held on the beach.
 - (b) The permit holder shall ensure that authorized and trained volunteers are positioned at all of the entrances and exits to the barricaded area of the special event at all times during the special event in order to facilitate the access for emergency personnel.
 - (c) The permit holder shall ensure that a six (6.0) metre passageway within the barricaded area of the special event is kept free and clear of any obstacles in order that emergency vehicles may pass through if required.
 - (d) The permit holder shall not encumber or place obstacles of any kind or allow the encumbrance or the placement of obstacles of any kind on any access road or pathway leading to or from the beach on which the special event is taking place in order that emergency vehicles may pass if required.
 - (e) The permit holder shall provide portable toilets that are accessible to all participants of the special event, in a sufficient quantity to the satisfaction of the General Manager, Parks, Recreation and Culture.
 - (f) The permit holder shall provide adequate lighting of the beach area used for the special event as well as all entrances and exits to the special event, to the satisfaction of the General Manager of Parks, Recreation and Culture, in order to ensure the safety of all participants, at the permit holder's costs.
 - (g) The permit holder shall, at his or her own expense, provide any additional lifeguards duly certified by the Lifesaving Society at the National Lifeguard. Level that may be required for the special event as may be required by and to the satisfaction of the Manager of the City's Aquatic Venues Unit.
 - (h) The permit holder shall pay for the presence of any City staff that may be required for the special event after regular operating hours.
 - (i) The permit holder shall undertake at his or her own cost any locates for utilities and services prior to digging on any City beach, park or property, and shall obtain permission from the General Manager of Parks, Recreation and Cultural Services prior to digging.
 - (i) No permit holder or person participating in the special event held at a City beach shall access the body of water unless such access is specifically allowed in the permit.
 - (j) No permit holder or person participating in a special event at a City Beach shall have access to the body of water at a time not permitted in the permit.

- (l) Nothing in this Schedule or by-law derogates from the obligation of a permit holder to obtain a park permit or other permit relating to parks or City facilities that may be required under City by-laws or policies.

Schedule B
Fees for Paramedic Service Resource

Paramedic Services Resources	Hourly Rate*
Two Person Paramedic Resource	\$221.00
Single Paramedic Resource	\$110.50

*OMBI Measurement EMDS305A – EMS Actual Operating Cost per Actual Weighted Vehicle In-Service Hour

1. A risk assessment will be completed that will determine the quantity and type of resource(s) required for the event.
2. The cost of the resource includes staff time and any equipment, supplies or vehicle that is deemed necessary for the event.
3. A minimum charge of 4.5 hours will be applied, which includes 3 hours on-site + 1.5 hours for preparation and travel.
4. The hourly fee is divided in half in the event that only a single resource is required.

Schedule C
Fees for Fire Service Resource

Fire Service Resources*	Base Rate**	Hourly Rate***
Fire Apparatus Unit (4 Firefighters + Truck)	\$1261.00	\$420.00
Additional Firefighter(s)	\$223.00	\$74.50
Fire Prevention Officer	\$292.00	\$97.50
Chief Officer	\$329.50	\$110.00

*The type of resource deployed will be based on the OFS deployment strategy

**Base rate includes the minimum requirement of 3 hours of on-site event coverage.

***The hourly rate is charged in addition to the Base Rate for events that exceed 3 hours.

Schedule D
Fees for Services Provided by Public Works

Public Works Service Provided	Fee
Regulatory Sign Installation by City Staff (e.g. no stopping signs, tow away zone sign)	\$75/block (one-time fee per event)
Installation of Portable Variable Message Signs by City staff (includes delivery, set-up and removal of sign)	\$100.00/day + actual set up costs (staff time) (one-time fee per unit and per event)

Schedule E
Fees for Paid Duty Officers

Service Provided - Officer	Hourly Rate / Fee
Constable	\$76.35 per hour
Sergeant	\$86.57 per hour
Staff Sergeant	\$94.67 per hour
Car	\$45.00 per hour

A minimum charge of 4 hours will be applied.

Schedule F

Fees for services provided by By-law and Regulatory Services Branch

Service provided	Hourly rate/Fee*
By-law officer – monitor noise	\$55.00/hour
By-law officer – parking enforcement	<u>\$55.00/hour</u>

*A minimum charge of 3 hours will be applied, which includes onsite time, preparation and travel.

BY-LAW NO. 2013-232

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A by-law of the City of Ottawa respecting the permitting, regulating and governing of special events on public and private property.

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Enacted by City Council at its meeting of July 17, 2013.

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LEGAL SERVICES
VB/ G04-01- SPEC

COUNCIL AUTHORITY:
City Council June 26, 2013
CPSC Report 24, Item 5