



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS**  
*Special Events By-law*

**1. Citation**

1.1 This by-law may be cited as the "Special Events By-law".

**2. Authority**

2.1 Section 172 (1) (a-c), and (d) (iii-vi) of the *Nova Scotia Municipal Government Act (MGA)* provides municipalities with the power to make by-laws, for municipal purposes, respecting the health, well-being, safety and protection of persons; the safety and protection of property; persons, activities and things in, on or near a public place or place that is open to the public, and respecting nuisances, activities and things that, in the opinion of Council, may be or may cause nuisances, including noise.

As well, Council has the authority to prescribe the hours during which certain noises, or all noise above a certain level, specified in this by-law is prohibited, authorizing the granting of exemptions in such cases as the by-law provides, and providing that it is an offence to engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood.

2.2 Section 10A of the *Emergency Management Act* – Chapter 8 of the Acts of 1990, amended 205, c. 48, ss. 1-6, c. 1 s. 2; 29, c. 12 – An Act to Provide for a Prompt and Coordinated Response to a State of Emergency, states that "Every municipality shall, immediately upon becoming aware of it, inform the Emergency Management Office of any real or anticipated event or emergency that could impact the health, safety or welfare of Nova Scotians, their property or the environment" 2009, c. 12, s. 3.

2.3 Division B, Section 2.9 of the National Fire Code of Canada 2010 and Division B, Section 3.1.6 of the National Building Code of Canada 2010, outlines the requirements for the erection and use of Tents and Air Supported Structures and other types of membrane structures. The authority to inspect and approve the use of these apparatus is granted to the Municipality of West Hants' Fire Inspector, as appointed by Council. Additional standards that must be adhered to include the National Fire Protection Association Standard #7095 or CAN/ULC-S109.

2.4 The *Nova Scotia Fire Safety Act* also provides guidance to Special Events structures and operations. This Act is administered by the Fire Inspector who will grant approval based on meeting the requirements of the Act.

### **3. Interpretation**

3.1 In this By-law, unless the context otherwise requires:

- a. "Coordinator" means the REMO Coordinator for the Municipality of West Hants, or other qualified person appointed by the Chief Administrative Officer;
- b. "Large" means five hundred (500) or more;
- c. "Special Event" means any event where a large number of people (five hundred or more) are brought together to watch or participate in entertainment, performance or gathering or other event where:
  - i. the performance or event is held for the purpose of providing entertainment or information, whether such entertainment or information is free or for profit or gain;
  - ii. tickets may be provided or sold and/or an entrance or attendance fee is charged for persons to attend; and
  - iii. music, noise or sound of any kind or source, including but not limited to amplified, recorded or computer generated music, amplified recorded or computer generated sounds, live music, sound or band music is performed or played.
- d. "Promoter" means the person/group/organization who has the financial responsibility for the special event including contracting with entertainers, security firm, overtime policing costs, renting the facility, advertising the special event, and collecting gate receipts;
- e. "REMO" means Regional Emergency Management Organization;
- f. "Municipality" means the Municipality of the District of West Hants.
- g. "Unacceptable noise or noise level" means in any activity that unreasonably disturbs or tends to disturb the peace and tranquillity of a neighbourhood beyond the parameters set out in a Special Events Permit.
- h. "Operational plan" means the details of the proposed event which are included with an event application, as prescribed by the Municipality, and includes:
  - i. Description of the proposed event,
  - ii. Location where the event is to be held,
  - iii. Security plan which outlines the entrance (line control), during and exiting the location, which meet industry standards,
  - iv. Fire and evacuation plan,
  - v. Medical safety plan,
  - vi. Operational set up and take down plan.

### **4. General Prohibition**

4.1 A person must not promote, organize or hold a special event without first obtaining a Special Event Permit issued in accordance with the provisions of Section 5.1 of this By-law.

## 5. Special Event Permit(s)

### 5.1 Permit Application Procedure

- a. A promoter wishing to organize or hold a special event must complete an application provided by the Municipality for that purpose.
- b. The application specified in subsection (a), must:
  - i. be signed by the promoter;
  - ii. be presented to the Coordinator at least forty-five (45) days prior to the event; and
  - iii. be accompanied by an application fee of \$100.

### 5.2 Event Permit Requirements

- a. The Municipality will only issue a special event permit for events where:
  - i. premises continue to meet all relevant fire, safety, and health regulations/codes;
  - ii. a payment is made to the Municipality prior to the issuance of the event permit for additional services, which may include policing services on the basis of such presented by the RCMP (based up to the maximum capacity of the facility, and as established in the application); other services contracted with the Municipality
  - iii. there is an adequate traffic control and security plan in place for the special event which includes provisions for which form part of the operational plan:
    - a) first aid;
    - b) entrance control to deter alcohol or illicit drugs being brought to the premises during a special event;
    - c) outside inspection and clean up in the vicinity of the premises during and after the event;
    - d) the employment of a security firm licensed by the Government of Nova Scotia;
    - e) traffic control for safe traffic and pedestrian flow.
  - iv. there is provision for an adequate supply of potable water to those in attendance.
  - v. the promoter sets the start and end time of the event
  - vi. proof has been provided of adequate insurance coverage naming the Municipality as a third party for the term of the special event
  - vii. there is provision for take down and clean up of the site to the condition it was received, if the site used is owned by the Municipality

### 5.3 A Special Events Permit will not be issued to any promoter:

- a. who does not have a valid business license to hold such special event, or
- b. who does not agree to comply with existing municipal by-laws, or Provincial statutes or regulations, or,



- c. whose application indicates the employment or hiring of any person or company connected with a previous special event, was operated in contravention of any municipal by-laws or Provincial statutes or regulations.

**6. Penalty and Severability**

- 6.1 Any person who fails to comply with the provisions of this By-law for which no penalty is expressly provided shall be liable on conviction to a penalty of not less than two thousand dollars (\$2000) and not more than ten thousand dollars (\$10,000), and in default of payment, to imprisonment for a term not exceeding two (2) months.
- 6.2 If any part, section, subsection, clause, or sub clause of this By-law is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this by-law.

I, Rhonda Brown, Municipal Clerk of the Municipality of the District of West Hants, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the Municipality of the District of West Hants at a meeting duly called and held on the 9<sup>th</sup> day of **August, 2016**.

\_\_\_\_\_  
 R.N. Brown  
 Municipal Clerk

By-Law Adoption	
First Reading:	July 12, 2016
Notice Published:	July 25, 2016
Second Reading & Approval	August 9, 2016
Final Publication	August 29, 2016
Notice to Municipal Affairs	August 10, 2016
Description: Initial approval of the Special Events By-law.	