



CONTROL OF SPECIAL EVENTS BYLAW, 1980

(Bylaw No. 277)

This is a consolidation of the Service Establishment Bylaw and adopted Bylaw amendments. The amendments have been combined with the original Bylaw for convenience only. This consolidation is not a legal document.

June 14, 2016

BYLAW AMENDMENTS				
Bylaw No.	Amend. No. / Yr.	Adopted	Short Citing	Description
1017	1/92	Dec 11/92	Regional District of East Kootenay – Control of Special Events Bylaw, 1980 – Amendment Bylaw No. 1, 1992	<ul style="list-style-type: none"> - “auditorium.” was replaced with “auditorium;” in Section 3 - “c) commercial racetracks.” was added to Section 3
2659	2/15	Nov 6/15	Regional District of East Kootenay – Control of Special Events Bylaw, 1980 – Amendment Bylaw No. 2, 2015	<ul style="list-style-type: none"> - An application fee of \$90 is added to Section 8.e - An application fee has been included in Section 9 in order to grant a licence - Section 10 is repealed
2704	3/15	June 10/16	Regional District of East Kootenay – Control of Special Events Bylaw, 1980 – Amendment Bylaw No. 3, 2016	<ul style="list-style-type: none"> - Sections 7, 8 and 9 are repealed and replaced - Section 10 is added

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 277

A bylaw to regulate Special Events pursuant to the provisions of Order-In-Council No. 1961/70.

WHEREAS the Board of the Regional District of East Kootenay deems it advisable and expedient to require that owners or occupiers of real property provide adequate health, sanitation, vehicle control and security for persons attending Special Events;

NOW THEREFORE the Regional Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This By-Law may be cited for all purposes of the "Regional District of East Kootenay – Control of Special Events By-Law, 1980".
2. This By-Law shall apply to the following areas as more particularly described in the Letters Patent of the Regional District of East Kootenay, including amendments thereto, namely:
 - (a) Electoral Area "A"
 - (b) Electoral Area "B"
 - (c) Electoral Area "C"
 - (d) Electoral Area "E"
 - (e) Electoral Area "F"
 - (f) Electoral Area "G"
3. This By-Law shall not apply to any congregation, gathering or event that is to take place:
 - a) In any licenced theatre, church or other place of assembly licenced by the authority having jurisdiction for the holding of such congregation, gathering or event;
 - b) in any school, gymnasium or auditorium;
 - c) commercial racetracks.

BL 1017
Dec 11/92

4. In this By-Law, unless the context otherwise requires, the following words shall have the following meanings:

"BOARD" – shall mean the Board of Directors of the Regional District of East Kootenay.

"LICENCE" – shall mean a licence issued by the Board, authorizing the holding of a Special Event.

"OCCUPIER" and "OWNER" – shall have the meanings respectively set forth in Section 1 of the Municipal Act, Chapter 255 of the Revised Statutes of British Columbia, 1960 and amendments thereto. .

"PERSON" - shall have the meaning set forth in Section 24 (1)(FF) of the Interpretation Act, Chapter 199 of the Revised Statues of British Columbia, 1960 and amendments thereto.

'REGIONAL DISTRICT" – shall mean the Regional District of East Kootenay.

"SPECIAL EVENT" – shall mean any public show, exhibition, carnival, fair, concert, congregation, gathering or commercial performance attended by more than five hundred (500) people or any public show, exhibition, carnival, fair, concert, congregation, gathering or commercial performance which might reasonably be expected to be attended by more than five hundred (500) people.

5. No Special Event shall be publicized in any manner before a Licence for it has been issued by the Board.
6. No Special Event shall be held within the Regional District unless a Licence for that Special Event shall first have been issued to the owner or occupier of the real property on which the Special Event is to be held.

BL 2704
June 10/16

7. Application for a Licence shall be made in writing to the Regional District not less than sixty (60) days prior to the commencement of the Special Event and must be accompanied by the following:

- a) an application fee of \$90.00;
- b) the event plan required under Section 8 of this Bylaw; and
- c) all comments provided under Section 9 of this Bylaw.

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8. An applicant must prepare an event plan that includes and outlines the plans made for the following:

- a) fire protection;
- b) first aid;
- c) toilet facilities;
- d) garbage and recycling collection and removal;
- e) internal security of the site;
- f) food safety;
- g) parking;
- h) traffic control;
- i) liquor being served;
- j) prevention of excessive or disturbing noises and/or nuisances; and
- k) contact person during the Special Event.

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9. The applicant must refer their application and the event plan to the following agencies or individuals for review in order to allow them an opportunity to provide written comments confirming whether they have concerns about the application or Special Event:

- a) the Medical Health Officer for the location in which the Special Event is to be held;
- b) the Royal Canadian Mounted Police (RCMP) detachment for the location in which the Special Event is to be held; and
- c) the Fire Chief of the fire protection service area in which the Special Event is to be held or, if no fire protection service area exists, the Office of the Fire Commissioner.

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10. Upon receipt of the written application for a Licence and the accompanying items required under Section 7 of this Bylaw, the Board may grant a Licence to the applicant.

11. The Board may require, as a condition of the granting of the Licence, that the owner or occupier or the person or persons promoting the Special Event post such security as may be stipulated by the Board for the reimbursement of any costs which may be incurred by the Regional District because of and as a consequence of the Special Event. Said deposit shall consist of public liability and performance bond and/or cash as may be stipulated by the Board, but shall be no less than an amount equal to the applicant's realistic pre-estimated costs of providing the arrangements, services and facilities contained in Section 8 of this By-Law.

12. The Regional District will hold the deposit required by this By-Law to the credit of the applicant until the Regional District has determined all costs to the Regional District by its normal accounting procedures. The said deposit will be applied to such costs or charges occurring within respect to the matters listed in Article 7 and any surplus will be refunded to the applicant.

13. The applicant shall indemnify and save harmless the Regional District from any and all actions arising from or because of the "Special Event". And without limiting the generality of the foregoing, the applicant shall obtain insurance in a form and amount acceptable to the Regional District to cover risks of injury to personnel or property damage to equipment of the Regional District and to provide insurance coverage to cover expenses and costs or charges other than itemized above.

14. No owner or occupier of property shall allow the said property to be used for a Special Event which may develop the making or causing of noises or sounds which disturb, or tend to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.
15. No owner or occupier of property shall allow any property to be used for a Special Event, the location of which has not been approved by the Regional Board.
16. No owner or occupier of property shall conduct, sponsor, or allow to be held upon their property any event or allow to congregate on their property any gathering of people pursuant to the provisions of this By-Law without first obtaining a licence pursuant to the terms and conditions of this By-Law.
17. No owner or occupier of property shall allow a congregation or gathering of persons or an event to take place contrary to the terms of any written approval issued pursuant to this By-Law if they have obtained a licence for the holding of such congregation, gathering or event pursuant to the terms of this By-Law.
18. A person who violates any of the provisions of this By-Law is guilty of an offense against this By-Law and is liable, on summary conviction to a fine of not more than Five Hundred (\$500) Dollars and costs, and in default of payment, to imprisonment for a term not exceeding six (6) months, or to both fine and imprisonment. Every day on which an offense under this By-Law shall occur, it shall constitute and be a separate offense and each such offense shall be punishable as herein provided.

READ A FIRST TIME the 31st day of May, 1980.

READ A SECOND TIME the 31st day of May, 1980.

READ A THIRD TIME the 31st day of January, 1981.

Received the approval of the Minister of Municipal Affairs the 10th day of March, 1981 (Approval No. 810293).

Reconsidered, finally passed and adopted the 27th day of March, 1981.

S.W. Wilson
CHAIRPERSON

W. C. McNamar
SECRETARY