

# THE CORPORATION OF THE TOWN OF WASAGA BEACH

## BY-LAW NO. 2018-99

A By-law to regulate Special Events in the Town of Wasaga Beach

**WHEREAS** pursuant to section 9 of the *Municipal Act, 2001* S.O. 2001, c. 25, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** pursuant to subsection 8(1) of the *Municipal Act, 2001*, the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** pursuant to section 107 of the *Municipal Act, 2001*, Council may provide grants to such persons groups or bodies for any purpose that Council considers to be in the interests of the Town;

**AND WHEREAS** pursuant to section 126 of the *Municipal Act, 2001*, Council may pass by-laws to regulate cultural and recreational events, including public fairs and pursuant to section 129 of the *Municipal Act, 2001* may pass by-laws to regulate and prohibit noise, vibration, odour, dust and outdoor illumination;

**AND WHEREAS** pursuant to Part XIV of the *Municipal Act, 2001*, Council may pass by-laws providing that a person who contravenes a by-law is guilty of an offence, to establish fines for offences under its by-laws and generally to enforce its by-laws;

**AND WHEREAS** section 23.1 of the *Municipal Act, 2001*, authorizes a municipality to delegate legislative and quasi-judicial powers to an individual who is an officer, employee or agent of the municipality provided the delegation is of a minor nature, considering the number of people, the size of the geographic area and the time period effect by the exercise of the power and any other factors that the Council considers appropriate;

**AND WHEREAS** the Corporation of the Town of Wasaga Beach wishes to encourage the holding of special events in the Town and deems it advisable to replace the Special Events Policy and Guidelines passed under By-law 2016-03 with a new by-law to govern the holding of special events on public property and with respect to the provision of grants to assist with the holding of special events;

**NOW THEREFORE** the Council of the Corporation of the Town of Wasaga Beach HEREBY ENACTS THAT this By-law shall come into force and take effect on the date of its final passing.

## **1. DEFINITIONS**

1.1 In this By-law:

- (a) **“Advertising and Promotion Plan”** means a written outline detailing the proposed advertising, promotional and marketing campaign regarding the Special Event;
- (b) **“AGCO”** means the Alcohol & Gaming Commission of Ontario;
- (c) **“Applicant”** means the person or entity submitting, filing or making an application for a Permit;
- (d) **“Board”** means the Beachfront Management Board, being the designated authority over the Town-operated beachfront area;
- (e) **“Clerk”** means the Town Clerk of the Town of Wasaga Beach or his or her delegate;
- (f) **“Committee”** means the Community Services Section of Coordinated Committee being a committee of Council;
- (g) **“Community Event”** means a locally-organized and operated Special Event that is aimed or focused towards local residents;
- (h) **“Community Impact/Communication Plan”** means a plan to inform and where appropriate solicit public feedback and involvement regarding managing the impacts associated with a special event and to optimize the benefits for the community;
- (i) **“Council”** means the Council of the Corporation of the Town of Wasaga Beach;
- (j) **“Director”** means the Director of Recreation, Events & Facilities of the Town or their designate;
- (k) **“Emergency Plan”** means a written plan to follow in the event of fire, extreme weather, criminal acts, personal injuries, medical or other emergencies, a description of all first aid services to be provided, medical transport provisions a communication protocol, decision making;
- (l) **“Fire Safety Plan”** means a written plan to addressing fire protection and prevention procedures or safeguards to react to situations involving fire and fire hazards;

- (m) **“Grant”** means a grant for a Special Event;
- (n) **“Operations Plan”** means a consolidated document outlining all applicable aspects of event plans and controls as specifically outlined in Section 3.4;
- (o) **“OPP”** means Ontario Provincial Police;
- (p) **“Permit”** means any permit issued in accordance with the provision of this By-law;
- (q) **“Permit Holder”** means the event organizer or entity ultimately responsible for the organization and operations of the Special Event;
- (r) **“Person”** shall include a corporation, business entity or group;
- (s) **“Private Property”** means any lands or facilities that are not owned or operated by the Town;
- (t) **“Security Plan”** means a written plan that establishes measures to ensure the safety, protection and precaution with respect to persons and property at, travelling to and from or in the vicinity of the Special Events. It provides information relating to all security services dedicated to the Special Event, their roles and responsibilities, a communication protocol, decision making authority, restricted areas and any other security information that the Fire Chief or the Detachment Commander, Huronia West OPP or their designates may require;
- (u) **“Site”** means the real property and premises at which a Special Event takes place;
- (v) **“Site Plan”** means a drawing or sketch of the subject area indicating the details of the event that shall include but not limited to booths, entrances/exits and any other structure that is to be accompanied by a map displaying the size and location of the Special Event;
- (w) **“Special Event”** means an exhibition, event, or function held within the Town as set out in Section 2.1 of this By-law and includes both a Community Event and a Tourism Event;
- (x) **“Structural Plan”** means a plan or drawing that sets out the location and particulars of any buildings or structures that are being erected, constructed or otherwise provided, whether permanent or temporary, on the subject area of the Special Event and will include a lighting plan, if the Special Event is proposed to take place during non-daylight hours, that will minimize the impact or interference of illumination upon properties in the vicinity of the Special Event;

- (bb) **“Tourism Event”** means an event that is aimed or focused geared towards persons located at least 40 kilometres from the boundaries of the Town;
- (cc) **“Town”** means the Corporation of the Town of Wasaga Beach;
- (dd) **“Town Departments”** means any departments within the Town;
- (aa) **“Traffic Management Plan”** means a plan providing for the control and management of traffic and parking including all vehicular, pedestrian, and cyclist movements to, from, and within the Site and, where applicable,
  - (i) detours of public transit routes and highways,
  - (ii) emergency vehicle access and egress,
  - (iii) pedestrian flow,
  - (iv) temporary barriers and devices necessary for traffic control or parking,
  - (v) designated accessible pick-up and drop-off locations for persons with disabilities,
  - (vi) the pick-up and drop-off locations for buses, taxis, shuttles, and limousines,
  - (vii) vehicles that exceed the load or dimension limits set out in Parts VII and VIII of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, and
  - (viii) such other traffic and parking information as the Director, Public Works may require.
- (ee) **“Waste Management Plan”** means a plan outlining the management of waste, recycling, septate and hazards, pre-event, during the event and post event.

## 2. SPECIAL EVENTS FOR WHICH PERMIT REQUIRED

- 2.1 No Person shall hold, organize or sponsor any of the following events or activities on Town Property or other public facilities or the following events or activities on Private Property which attract more than 500 people at any given time who participate or attend (collectively, “Special Events”), unless the Town has issued a Permit for the Special Event for such period of time as set out in the Permit:
  - (a) parades, processions, marathons, bicycle races and other events utilizing the sidewalks or vehicular travel portion of municipal streets, highways,

parking lots or properties including facilities operated by the Town or within the boundaries of the Wasaga Beach Provincial Park;

- (b) carnivals, bazaars and similar events which offer such activities as amusement rides or devices, games of skill, animal rides or exhibitions, food concessions or live entertainment;
- (c) outdoor festivals offering live or recorded music or entertainment for public or private audiences;
- (d) organized scheduled contests and exhibitions;
- (e) marine events, including any prescheduled organized concentration of watercraft, involving participants and/or spectators, of a competitive or non-competitive nature;
- (f) scheduled races, exhibitions or other events involving the operation of motorized vehicles of any type;
- (g) activities or events requiring a variance from the regulations of any municipal department;
- (h) outdoor assemblies for demonstration, political, religious and/or cultural purposes; or
- (i) the showing of feature films, television commercials, documentaries, educational films, television films, television network programs, music videos and commercial still photography.

**2.2** Despite Section 2.1, a Permit shall not be required for any Special Event which takes place solely and exclusively on Private Property if the Special Event is permitted in the Town's zoning by-laws or has otherwise been authorized by the Town as either:

- (a) being part of the normal operations of a business or institution (except for those facilities set out in Section 2.2(b)), and will not reasonably:
  - (i) have the potential to strain the community's emergency services response,
  - (ii) have a foreseeable impact on the regular flow of traffic,
  - (iii) adversely affect the Wasaga Beach community,
  - (iv) present an elevated risk to the health and safety of participants or general public;

or

- (b) takes place at RecPlex, Oakview Woods, Wasaga Stars Arena or the Sports Park in the normal course of events at the aforementioned facilities and, if not, the Director may exercise his or her sole and absolute discretion to require a Permit, which decision shall be final and binding.

### **3. APPLICATIONS**

3.1 An application for a Permit for a Special Event shall be submitted to the Town in accordance with the following deadlines:

- (a) for a Community Event lasting one (1) day or less, not requiring the approval or assistance of the external agencies and held on Town Property, at least sixty (60) days prior to Community Event;
- (b) for a Community Event or Tourism Event lasting two (2) or more days, not requiring the approval or assistance of the external agencies and held on Town Property, at least ninety (90) days prior to the first day of the Special Event;
- (c) for a Tourism Event lasting one day or more and held on Ontario Parks Property (i.e. Beach Area 1) and/or having AGCO or OPP requirements (such as a beer garden), and having an economic benefit to the Town, at least one hundred and eighty (180) days prior to the Tourism Event; and
- (d) for a Community or Tourism Event that occurs on an annual basis and held on Ontario Parks Property (i.e. Beach Area 1) and/or having AGCO or OPP requirements (such as a beer garden), and having an economic benefit to the Town, at least ninety (90) days prior to the first day of the Special Event.

3.2 Application forms can be obtained from the Recreation, Events & Facilities department - Special Event Office or via the Town's Website.

3.3 Nothing in this By-law shall preclude or restrict Council from granting a multi-year Permit for a Special Event subject to such conditions as Council considers appropriate and subject to all required external agency approvals being secured, issued or obtained. Council shall consider the previous performance of the Special Event, whether it complied with all requirements and whether all invoices to external agents, contractors and suppliers were paid in full.

3.4 Every application for a Permit shall include an Operations Plan which is to be submitted a minimum of sixty (60) days prior to the Special Event (flexibility will be given in circumstances where notice could not have been reasonably provided within this time frame), consisting of:

- (a) Site Plan showing:
  - (i) the boundaries of the Site on which the Special Event will be held;

- (ii) the location of all existing and proposed buildings or structures to be used in connection with the Special Event and any accommodation and/or residential building on adjacent properties,
  - (iii) all areas to be designated for food and beverage sales or consumption,
  - (iv) all areas to be designated for vehicle parking and camping, and
  - (v) all proposed access locations around the Site's perimeter.
- (b) details of the Special Event including (where applicable):
- (i) food and beverages plan – including plans for alcohol service and provision of potable water,
  - (ii) Advertising and Promotion Plan – for events on Town Property,
  - (iii) Structural Plan – structures, temporary structures, stages, lighting and tents larger than 60m<sup>2</sup>,
  - (iv) Fire Safety Plan (including pyrotechnic/fireworks),
  - (v) Emergency Plan,
  - (vi) Security Plan,
  - (vii) Traffic Management Plan,
  - (viii) Waste Management Plan, including provision of lavatory facilities,
  - (ix) Community Impact/Communication Plan,
  - (x) the proposed use of:
    - (1) generators, propane appliance and any other specialized equipment to be used during the Special Event, include the type of fuel used to operate the equipment,
    - (2) use of exotic pets/animals,
    - (3) sound equipment,
    - (4) vehicles that exceed the load or dimension limits set out in Parts VII and VIII of the *Highway Traffic Act*, helicopters, hot air balloons, aircraft, trains, or watercraft,

- (5) use of drones for photography or other purposes where federal regulations and permits are required,
- (6) amusement devices, and
- (7) signs for marketing, promotion and communication of proposed closures and detours.

3.5 The Applicant shall provide:

- (a) proof that it is the registered owner of the Site on which the Special Event is to be held or written consent from the registered owner for the Special Event;
- (b) if an individual, proof that the Applicant is at least 18 years of age,
- (c) if a corporation, copies of the letters of incorporation or other incorporating documents that have been duly certified by the proper authorities and that show the full corporate name, officers, and directors of the Applicant; and
- (d) any information or documentation that the Director deems necessary.

3.6 A completed application shall be processed and either issued or denied within a reasonable time of receipt. Dependant on the location of the Special Event, the Applicant may be required to attend a pre-scheduled meeting to discuss the Special Event with the Board or Committee. If the Committee recommends approving the Special Event and the request for a Grant, if required, it will proceed to Council for final approval. If the Special Event takes place within the Board's jurisdiction, the Board has the final approval authority. If a Permit for a Special Event is denied, such decision will be in writing, setting forth the reasons for denial.

3.7 If an application is submitted after the filing deadline set forth in Section 3.1, the Senior Special Event Coordinator or the Director in his/her discretion, upon receipt of a written submission outlining the reasons why the said time limits could not be met, amend the time limits set out in Section 3.1.

3.8 If a Grant is being requested, the amount is to be included along with a detailed budget showing how the funds will be spent and the benefit to the Town (Grants must be requested by August 31<sup>st</sup> the year prior to the event).

3.9 The Applicant is responsible to pay for any fees and charges relating to the Special Event in accordance with Schedule "H" of the Town's Consolidated Rates and Fees By-law as updated and amended from time to time. The Town reserves the right to waive any fee or charge.

3.10 Where deemed appropriate by the Board, Committee or Council, as the case may be, the Permit Holder shall provide security either in cash or a letter of credit



in a form acceptable to the Director, Finance as security for possible damage to Town Property (including highways) or equipment for possible damage to public or private properties potentially impacted by the event; for any monies paid or owing by the Town for any costs incurred by the Town as a result of the Permit Holder's use of the Site (including but not limited to emergency service costs, policing costs, road maintenance costs, and clean-up costs); and for fulfillment of all the Permit Holder's obligations under the By-law and Permit.

- 3.11 In addition to any other action or remedy the Town may take under this By-law, where the Permit Holder fails to or refuses to, provide the security required by Section 3.10, the Permit Holder shall reimburse/compensate the Town for any costs or damages whatsoever that the Town incurs as a result of the Special Event(s), including any remedial action that the Town, in its discretion, may be required to undertake pursuant to section 446 of the *Municipal Act, 2001*.

#### **4. PERMIT APPROVAL PROCESS**

- 4.1 Approval for a Special Event may be issued upon receipt and review of an application for a Permit if the following conditions have been met:

- (a) there is a demonstrated benefit to the businesses, residents and visitors of the Town by approving the Special Event;
- (b) any proposed use of public property, right of way, or facilities will not unreasonably interfere with the normal use of the property, right of way or facility by the municipality or general public;
- (c) the proposed activity does not present a safety or health risk to participants, spectators or the public;
- (d) the proposed activity is compatible with the surrounding area or neighbourhood: giving consideration to acceptable increases in noise, traffic, crowd and other municipal concerns;
- (e) every Applicant shall provide proof of commercial general liability insurance for itself, its affiliates, and any and all subsidiaries, acceptable to the Director and the Director, Finance and subject to limits of not less than Two Million Dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof, for the duration of the Special Event unless the Special Event involves the use and or sale of alcohol, wherein the amount of insurance required is not less than Five Million Dollars (\$5,000,000.00) (Applicants should refer to the Town's Alcohol Policy for details about the use/sale/consumption of alcohol on Town Property and within Town operated facilities);
- (f) if deemed necessary by the Director, the Applicant shall provide liability insurance in respect of licensed, owned or leased motor vehicles subject

to a limit of not less than Two Million Dollars inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof;

- (g) if deemed necessary by the Director, the insurance shall include additional coverage as deemed to be appropriate;
- (h) all insurance shall be in the name of the Permit Holder and shall name the Town as additional insured with a cross liability endorsement and severability of interests' provision. This insurance shall be non-contributing with, and apply as primary and not as excess of, any insurance available to the Town;
- (i) all insurance shall contain the endorsement to provide the Town with thirty (30) days prior written notice of any cancellation or change;
- (j) the Director may vary at his/her sole discretion the monetary limits to a maximum of \$10,000,000 coverage as set out in Section 5.1(a) to mitigate risks to the Town and the community;
- (k) municipal resources necessary to support the proposed activity are available; and
- (l) all comments/recommendations from pertinent municipal operating departments, the MNRFP – Wasaga Beach Provincial Park, Huronia West OPP, Simcoe County Paramedic Service, Simcoe Muskoka District Health Unit, have been received and are in favour of the event or any concerns of the above have been met to the satisfaction of the Board, Committee or Council.

## **5. PERMIT REQUIREMENTS**

5.1 The Board, Committee or Council may impose, as conditions to issuing a Permit, such further requirements and restrictions as will, in the sole discretion of the Board and/or Committee, protect the public health, safety, and welfare. These decisions will be based on the recommendations of Town staff, Huronia West O.P.P, Simcoe County Paramedic Service, MNRFP - Wasaga Beach Provincial Park, Wasaga Beach Fire Department and Simcoe Muskoka District Health Unit. Such conditions may include, but are not limited to:

- (a) the payment of a fee or charge for the use or allocation of Town Property and equipment, in accordance with Schedule "H" of the Consolidated Rates and Fees By-law as amended from time to time; and the posting of security that is satisfactory to the Town up to ninety (90) days after the conclusion of the Special Event;
- (b) the provision of adequate crowd control and traffic control, security, fire protection, food handling, waste and refuse disposal, and noise restrictions;

- (c) permission to use land wholly or partly within the boundaries of Wasaga Beach Provincial Park;
- (d) consenting to and/or supplying the Town with a criminal record check.

## **6. CONDITIONS**

6.1 In addition to any other conditions that the Board, Committee or Council (or otherwise staff as outlined in the Delegation of Powers and Duties Policy) may deem appropriate, every Permit shall also be subject to the following conditions:

- (a) the Permit Holder shall comply at all times with:
  - (i) all applicable laws, including any applicable zoning or other land use control by-law under the *Planning Act*,
  - (ii) any approved Emergency Plan, Fire Safety Plan, Security Plan and Traffic Management Plan and Operations Plan, and
  - (iii) the Town's Noise Nuisance By-Law #2016-97 Appendix A – prohibitions by time and place, except where the appropriate exemption has been approved and identified in the Operations Plan;
- (b) the Permit Holder must agree in writing to:
  - (i) save, defend and keep completely harmless and fully indemnify the Town and each of its elected officials, officers, employees, volunteers, sponsors and agents of, from and demands which may be brought against or made upon the Town, its elected officials, officers, employees, volunteers and agents or any of them and of, from and against all loss, costs, charges, damages, liens and expenses which may be sustained, incurred or paid by the Town, its elected officials, officers, employees, volunteers and agents or any of them, by reason of, or on account of, or in consequence of the use of the Site by the Permit Holder and its invitees, guests or users for at the Special Event,
  - (ii) pay to the Town and to each such elected official, officer, employee, volunteer or agent on demand any loss, costs, damages and expenses which may be sustained, incurred or paid by the Town or by any of its elected officials, officers, employees, volunteers, sponsors and agents in consequence of any such action, suit, claim, lien, execution or demand and any monies paid or payable by the Town or any of its elected officials, officers, employees, volunteers, or agents in settlement of or in discharge or on account thereof,

- (iii) release the Town and each of its elected officials, officers, employees, volunteers, sponsors and agents of, from and against all manner of actions, suits, claims, executions and demands which could be brought against or made upon the Town, its elected officials, officers, employees, volunteers and agents or any of them and of, from and against all loss, costs, charges, damages, liens and expenses which may be sustained, incurred or paid by the Permit Holder by reason of, or on account of, or in consequence of the use of the Site by the Permit Holder and its invitees, guests or users for the Event, provided, however, that such release shall not apply to any loss, costs, charges, damages, liens and expenses incurred by the Permit Holder arising directly from the gross negligence and/or willful misconduct of the Town, its officers, employees, agents, volunteers or agents;
- (c) the Permit Holder shall:
  - (i) maintain the Site in a clean and sanitary condition for the duration of the Special Event,
  - (ii) remove all debris from the Site and, where required, any adjacent properties within seventy-two (72) hours of the conclusion of the Special Event, and
  - (iii) not use the Town's corporate logo, wordmark or crest in any marketing material advertising the Special Event without the prior approval of the Town; and
- (d) the Permit Holder acknowledges and agrees that should there be a perceived emergency during the course of any Special Event, the Fire Chief and/or the OPP Incident Commander, shall have the absolute and unfettered authority to shut down the Special Event at their sole discretion.

## **7. GRANT REQUESTS**

7.1 Council establishes a budget for grants as part of its Annual Operating Budget. Applications for grant funding must be received at the time of the application. The Special Events Department will evaluate applications and a recommendation made to the Board or Council. The factors that the Board or Committee will use to evaluate requests for Grants include:

- (a) need;
- (b) amount requested;
- (c) economic spin-off to the Town from the event;
- (d) reason for the request;

- (e) profit versus not-for-profit event;
- (f) review of proposed budget for event;
- (g) if a returning Special Event, past performance of event including review of previous year's financial statement; and
- (h) potential for the Special Event to become partially or fully self-sufficient.

## **8. STAFF SUPPORT**

- 8.1 The Senior Special Event Coordinator will be the main contact for Special Events in the Town. This position will provide support to Special Events as authorized by Council and will coordinate the support of other Town Departments as approved by Council. Holders of permits involving property owned by Ontario Parks will have to coordinate activities with Parks staff, with the assistance of a Special Event Coordinator, if required.

## **9. OTHER REQUIREMENTS**

- 9.1 The issuing of any Permit under this By-law shall not derogate from any requirement of any Person to obtain any business licence or any other permit(s) which may be required by any other Town by-laws, rules and regulations or any other governmental agencies.

## **10. COMPLIANCE AND REFUSAL**

- 10.1 Any Permit issued for a Special Event must be visibly posted at the Site for the duration of the Special Event, including the set up and take down.
- 10.2 Without limited the generality of Section 6, the Board, Committee or Council (or otherwise staff as outlined in the Delegation of Powers and Duties Policy) may refuse to issue a Permit if:
- (a) the Applicant has not provided information or documentation under Section 6 or within a satisfactory timeframe to realistically plan and coordinate the Special Event;
  - (b) the Applicant has not satisfied the requirements of Section 6;
  - (c) the Applicant has knowingly submitted false, mistaken, incorrect or misleading information in support of the application;
  - (d) there is reason to believe that the carrying on of the Special Event may result in a breach of an applicable law;
  - (e) there are property taxes owing to the Town for the Site on which the Special Event is to be held.

## **11. REVOCATION**

- 11.1 The Board or Council may revoke a Permit at any time without prior notice to the Permit Holder, if:
- (a) the Permit was issued in error;
  - (b) the Permit was issued as a result of false, mistaken, incorrect or misleading information that was knowingly submitted by the Applicant;
  - (c) the Permit Holder is not in compliance with any license, permit, approval or authorization required under Section 6;
  - (d) the Permit Holder fails to comply with any of the provisions of this By-law, the provisions of the Permit or any other by-laws of the Town;
  - (e) the Permit Holder fails to comply with any condition of the Permit.
- 11.2 If a Permit is revoked under Section 12, the Director shall notify the Permit Holder of the reasons for revocation by reference to the contact information provided in the application for the Permit and inform all affected agencies.

## **12. RECONSIDERATION**

- 12.1 If an application for a Permit under this By-Law is denied, the application may be subsequently reconsidered once in a calendar year by the Applicant addressing, to the satisfaction of the Board, Committee or Council, the reasons given for the initial denial of the application.

## **13. ENFORCEMENT**

- 13.1 This By-law may be enforced by a Police Officer, a Municipal Law Enforcement Officer or the Fire Chief.
- 13.2 No Person shall prevent, hinder or obstruct or attempt to prevent, hinder or obstruct with an inspection undertaking in accordance with this By-law.
- 13.3 Any Person, who contravenes any provision of this By-law, including any condition of a Permit issued under this By-law, is guilty of an offence and upon conviction is liable to:
- (a) a minimum fine of \$250 and a maximum fine of \$50,000 for each offence;
  - (b) if the Person is a corporation, a minimum fine of \$500 and a maximum fine of \$100,000 for each offence; and
  - (c) in the case of a continuing offence, such as where the contravention takes place over multiple days, for each day or part of a day that the offence

continues, an additional fine of up to \$10,000 for each day or part of the day that the offence continues.

- 13.4 In addition to the fines set out in Section 13.3 and in order to eliminate or reduce any economic advantage or gain from contravening this By-law, every Person, including a corporation, found guilty of an offence may be liable to a special fine of up to \$250,000.
- 13.5 Where a Person is convicted of an offence for contravening this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted.
- 13.6 Where a Person is convicted of an offence for contravening this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the Person to rehabilitate and rectify any land that has been disturbed to its original state and condition.
- 13.7 The system of fines set out in this By-law expressly do not apply to any land use planning or zoning by-law contraventions, including a breach of any conditions of the Permit related to same, that may be prosecuted under section 67 of the *Planning Act*.
- 13.8 Notwithstanding and in addition to the foregoing fines, any Permit issued under this By-law, including conditions attached thereto, may include administrative penalties as contemplated under s. 151(1)(g) of the *Municipal Act, 2001*.

#### **14. GENERAL**

- 14.1 Every Permit shall specify the name of the Permit Holder, and the nature, location, date(s) and time(s) of the Special Event.
- 14.2 The issuance of a Permit does not represent a commitment by the Town to issue a Permit for any subsequent, continuing or similar event.
- 14.3 Permits under this By-law are not transferrable.
- 14.4 No amendment shall be made to a Permit without prior authorization by the Director.
- 14.5 If a court of competent jurisdiction declares to be invalid, unenforceable, illegal or beyond the powers of Council to enact, any provisions or parts of any provisions of this By-law, it is the intention of Council in enacting this By-law that the remainder of this By-law shall be deemed to be separate and independent therefrom and that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

- 14.6 Any reference to statute, regulation or other legislation in this By-law shall include such statute, regulation or other legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.
- 14.7 The terms in this By-law shall be construed with all changes in number and gender as may be required by the context.
- 14.8 In the event of any conflict between any provisions of this By-law and any other by-law enacted by the Town, the provisions of this By-law shall prevail.

**15. SHORT TITLE**

- 15.1 The short title of this By-law shall be the “Special Events By-law.”

**16. REPEAL**

- 16.1 By-law No. 2016-03 is hereby repealed in its entirety.

**17. EFFECTIVE DATE**

- 17.1 This By-law shall be come in force and effect on the date that it is passed.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 18TH DAY OF DECEMBER, 2018.**

**THE CORPORATION OF THE TOWN OF WASAGA BEACH**

\_\_\_\_\_  
Nina Bifolchi, Mayor

\_\_\_\_\_  
Dina Lundy, Director, Legislative Services & Clerk