

The following is a consolidated copy of Bylaw No. 395 and may be cited as “Comox Valley Regional District Special Events Bylaw No. 395, 2016”

BYLAW NO.	BYLAW NAME	ADOPTED	PURPOSE
395	Comox Valley Regional District Special Events Bylaw No. 395, 2016	June 28, 2016	To establish the procedures and policies for special event permit applications in Baynes Sound and Areas ‘B’ and ‘C’
481	Comox Valley Regional District Special Events Bylaw No. 395, 2016 Amendment No. 1	July 25, 2017	To amend the bylaw to include item (vi) at the end of section 3.(2)

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COMOX VALLEY REGIONAL DISTRICT**BYLAW NO. 395****A bylaw of the Comox Valley Regional District to provide for the regulation of special events.**

WHEREAS the Comox Valley Regional District deems it advisable to ensure that persons attending special events where large numbers of people are in attendance are provided with adequate sanitation, health and protective measures;

NOW THEREFORE, the board of the Comox Valley Regional District, in open meeting assembled, enacts as follows:

Application

1. This bylaw applies to special events held in all the electoral areas of the Comox Valley Regional District (except Denman and Hornby Islands).

Definitions

2. For the purposes of this bylaw, the following words or expressions are defined:

"applicant" means an applicant for a permit and the holder of the issued permit;

"board" means the board of directors of the regional district;

"bylaw compliance officer" means a person appointed by the board as a bylaw compliance officer and includes a peace officer;

"day" means the whole or any part of a period of 24 hours from midnight to midnight;

"class I special event" means a special event that is likely to be attended by between four hundred (400) and one thousand (1,000) individuals per day;

"class II special event " means a special event that is likely to be attended by more than one thousand (1,000) individuals per day;

"CVRD officers" means any person holding the officer positions of the CVRD as established in Bylaw No. 21, being the "Comox Valley Regional District Officer Bylaw No. 21, 2008" and amendments thereto;

"fee" means any consideration paid, transferred, exchanged, assigned, or acknowledged, or to be paid, transferred, exchanged assigned, or acknowledged;

"health officer" means a person designated as a health officer under the *Public Health Act*, S. B. C. 2008, c. 28;

"permit" means a special event permit issued under this bylaw in a form as prescribed by the regional district;

"regional district" means the Comox Valley Regional District (CVRD);

"special event" means any outdoor event within any electoral area in the regional district, is likely to be attended by 400 or more individuals;

"temporary use permit" means a permit issued to allow a use not permitted in a zone.

Permit requirements and exemptions

3. (1) The following special events require a permit:
 - i) class I special event; and
 - ii) class II special event.
- (2) The following events do not require a permit:
 - i) special events held by the regional district;
 - ii) special events held by School District No. 71 Comox Valley;
 - iii) special events that are likely to be attended by less than 400 people;
 - iv) special events that hold a valid parks use permit issued by the regional district;
 - v) special events that are permitted agri-tourism activities on agricultural land reserve by the Agricultural Land Commission; and
 - vi) special events held on land parcels where special events associated with a principal use in the zoning is permitted for those land parcels.
- (3) Non-consecutive dates shall constitute separate special events and require separate permits.

Prohibitions

4. No person shall:
 - i) advertise or hold a special event without having a valid and subsisting permit for the special event, unless exempted from obtaining a permit under this bylaw;
 - ii) obstruct the entry of any person or persons charged with the administration or enforcement of this bylaw; or
 - iii) fail to comply with any term or condition of this bylaw, a special event permit or other written approval pursuant to this bylaw.

Application requirements

5. (1) An application for a permit to hold a class I or class II special event must be made in the form attached as Schedule A to this bylaw. An application shall be made to the regional district office not less than sixty (60) days and no more than two hundred and seventy (270) days, before the first day on which such a special event is to be held.
- (2) An application for a permit must be accompanied by:
 - i) the written approvals and any relevant supporting documentation by all the following stakeholders:
 - a) the registered owner and occupier of the land(s) upon which the special event is to be held;
 - b) the health officer (Vancouver Island Health Authority) responsible for the area(s) in which the special event is to be held, stating that he or she is satisfied with arrangements relating to public health and sanitation;
 - c) the Royal Canadian Mounted Police (RCMP) officer or designate in charge of the area(s) in which the special event is to be held, stating that adequate arrangements have been made for policing and other necessary security on and around the site, and traffic control on and around the site, including access routes for emergency vehicles;
 - d) the fire chief responsible for the area(s) in which the special event is to be held, stating that the site conditions and all buildings and other structures on the site comply with applicable fire safety enactments and that satisfactory arrangements have been made for fire protection, emergency response and access routes for emergency vehicles;
 - e) where an event is multi-jurisdictional, confirmation of extra-jurisdictional approval(s);
 - ii) proof of insurance, in a form and with an insurer acceptable to the regional district, on the following terms:
 - a) class I special event: commercial general liability of \$2,000,000 minimum per occurrence in Canadian funds;
 - b) class II special event: commercial general liability of \$5,000,000 minimum per occurrence in Canadian funds;
 - c) the policy must include a cross liability clause;
 - d) the policy must name the Comox Valley Regional District as an additional named insured;
 - e) the policy must require 30 days prior written notice of cancellation or material change;
 - iii) an application fee in accordance with section 6 of this bylaw;
 - iv) security in accordance with section 7 of this bylaw; and

- v) a written undertaking in a form acceptable to the regional district whereby the applicant agrees to indemnify and hold harmless the regional district and its directors, officers, servants, agents, employees, contractors, subcontractors and others from and against all costs, losses, damages, compensation, claims, demands, actions, judgments and expenses, including actual legal expenses of every kind, description and nature whatsoever, in any way connected with or arising from the special event, in whole or in part, including but not limited to, any death or injury to persons or property loss or damage resulting from any acts or omissions of the applicant, its directors, officers, servants, agents, employees, contractors, subcontractors and others or that would not have occurred but for the use or occupation of the property by the applicant.

Permit fee

- 6. At the time of application, an applicant must pay to the regional district:
 - i) for class I special events: an application fee of two hundred dollars (\$200);
 - ii) for class II special events: an application fee of three hundred dollars (\$300), plus:
 - a) \$100 for every one thousand (1,000) participants between two thousand (2,000) participants and ten thousand (10,000) participants;
 - b) \$200 for every one thousand (1,000) participants between ten thousand (10,000) participants and twenty thousand (20,000) participants;
 - c) \$100 for every one thousand (1,000) participants over twenty thousand (20,000) participants.

Security

- 7. (1) At the time of application, an applicant must provide to the regional district a refundable security deposit in the form of cash or a standby irrevocable letter of credit in the amount of:
 - i) \$5,000.00 for a class I special event; and
 - ii) \$10,000 for a class II special event.
- (2) The applicant and any owner or occupier of land where the special event is held shall be responsible, jointly and severally, for all costs incurred by the regional district because of and as a consequence of the special event, including but not limited to, costs relating to damage caused by a participant or spectator at the special event; expenses for the cleanup, repair, reconstruction or replacement of any public place or regional district property; costs associated with providing policing, public works and fire services; and costs, including legal costs on a solicitor and own client basis, arising from all suits, claims and damages of all kinds.
- (3) If because of and as a consequence of the special event, the regional district lawfully incurs financial costs, the regional district may from time to time draw down on the security posted to the extent of any cost incurred or expected to be incurred by the regional district.
- (4) If the costs incurred by the regional district because of and as a consequence of the special event exceed the amount of the security, the applicant will pay such an excess

amount to the regional district immediately upon receipt of the regional district's invoice for the same.

- (5) The regional district will hold any security deposit for up to one hundred and twenty (120) days following the conclusion of the special event, at which time the regional district shall return the security or such portion of the security not drawn down under section 7(3) of this bylaw.

Costs and expenses

8. All costs and expenses incurred in meeting the requirements of this bylaw shall be borne by the applicant.

Other permits and approvals

9.
 - (1) The applicant is responsible for ensuring that the special event is held in compliance with all other applicable acts, regulations, decisions, orders, bylaws or legislation of any other person or body having jurisdiction over the lands where the proposed special event will be held.
 - (2) Nothing in this bylaw relieves the applicant from any requirement to obtain and comply with any other license, permit or approval, including without limitation, from the regional district building department, the BC Safety Authority, the Liquor Control and Licensing Branch of the Provincial government, the BC Agricultural Land Commission, the RCMP, Ministry of Transportation & Infrastructure, and the Ministry of Forests, Lands, and Natural Resource Operations, where applicable.

Permit approval and conditions

10.
 - (1) Upon being satisfied as to compliance with the provisions of this bylaw, the regional district may issue a special event permit for the holding of a special event and may stipulate that the permit is contingent upon receipt of any outstanding documents or approvals required by this bylaw.
 - (2) A special event permit may be withheld if:
 - i) the application is incomplete;
 - ii) the application is not in compliance with all provisions of this bylaw;
 - iii) a temporary use permit or other approval or permit from the regional district is required and has not been obtained;
 - iv) the necessary licenses, permits and approvals from other agencies have not been obtained;
 - v) there are insufficient security or safety services available; or
 - vi) the nature of the proposed special event creates a risk or injury or death to participants or spectators or a risk to the public which cannot be adequately addressed to the satisfaction of the regional district.
 - (3) In addition to the requirements set out in this bylaw, the regional district may impose one or more of the following as conditions of a special event permit:
 - i) measures which must be in place for:
 - a) security and crowd control, including harm reduction measures and strategies;

- b) fire protection;
 - c) first aid and emergency medical services;
 - d) access and egress to and from the event, including for emergency medical, police and fire vehicles, equipment and personnel;
 - e) garbage, recycling, wastewater, and organics collection and removal;
 - f) land disturbance, dust and sediment control;
- ii) location, size, type and number, as applicable, of:
 - a) water supply systems as defined by the Drinking Water Protection Act;
 - b) washrooms and other sanitary facilities;
 - c) food premises;
 - d) first aid and emergency medical facilities, personnel and equipment;
 - e) garbage disposal, recycling, and composting containers;
 - f) access points;
 - g) sources of heat and power;
 - iii) the permitted location, dates and hours of the special event;
 - iv) the maximum number of attendees permitted at the special event; and
 - v) any other reasonable terms or conditions which, in the opinion of the regional district, are necessary to ensure adequate sanitation and protect the health, safety and welfare of individuals attending the special event or the general public.
- (4) A special event permit is not transferrable.

Delegation

11. The board delegates the authority to the regional district officers, on behalf of the regional district, to:
- i) approve applications for special event permits in accordance with this bylaw;
 - ii) impose conditions on special event permits in accordance with this bylaw;
 - iii) exempt an applicant from providing some or all of the information and materials required under this bylaw, if the regional district officers consider it to be in the public interest based on the following criteria, where applicable:
 - a) number of attendees;
 - b) minimal need for traffic control, crowd control, security or parking;
 - c) minimal need for emergency services and personnel;
 - d) limited anticipated community impacts;
 - e) proposed dates and times of the special event;
 - f) proposed route and use of public space;
 - iv) amend special event permits granted pursuant to this bylaw if the amendment is in accordance with this bylaw;
 - v) refuse to issue special event permits pursuant to any of the grounds enumerated in section 10(2) of this bylaw; and

- vi) revoke special event permits where an applicant has failed or is likely to fail to comply with this bylaw or any other applicable acts, regulations, decisions, orders, bylaws or legislation.

Inspections

- 12. Bylaw enforcement officers and members of the RCMP are hereby authorized to enter, at all reasonable times, on any property subject to this bylaw, to ascertain whether this bylaw is being observed.

Offence

- 13. Any persons who violate any of the provisions of this bylaw or who suffer or permits any act or thing to be done in contravention of this bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw, is guilty of an offence and:
 - i) shall be liable on summary conviction to:
 - a) a fine not exceeding two thousand dollars (\$2,000.00), imprisonment of not more than six (6) months, or both pursuant to section 4 of the *Offence Act*;
 - b) costs of prosecution;
 - c) any other penalty or remedy imposed or permissible pursuant to an enactment;
 - ii) penalties and remedies imposed under subsection i) shall be in addition to and not in substitution for any other penalty or remedy imposed by or permissible under this bylaw or any other enactment; and
 - iii) each day that a violation is caused or allowed to continue constitutes a separate offence under this bylaw.

Severability

- 14. If any section, subsection, sentence, clause, or phrase in this bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw.

Repeal

- 15. Bylaw No. 2155 being the Regional District of Comox-Strathcona “Control of Special Events Regulatory Bylaw No. 2155, 1999” is repealed and replaced with this bylaw.

Citation

This Bylaw No. 395 may be cited for all purposes as the “Comox Valley Regional District Special Events Bylaw No. 395, 2016.”

SCHEDULE A – PERMIT APPLICATION REQUIREMENTS

- (1) State the name, address and telephone number of the promoter of the special event and the name, address, and telephone number of the owner or occupier of the property (or the properties) at which the special event is to occur.
- (2) State the dates of the special event including setup and teardown.
- (3) State the total number of expected spectators and participants including volunteers.
- (4) Include a sketch plan of the property showing the following:
 - (a) location and use of existing structures;
 - (b) location and use of any temporary structures proposed for the special event including any temporary seating arrangements which may be proposed;
 - (c) location and size of parking areas;
 - (d) location, number and arrangement of washrooms and other sanitation facilities;
 - (e) location, size and nature of garbage disposal, recycling, and composting containers;
 - (f) location, size and nature of domestic water dispensing facilities;
 - (g) location of cooking facilities and other food and drink preparation, if such are proposed;
 - (h) location of first aid sites and equipment;
 - (i) location of any water body within 30 metres of the proposed site;
 - (j) access points;
 - (k) emergency evacuation route; and
 - (l) where a special event is to occur on more than one property, a sketch plan showing (a) to (k) above is required for each property.
- (5) Be accompanied by a statement describing the proposed arrangements for the following:
 - (a) management of access and egress to and from special events site(s);
 - (b) security and crowd control including harm reduction measures and strategies;
 - (c) fire protection, which shall include a copy of the applicant's letter and fire plan as sent to the BC Wildfire Services and local fire chief if applicable;
 - (d) first aid;
 - (e) water supply systems as defined by the *Drinking Water Protection Act*;
 - (f) sanitary facilities;
 - (g) garbage, recycling, wastewater, and organics collection and removal, and consideration of bear smart guidelines;
 - (h) food premises including offsite storage of food and food related equipment, cold storage and ice trucks;
 - (i) emergency medical facilities;
 - (j) source of heat for cooking facilities (if any);
 - (k) power to support all of the above;
 - (l) land disturbance, dust and sediment control; and
 - (m) noise control to protect the quiet, peace, rest, enjoyment, comfort and convenience of neighbouring residents and general public.