



BYLAW NO. 22.13

BEING A BYLAW OF YELLOWHEAD COUNTY IN THE PROVINCE OF ALBERTA, TO ESTABLISH LICENSING AND REGULATIONS OF CONCERTS AND EXTENDED DANCE/MUSIC EVENTS WITHIN THE CORPORATE BOUNDARIES OF YELLOWHEAD COUNTY.

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended provides that Council may pass 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 a place that is open to the public;
- c) businesses, business activities, and persons engaged in business;
- d) nuisances;
- e) systems of licenses, permits or approvals; and
- f) the enforcement of bylaws;

AND WHEREAS gatherings for the purpose of listening to or dancing to music for extended time periods:

- a) often involve in excess of one hundred fifty (150) persons;
- b) often take place during the late night hours;
- c) may result in profit or gain for the organizers of the gatherings; and
- d) may cause disturbances to residences based on the location of the gathering;

AND WHEREAS it is desirable that these gatherings take place in locations or in facilities with adequate fire and safety protections, and with minimal disruption to the community in the vicinity of the Venue;

AND WHEREAS the Council for Yellowhead County deems it advisable and in the public interest to regulate concerts and extended dance/music events within the boundaries of Yellowhead County;

NOW THEREFORE, the Council for Yellowhead County, in the Province of Alberta, duly assembled, hereby enacts as follows:

TITLE:

1. This Bylaw may be cited as the "Concert and Extended Dance/Music Events Bylaw"

**DEFINITIONS:**

2. In this Bylaw,
- a) “Applicant” means a person over eighteen (18) years of age who applies for a Concert and Extended Dance/Music Event License.
 - b) “Chief Administrative Officer” means the Municipal Manager appointed by Yellowhead County Council or his designate.
 - c) “Concert and Extended Dance/Music Event” means any gathering held indoors, outdoors or a combination of both, which has an Expected Attendance of more than one hundred fifty (150) people including but not limited to attendees, promoters, staff personnel and entertainers, and includes but is not limited to the following events:
 - i) music festivals or concerts, including live and/or pre-recorded music with professional and/or amateur performers;
 - ii) Dances and dance parties, including live and/or pre-recorded music with professional and/or amateur performers, and where the event starts in the evening of one day and continues after 3:00 a.m. the following day or longer.
 - d) “Concert and Extended Dance/Music Event Promoter” means the person who stages the Concert and Extended Dance/Music Event, and whose responsibilities may include but are not limited to contracting with entertainers, security firms, Venue owners and advertisers.
 - e) “Concert and Extended Dance/Music Event Manager” means the person or their designate that will be in attendance at the Concert and Extended Dance/Music Event and will oversee the overall operation of the Concert and Extended Dance/Music Event.
 - f) “Expected Attendance,” means the number of people the Applicant anticipates attending or desires to attend a Concert and Extended Dance/Music Event, including but not limited to attendees, promoters, staff personnel and entertainers.
 - g) “License” means a license issued by the Chief Administrative Officer authorizing a Concert and Extended Dance/Music Event to take place in Yellowhead County.
 - h) “Licensee” means the person named on a License issued pursuant to this Bylaw.
 - i) “Peace Officer” means any person appointed as a peace officer pursuant to section 7 of the *Peace Officer Act*, S.A. 2006, Chapter P-35, and also includes but is not limited to any Community Peace Officer employed by Yellowhead County and any member of the Royal Canadian Mounted Police.
 - j) “Responsible Party” means every person who, for a Concert and Extended Dance/Music Event:
 - i) is the Applicant;
 - ii) is the Concert and Extended Dance/Music Event Promoter;
 - iii) is the Concert and Extended Dance/Music Event Manager;
 - iv) is the owner of the Venue;
 - v) is an authorized occupant, lessee or tenant of the Venue;
 - vi) provides entertainment or concessions; or



- vii) profits in any way from the Concert and Extended Dance/Music Event.
- k) “Venue” means the place of where a Concert and Extended Dance/Music Event is held and includes buildings and/or private or public lands.
- l) “Violation Ticket” means a ticket issued for an offence committed against any of the provisions of this Bylaw and shall be issued pursuant to Part 2 of the *Provincial Offences Procedure Act*, R.S.A. 2000, Chapter P-34.

GENERAL PROHIBITION:

- 3. A person shall not operate, maintain, conduct or advertise, or cause to be operated, maintained, conducted or advertised, a Concert and Extended Dance/Music Event in Yellowhead County unless that person holds a valid and subsisting License for that Concert and Extended Dance/Music Event. A person shall operate, maintain, conduct or advertise, or cause to be operated, maintained, conducted or advertised, a Concert and Extended Dance/Music Event in Yellowhead County in accordance with the terms and conditions of the License issued.

LICENSE REQUIREMENTS:

- 4.
 - a) The Chief Administrative Officer may issue a Concert and Extended Dance/Music Event License in accordance with this Bylaw.
 - b) No person shall stage a Concert and Extended Dance/Music Event for which a Concert and Extended Dance/Music Event License is required without first obtaining a Concert and Extended Dance/Music Event License.
 - c) A Concert and Extended Dance/Music Event License is required for all Concert and Extended Dance/Music Events, which have an Expected Attendance of one hundred fifty (150) or more people.
 - d) A person will be deemed to have expected or desired one hundred fifty (150) or more people to attend a Concert and Extended Dance/Music Event if;
 - i. the Concert and Extended Dance/Music Event is to be held in a Venue building of 200 or more square meters;
 - ii. the Concert and Extended Dance/Music Event is to be held in a Venue building with an occupancy rating of one hundred fifty (150) or more people;
 - iii. one hundred fifty (150) or more tickets to the Concert and Extended Dance/Music Event were printed, offered for sale, or sold;
 - iv. The promotional material, including but not limited to material and advertising on the internet, for the Concert and Extended Dance/Music Event implies the attendance at the Concert and Extended Dance/Music Event will exceed one hundred fifty (150) people.
 - e) A Concert and Extended Dance/Music Event License is **not** required for community or family events such as wedding dances, holiday parties, community dances, school dances or similar events. The determination as to whether a Concert and Extended Dance/Music Event License is not required is solely at the discretion of the Chief Administrative Officer.



- f) A Concert and Extended Dance/Music Event License is valid for only one (1) Concert and Extended Dance/Music Event and only for the Venue and date identified in the application for the Concert and Extended Dance/Music Event License.

LICENSE APPLICATION:

5.

- a) Each application for a Concert and Extended Dance/Music Event License must be made to the Chief Administrative Officer no later than forty-five (45) days before the proposed date of the Concert and Extended Dance/Music Event and shall be accompanied by a non-refundable application fee as prescribed by Yellowhead County.
- b) Each application for a Concert and Extended Dance/Music Event must consist of the following and be in such detail to allow the Chief Administrative Officer to clearly determine that what is being proposed provides for the safety of those persons attending and the safety and peace of the community in the vicinity of the Venue:
- i. the name, email address, residence address, mailing address and phone number(s) of the Applicant. Where the Applicant is a corporation the application shall be signed by at least two directors of the corporation, shall contain the address of the corporate directors, and shall have attached a certified copy of the Certificate of Incorporation of the corporation;
 - ii. a written statement outlining the specific nature, kind, character and type of Concert and Extended Dance/Music Event for which the Applicant is seeking a License;
 - iii. the municipal address and legal description of the Venue where the proposed Concert and Extended Dance/Music Event is to be held. The Applicant shall submit proof of ownership of the Venue or a written document signed by the registered owner of the Venue evidencing the registered owner's consent to the Venue being used for the proposed Concert and Extended Dance/Music Event; In the case of public lands, the Applicant must provide an approved "temporary field authorization" from the Province;
 - iv. a letter of consent from the registered owner of the Venue and the Concert and Extended Dance/Music Event Promoter indicating their consent to the Chief Administrative Officer, Peace Officers, , Emergency Medical Services Officers, Safety Code Officers, Regional Health Authority Officers, Alberta Gaming and Liquor Commission Officers, Alberta Occupational Health and Safety Officers, or any one of them, entering and remaining on and within the Venue during the Concert and Extended Dance/Music Event for the purposes of ensuring that this Bylaw or any other bylaw, License conditions, or any Acts or Regulations are being complied with;
 - v. the Expected Attendance;
 - vi. the date and hours during which the Concert and Extended Dance/Music Event is to be held;
 - vii. a detailed written explanation of the Applicant's plans to provide:
 - security and fire protection;
 - drinking water and sanitary services;
 - food supply and facilities;
 - first aide and medical emergency services;



- vehicle parking, vehicle access and traffic control;
 - illuminating the Venue;
 - removal of garbage and Venue clean up; and
 - policing.
- viii. a written statement outlining the details of any licensing request that the Applicant has made or intends to make to the Alberta Liquor and Gaming Commission when the Applicant is planning to have alcohol at the proposed Concert and Extended Dance/Music Event;
- ix. proof, in the form satisfactory to the Chief Administrative Officer in his sole discretion, that the Applicant has adequate financial means to carry out the Concert and Extended Dance/Music Event, including any conditions that may be imposed on the License being applied for by the Applicant. The Chief Administrative Officer may, at his sole discretion, require the Applicant to provide a letter of credit, certified cheque or other similar security made out in the name of Yellowhead County in an amount deemed appropriate given the nature of the proposed event, as security, and to pay to the County any costs that may be incurred by the City in providing services required for the Concert and Extended Dance/Music Event;
- x. proof, in a form satisfactory to the Chief Administrative Officer that the Applicant has liability insurance for the proposed Concert and Extended Dance/Music Event in an amount of not less than five million dollars (\$5,000,000.00) covering public liability for all personal injury and property damage that may occur by reason of the operation of the Concert and Extended Dance/Music Event, and naming Yellowhead County as an additional named insured; and
- xi. anything else reasonably required by the Chief Administrative Officer, in his sole discretion, to process the application.
- c) The Chief Administrative Officer shall not issue a License pursuant to this Bylaw unless the Chief Administrative Officer is satisfied that the Applicant meets all of the conditions and requirements set out in this Bylaw.
- d) Notwithstanding section 5(c) of this Bylaw, the Chief Administrative Officer may recommend to Council to exempt a specific function or event from the requirement to obtain a License where, in the opinion of the Chief Administrative Officer, to do so would be in the public interest.
- e) Prior to issuing a License, the Chief Administrative Officer may consult with and obtain relevant and material information from the Royal Canadian Mounted Police, Alberta Health Services, the Alberta Liquor and Gaming Commission, any department of Yellowhead County or any other agency which, in the opinion of the Chief Administrative Officer, may assist him in determining whether or not issuing a License for a particular Concert and Extended Dance/Music Event is appropriate in the circumstances.
- f) If a Concert and Extended Dance/Music Event to which a License has been issued is of a recurring nature, the Chief Administrative Officer may, at his sole discretion, renew the License for that Concert and Extended Dance/Music Event on any terms or conditions the Chief Administrative Officer deems appropriate.



REFUSUAL OF APPLICATION:

6.

- a) The Chief Administrative Officer may refuse to issue or renew a License and may suspend or cancel a License for the following reasons:
 - i. The Applicant or Licensee does not or no longer meets the requirements of this Bylaw with respect to the License applied for or held;
 - ii. The Applicant or Licensee or any of its directors, officers, agents or employees furnishes false information or misrepresents fact or circumstance to a Peace Officer or the Chief Administrative Officer;
 - iii. The Applicant or Licensee or Responsible Party or any of its directors, officers, agents or employees has, in the opinion of the Chief Administrative Officer contravened this Bylaw whether or not the contravention has been prosecuted;
 - iv. The application is not complete and does not contain all the required information as set out in Section 5(b);
 - v. The Royal Canadian Mounted Police recommends against issuing a License for the Concert and Extended Dance/Music Event;
 - vi. In the opinion of the Chief Administrative Officer it is in the public interest to do so.

LICENSE CONDITIONS:

7.

- a) A License is not transferrable.
- b) It is a condition of every License that the Licensee shall, at the Licensee's sole expense:
 - i. provide security for the approved Concert and Extended Dance/Music Event, which shall include at least one (1) Security Officer for every fifty (50) persons expected to be in attendance, and comply with any security plan approved by the Chief Administrative Officer;
 - ii. provide ample supply of potable water for drinking and sanitation purposes and adequate drink water and sanitation facilities for the Concert and Extended Dance/Music Event;
 - iii. provide adequate garbage receptacles and remove all garbage from the Venue during and after the Concert and Extended Dance/Music Event;
 - iv. provide first aid services and comply with any medical plan approved by the Chief Administrative Officer;



- v. ensure that the Concert and Extended Dance/Music Event Manager will be in attendance at the Concert and Extended Dance/Music Event and will oversee the operation of the Concert and Extended Dance/Music Event;
- vi. ensure that the liability insurance associated with the Concert and Extended Dance /Music Event remains in full force and effect throughout the duration of the Concert and Extended Dance/Music Event;
- vii. only hold the Concert and Extended Dance/Music Event on the dates and times specified on the License;
- viii. comply with all terms and conditions specified on the License which in the opinion of the Chief Administrative Officer are reasonably necessary to protect the safety, health, welfare and property of the attendees of the Concert and Extended Dance/Music Event or the community in the vicinity of the Venue;
- ix. comply with all relevant federal, provincial and municipal laws and regulations in effect at the time of the Concert and Extended Dance/Music Event; and
- x. comply with such other specific conditions imposed upon the Licence.

OFFENCES AND PENALTIES:

8.

- a) Any Responsible Party or person who contravenes any provision of this Bylaw, or a License issued pursuant to this Bylaw, is guilty of an offense and is liable to summary conviction and fine in accordance with Schedule "A". In the event there is no specified fine in this Bylaw then to a fine of not more than five thousand dollars (\$5000.00).
- b) The levying and payment of any fine in this Bylaw shall not relieve any person from the necessity of paying any fees, charges or costs for which that person is liable under the provisions of this Bylaw.
- c) Any member of the Royal Canadian Mounted Police or any Peace Officer is hereby authorized to enforce this Bylaw under section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended, and may issue a Violation Ticket pursuant to Part 3 of the *Provincial Offences Procedure Act*, as amended, to any person who the Royal Canadian Mounted Police member or the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw or a License issued pursuant to this Bylaw.
- d) Any person who commits an offence may, if a Violation Ticket has been issued, make voluntary payment equal to the fine specified in respect to the Violation Ticket by delivering the Violation Ticket along with an amount equal to the specified fine for the offence as set out in this Bylaw, to the Provincial Court office specified on the Violation Ticket.
- e) Any person who organizes, promotes, allows, provides entertainment or concessions for, or in any way profits from, a Concert and Extended Dance/Music Event for which a Concert and Extended Dance/Music Event License is required but for which a Concert and Extended Dance/Music Event License has not been issued is in contravention of this Bylaw and has committed an offence.



- f) For greater certainty, but without restricting the generality of the forgoing, any person who is shown as the registered owner on the certificate of title for a Venue, is shown as the person responsible for payment of property taxes on the tax roll for a Venue, or as the person responsible for paying utilities on a utilities statement for a Venue, will be deemed to have allowed a Concert and Extended Dance/Music Event to take place at that Venue.
- g) Any person who provides false or misleading information on an application for a Concert and Extended Dance/Music Event License commits an offence.

APPLICABILITY OF OTHER REGULATIONS:

9.

- a) The issuance of a License pursuant to this Bylaw shall not be construed as alleviating any person of the obligation to comply with any federal, provincial and municipal laws and regulations in effect at the time of the Concert and Extended Dance/Music Event.

SEVERABILITY:

10.

- a) Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section nor part shall be regarded as being severed from the remainder of this Bylaw and this Bylaw remaining after such severances shall be effective and enforceable as if the severed section had not been enacted as part of this Bylaw.

TRANSITION

- a) This Bylaw comes into force on the 24th day of September A.D., 2013.

READ A FIRST TIME THIS 27th day of August A.D., 2013.

READ A SECOND TIME THIS 10th day of September A.D., 2013

READ A THIRD TIME THIS 24th day of September A.D., 2013



MAYOR



CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE "A"****FINES****YELLOWHEAD COUNTY - CONCERT AND EXTENDED DANCE/MUSIC EVENTBYLAW**

OFFENCE	FINE
For the first offence by any person who organizes, promotes, allows, provides entertainment or concessions for, or in any way profits from, a Concert and Extended Dance/Music Event for which a Concert and Extended Dance/Music Event License is required but for which a Concert and Extended Dance/Music Event License has not been issued	\$1,500.00
Where within twenty-four (24) months of being convicted of a first offence as identified above a person is convicted of a second or subsequent offence.	\$5,000.00
Provides false or misleading information in an application.	\$ 300.00
Breach of any single condition of License issued pursuant to this Bylaw (fine for each condition breached)	\$ 300.00
Fail to post License	\$ 50.00
Concert and Extended Dance/Music Event Manager fails to be at Venue	\$1,000.00
Concert and Extended Dance/Music Event Manager fails to comply with an order to shut down the Extended Dance/Music Event	\$1,000.00