



TOWN OF WINDSOR BYLAW # 41 SPECIAL EVENT BYLAW

AUTHORITY

Section 172 (1) (a-c), and (d) (iii-vi) of the *Nova Scotia Municipal Government Act (MGA)* provides municipalities with the power to make bylaws, 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 as prescribing the hours during which certain noises, or all noise above a certain level, specified in the by-law is prohibited, authorizing the granting of exemptions in such cases as the bylaw 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.

Section 10A of the *Emergency Management Act* - Chapter 8 of the Acts of 1990, amended 2005, c. 48, ss. 1-6; 2007, c. 10, s. 2; 2009, c. 12 – An Act to Provide for a Prompt and Co-ordinated 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.

INTERPRETATION

41.01 In this Bylaw, unless the context otherwise requires:

- a) “Coordinator” means the REMO Coordinator for the Town of Windsor;
- 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 a commercial dance or other entertainment performance or other event where:
 - (i) the, performance or event is held for the purpose of providing entertainment, whether such entertainment 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) "Town" means the Town of Windsor.

GENERAL PROHIBITION

41.02 A person must not promote, organize or hold a **special event** without first obtaining an event permit issued in accordance with the provisions of Section 41.03 of this by-law.

EVENT PERMIT(S)

41.03 (1) Event Permit Application Procedure

- (a) A **promoter** wishing to organize or hold a **special event** must complete an event application provided by the **Town** for that purpose.
- (b) The event 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.

(2) Event Permit Requirements

- (a) The **Town** 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 Town prior to the issuance of the event permit for additional 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 event application);
 - (iii) there is adequate traffic control and security plan in place for the **special event** which includes provisions for:

- (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.
- (3) A permit for a **special event** 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 town 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 town by-laws or Provincial statutes or regulations.

SEVERABILITY AND CITATION

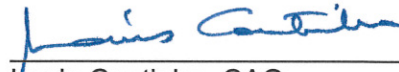
- 41.04**
- (1) Any person who fails to comply with the provisions of this Bylaw for which no penalty is expressly provided shall be liable on conviction to a penalty of not less than Two Thousand Dollars (\$2,000.00) and not more than Ten Thousand Dollars (\$10,000.00), and in default of payment, to imprisonment for a term not exceeding two (2) months.
 - (2) If any part, section, subsection, clause, or sub clause of this bylaw 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 bylaw.
 - (3) This bylaw is cited as the “**Special Event Bylaw # 41**”

This Bylaw is effective upon publication.

Clerk's Annotation (Office Use Only)

Date of first reading:	Tuesday, December 20, 2011
Dates of advertisement of Notice of Intent to Consider:	January 05 & February 02, 2012
Date of second reading:	February 28, 2012
*Date of advertisement of Passage of Bylaw:	March 08, 2012
Date of mailing to Minister a certified copy of Bylaw:	March 12, 2012

I certify that this **Special Event Bylaw #41** was adopted by Council and published as indicated above



Louis Coutinho, CAO
Town of Windsor

*Effective Date of the Bylaw unless otherwise specified in the text of the Bylaw