

MUNICIPAL DISTRICT OF BIG LAKES

BY-LAW NO. 02-2012

Being a by-law of the Municipal District of Big Lakes, in the Province of Alberta to license and regulate concerts in the M.D. of Big Lakes in accordance with Section 7 of the Municipal Government Act, Chapter M26, Revised Statutes of Alberta 2000, as amended.

WHEREAS, the Municipal Government Act, RSA 2000, Chapter M-26, and regulations made thereunder provide that a Municipality may enact bylaws for municipal purposes respecting:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public;
- (c) businesses, business activities and persons engaged in business;

NOW THEREFORE the Council of the Municipal District of Big Lakes in the Province of Alberta, duly assembled, hereby enacts as follows:

PART 1 - DEFINITIONS

1.1 This bylaw may be cited as the "M.D. of Big Lakes Concert Bylaw;"

1.2 In this Bylaw,

- (a) "Concert" means any music festival, musical performance, rock Concert, dance festival, or similar musical activity, at which music is provided by paid or amateur performers, or by pre-recorded means; which is held at any place within the Municipality to which members of the public are invited or admitted for a charge, or free of cost and; is likely to attract five hundred (500) or more people in any twenty-four (24) hour period;
- (b) "Concert Facility" means any premises situated within the Municipality capable of staging a Concert in accordance with the provisions of this Bylaw;
- (c) "Council" means the Council of the Municipal District of Big Lakes.
- (d) "Health Officer" means the Public Health Inspector / Executive Officer as defined by the Alberta Public Health Act [RSA 2000, Chapter P-37] appointed or designated by Alberta Health Services for the Municipal District of Big Lakes;
- (e) "Licensee" means a person who has applied for and obtained a license to operate a Concert pursuant to this Bylaw.
- (f) "Licensing Officer" means the Chief Administrative Officer of the Municipal District of Big Lakes or his designate.
- (g) "Municipality" means the Municipal District of Big Lakes.
- (h) "Peace Officer" means a Community Peace Officer or a Bylaw Enforcement Officer appointed under Bylaw # 21-2008.

PART II - APPLICATIONS

- 2.1. No person shall operate, maintain, conduct or advertise a Concert in the Municipality unless they have first obtained a license from the Licensing Officer to operate or conduct such a Concert.
- 2.2. Applications for a license to conduct a Concert shall be made to the Licensing Officer in writing at least sixty (60) days prior to the proposed date of the Concert and shall contain the following information:
- (a) The name, mailing address, and telephone number(s) of the person making such application. If the application is made by a partnership, the names and addresses of the partners shall appear. Where the Licensee is an incorporated company, the application shall be signed by at least two directors of the incorporated company and shall contain the addresses of such corporate directors and shall have attached a certified copy of the Certificate of Incorporation.
 - (b) A written statement of the kind, character, or type of Concert which the Licensee proposes to conduct, operate or carry on.
 - (c) The address or legal description of property where the proposed Concert is to be conducted, operated or carried on. Additionally, the Licensee shall submit proof of ownership of the place where the Concert is to be conducted or a statement signed by the owner of the premises indicating his consent that the site be used for the proposed Concert.
 - (d) The date or dates and hours during which the Concert is to be conducted.
 - (e) An estimate of the number of customers, spectators, participants, and other persons expected to attend the Concert for each day it is conducted.
 - (f) A detailed written explanation of the Licensee's plans to provide security, fire protection, water supplies and facilities, sewage and drainage facilities, food supplies and facilities, solid waste disposal, first aid facilities and services, vehicle parking spaces, vehicle access policing and on-site traffic control and, if it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for illuminating the premises and for camping or similar facilities. The Licensee's plans shall include what provisions shall be made for numbers of spectators in excess of the estimate, provisions for clean-up of the premises and provisions for the removal of rubbish after the Concert has concluded. A plot plan showing the arrangement of the facilities, including those for parking, egress, and ingress, shall be submitted with such application.

PART III - REQUIREMENTS

- 3.1 Every person applying for a license pursuant to this bylaw shall satisfy the Licensing Officer and Health Officer that he is able to meet the conditions and requirements set out in this bylaw.
- 3.2 Every Licensee to conduct a Concert shall be subject to the following conditions and requirements:
- (a) Security Protection: Every Licensee shall provide at his own expense on premise security protection. The Officer in Charge of the R.C.M.P. shall determine the needs required to protect persons and property.

- (b) **Water and sanitation facilities:** Every Licensee shall provide an ample supply of potable water for drinking and sewage purposes at the site of the Concert as approved by the Health Officer. Every Licensee shall provide and submit plans for the water and sewage facilities to the Health Officer for review and approval prior to being issued a license. Public and private flush-type water closets, lavatories, porta-potties, drinking facilities, hand washing facilities, sewage and drainage systems, and items incidental to the operation of the foregoing shall be required as determined by the Health Officer. This condition shall only be deemed to have been met where the Health Officer has reviewed and approved the arrangements as satisfactory. Any connection to municipal water or sanitary system requires approval from the Superintendent of Public Works of the Municipality.
- (c) **Food Concessions:** Where the Licensee proposes to have food concessions at or near the Concert site, he/she shall submit plans relating to the proposed food concessions to the Health Officer for review and approval prior to being issued a license.
- (d) **Waste Disposal Facilities:** Every Licensee shall be required to furnish such waste receptacles and outdoor waste storage bins as may be required by the Health Officer. Every Licensee shall provide and submit plans for the waste disposal facilities to the Health Officer for review and approval prior to being issued a license. An adequate supply of plastic bag liners to fit the trash cans shall be provided and each container shall at all times have a plastic bag liner inserted. The pick-up and removal of trash, refuse, garbage and rubbish, shall be at least once a day or more often if required by the Health Officer. A signed contract with a licensed refuse collector shall be submitted and filed with the Health Officer. The removal of all trash and refuse shall be at the Licensee's expense.
- (e) **First Aid Facilities:** Every Licensee shall provide such first aid facilities at the site of the Concert as may be required by Alberta Health Services.
- (f) **Parking Areas:** Every Licensee shall provide adequate parking spaces for persons attending the Concert by motor vehicle. The Licensee may be called upon to provide a separate parking space for every two persons expected to attend the Concert by motor vehicle. Such parking areas shall be clearly marked. The Licensing Officer shall approve a Licensee's "parking plan" before a license shall be issued.
- (g) **Access and Parking Control:** The Licensee shall provide adequate ingress and egress to the Concert premises and parking areas; therefore necessary roads, driveways and entrance ways shall exist to ensure the orderly flow of traffic into the premises from a highway or road which is part of the highway system or which is a highway maintained by the Municipality. A designated special access way for fire equipment, ambulances, and other emergency vehicles may be required. The Licensing Officer shall approve the Licensee's plan for ingress and egress before a license shall be issued. The Licensee shall submit a traffic and pedestrian management plan for the Licensing Officer's approval before a license is issued. Additionally, any Licensee may be required to show that traffic control personnel are under his employ to insure orderly traffic movement and relieve traffic congestion in the vicinity of the Concert area.
- (h) **Alternate Transportation:** The Licensing Officer may require the Licensee to provide at the Licensee's expense, for alternate means of transportation to and from the Concert premises where such alternate means of transportation in the sole opinion of the Licensing Officer are required due to

- (i) a lack of public transportation in the area,
 - (ii) limitations regarding access to the Concert premises, or
 - (iii) parking limitations in the vicinity of the Concert premises.
- (h) Where there are camping provisions, the Licensee shall provide a map detailing the camping areas, the number of camping stalls in each area and identify the roadways throughout the camping areas. The plan shall contain provisions for the orderly processing and parking of camping units. Each camping area must allow for vehicle access, including sufficient space for emergency vehicle access and passage.
- (i) Hours of Operation: All Concerts which are subject to a license pursuant to the provisions of this bylaw shall close and cease operations continuously between the hours of 2:00 a.m. and 7:00 a.m. of each and every day.
- (j) Communications: The Licensee shall be required to establish a communications system for public use where ordinary communications are not available. The Licensing Officer may require the provision of a mobile phone at the site of the Concert.
- (k) Public Liability Insurance: The Licensee shall be required to provide Public Liability insurance for the event in the minimum amount of Five Million Dollars (\$5,000,000.00), or additional amount as specified by the Licensing Officer, naming the Municipal District of Big Lakes co-insured. Proof of the insurance policy shall be provided to the Municipality prior to the event.
- (l) Miscellaneous: The Licensing Officer may impose such additional conditions as are reasonably calculated as necessary to protect the health, welfare, and property of local residents and persons attending the Concerts.
- 3.3 A Licensee shall comply with all relevant Federal, Provincial, or Municipal laws in existence.
- 3.4 The Licensing Officer may grant relief from any of the above requirements where it appears that such an action is in the best public interest. The ability to grant relief shall be limited to those items within the control of the Licensing Officer under this bylaw and does not relieve the Licensee from any conditions or requirements imposed by law, contract or otherwise.
- 3.5 The Licensee may be required to pay the Municipality for the costs of services which are required to ensure the safety, health and welfare of the public and protection of property.
- 3.6 The Licensing Officer shall not issue a license for a Concert under the provisions of this bylaw until the Licensee has obtained approval for such Concert from the following persons or their designated representatives:
- (a) Police
 - (c) Alberta Health Services
- 3.7 (a) Where the Licensing Officer is satisfied that a Concert Facility is capable of staging a Concert to which this bylaw applies, in accordance with the provisions of this bylaw, the Licensing Officer may issue a license under this bylaw to the Concert Facility.

- (b) Where a license issued under this section has been issued to a Concert Facility, a person seeking to stage a Concert within a Concert Facility need not obtain a license under the provisions of this bylaw while the license issued to the Concert Facility is still in effect.

PART IV RIGHT TO INSPECT

- 4.1 A Peace Officer and/or the Licensing Officer may inspect property in accordance with the Municipal Government Act for the purposes of determining whether there has been compliance with a license issued under Part III of this Bylaw.

PART V ORDERS

- 5.1 If in the opinion of a Peace Officer and/or the Licensing Officer, the Licensee has not met the provisions of this bylaw, the Designated Officer may issue a written Order in accordance with the Act.

PART VI SERVICE OF ORDER

- 6.1 The Peace Officer must serve the Order by delivering it or sending it by mail to the Licensee or agent and may also deliver it in person to any other agent and may also post it on the door of a building or in any other conspicuous place on the Property, and service is effected on the day of posting. If mailed, the Order is deemed to have been received 7 days after it is sent. An Appeal Notice must accompany the Order when it is served.

PART VII REVIEW OF ORDERS

- 7.1 A person who receives an Order may request the Council to review the Order by completing the Appeal Notice, and delivering it to the following address:

Municipal District of Big Lakes
Box 239, 5305-56th Street
High Prairie, Alberta T0G 1E0

within 14 days of the date the Order is received.

PART VIII DECISION OF COUNCIL

- 8.1 After reviewing the Order, the Council may confirm, vary, substitute, or cancel the Order in accordance with section 547(2) of the Act.

PART IX APPEAL TO COURT

- 9.1 A person affected by the decision of the Council under Part 8, with regards to an Order, may appeal to the Court of Queen's Bench in accordance with section 548 of the Act.

PART X OFFENCES AND PENALTIES

- 10.1 No person shall obstruct, interfere with or hinder any Peace Officer in the carrying out of their duties and responsibilities under this Bylaw.
- 10.2 No person shall operate, maintain, conduct or advertise a Concert in the Municipality unless he has first obtained a license from the Licensing Officer to operate or conduct such a Concert.
- 10.3 Any person who:
- (a) operates, maintains, conducts, advertises a Concert in the Municipality without first having obtained the licenses required by this order, or
 - (b) having obtained the license, fails to comply with any of the conditions

is guilty of an offence and is liable on a conviction to a fine of not less than TWO THOUSAND, FIVE HUNDRED DOLLARS (\$2,500.00) and not more than TEN THOUSAND DOLLARS (\$10,000.00) and in addition to a fine of not less than TWO THOUSAND, FIVE HUNDRED DOLLARS (\$2,500.00) and not more than TEN THOUSAND DOLLARS (\$10,000.00) for every day the offence continues, and in default of payment, to imprisonment for a term not exceeding thirty (30) days.

PART XI VIOLATION TICKET

- 11.1 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedures Act, RSA 2000, c.P-34, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 11.2 Where there is a specified penalty listed for an offence in Part 5 of this Bylaw, a Peace Officer may issue a violation ticket allowing for a voluntary payment of the specified penalty to be made pursuant to the Provincial Offences Procedures Act, RSA 2000, c.P-34, as amended, and such voluntary payment shall be accepted by the Municipal District in lieu of prosecution for the offence.
- 11.3 If the person upon whom a violation ticket is served fails to pay the required sum within the time specified in the violation ticket, the provisions of this section regarding acceptance of payment in lieu of prosecution do not apply.
- 11.4 This section shall not prevent any Peace Officer from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provision of the Provincial Offences Procedures Act, RSA 2000, c.P-34, as amended.

This by-law shall come into force and effect upon final passing.

Read a first time this 28th day of March A.D., 2012

Read a second time this 9th day of May, A.D., 2012

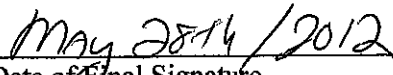
Read a third time and finally passed this 9th day of May, A.D., 2012



Reeve



Chief Administrative Officer



Date of Final Signature