

MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44

BYLAW C-5949-2004

Page 1

A Bylaw of the Municipal District of Rocky View to establish licensing and regulation of concerts.

WHEREAS Section 7 & 8 of the Municipal Government Act R.S.A. 2000, C-M-26 provides that a Municipality may pass bylaws to regulate entertainment;

NOW THEREFORE, the Council of the Municipal District of Rocky View No. 44 in the Province of Alberta, duly assembled, hereby enacts as follows:

TITLE

1. This Bylaw may be cited as the "Concerts Bylaw."

DEFINITIONS

2. In this Bylaw,
 - (a) "Concert" shall mean any music festival, dance festival, "rock" festival, or similar musical activity, which attract 1,500 or more people in any one twenty-four (24) hour period, at which music is provided by paid or amateur performers or by pre-recorded means, and which is held at any place within the municipality, and to which members of the public are invited or admitted for a charge or free of cost;
 - (b) "Council" means the council of the Municipal District of Rocky View No. 44;
 - (c) "Health Officer" means the Medical Officer of Health appointed by the Local Board of Health or by the board of a health unit as the case may be, or a person designated by the Medical Officer of Health, or where no Medical Officer of Health has been appointed the Local Board of Health or the board of a health unit as the case may be or such person as is designated by the Local Board of Health or the board of a Health Unit;
 - (d) "Licensee" means a person who has applied for and obtained a license to operate a concert pursuant to this bylaw;
 - (e) "Licensing Officer" means the council or such person as council may designate;
 - (f) "Municipality" means the Municipal District of Rocky View No. 44".
 - (g) "Peace Officer" means any member of the Royal Canadian Mounted Police or Special Constable or Bylaw Enforcement Officer employed by the Municipal District of Rocky View.

GENERAL PROHIBITION

3. 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.

MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44

BYLAW C-5949-2004

Page 2

EXEMPTION & EXCEPTIONS

4. (a) Applications for a license to conduct a concert shall be made to the licensing officer in writing at least sixty days prior to the proposed date of the concert and shall be accompanied by a non-refundable application fee as prescribed by the master rates bylaw and shall contain the following information:
- (i) The name, age, residence and mailing address with the phone number or numbers of the person making such application. If the application is made by a partnership the name and addresses of the partners shall appear. Where the applicant is an incorporated company the application shall be signed by at least two directors of the incorporated company and shall contain the address of such corporate directors and shall have attached a certified copy of the Certificate of Incorporation.
 - (ii) A written statement of the kind, character, or type of concert which the applicant proposes to conduct or operate.
 - (iii) The address or legal description of property where the proposed concert is to be conducted or operated. Additionally, the applicant shall submit proof of ownership of the place where the concert is to be conducted or a written document signed by the owner of the premises indicating his consent that the site be used for the proposed concert.
 - (iv) The date or dates and the hours during which the concert is to be conducted.
 - (v) An estimate of the number of customers, spectators, participants, and other persons, expected to attend the concert for each day it is conducted.
 - (vi) The names and addresses of anyone contributing, investing, or having a financial interest greater than \$500 (five hundred dollars) in producing the concert.
 - (vii) A financial statement in a form to be determined by the licensing officer to give assurance of the ability of the applicant to meet the conditions of the license being applied for.
 - (viii) A detailed written explanation of the applicants plans to provide security and fire protection, water supplies and facilities, sewage and drainage facilities, food supplies and facilities, sanitation facilities, 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 applicants plans shall include what provisions shall be made for numbers of spectators in excess of the estimate, provisions for the 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.

MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44

BYLAW C-5949-2004

Page 3

- (ix) Any other information the licensing officer in his sole discretion requests, in order to assist him in deciding whether or not a license should be issued.
 - (b) Application may be made to the licensing officer for annual permitting of events ongoing and similar in nature. Licensing officer must be satisfied that any/all requirements/exemptions under this bylaw or assigned to a permit will be met continuously.
- 5. A license shall not be issued pursuant to this bylaw unless the licensing officer is satisfied that an applicant will be able to meet the conditions and requirements set out in this bylaw.
- 6. Every licensee to conducting a concert shall be subject to the following conditions and requirements:
 - (a)
 - (i) Security protection: A licensee shall provide at his own expense security protection. This shall include the provision of a minimum of one security officer for every 400 persons expected to be in attendance.
 - (ii) Peace Officers required are to be paid for at the time of concert approval. One Peace Officer for every 1000 persons expected. Should the actual costs incurred in providing Peace Officers exceed the amount set at the time of approval, the difference shall be paid by the concert applicant to the Municipality.
 - (b) Water and sanitation facilities: A licensee shall provide ample supply of potable water for drinking and sanitation purposes at the site of the concert. Lavatories and drinking facilities and sewage and drainage systems and items incidental to the operation of the foregoing shall be required as determined by the Public Health Inspector and/or Environmental Health Officer. This condition shall only be deemed to have been met where the Public Health Inspector and/or Environmental Health Officer has accepted such arrangements as satisfactory.
 - (c) Food concessions: Will meet all the requirements set down by the Calgary Regional Health Authority Public Health Division/Department.
 - (d) Every licensee shall be required to furnish such garbage receptacles as may be required by the Public Health Inspector and/or Environmental Health Officer. The removal of all trash and refuse shall be at the licensees' expense.
 - (e) Every licensee shall be required to obtain a Liquor Licence from the Alberta Liquor Control Board.
 - (i) The applicant in his written statement will give full details of any license or permit request that is to be made to the Alberta Liquor Control Board.
 - (ii) If a license or permit is issued to the applicant pursuant to the Gaming and Liquor Act, RSA 2000, c. G-1 as amended, the applicant shall comply with all provisions of the Alberta Gaming and Liquor Act and Regulations thereto, and these provisions and regulations shall be deemed to be part of any license issued under this bylaw.

MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44

BYLAW C-5949-2004

Page 4

- (f) First aid facilities: A licensee shall provide such first aid facilities at the site of the concert as may be required by the Public Health Inspector and/or Environmental Health Officer. The licensee shall provide ambulance services to transport persons attending the concert from the site of the concert to the nearest hospital where need arises. The type of ambulance service shall be as specified by the Public Health Inspector and/or Environmental Health Officer. Where a proposed concert is expected to attract a large number of persons to a site located a distance of five (5) kilometres from adequate existing treatment facilities, the licensee may be required to provide emergency medical treatment facilities on the premise of the concert.
 - (g) Parking areas: A 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 (2) persons expected to attend the concert by motor vehicle. Such parking areas shall be clearly marked. The licensing officer shall approve an applicants "parking plan" before a license shall be issued.
 - (h) Access and parking control: A licensee shall provide adequate ingress and egress to the concert premises and parking areas, therefore necessary roads, driveways and entrance ways shall exist to insure the orderly flow of traffic into the premises from a highway road which is part of the highway system or which is a highway maintained by the Municipality. A special access way for fire equipment, ambulances and other emergency vehicles may be required. The licensing officer shall approve a licensee's plan for ingress and egress before a license shall be issued. Additionally, a licensee may be required to show that traffic guards are under his employ to insure orderly traffic movement and relieve traffic congestion in the vicinity of the concert area.
 - (i) Hours of operation: All concerts which are subject to a license pursuant to the provisions of the Order shall close and cease operations continuously between the hours of 1:00 a.m. and 7:00 a.m. of each and every day.
 - (j) Adequate telephones shall be made available for the emergency services on site.
 - (k) 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 concerts.
7. A licensee shall comply with all relevant Federal, Provincial or Municipal laws in existence.
8. (a) 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. This ability to grant relief shall be limited to those items within the control of the licensing officer under this bylaw and does not relieve a licensee from any conditions or requirements imposed by law, contract or otherwise.
- (b) Exempted functions include those commonly known as private social functions, non-profit private parties/events, community hall or public facility based events and celebrations (non-commercial in nature).
9. A License will not be issued until all the appropriate development permits have been obtained from the planning department.

MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44

BYLAW C-5949-2004

Page 5

GENERAL PENALTY PROVISION

10. Any person who:
 - (a) Operates, maintains, conducts, advertises a concert in the Municipal District of Rocky View No. 44 without first having obtained the licenses required by the bylaw; or
 - (b) and having obtained the license, failed to comply with the conditions set out in this bylaw or attached to a license; is guilty of an Offence and is liable on conviction to a fine of not more than two thousand five hundred (\$2,500.00) or in default of payment of fine to imprisonment for a period not exceeding 6 months, or both fine and imprisonment in such amounts.

MINIMUM AND SPECIFIED PENALTIES

11. The minimum and specified penalty for a violation of any provision of this Bylaw is a fine in the amount of \$1,000.
12. Notwithstanding Section 11 of this Bylaw, if a Person violates the same provision of this Bylaw twice within a one-year period, the minimum and specified penalty for the second such violation shall be a fine in the amount of \$10,000.
 - (a) Notwithstanding Section 11 of this Bylaw, if a person is ordered to cease and desist any contravention of this act and fails to comply with the Peace Officer's order, the minimum specified penalty is \$2,500 per day for the continuance of any offence within this Bylaw.

ENFORCEMENT

13. Where a Peace Officer has reasonable grounds to believe that a Person has violated any provision of this Bylaw, the Peace Officer may commence Court proceedings against such person by:
 - (a) Issuing the Person a Violation Ticket pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act; or
 - (b) Swearing out an Information and Complaint against the Person.
14. Where a Peace Officer issues a Person a Violation Ticket in accordance with Section 13 of this Bylaw, the Officer may either:
 - (a) allow the Person to pay the minimum specified penalty as provided for the offence in sections 10 and 11 of this Bylaw by including such specified penalty in the Violation Ticket; or
 - (b) require a Court appearance of the Person where the Peace Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the Provincial Offences Procedure Act.

MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44

BYLAW C-5949-2004

Page 6

15. No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent, or preclude the Municipal District from pursuing any other remedy in relation to a Premises provided by the Municipal Government Act, or any other law of the Province of Alberta.

SEVERABILITY

16. 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.

STRICT LIABILITY OFFENCE

17. It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

REPEAL

18. Bylaw No. C-5757-2003 is hereby repealed.

EFFECTIVE DATE

19. This Bylaw shall come into force and effect upon the date of its third reading.

READINGS BY COUNCIL

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 29th day of June, 2004, on a motion by Councillor Everett.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 29th day of June, 2004, on a motion by Councillor Goode.

Permission for third reading was passed unanimously in open Council, assembled in the City of Calgary in the Province of Alberta this 29th day of June, 2004, on a motion by Councillor Everett.

Third and final reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta this 29th day of June, 2004, on a motion by Councillor Cameron.


REEVE OR DEPUTY REEVE


MUNICIPAL SECRETARY