Event Regulations
Bylaw No. 1342

Consolidated to January 23, 2020
## LIST OF AMENDMENTS

<table>
<thead>
<tr>
<th>BYLAW NO.</th>
<th>ADOPTION DATE</th>
<th>AMENDMENT No.</th>
<th>GENERAL DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1886</td>
<td>January 14, 2020</td>
<td>#1</td>
<td>Fees and Charges</td>
</tr>
</tbody>
</table>
TOWN OF SMITHERS
EVENT REGULATIONS BYLAW NO. 1342, 2000
A Bylaw to regulate events in the Town of Smithers

WHEREAS the Local Government Act authorizes the Town of Smithers’ Council to regulate persons, their premises and their activities to further the care, protection, promotion and preservation of the health and safety of the inhabitants of the municipality;

AND WHEREAS Council may make regulations to prohibit the creation of unsanitary or unsafe conditions and require a person to remedy or remove an unsanitary or unsafe condition for which he or she is responsible or which exists on property owned, occupied or controlled by him or her;

AND WHEREAS Council deems it advisable for the provision of adequate health, sanitation and protective measures for persons attending public community events where large numbers of people are in attendance or may be anticipated to be in attendance;

NOW THEREFORE the Council of the Town of Smithers, in open meeting assembled, hereby enacts as follows:

1. **CITATION**

   This Bylaw may be cited as “Event Regulations Bylaw No. 1342, 2000” and comes into effect on the date of adoption.

2. **DEFINITIONS**

   In this bylaw:

   “Applicant” means an applicant for a permit and the holder of the issued permit;

   “Application” means an event permit application on the form set out in Schedule “A” of this bylaw;

   “Event” means any public indoor or outdoor event or gathering between the hours of 6:00 a.m. and 2:00 a.m. at which the attendance is likely to exceed 125 persons. If the Town Council has reason to believe that 125 or more persons may be anticipated to attend at any location within the Town it may request notice in writing to be given by the owner or occupier of the lands upon which such event congregation or gathering of people is to be held requiring such owner or occupier to apply for a permit to hold such events, congregation or gathering of people and to comply with the provisions of this bylaw.
“Council” means the Council of the Town of Smithers;

“Fire Department” means the Town of Smithers Fire Department;

“Highway” includes every highway, road, street, lane or right-of-way designed or intended for use by the general public for the passage of vehicles and includes the shoulder, boulevard, ditch and sidewalk area and whatever public lands lie between the property lines of the highway;

“Late night event” means a commercial or for-profit dance, rave, other entertainment or performance, or other event where 20 or more persons are assembled at any time between 2:00 a.m. and 6:00 a.m. in a non-residential premises and where:

a) the dance, performance or event is held for the purpose of gain or profit;

b) tickets are sold or an entrance or attendance fee is charged for persons to attend by either private or public invitation; and

c) music, noise or sound of any kind or source, including but not limited to amplified recorded or computer generated music, amplified recorded or computer generated sounds, live music, sound or band music is performed or played.

“Recreation Department” means the Town of Smithers Recreation Department;

“Permit” means an event permit issued under this bylaw in the form set out in Schedule “B” of this bylaw;

“Police” means the Town of Smithers Royal Canadian Mounted Police Department;

“Promoter” means the person or persons who have the financial and organizational responsibility for a late night event including contracting with entertainers, security firms, facility rentals, advertising of the events and/or collection of gate receipts;

“Site” means the land described in the event permit on which an event is to be held; and

“Town” means the municipality incorporated as the Town of Smithers.
3. APPLICATION OF BYLAW

Subject to provision of public liability insurance, the following do not require an event permit:

a) events sponsored by the Town of Smithers, its agencies, committees or boards, or events held on municipally-owned property given permission from the Town of Smithers;

b) events sponsored or held by School District No. 54 or Northwest Community College;

c) family or charitable gatherings held in public parks or community halls;

d) events approved by contract with the Town of Smithers Recreation Department held within Town boundaries;

e) the Smithers Airshow held at the Smithers Airport; and

f) public events of 500 or less persons held by businesses incorporated under the Company Act, community organizations or rate payers associations incorporated under the Society’s Act, and operating within the Town of Smithers.

4. PERMIT REQUIRED

No event shall be held, or be permitted to be held, in the Town of Smithers unless a permit for that event has been obtained as required and provided for in this bylaw.

5. OBTAINING A PERMIT

The registered owner or the occupier of land where an event is to be held must obtain a permit for that event. An application for a permit must be made at least 30 days before the date on which the event is to be held or begin. An application for a permit shall be made in the form set out in Schedule “A” attached to and forming part of this bylaw. The application shall be accompanied by:

a) the written consent of the registered owner and the occupier of the land where the event is to be held;

b) a document in which the Medical Health Officer, as that term is defined in the Health Act, expresses his or her satisfaction that sufficient arrangements have been made for the following facilities or services for the event, as applicable:

   i) drinkable water supply;

   ii) toilet facilities;

   iii) waste collection and removal; and
iv) food and drink preparation, dispensing and servicing.

c) a document in which the Staff Sergeant or designate of the Smithers R.C.M.P. Detachment:
   i) expresses satisfaction that sufficient arrangements have been made for the following, as applicable:
      i. off-street parking of motor vehicles, as defined under the Motor Vehicle Act;
      ii. policing and other necessary security on and around the event site;
      iii. traffic control on and around the event site, including access routes for emergency vehicles;
      iv. provision of a police and security command post; and
      v. sets out the estimated cost to provide policing for the event which may or may not include overtime rates.

d) a document in which the Director of Operational Services:
   i) expresses satisfaction that sufficient arrangements have been made for the following, if applicable:
      i. off-street parking of motor vehicles, as defined under the Motor Vehicle Act;
      ii. traffic control on and around the event site, including access routes for emergency vehicles; and
      iii. provision of public works equipment such as barricades and/or signage equipment.
   ii) sets out the estimated cost to provide public works services for the event which may or may not include overtime;

e) a document in which the Chief of the Fire Department expresses satisfaction that sufficient arrangements are made for access routes for emergency vehicles; that the site conditions and buildings and other structures on the site comply with applicable fire safety enactments; and clearly defines emergency procedures and the personnel assigned to emergency responsibilities;

f) a performance bond if required under Section 7;

g) payment of the application permit fee as required under Section 8;

h) a document setting out in reasonable detail, that arrangements have been made for first aid care and facilities for the event;

i) a document setting out public liability insurance in the name of the applicant with the Town, its employees, servants and agents named as additional insured. Such insurance shall be in a form, and with an insurer
acceptable to the Town, and shall provide coverage on an “occurrence basis” in an amount satisfactory to the Town, as reasonable for such an event;

j) a valid liquor permit should alcoholic beverages be served or dispensed with evidence that a server has completed the special occasion license requirements for responsible beverage service from the “Serving It Right” program; and

k) a business licence where products or services will be sold for profit or gain.

If an applicant refuses or fails to pay any amount assessed for services rendered as determined by the Town of Smithers above, the assessment may be added to the applicants property taxes, or, if he has no taxable property, against the property taxes of the owner of the premises in which the event was held.

6. **LATE NIGHT EVENTS**

a) A promoter must not hold a late night event without first obtaining an event permit issued in accordance with all provisions of this bylaw.

b) A promoter wishing to organize or hold a late night event must complete an event application provided for that purpose by the Town.

c) The event application signed by the promoter must be presented to Council at least two weeks prior to the late night event and be accompanied by an application fee, in accordance with the Town’s Fees and Charges Bylaw, as may be amended from time to time;

d) A late night event permit will be issued provided that:

i) the location of the event continues to meet all relevant fire, safety, and health regulations;

ii) remains adequately sound-proofed to ensure that no person other than those in attendance will be impacted by the event;

iii) a payment is made, prior to issuance of the event permit, for additional policing services, on the basis of a minimum of 1 officer for the first 100 persons; and a further officer for each 100 persons, or portion thereof up to a maximum capacity of the facility, as stated on the event application;

iv) there is an adequate security plan in place for the late night event which includes provisions for:

i. first aid;

ii. entrance and exit control to ensure that alcohol or illicit drugs are not brought in the premises during a late night event;
iii. outside inspection and clean up in the vicinity of the premises during and after the event;

iv. line control including ensuring that patrons are not permitted to reenter the event after they have left; and the employment of a security firm licensed by the Government of British Columbia; and

v. there is provision for an adequate supply of potable water at no cost to those in attendance.

e) A permit for a late night event will not be issued to any promoter:

i) who does not have a valid business licence; or

a) whose application indicated the employment or hiring of any person or company connected with a previous late night event which operated in contravention of any Town bylaw or Provincial statutes or regulations; and/or

b) who does not meet or conform to other provisions of this bylaw.

7. PERFORMANCE BOND FOR SERVICES AND COSTS

a) Applicants are responsible for providing a performance bond and costs in accordance with the Town’s Fees and Charges Bylaw, as may be amended from time to time;

b) Unless otherwise agreed to by the Town of Smithers, applicants for events are responsible for all costs incurred by the event, including the cost to providing policing, public works and/or fire services, and/or restoring the site as necessary after the event.

c) The applicant shall, within seven days of the event, pay any costs that exceed the performance bond to provide policing, public works and/or fire service, and/or to restore the site.

d) Any balance of the performance bond remaining after payment of actual costs shall be refunded by the Town to the applicant. Interest shall not be paid by the Town on any performance bond.

8. PERMIT ISSUANCE

Subject to full compliance with the requirements of this bylaw, hereof, and payment of the permit application fee in accordance with the Town’s Fees and Charges Bylaw, as may be amended from time to time, the Corporate Administrator or designate is hereby authorized to issue an event permit authorizing the holding of a community event or gathering within the property boundaries of the Town of Smithers upon which such event is to be held.
9. **OFFENCE**

   Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of any of the provisions of this bylaw, or neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw is guilty of an offence and shall be liable upon summary conviction to a fine of not less than $50 and not more than $1,000, or to an imprisonment of not more than three months, or to both, pursuant to the Offence Act.

10. **SEVERABILITY**

   If any part, section, subsection, clause, or subclause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
**SCHEDULE “A”**

**EVENTS APPLICATION FORM**

Town of Smithers Events By-law No. 1342 prohibits the holding of an event without a permit under this by-law. This form must be completed in full and submitted to the Corporate Administrator or designate at the Town of Smithers at least 30 days before the event in order to obtain an event permit. You must contractually agree with the Town of Smithers to comply with the conditions of this by-law to obtain a permit.

<table>
<thead>
<tr>
<th>1. Name of Event:</th>
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<tbody>
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<th>2. Location of event (give civic address):</th>
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<th>3. Nature or purpose of event:</th>
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<th>4. Estimated attendance:</th>
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<th>5. Admission charged: Yes □ amount $  No □</th>
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<table>
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<th>6. Date(s) of event:</th>
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<table>
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<tr>
<th>7. Start and end times for each day event to be held:</th>
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<tbody>
<tr>
<td>Date</td>
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<tr>
<td>Date</td>
</tr>
<tr>
<td>Date</td>
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<table>
<thead>
<tr>
<th>8. a) Full legal name(s) of applicant(s):</th>
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</table>

   a) Full residential (civic) address of applicant(s)

   b) Mailing address of applicant(s):

   c) Telephone contact number(s):

   d) Facsimile contact number(s) (if applicable):

   e) Are the applicant(s) of legal age (19 years of age or older): _______ Yes _______ No

       If yes, please provide date of birth of each applicant:
       Year _______ Month _______ Day _______
       Year _______ Month _______ Day _______

   a) Full and legal name of any affiliated organizations and sponsors:
10. Describe, in detail, arrangements for the following for which the applicant is responsible for all costs (attach additional sheets if necessary):
   a) Drinkable water supply:
   b) Toilet facilities:
   c) Waste collection and removal facilities:
   d) Food and drink storage, dispensing, preparation and use:
   e) Off-street parking of motor vehicles:
   f) Policing and other necessary security on and around the site:
   g) Traffic control on and around the site, including barricades:
   h) Access routes for emergency vehicles:
   i) Provision of a police and security command post:
   j) Products to be sold for profit or gain, other than food and non-alcoholic beverages:
   k) An (8.5” x 11”) site/building plan or sketch showing emergency accesses, hazardous activities and size and number of portable fire extinguishers, or other fire protection equipment:
   l) Parades:
      i) Number and type of vehicles participating:
      ii) Route (attach map):
      iii) Start time: End time:
      iv) Music: Yes ☐ No ☐
      v) Entertainment: Yes ☐ No ☐
      vi) Barricades required: Yes ☐ No ☐

11. Public liability insurance documents: Attached Yes ☐ No ☐

**Note:** Refer to Section 5 (i) of the Event Regulations Bylaw for insurance requirements.

<table>
<thead>
<tr>
<th>CONSENT OF REGISTERED OWNER OF LAND WHERE EVENT BEING HELD:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The registered owner(s) of the land described above consent to the holding of the above event in accordance with all provisions of the Event Regulations Bylaw:</td>
</tr>
</tbody>
</table>
By signing below the applicant agrees to obey the Town of Smithers Event Regulation By-law No. 1342, as amended, by being solely responsible to pay all costs associated with the application fee, performance bond, insurance, policing, clean-up and other costs as deemed required by the Town prior to issuance:

Applicant:                                                                   Witness:

__________________/_________________             ___________________/___________________
Name                   and             Signature                                    Name          and             Signature

____________________________________
Telephone Number

Applicant:                                                                   Witness:

__________________/_________________             ___________________/___________________
Name                   and             Signature                                    Name          and             Signature

____________________________________
Telephone Number

Personal information contained on this form is collected under the Freedom of Information and Protection of Privacy Act, and will be used only for the purpose of responding to your request.

An application for an Event Permit must be accompanied by the following written approvals as indicated by the check marks T by the Town of Smithers below:

"  1. Medical Health Officer (or designate):"
<table>
<thead>
<tr>
<th>Comments:</th>
<th>Authorized by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of Security Required to Cover Inspection Costs:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

2. **RCMP:**

<table>
<thead>
<tr>
<th>Comments:</th>
<th>Authorized by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of Security Required to Cover Policing Costs: (sheet to be attached with cost breakdown)</td>
<td>Date:</td>
</tr>
</tbody>
</table>

3. **Director of Development Services (or designate):**

<table>
<thead>
<tr>
<th>Comments:</th>
<th>Authorized by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of Security Required to Cover Engineering Costs:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

4. **Director of Operational Services (or designate):**

<table>
<thead>
<tr>
<th>Comments:</th>
<th>Authorized by:</th>
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</thead>
<tbody>
<tr>
<td>Amount of Security Required to Cover Fire Protection Costs:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

5. **Fire Chief (or designate):**

<table>
<thead>
<tr>
<th>Comments:</th>
<th>Authorized by:</th>
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</thead>
<tbody>
<tr>
<td>Amount of Security Required to Cover Fire Protection Costs:</td>
<td>Date:</td>
</tr>
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</table>

6. **Business Licence/Building Inspector (or designate):**

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<tr>
<th>Comments:</th>
<th>Authorized by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of Security Required to Cover Inspection Costs:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

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**FOR OFFICE USE ONLY**

Date of Council Consideration:  
Application Approved by:  

_______________________________________________________  
Signature of Corporate Administrator (or designate)  

Permit Fee Received:  _______________________  Permit Issued:  ___________________  

Date  Date
SCHEDULE “B”
EVENT PERMIT

(Must be displayed in a prominent location at all times during the event)

Pursuant to Bylaw No. 1342 cited as “Event Regulations Bylaw No. 1342, 2000”, I, __________________________, _____________________________________ (Name of Corporate Administrator or designate) (Position Title) Hereby issue a permit to ______________________, ______________________ (Legal name of applicant) (Name of organization) to hold an event at _________________________________________________ (Civic address of location where event to be held) from the date(s) of __________________ to __________________________ from the hours of _____________________ to _____________________. The applicant hereby agrees to adhere to all provisions of the Event Regulations Bylaw or as directed by local officials, including but not limited to members of the Smithers R.C.M.P. Detachment, in the carrying out of this event. Should the applicant not conform to this bylaw or other statutes, regulations or bylaws, the Town or its representatives reserve the right to immediately cancel, close, or terminate the event.

Certified and approved by:

___________________________________
Date of Issue

NOTE: THIS PERMIT IS TO BE DISPLAYED IN PROMINENT PLACE AT THE EVENT LOCATION AND MUST BE PRODUCED UPON REQUEST FOR INSPECTION BY TOWN OF SMITHERS OFFICIALS.