

THE CORPORATION OF THE TOWN OF EAST GWILLIMBURY

NO. 97- 29

BEING A BY-LAW TO REGULATE AND LICENSE CERTAIN
EXHIBITIONS HELD FOR HIRE OR GAIN IN THE MUNICIPALITY

WHEREAS the Municipal Act R.S.O. 1990, c. M.45 , section 207 paragraph 19 and 44, and section 210 paragraphs 138, 139 and 140 authorizes the Council of the Municipality to enact By-laws to regulate and govern public fairs, temporarily close highways, prohibit and regulate certain noises, license, regulate and govern the owners or operators of public address systems and prohibit and abate public nuisances:

AND WHEREAS The Council of the Municipality of East Gwillimbury deems it expedient to enact such a By-Law:

NOW THEREFORE The Council of the Municipality of East Gwillimbury hereby enacts as follows:

PART 1 DEFINITIONS

1. For the purposes of the by-law, the term:
 - a) "charitable organization" means a registered charity defined in accordance with the provisions of the Income Tax Act of Canada, as amended from time to time and include the following service clubs:
 - Boy Scouts
 - Girl Guides
 - East Gwillimbury Chamber of Commerce
 - East Gwillimbury Optimist Club
 - Lions Club
 - Knights of Columbus
 - Kinette Club
 - Canadian Legion
 - Oddfellows Lodge
 - Women's Institute
 - Shriners Club
 - Masonic Lodge
 - b) "community festival" means a performance or celebration of special importance which is approved by the Council of the Town of East Gwillimbury;
 - c) "exhibition for hire or gain" means a concert, a musical exhibition, a folk festival, or other similar gathering;
 - (i) at which entertainment or instruction is provided, to the persons who attend, whether a fee for admission is paid or not by the persons who attend; or
 - (ii) a fee for admission is paid by the persons who attend, and which may include a membership fee in a club, organization, or association which entitles the public to attend an exhibition held for hire or gain; or
 - (iii) the persons who attend are accommodated outdoors or on seats that are not located within a building, whether a fee for admission is paid or not by the persons who attend;
 - d) "fee for admission" means a charge in money or monies worth for the right to attend an exhibition held for hire or gain and which may include a membership fee in a club, organization, or association which entitles the public to attend an exhibition held for hire or gain;
 - e) "land" means land located in the Town of East Gwillimbury;
 - f) "municipality" means the Corporation of the Town of East Gwillimbury;

- g) "region" means the Regional Municipality of York.
- h) "person" means person (s), corporation (s), partnership (s) and organization (s).

PART 2 GENERAL PROVISIONS

1. No person shall hold or conduct an exhibition for hire or gain, or any other event covered by this By-Law unless such person shall, at least twenty-one (21) days prior to the scheduled date of this event, have first obtained a license hereunder for such event from the Municipality.
2. No person shall permit any land owned by such person to be used for or in conjunction with an exhibition for hire or gain or any other event covered by this By-Law, unless such person or the person holding or conducting the exhibition for hire or gain, or other event, shall at least twenty-one days (21) prior to the scheduled date of this event, have first obtained a license hereunder for such event from the Municipality.
3. Application for license under this By-Law shall be made to the Clerk-Administrator of the Municipality and every applicant shall submit, prior to being issued a license, the following:
 - a) a letter from the Chief of Police or his designate of the Region's Police Services giving permission for such an event to take place;
 - b) if approval is obtained by the Chief of Police or his designate, the applicant must submit insurance policies naming the Town of East Gwillimbury and the Region of York as co-insureds in the amount of \$5,000,000.00 and \$10,000,000.00 respectively to provide for public liability and property damage where alcoholic beverages are being served. Such insurance policies are to save harmless and indemnify the Municipality and Region and its employees, officers, directors, agents and servants from any and all claims, demands, actions and suites arising out of loss, damage or injury to any person or property;
 - c) written approval and a fire permit from the Municipal Fire Chief regarding open air fires and emergency vehicle access to the site;
 - d) Provide access to a public road suitable to the Municipality's Engineer for emergency vehicles to enter and exit the property;
 - e) Any vehicle selling food or beverages must obtain a license from the Town of East Gwillimbury prior to the event and any other food sales must obtain approval from the Medical Officer of Health for the Region;
 - f) Provide a certificate from the Medical Officer of Health for the Region certifying that there will be adequate medical, sanitary and lavatory facilities, garbage collection, storage and disposal facilities;
 - g) A certified cheque payable to the Municipality in the amount of Ten Thousand Dollars (\$10,000.00) as a deposit to ensure payment of all damage caused, directly or indirectly as a result of the event, to public property, and all necessary clean-up of public property within 300 metres of the surrounding area in which the event is to be held.
 - h) Provided there is no damage to public property caused directly or indirectly as a result of the event, and provided all necessary clean-up of public property within 300 metres surrounding the area in which the event has taken place the Ten Thousand Dollar (\$10,000.00) deposit shall be returned to the applicant, without interest.
 - i) Provide a scaled plan indicating parking location, identify number of spaces, indicating ingress and egress, indicating locations of stages, seating, sanitary facilities, closest location of adjacent residences and any other applicable information deemed necessary by the Municipality.
 - j) if the applicant is not the owner of the land on which the exhibition for hire or gain or other event is to be held, the applicant shall provide the land owner's written consent to hold or conduct an exhibition for hire or gain or any other event on the owner's land.
4. No person shall hold an exhibition for hire or gain unless a license has been issued under the by-law.
5. No person shall emit or permit or cause the emission of noise for such an event that is likely to disturb the inhabitants of the Town.

6. Any license issued under this By-Law may be revoked:
 - a) In the opinion of Council, the information upon which the license has been issued is found to be false or misleading;
 - b) In the opinion of Council, an applicant no longer meets the requirements of the By-Law.
7. A "community festival" sponsored or sanctioned by the Town is exempt from this By-Law upon approval of the Town Council.
8. See Schedule "A" for license fee and application which forms part of this by-law.

PART 3 SEVERABILITY

If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

Where the provisions of this by-law conflict with the provisions of any other by-law or Act, the more restrictive provisions shall apply.

PART 4 OFFENCES AND PENALTIES

1. Every person, corporation, organization or association who contravenes any of the provisions in this By-Law is on conviction, therefore guilty of an offence and shall be liable to a fine as provided under the Provincial Offences Act.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 7th DAY
OF April 1997.

James Martore
MAYOR

Beth McKay
CLERK-ADMINISTRATOR

SCHEDULE "A" FEES AND APPLICATION

EXHIBITIONS HELD FOR HIRE OR GAIN

License # _____
(to be entered by staff when license issued)

Term of License _____
(to be entered by staff when license issued)

DESCRIPTION OF APPLICANT

(a) Corporate

Name of Corporation _____

Registered Name of Business and registered logo, if any

Telephone No. _____

Registered address of Corporation

Name of Officer applying for license

Address _____

(b) Partnership

Name of Partnership _____

Registered Name of Business and registered logo, if any

Telephone No. _____

Registered address of Partnership

(c) Individual

Name of Individual _____

Registered Name of Business and registered logo, if any

Telephone No. _____

Address of Individual

Property Roll #	Address	Owner of Land	Tenant Lease agreement att.

FEES	PAYMENT RECEIVED
Fee Application (\$500.00) Non refundable	
Fee License (\$1,500.00)	

Signature of Applicant

Date