

## **BY-LAW NO. 718/01**

A Bylaw of Clearwater County in the Province of Alberta, to regulate Extended Dance/Music Events within the Corporate Boundaries of Clearwater County.

**WHEREAS** the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1, provides that Council may pass bylaws for municipal purposes respecting:

- ✍ the safety, health, and welfare of people and the protection of people and property;
- ✍ people, activities and things in, on or near a public place or a place that is open to the public;
- ✍ businesses, business activities, and persons engaged in business; and
- ✍ systems of licenses permits or approvals;

**AND WHEREAS** gatherings for the purpose of dancing to or listening to music for extended time periods are known to be taking place in other municipalities in the Province of Alberta and may take place in Clearwater County;

**AND WHEREAS** these gatherings

- ✍ often involve in excess of one hundred (100) people;
- ✍ have taken place during the late night hours;
- ✍ may result in profit or gain for their organizers; and
- ✍ have taken place in areas which caused disturbances to nearby residences;

**AND WHEREAS** it is desirable that these gatherings take place in facilities with adequate fire and safety protections with minimal disruption to the community:

**AND WHEREAS** it is desirable that opportunities for cultural and physical expression that take place at these gatherings be continued in a safe and responsible fashion;

**NOW THEREFORE THE COUNCIL OF CLEARWATER COUNTY ENACTS AS FOLLOWS:**

### **1. Section 1 – Short Title**

- 1.1. This Bylaw may be cited as the “Extended Dance/Music Event Bylaw”.

### **2. Section 2 – Definitions**

- 2.1. “Applicant” means the person over 18 years of age who applies for an Extended Dance/Music Event License
- 2.2. “Chief Administrative Officer” means the Municipal Manager appointed by Clearwater County Council or his designate.
- 2.3. “Daytime” means the hours between 8:00 a.m. and 10:00 p.m. of the same calendar date.
- 2.4. “Expected Attendance,” means the number of people the Applicant anticipates attending or desires to attend an Extended Dance/Music Event; including Extended Dance/Music Event Personnel and members of the public.
- 2.5. “Extended Dance/Music Event” means any event where a large number of people gather for purposes of listening or dancing to music and where the event starts in the evening of one day and continues after 3:00 a.m. of the following day.
- 2.6. “Extended Dance/Music Event Personnel” includes entertainers and their entourages, sound and lighting technicians, security personnel and emergency medical personnel, regardless of whether they are paid a salary or fee for providing services at the Extended Dance/Music Event.

- 2.7. “Extended Dance/Music Event Promoter” means the person who stages the Extended Dance/Music Event, and whose responsibilities may include contracting with entertainers, security firms, Venue owners and advertisers.
- 2.8. “Extended Dance/Music Event Manager” means the person who will be in attendance at the Extended Dance/Music Event and will oversee the overall operation of the Extended Dance/Music Event, and will be employed as a competent security consultant, familiar and experienced in providing and managing security services at such events.
- 2.9. “Nighttime” means the hours between 10:00 p.m. and 8:00 a.m. of two consecutive calendar days.
- 2.10. “Resident” means any person who has maintained a residence in either Clearwater County, the Town of Rocky Mountain House, or the Village of Caroline for a period of 6 months, where he lives and sleeps and to which, when he is temporarily absent, he intends to return;
- 2.11. “Responsible Party” means every person who:
  - 2.11.1.1. Is an Applicant;
  - 2.11.1.2. Is an Extended Dance/Music Event Promoter;
  - 2.11.1.3. Is an Extended Dance/Music Event Manager;
  - 2.11.1.4. Is the owner of a Venue;
  - 2.11.1.5. Provides entertainment or concessions for an Extended Dance/Music Event; or
  - 2.11.1.6. Profits in any way from an Extended Dance/Music Event.
- 2.12. “Venue” means the place of where an Extended Dance/Music Event is held and includes buildings and lands.

**3. Section 3 – Licensing Requirement**

- 3.1. The Chief Administrative Officer may issue an Extended Dance/Music Event License in accordance with this Bylaw.
- 3.2. No person shall sell tickets or stage an Extended Dance/Music Event for which an Extended Dance/Music Event License is required without first obtaining an Extended Dance/Music Event License.
- 3.3. An Extended Dance/Music Event License is required for all Extended Dance/Music Events, which have an Expected Attendance of 200 or more people.
- 3.4. A person will be deemed to have expected or desired 200 or more people to attend an Extended Dance/Music Event if;
  - 3.4.1.1. The Extended Dance/Music Event is to be held in a Venue building of 200 or more square meters;
  - 3.4.1.2. The Extended Dance/Music Event is to be held in a Venue building with an occupancy rating of 200 or more people;
  - 3.4.1.3. 200 or more tickets to the Extended Dance/Music Event were printed or sold;
  - 3.4.1.4. The promotional material, including material on the Internet, for the Extended Dance/Music Event implies the attendance at the Extended Dance/Music Event will exceed 200 people.
- 3.5. An 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 an Extended Dance/Music Event License is not required rests solely with the Chief Administrative Officer.

- 3.6. An Extended Dance/Music Event License is valid for only one Extended Dance/Music Event and only for the Venue and date identified in the application for the Extended Dance/Music Event License.

#### **4. Section 4 – License Applications**

- 4.1. Each application for an Extended Dance/Music Event License must be made no later than forty-five (45) days before the proposed date of the Extended Dance/Music Event.
- 4.2. Each application for an 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 attending and the safety and peace of the community in the vicinity of the Venue:
  - 4.2.1.1. A non refundable License Application Fee of \$ 250.00;
  - 4.2.1.2. A complete disclosure setting out;
  - 4.2.1.3. The full name and address of the Applicant;
  - 4.2.1.4. A form signed by the Applicant giving the Applicant's consent for the RCMP to conduct a security check on the Applicant;
  - 4.2.1.5. If the Applicant is a corporate entity, the names and addresses of the directors and shareholders of the Applicant;
  - 4.2.1.6. The full name and address of the Extended Dance/Music Event Promoter;
  - 4.2.1.7. A form signed by the Extended Dance/Music Event Promoter giving the Extended Dance/Music Event Promoter's consent to the RCMP to conduct a security check on the Extended Dance Promoter;
  - 4.2.1.8. If the Extended Dance/Music Event Promoter is a corporate entity, the names and address of the directors and shareholders of the Extended Dance/Music Event Promoter;
  - 4.2.1.9. The full name and address of the Extended Dance/Music Event Manager;
  - 4.2.1.10. A form signed by the Extended Dance/Music Event Manager giving the Extended Dance/Music Event Manager's consent to the RCMP to conduct a security check on the Extended Dance/Music Event Manager;
  - 4.2.1.11. The proposed Venue for the Extended Dance/Music Event;
  - 4.2.1.12. The name and address of the registered owner of the venue;
  - 4.2.1.13. The expected attendance;
  - 4.2.1.14. The times the Extended Dance/Music Event will begin and end;
  - 4.2.1.15. The date of the Extended Dance/Music Event; and,
  - 4.2.1.16. The method by which tickets to the event will be sold, including the names and address of any ticket agents where applicable.
- 4.2.2. A letter of consent from the registered owner of the Venue or his authorized agent indicating the registered owner of the Venue:
  - 4.2.2.1. Understands the Venue will be used for an Extended Dance/Music Event, and

- 4.2.2.2. Consents to Chief Administrative Officer, County Bylaw Enforcement Officers, RCMP Members, 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 within the Venue during the Extended Dance/Music Event for the purposes of ensuring that this or any Bylaw, license conditions, or any Acts or Regulations are being complied with.
- 4.2.3. A letter from the Extended Dance/Music Event Promoter indicating he consents to the Chief Administrative Officer, County Bylaw Enforcement Officers, RCMP Members, 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 within the Venue during the Extended Dance/Music Event for the purposes of ensuring that this or any Bylaw, license conditions, or any Acts or Regulations are being complied with;
- 4.2.4. A detailed written plan setting out how the Applicant intends to address potential emergency medical concerns and specifically sets out how many medical personnel and the type and quantity of equipment that will be on hand at the Extended Dance/Music Event, and what medical training and certification the medical personnel will have;
- 4.2.5. A detailed written plan setting out how the Applicant intends to address security concerns, which specifically sets out:
  - 4.2.5.1. How many security personnel will be on hand at the Extended Dance/Music Event;
  - 4.2.5.2. What training, certification and license the security personnel have;
  - 4.2.5.3. How many security personnel will be located outside and inside the Venue buildings while the Extended Dance/Music Event is ongoing;
  - 4.2.5.4. How security personnel will monitor line-ups outside the Venue buildings;
  - 4.2.5.5. How security personnel will control the number of people leaving and entering the Venue while the Extended Dance/Music Event is ongoing;
  - 4.2.5.6. Whether people will be allowed to leave and re-enter the Venue while the Extended Dance/Music Event is ongoing;
  - 4.2.5.7. Whether the Venue will have a “quiet room”, outdoor space or similar separate area where people can take a break from the music and dancing;
  - 4.2.5.8. How security personnel will monitor the “quiet room”, outdoor space or similar area;
  - 4.2.5.9. How security personnel will ensure there is access and egress to the Venue for emergency medical and police vehicles;
  - 4.2.5.10. How security personnel will communicate with each other, the Extended Dance/Music Event Manager, and emergency medical personnel;
  - 4.2.5.11. How security people will monitor, control and deal with any illegal possession, sale, or consumption of alcohol or drugs;
  - 4.2.5.12. What procedures will be followed when the Extended Dance/Music Event concludes to ensure the safety and peace of the community; and,

- 4.2.5.13. What procedures will be followed if the Extended Dance/Music Event Manager is served with a notice from an RCMP Officer or a County Bylaw Enforcement Officer in accordance with Section 12 of this Bylaw to terminate the Extended Dance/Music Event.
- 4.2.6. A detailed written plan describing the sound system to be used at the Extended Dance/Music Event, any steps the Applicant will take to ensure noise disturbance outside of the Venue is minimized, and steps the Applicant will take to ensure noise is controlled within any Venue building while the Extended Dance/Music Event is ongoing.
- 4.2.7. If alcohol is to be sold or dispensed a detailed description of the sale or dispensing procedures including times when alcohol will be available for consumption, where on the Venue property it may and may not be consumed and controls proposed to prevent illegal consumption, intoxication and unruly behavior. An undertaking by the applicant that any license required by the Province of Alberta will be made available to the Chief Administrative Officer by the applicant prior to the Extended Dance/Music Event occurring will be required.
- 4.2.8. A detailed description of how drinking water and sanitary services will be provided including the facilities currently on the Venue property and any facilities the applicant proposes to bring to the Venue. This description will include explanations on how and why these facilities will meet the needs of the expected attendance and how the facilities will be monitored and maintained during the Extended Dance/Music Event.
- 4.2.9. A detailed description of any food preparation facilities and processes that will be used to ensure proper sanitation, the types of food that will be made available, the times that it will be available, the names of those that will be responsible for the preparation of food and a description of their experience.
- 4.2.10. A transportation plan identifying traffic routes and controls that will be put in place to ensure the safety of the traveling public, to protect roadways from damage, to protect the living environment of residents living adjacent to traffic routes and to ensure expected traffic remains on approved routes and off any property, privately owned or owned by the Crown or the County, that does not form part of the application.
- 4.2.11. A listing of similar events hosted by the Applicant and the Extended Dance/Music Event Promoter, including dates, times and locations, number of attendees or any other background information the Chief Administrative Officer may require.
- 4.2.12. An unconditional irrevocable letter of credit, a certified check, or other similar security made out in the name of the County, in an amount equal to \$1,000 for each 500 persons expected to attend the Extended Dance/Music Event. Said security will be held by the County, and at the sole discretion of the Chief Administrative Officer will be drawn upon in full and deposited into the accounts of the County if the RCMP or County By-law Control officers are called to the Extended Dance/Music Event in response to unsafe, objectionable noise or unruly behavior or conduct on behalf of any persons at the Venue or any person leaving or coming to the Venue.

## **5. Section 5 – Consultation and Inspections**

- 5.1. The Chief Administrative Officer, or his delegate, may provide the completed application to all or any of the following agencies for their review and consultation;
  - 5.1.1. RCMP;
  - 5.1.2. Emergency Medical Services;
  - 5.1.3. Fire Chief;
  - 5.1.4. Regional Health Authority;

- 5.1.5. Alberta Gaming and Liquor Commission;
  - 5.1.6. Planning and Development Control;
  - 5.1.7. Public Works or Alberta Transportation;
  - 5.1.8. Any other agency which, in the opinion of the Chief Administrative Officer, may assist in determining whether granting the Extended Dance/Music Event License is in the interests of the safety, health, welfare and property of the attendees to the Extended Dance/Music Event and others living or owning land in close proximity to the proposed Venue.
- 5.2. Upon request by any of the agencies set out in Section 5.1, the Applicant shall provide a representative of the agency access to the proposed Venue for the purposes of conducting an inspection of the proposed Venue and shall assist in carrying out the inspection.
- 5.3. Upon request by any of the agencies set out in Section 5.1, the Extended Dance/Music Event Manager shall accompany the representative of the agency on the inspection of the Venue during the Extended Dance/Music Event.

## **6. Section 6 – License Conditions**

- 6.1. The Chief Administrative Officer may issue an Extended Dance/Music Event License with specific conditions respecting:
- 6.1.1. The number and qualification of emergency medical personnel and equipment which must be available at the Venue during the Extended Dance/Music Event;
  - 6.1.2. The number and qualification of security personnel which must be made available at the Venue during the Extended Dance/Music Event;
  - 6.1.3. The procedures required to be in place to address emergency medical and security concerns;
  - 6.1.4. The means of transportation for attendees of the Extended Dance/Music Event, if, in the opinion of the Chief Administrative Officer parking, passenger pick up and drop off is unlikely to be sufficient for the Extended Dance/Music Event;
  - 6.1.5. The maximum number of people who may attend the Extended Dance/Music Event;
  - 6.1.6. Noise abatement measures which must be implemented to ensure noise outside or within the Venue is minimized;
  - 6.1.7. Proof of current public liability insurance sufficient to cover any anticipated loss or damages by attendees at the Extended Dance/Music Event; and
  - 6.1.8. Such additional conditions as are, in the opinion of the Chief Administrative Officer, reasonably necessary to protect the safety, health, welfare, and property of the attendees of the Extended Dance/Music Event or the neighborhood of the proposed Venue.
- 6.2. All costs and expenses incurred in meeting the requirements of this Bylaw or any conditions attached to the Extended Dance/Music Event License shall be borne by the Applicant.

## **7. Section 7 – Refusal of An Application**

- 7.1. The Chief Administrative Officer shall not issue an Extended Dance/Music Event License to an Applicant if, in the opinion of the Chief Administrative Officer:
- 7.1.1. The application is not complete and does not contain everything set out in Section 4. If the Chief Administrative Officer refuses an application on the grounds that it is not complete, another application will not be accepted from the applicant or from another applicant for the same event or the same Venue for a two (2) week period;

- 7.1.2. The Chief Administrative Officer, County Bylaw Enforcement Officer, RCMP Member, Emergency Medical Services Officers, Safety Code Officers, Regional Health Authority Officers, Alberta Gaming and Liquor Commission Inspector, Alberta Occupational Health and Safety Officer, or any one of them, were unable to inspect the Venue because the Applicant was unable or unwilling to provide them with access to all of the Venue in a timely fashion;
  - 7.1.3. The Applicant is not a resident of Clearwater County, the Town of Rocky Mountain House or the Village of Caroline;
  - 7.1.4. The proposed emergency medical plan is not adequate;
  - 7.1.5. The proposed Venue cannot safely accommodate the expected attendance; or
  - 7.1.6. The proposed security plan is not adequate.
- 7.2. The Chief Administrative Officer may not issue an Extended Dance/Music Event License to an Applicant if:
- 7.2.1. The Applicant, Extended Dance/Music Event Promoter, Extended Dance/Music Event Manager, Venue Owner, or any of the Directors or Shareholders of the Applicant or Promoter, have previously operated an Extended Dance/Music Event in breach of a condition of an Extended Dance/Music Event License or this Bylaw;
  - 7.2.2. The RCMP recommends against issuing the Extended Dance/Music Event License;
  - 7.2.3. The proposed Venue has previously been a Venue and has, in the opinion of the Chief Administrative Officer shown itself to be an inadequate site for an Extended Dance/Music Event;
  - 7.2.4. The proposed Venue lacks appropriate Land Use approvals which thereby make it inappropriate for an Extended Dance/Music Event;
  - 7.2.5. In the opinion of the Chief Administrative Officer, it is inappropriate to issue an Extended Dance/Music Event License to an Applicant because the safety, health, or welfare of the public cannot be reasonably assured due to the issuance of the license or the operation of the Extended Dance/Music Event; or
  - 7.2.6. In the opinion of the Chief Administrative Officer, it is inappropriate to issue an Extended Dance/Music Event License to an applicant because the potential noise impact of the Extended Dance/Music Event would create a nuisance in the community near the proposed Venue.

**8. Section 8 – Offences and Penalties**

- 8.1. Any Responsible Party who contravenes any provision of this By-law 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”.
- 8.2. The levying and payment of any fine in this By-law shall not relieve any person from the necessity of paying any fees, charges or costs for which he is liable under the provisions of this By-law.
- 8.3. Any member of the RCMP or any County Bylaw Enforcement Officer is hereby authorized to issue a Violation Ticket pursuant to Part 3 of the Provincial Offences Procedure Act, as amended, to any person who the RCMP member or the County Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this By-law or a License issued pursuant to this Bylaw.
- 8.4. Any person to whom a Violation Ticket has been issued may make voluntary payment in respect to the Violation Ticket by delivering the Violation Ticket along with an amount equal to that specified for the offence as set out in this By-law, to the Provincial Court office specified on the Violation Ticket.

- 8.5. Every person who organizes, promotes, allows, provides entertainment or concessions for, or in any way profits from, an Extended Dance/Music Event for which an Extended Dance/Music Event License is required but for which an Extended Dance/Music Event License has not been issued commits an offence.
- 8.6. For greater certainty, but without restricting the generality of the foregoing, any person who is shown as the registered owner on the Land Title for a Venue, is shown as the responsible party for property taxes on the tax roll for a Venue, or as the responsible party for paying utilities on a utilities statement of the Venue, will be deemed to have allowed an Extended Dance/Music Event to take place at that Venue.
- 8.7. Any person who provides false or misleading information in an application for an Extended Dance/Music Event License commits an offence.

#### **9. Section 9 – Other Conditions**

- 9.1. A responsible Party shall ensure an Extended Dance/Music Event for which a License has been issued is carried out in accordance with this Bylaw and any conditions attached to the Extended Dance/Music Event License.
- 9.2. A Responsible Party shall ensure all security personnel at the Extended Dance/Music Event are distinctively dressed in such a way that they are easily identified as security personnel.
- 9.3. A Responsible Party shall ensure all medical personnel at the Extended Dance/Music Event are distinctively dressed in such a way that they are easily identified as medical personnel.
- 9.4. A Responsible Party shall ensure the Extended Dance/Music Event License is conspicuously posted at the Venue for the duration of the Extended Dance/Music Event;
- 9.5. The Extended Dance/Music Event Manager identified in the Application for an Extended Dance/Music Event License must be at the Venue at all times the Extended Dance/Music Event is ongoing and must be distinctively dressed in such a way that he is easily identified as the Extended Dance/Music Event Manager.
- 9.6. A Responsible Party shall ensure at least one security person is located at every entrance to the Venue.
- 9.7. A Responsible Party shall ensure that security personnel keep an accurate count of the number of persons admitted to the Extended Dance/Music Event.
- 9.8. A Responsible Party shall ensure the number of people attending the Extended Dance/Music Event does not exceed the number of persons allowed to attend the Extended Dance/Music Event pursuant to the Extended Dance/Music Event License.
- 9.9. The Applicant shall report the number of persons who were in attendance at the Extended Dance/Music Event to the Chief Administrative Officer within 5 (five) days of the Extended Dance/Music Event.
- 9.10. A Responsible party shall ensure ear plugs and free drinking water available to the attendees of the Extended Dance/Music Event at all times the Extended Dance/Music Event is ongoing.

#### **10. Section 10 – Applicability of Other Regulations**

- 10.1. The issuance of a License pursuant to this Bylaw shall not be construed as alleviating any person of the obligation to comply with any other Bylaws, Acts, or Regulations.

#### **11. Section 11 – Sever Ability**

- 11.1. Each provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.



**12. Section 12 – License Cancellation**

- 12.1. Any member of the RCMP or a County Bylaw Enforcement Officer is authorized to cancel any license issued pursuant to this Bylaw if in his opinion the Extended Dance/Music Event is not being conducted in accordance with this Bylaw or the conditions of the License issued pursuant to this Bylaw. Upon receipt of a notice from an RCMP officer or a County Bylaw Enforcement Officer in this regard the Extended Dance/Music Event Manager shall stop all music and advise all attendees to vacate the Venue forthwith. The Extended Dance/Music Event Manager shall provide for a safe and orderly evacuation of the Venue.

**13. Section 13 – Transition**

- 13.1. This Bylaw comes into force on the day it is passed and By-law No. 702/01 is hereby rescinded.

READ A FIRST TIME this 11th day of September A.D., 2001.

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**REEVE**

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**MUNICIPAL MANAGER**

READ A SECOND TIME this 11th day of September A.D., 2001.

READ A THIRD AND FINAL TIME this 11th day of September A.D., 2001.

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**REEVE**

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**MUNICIPAL MANAGER**

**SCHEDULE “A”**

**FINES**

**CLEARWATER COUNTY - EXTENDED DANCE/MUSIC EVENT BYLAW**

<b>Offence</b>	<b>FINES</b>
For the first offence by any person who organizes, promotes, allows, provides entertainment or concessions for, or in any way profits from, an Extended Dance/Music Event for which an Extended Dance/Music Event License is required but for which an 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
Security Personnel not distinctively dressed	\$ 200.00
Medical Personnel not distinctively dressed	\$ 200.00
Fail to post License	\$ 50.00
Extended Dance/Music Event Manager fails to be at Venue	\$ 1,000.00
Fail to have security personnel at every entrance	\$ 300.00
Fail to ensure accurate attendance figures	\$ 300.00
Number of people in excess of License	\$ 1000.00
Fail to report attendance numbers	\$ 300.00
Fail to provide free drinking water	\$ 400.00
Fail to make ear plugs available	\$300.00
Extended Dance/Music Event Manager failed to provide for the safe and orderly evacuation of the Venue	\$1,000.00
Extended Dance/Music Event Manger fails to comply with an order to shut down the Extended Dance/Music Event	\$1,000.00