

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2015-194

The Special Events By-law - a By-law to Provide for the Licensing, Regulating, Governing and Inspecting of Special Events

WHEREAS Section 5(3) of the *Municipal Act* , S.O., 2001, c. 25, as amended, provides that municipal power shall be exercised by by-law; and

WHEREAS Section 150 of the *Act* authorizes Council to pass By-laws for the licensing, regulating, governing, classifying and inspecting of events and exhibitions, and classes thereof and for the revoking or suspending any such licenses granted; and

WHEREAS Section 9 of the *Municipal Act* , 2001, provides that 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 Section 10(1) of the *Municipal Act* , 2001, provides that a municipality may provide any service or thing that the municipality considers necessary or desirable to the public; and

WHEREAS Section 10(2) of the *Municipal Act* , 2001, provides that a municipality may pass by-laws respecting: paragraph 6 – health, safety and well-being of persons; paragraph 7 – services and things that the municipality is authorized to provide under subsection (1); and paragraph 11 – business licensing; and

WHEREAS Section 391(1) of the *Municipal Act* , 2001, provides that a municipality may impose fees and charges to persons; and

WHEREAS City Council wishes to encourage a vibrant, creative City, unique in identity; now

THEREFORE the Council of the Corporation of the City of Cornwall enacts as follows:

A. DEFINITIONS AND INTERPRETATIONS

For the purpose of this By-law:

Applicant shall mean a person applying for the issuance of a Business license.

Board of Health shall mean the Eastern Ontario Health Unit which has been established for the Corporation of the City of Cornwall, the United Counties of Stormont, Dundas and Glengarry, and the United Counties of Prescott and Russell.

Business includes a trade, calling or occupation.

Certificate of Proof of Age shall mean an original or duly certified copy of a legal birth certificate or other certificate or card issued pursuant to a statute or regulation of the Government of Canada or of the Province of Ontario attesting to the date of birth or age of the individual referred to therein.

Charitable Organization shall mean a registered charity possessing a Revenue Canada Number that is an organization established and operated for charitable purposes, and must devote its resources to charitable activities.

Chief Building Official shall mean the authority having jurisdiction over the Building Permits and By-law Enforcement Division, Department of Planning, Parks and Recreation and administer the related By-laws of the Corporation of the City of Cornwall under the direction of the General Manager of Planning, Parks and Recreation.

Chief of Police shall mean the Chief of Police for the Corporation of the City of Cornwall or his/her appointee.

City shall mean the Corporation of the City of Cornwall.

Craft Show means where all exhibitors are showcasing the work of artisans selling their handcrafted work, featuring quality, uniqueness and originality. Craft fairs are structured by individuals who appreciate handmade/handcrafted goods, most of which are produced in limited quantities, if not one-of-a-kind editions.

Enforcement Officer shall mean a Police Chief, a Police Officer, By-law

Enforcement Officer, a Special Constable or any other Public Officer engaged in the enforcement of this By-law.

Fire Chief shall mean the municipal Chief Fire Official for the Corporation of the City of Cornwall or a member or members of the fire department designated by the municipal Fire Chief or a person appointed by the Fire Marshall of Ontario.

License shall mean a license issued under this By-law.

Licensing Officer shall mean the Chief Building Official, also known as Issuer of Licenses, and/or his/her appointees for the Corporation of the City of Cornwall.

Municipal Law Enforcement Officer shall mean the person or persons authorized by the Council of the Corporation of the City of Cornwall to enforce all By-laws under its jurisdiction.

Municipality shall mean the Corporation of the City of Cornwall.

Special Event Organiser includes but not limited to the following events: Flea Market, Retail Exhibition, Hobby Exhibition, Festival, Food Markets, Sport Tournaments, etc., and shall mean any person(s) organizing a special event involving multiple exhibitors at one location exhibiting, offering for sale services and/or distributing of, on a temporary basis, goods, wares, and/or merchandise to the general public.

Special Event includes but not limited to the following events: Flea Market, Retail Exhibition, Hobby Exhibition, Festival, Food Markets, Sport Tournaments, etc., and shall mean any special event involving multiple exhibitors at one location exhibiting, offering for sale services and/or distributing of, on a temporary basis, goods, wares, and/or merchandise to the general public.

Trade Show shall mean a trade fair (trade show, trade exhibition or expo) that is an exhibition organized so that companies and industries can showcase and demonstrate their latest products, service, and/or study activities of rivals and examine recent market trends and opportunities.

Vendor/Exhibitor shall mean a person that is using an area of space, for the duration of the Special Event pursuant to this By-law, exhibiting, offering for sale, services and/or distributing of, on a temporary basis, goods, wares, and/or merchandise to the general public.

Zoning Co-ordinator shall mean an Officer or agent employed by the Corporation of the City of Cornwall for the purpose of administering and enforcing its prevailing Zoning By-law.

B. LICENSES

No person shall carry on within the City of Cornwall any of the trades, callings, businesses or occupations listed herein and forming part of this By-law, unless he/she has obtained from the Corporation a license authorizing him/her to carry on the trade, calling, business or occupation.

Every person who holds a license shall, in carrying on or engaging in the trade, calling, business, or occupation for which the license is issued, shall comply with this By-law and the regulations herein that relate to the person or the persons trade, calling, business, or occupation.

C. APPLICATION

Every person who requires a Special Events License under the provisions of this By-law for any trade, calling, business, or occupation shall:

1. apply to the Chief Building Official upon such form or forms as may be prescribed by the Corporation;
2. provide any documents and information required under the applicable By-law, as detailed under Section K.12 "General Regulations".
3. pay the applicable license and application fee set out in the City of Cornwall By-law establishing licensing fees (By-law # 203-2005) and any amendments hereto)
4. any application fee referred to in the Appendix "A" Fee Schedule shall not be refunded;
5. the license fee referred to in the Appendix "A" Fee Schedule shall not be reduced or prorated;
6. where a partnership or an association applies for a license, the name of a designate for the partnership or association shall be set out in the application.

D. PROCESSING AND ISSUANCE

The Chief Building Official shall, upon receipt of the application referred to in Section C, make or cause to be made all investigations considered necessary or which are required by law or by the Corporation relative to the application.

E. REFUSAL TO ISSUE

The issuance of a license shall be refused by the Chief Building Official until it has been determined that the licensee has complied with:

1. this or any other By-laws of the Corporation
2. any other Federal or Provincial statutes.

F. EXPIRY

The license set out herein in this By-law shall be for the period of the special event only, as declared by the Special Event Organiser on their business license City prescribed spreadsheet forming part of the business license application.

G. TRANSFERS

1. No license shall be transferred except with the consent in writing of the Chief Building Official and the Chief Building Official shall not be bound to give such consent.

H. GENERAL PROVISIONS

Every person holding a license under this By-law:

1. Where the license applies to a premise, shall keep his/her license posted in a conspicuous place on the premises in respect to which the license is issued;
 - i) Where the same does not apply to a premise, shall keep on his/her person the license issued.
 - ii) Every person applying for or holding a license under this By-law shall comply with the regulations set out herein this By-law.

2. A license is issued subject to the condition that the holder of the license indemnifies and saves harmless the Corporation and the employees, contractors and agents of the Corporation from all loss, damage, legal action, costs and expenses arising from the carrying on of the business, trade, calling or occupation for which the license was issued.

3. No person shall enjoy vested right in the continuance of a license and upon the issue, cancellation or suspension thereof, the value of the license shall be the property of the Corporation of the City of Cornwall.

4. No person licensed under this By-law shall refuse to permit a service dog serving as a guide for a blind person or for a person with another medical disability who requires the use of a service dog, if the service dog is in an area of the food premises where food is served, sold or offered for sale. No person licensed under this By-law shall refuse to permit a dog other than a guide dog for the blind if it is readily apparent that the dog functions as a service dog for a person with a medical disability or the person who requires the dog can provide on request a letter from a physician or nurse confirming that the person requires a service dog.

I. INSPECTIONS

1. An Enforcement Officer, Board of Health Officer or any other regulatory official may with the owners approval:

i) At all reasonable times, inspect the building, place, premise or individual exhibitors that is used for a trade, calling, business or occupation for which a person is licensed or is required to be licensed; and,

ii) When deemed necessary by the said Officer or regulatory official inspect the books, records or other documents of the trade, calling, business or occupation.

2. No person who is licensed or required to be licensed, shall hinder or obstruct inspections referred to in this section, or cause the inspections to be hindered or obstructed.

3. Every person who obtains a license under this By-law shall produce the license when requested to do so by an Enforcement Officer, Board of Health Officer or other regulatory official having jurisdiction and shall co-operate with various inspection agencies and their regulatory officials.

J. REVOCATION AND SUSPENSION

1. Where the Chief Building Official refuses to issue, suspends, or revokes a licence, the procedure as set out in By-law # 203-2005 (A By-law Respecting Appeal Procedures for Municipal Licensing) shall be followed.
2. Upon suspension or revocation of a license issued under this By-law, the licensee shall return to the Corporation all licenses where applicably issued by the Council with reference to such license, and the person authorized by Council shall have access to any premises, vehicle or other property for the purpose of receiving or taking, and no person shall refuse to deliver to such persons authorized by the Council or shall, in any way, prevent or hinder such persons from receiving or taking the same.

K. GENERAL REGULATIONS

1. No person shall operate a Special Event without first obtaining a Special Event License "A" or "B" from the City to do so, and paying the license fee for a Special Event License as set out in the Appendix "A" Fee Schedule forming part of this By-Law.
 - i) Special Event License 'A' to a person or persons who organizes or promotes the holding of a Special Event for a period of one (1) day – a) Minor Event or b) Major Event.
 - ii) Special Event License 'B' to a person or persons who organizes or promotes the holding of a Special Event for a period of two (2) consecutive days or more – a) Minor Event or b) Major Event.
2. A separate license shall be obtained for each Special Event, for each separate location.
3. The Special Events Organiser shall furnish details of the Special Event including the nature of event, its location, dates and duration as required by the City's prescribed spreadsheet and application form.
4. It is the responsibility of the Special Event Organiser to ensure that all exhibitors during the Special Event have, if applicable, proper proof of health inspection, safety requirements, building permits, propane inspections, and that all the exhibitors are in compliance with any By-Law

that pertains to them.

5. Where the Special Events Organiser proposes to hold the exhibition on private property, they shall provide to the City at time of application a copy of the written leasing agreement for the occupation of the exhibition premises by the applicant for the duration of the exhibition.

6. A Special Events Organiser responsible for a Special Event involving mobile food premise by-laws # 192-2005 (Mobile Food Premise) and proposing to locate any such mobile food premise in proximity to any eating establishment as defined in Eating Establishment By-Law #186-2005 shall as a condition of obtaining a Special Events business license obtain written approval from all businesses affected within a 500ft radius from those Mobile Food Premises or as provided by By-Law #204-2005, a by-law respecting procedures for appealing municipal licensing under Section 150 of the Municipal Act, petition City Council for an exemption from this spatial separation.

7. Where the special event is proposed to be located wholly or partially on the municipal right-of-way, the Special Event Organiser shall as per the City of Cornwall's Temporary Street Closure - Special Events Policy contact the City Clerk's office no later than three months prior to the event.

8. Every person applying for a Special Event License shall file with the Licensing Agent a floor plan or site plan for the outdoor portion and/or a floor plan for the indoor portion of the event showing where exhibitors will be located complete with pertinent dimensions.

9. The Special Event Organiser shall be responsible to obtain building permits for any temporary structures regulated under the Ontario Building Code (tents, stages, bleaches, etc.).

10. The Special Events Organiser is responsible for notifying the City Clerk's Office of any intent to obtain a noise by-law exemption and is responsible to obtain that exemption.

11. Every person applying for a Special Event License is to be at least eighteen (18) years of age, as qualified by a Certificate of Proof of Age.

12. Every person applying for a Special Event License shall provide to the Licensing Agent a minimum of fifteen (15) working days before the event is to take place, a list on the City prescribed spreadsheet of all vendors/exhibitors to be on the licensed premise and such list shall include

the following as applicable:

- i) Business name
- ii) Individual vendor's/exhibitor's name
- iii) A contact name
- iv) Complete mailing address
- v) Telephone number(s)
- vi) E-Mail address
- vii) Details of type of trade - items being exhibited, sold or services being provided
- viii) Details of cooking appliance being used (if any)
- ix) Proof of Technical Standards & Safety Authority approval (TSSA), if required
- x) Proof of Electrical Safety Authority (ESA) approval, if required
- xi) Eastern Ontario Health Unit Approval (EOHU), if required.
- xii) Proof of Liability Insurance as per Section "O" of this by-law (if required).

13. The Special Event Licensee shall ensure that no vendor/exhibitor is permitted to operate at the special event unless such vendor/exhibitor has been qualified and has been identified on the listing spreadsheet provided to the Licensing Agent.

14. Every Special Event Organiser to which a Special Events License has been issued shall maintain up-to-date documents and plans that accurately record a complete list of the participants, their designated location on the premises and type of items being exhibited and sold including the type services being provided and keep a copy of such records at the event and produce such records when so directed by the Fire Chief, an Enforcement Officer, Board of Health Officer or a regulatory official and maintain such records for a period of no less than one year.

15. Every Special Event Organiser shall display in a conspicuous location a copy of the Business License issued.

16. As a condition of obtaining a Special Events license, every Special Event Organiser shall obtain in writing confirmation from the Zoning Co-ordinator that their commercial activities and exhibitions will comply with locations permitted in the prevailing Zoning By-Law for these types of uses and that spatial separation/location required to separate said commercial activities from residential uses are satisfied and further, that the location of the event/exhibition will not lead to a deficiency in required parking and proper vehicle circulation.

17. If a vendor/exhibitor is not included and permitted under the Special Events By-Law, with authorization from the Special Event Organiser, the vendor/exhibitor may on an individual basis submit a business license application to the Business Licensing Agent, pay the fee and comply with the requirements of the business licensing by-law pertinent to their trade.

L. EXEMPTIONS

1. Special Events raising funds for a charitable organization, provided that this organization has a Revenue Canada Number and so by which one hundred percent (100%) of all profits made by the vendors/exhibitors go to the said charitable organization, shall be exempted from the Special Events By-Law fee.
2. Special Events raising funds for a charitable organization that operates solely for cultural or religious goals, provided that this organization has a Revenue Canada Number and so by which one hundred percent (100%) of all profits made by the vendors/exhibitors go to the said charitable organization, shall be exempted from the Special Events By-Law fee.
3. The Cornwall Chamber of Commerce Trade Show which is an exhibition organized by the local Chamber of Commerce in order that neighboring companies and industries can showcase and demonstrate their latest products, shall be exempted from the Special Events By-Law fee.

M. GENERAL REGULATIONS

1. Every Special Event Organiser shall provide trash receptacles in sufficient numbers and at suitable locations to keep up with the amount of trash generated by the event and empty the trash receptacles as often as required to prevent overflow/nuisance/littering, and, at his or her expense, keep sufficient staff for that purpose.
2. Every Special Event Organiser shall ensure that any vehicle operated in relation to the Special Event is not left parked, standing or otherwise stopped contrary to the City of Cornwall's prevailing Traffic and Parking By-law or so as to impede public transit services.
3. Every Special Event Organiser shall take prompt measures to reduce or

eliminate nuisances when so requested/directed by the Fire Chief or an Enforcement Officer.

4. Every Special Event Organiser shall ensure that an orderly conduct is maintained on the exhibition or flea market premises, and, at his or her own expense, keep sufficient staff for that purpose.
5. Every Special Event Organiser shall be responsible for the conduct of the vendor/exhibitor at the Special Event.
6. The Chief of Police may request at the time of the event that each individual vendor/exhibitor provide proof of identification when requested. Both the vendor/exhibitor and the Special Event Organiser shall be responsible to ensure proper identification is provided.
7. If the Chief of Police has reason to believe that the vendor/exhibitor has a criminal or other record file that affects a sale or services provided to the public, the vendor/exhibitor shall cease to operate immediately and be removed from the Special Event.

N. APPROVALS

1. The issuance of a Special Event License, shall be subject to the written approvals of the following:

- i) Chief Building Official or Designate
- ii) Zoning Co-ordinator
- iii) Fire Chief
- iv) Municipal By-law Enforcement Officer
- v) Other Regulatory Officials as indicated on the Business License Application.

2. The Chief of Police or designate has the right to inspect at any time during the event.

3. The Fire Chief may require by written report that the licensee take any steps which are considered to be in the interest of public health safety, with regard to the operation of the Special Event Business License, in accordance with the Ontario Fire Protection and Prevention Act.

4. The Special Event Organiser shall exhibit its authority when required to do so by any Enforcement Officer, Fire Chief or regulatory official having

jurisdiction.

5. The License issued pursuant to this By-law shall be valid:

- i) for the specific Special Event only;
- ii) for the one location at which the Special Event is to be held; and,
- iii) for the period stated as the duration of the Special Event on the business license application.

7. The issuance of a license to operate a Special Event in the City of Cornwall does not constitute the granting of authority by the City for the operation of a Special Event on privately owned property, without the property owner's consent. The liability to obtain such consent rests solely on the licensee.

O. INSURANCE

Every person applying as a Special Event Organiser for a Special Event License shall provide to the Licensing Agent proof of liability insurance of not less than Two Million Dollars (\$2,000,000) or Five Million Dollars (\$5,000,000 if alcohol is served), naming the City as an additional named insured with a cross liability clause and coverage inclusive per occurrence for bodily injury, death and damage to property and maintain such coverage for the duration of the event.

The proof of insurance shall contain an endorsement to provide 30 days prior written notice of any cancellation or of a material change that would diminish coverage.

Every vendor/exhibitor proposed to be included under the Special Events License shall provide to the Special Event organiser proof of liability insurance if/as required by the Business License By-Law applicable to their trade.

P. ENFORCEMENT - ORDER TO REMEDY BY-LAW VIOLATION

An Enforcement Officer upon finding the contravention of this by-law may issue an order and serve it to the Special Event Organiser and/or the Vendor/Exhibitor, requiring they discontinue the activity that contravenes this by-law.

Q. OFFENCES

1. Every person who contravenes any of the provisions of this by-law is guilty of an offence.
2. Every person who fails to comply with an Order is guilty of an offence.
3. Every person who hinder or obstructs, or attempts to hinder or obstruct an Enforcement Officer or any person acting under the direction of the City in the enforcement of this by-law is guilty of an offence.
4. Every person who furnishes false or misleading information is guilty of an offense.

R. PENALTIES

1. Any persons found to be in contravention of any of the provisions of this By-law shall also pay the fee(s) due in arrears during the time they conducted business without a license.
2. Any person who is convicted of an offence under this by-law is liable to the following fines under the Provincial Offenses Act:
 - a. On first conviction a maximum fine of Three Thousand Dollars (\$3,000); and
 - b. On any subsequent conviction a maximum fine of Five Thousand Dollars (\$5,000);
3. Notwithstanding Section 2.a or 2.b. above, any corporation who is convicted of an offense under this by-law is liable to the following fines under the Provincial Offenses Act:
 - a. On first conviction a maximum fine of Five Thousand Dollars (\$5,000); and
 - b. On any subsequent conviction a maximum fine of Seven Thousand Five Hundred Dollars (\$7,500)

S. ULTRA VIRES

Should any sections of this by-law be declared by a court of competent

jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

T. CONFLICT

Where a provision of this By-law conflicts with a provision of another by-law in force in the City of Cornwall, provisions that establish the higher standards shall prevail in order to protect the health, safety and welfare of the general public.

U. TRANSITION REPEAL

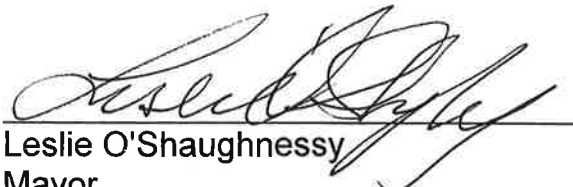
By-Law #226-2005 Retail Exhibitions and Flea Markets and By-Law #190-2005 Hobby Exhibition are repealed on the date of the passing of this By-Law.

This By-law shall come into force and take effect on December 14, 2015.

Read, signed and sealed in Open Council this 14th day of December, 2015.



Helen Finn
City Clerk



Leslie O'Shaughnessy
Mayor


SPECIAL EVENT BY-LAW - SPREADSHEET LIST.pdf


SPECIAL EVENT BY-LAW - FEE SCHEDULE A.pdf

A By-law to Provide for Licensing, Regulating, Governing and Inspecting Special Events

APPENDIX "A"

Proposed Fees

1. Special Event License 'A' to a person(s) who organizes or promotes the holding of a Special Event for a period of **one (1) day**.

Where a Special Event involves multiple exhibitors at one location exhibiting, offering for sale services and/or distributing of, on a temporary basis, goods, wares, and/or merchandise to the general public includes:

- a) Minor Event: 24 Exhibitors or less (Fee is \$ 500.00)
- b) Major Event: 25 Exhibitors or more (Fee is \$ 800.00)

2. Special Event License 'B' to a person(s) who organizes or promotes the holding of a Special Event for a period of **two (2) consecutive days or more**.

Where a Special Event involves multiple exhibitors at one location exhibiting, offering for sale services and/or distributing of, on a temporary basis, goods, wares, and/or merchandise to the general public includes:

- a) Minor Event: 24 Exhibitors or less (Fee is \$ 750.00)
- b) Major Event: 25 Exhibitors or more (Fee is \$ 1,050.00)

3. Craft Show means where all exhibitors are showcasing the work of artisans which are selling their handcrafted work, featuring quality, uniqueness and originality. Craft fairs are structured by individuals who appreciate handmade/handcrafted goods, most of which are produced in limited quantities, if not one-of-a-kind editions.

Flat Rate: \$100.00