

## TOWN OF DRUMHELLER

### BY-LAW NO. 09.98

Being a By-law of the Town of Drumheller in the Province of Alberta, for the purpose of Regulating and Licensing of Festivals in accordance with Section 7 and Section 8 of the Municipal Government Act, Chapter M-26.1, Revised Statutes of Alberta, 1994, and amendments thereto.

WHEREAS it is deemed expedient and necessary by the Council of the Town of Drumheller to regulate and license festivals,

THEREFORE Council for the Town of Drumheller ENACTS AS FOLLOWS:

#### SECTION 1. DEFINITIONS

For the purpose of this By-law, unless otherwise apparent from the context, certain words and phrases used in this By-law are defined as follows:

- (a) **"Festival"** shall mean any music festival, dance festival, rock festival or similar activity likely to attract 1000 or more people in any twenty- four (24) hour period, at which music is provided by paid or amateur performers or by prerecorded means, and which is held at any place within the Town, and to which members of the public are invited or admitted for a charge or free of cost.
- (b) **"Town"** shall mean the Town of Drumheller.
- (c) **"Town Council" or "Council"** shall mean the Council of the Town of Drumheller.
- (d) **"Police Chief"** shall mean the Commanding Officer of the Royal Canadian Mounted Police having jurisdiction in the Town.
- (e) **"Town Manager"** shall mean the Chief Administrative Officer of the Town.
- (f) **"Town Solicitor"** shall mean a Solicitor duly appointed by Council for the Town.
- (g) **"Building Official"** shall mean the duly appointed Building Inspector for the Town.
- (h) **"Fire Official"** shall mean an official, appointed by the Town to carry out the legislated requirements for fire safety in the Town.

- (i) **Health Officer**" or **"Local Health Officer"** shall mean a health officer of the Drumheller District Health Services.
- (j) **"Development Officer"** shall mean the Development Officer of the Town.

**SECTION 2. LICENSES REQUIRED**

No person shall operate, maintain, conduct, advertise, or sell or furnish tickets for an outdoor festival in the Town unless he shall first obtain a license from the Town to operate or conduct such festival.

**SECTION 3. LICENSES: APPLICATIONS**

Applications for licenses to conduct an outdoor festival shall be made in writing to the Town Manager at least sixty (60) days prior to the time indicated for the commencement of the planned activity and shall be accompanied by a non refundable application fee of:

\$200.00	for 1000 to 2000 expected attendees
\$500.00	for 2000 or more expected attendees,

and shall contain the following information:

- (a) (i) the name, age, residence, and mailing address of the person making such application;
- (ii) if the application is made by a partnership, the names and addresses of the partners shall appear;
- (iii) where the applicant is a corporation, the application shall be signed by the president, vice-president, and secretary of such corporation and shall contain the addresses of such corporate officers, and a certified copy of the Articles of Incorporation shall be submitted with the application;
- (b) A written statement of the kind, character, or type of festival which the applicant proposes to conduct, operate, or carry on;

- (c) The address or legal description of the place where the proposed festival is to be conducted, operated, or carried on. Additionally, the applicant shall submit proof of ownership of the place where the festival is to be conducted or a statement signed by the owner of the premises indicating his consent that the site be used for the proposed festival;
- (d) The date or dates and the hours during which the festival is to be conducted;
- (e) An estimate of the number of customers, spectators, participants, and other persons expected to attend the festival for each day it is conducted;
- (f) The names and addresses of anyone contributing, investing or having a financial interest greater than Five Hundred Dollars (\$500.00) in producing the festival.

#### **SECTION 4. FESTIVAL PLANS**

Submission of a detailed written explanation of the applicant's plans is required. Such plan must include provision for security and fire protection, water supplies and facilities, food supplies and facilities, sanitation facilities, medical facilities and services, vehicle parking spaces, vehicle access and on-site traffic control, and if it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for illuminating the premises and for camping or similar facilities. The applicant's plans shall include what provisions shall be made for numbers of spectators in excess of the estimate, provisions for the clean-up of the premises, and provisions for the removal of rubbish after the event has concluded. A plot plan showing the arrangement of the facilities, including those for parking, egress, and ingress, shall be submitted with such application.

#### **SECTION 5. PROCESSING APPLICATIONS**

Upon receipt of a complete application and application fee, the Town Manager shall set the application for a public hearing at a regular meeting of the Council, not less than fifteen (15) days nor more than thirty (30) days thereafter, and shall give not less than ten (10) days written notice thereof to the applicant. The Town Manager shall promptly give notice of such hearing and copies of the application to the Police Chief, the Local Health Officer, the Development Officer and the Building Official, and request they investigate the application and report in writing to the Town Manager not later than the date of the hearing, with appropriate recommendations related to their official functions as to the granting of a license and the conditions thereof.

### SECTION 6. CONSIDERATION OF APPLICATIONS BY THE COUNCIL

Based upon the testimony of the witnesses and evidence presented at such hearing, including the reports of officials, the Council may grant the license, deny the license, or set conditions which shall be met, or security shall be given that they will be met, before a license may be granted. If conditions are imposed by the Council, the applicant shall furnish, or cause to be furnished to the Town Manager, proof that all conditions have been met before the license may be issued by the Town Manager.

### SECTION 7. LICENSES: ISSUANCE/FEEES/NONTRANSFERABLE

When the Town Manager is satisfied that conditions have been met, and upon the payment of Five Thousand Dollars (\$5,000.00) per day of operation, plus twenty-five cents per person per day of operation, based on an estimate submitted at least seven days prior to the date of such festival, a license shall be issued specifying the name and address of the licensee, the kind of festival licensed, and the number of days operation is authorized. If the applicant underestimates attendance, he shall pay fifty cents per person for the number exceeding the estimate for each day of operation. The licensee shall keep such license posted in a conspicuous place upon the premises at which the festival is conducted. No license issued pursuant to the provisions of this by-law shall be transferable or removed to another location.

### SECTION 8. LICENSING CONDITIONS

At the hearing required pursuant to the provisions of Section 5 of this By-law, Council may establish conditions which shall be met prior to the issuance of any license pursuant to the provisions of this By-law, except that Council may take a matter under advisement before determining which conditions shall be imposed. Where the Council takes a matter under advisement, written notice of any conditions imposed as prerequisite to the issuance of a license shall be mailed to the applicant within fifteen (15) days after the original hearing. The conditions which may be imposed by Council pursuant to the Town's rights for the protection of the health, safety, and property of local residents and persons attending festivals in the Town are as follows:-

- (a) **Police Protection.** Every licensee shall employ at his own expense sufficient numbers of peace officers for the preservation of order and the protection of property in and around the place of the festival. The number, location, and type of officers shall be as specified and approved by the Police Chief.

Where the Police Chief specifies the employment of off-duty peace officers to meet the requirements of this By-law, such peace officers shall be under the complete direction and control of the Police Chief. The Police Chief shall be satisfied that the requisite number of peace officers will be provided at all times of operation, plus any specified time prior to and following the event, before a license is issued.

Funds to cover all expenses associated with police protection and at rates approved by the Police Chief, shall be deposited with the Town at least ten (10) days prior to the specified date the activity is to occur.

- (b) **Water Facilities.** Every licensee shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of the festival. The location of water facilities on the premises shall be approved by the Health Officer prior to the issuance of a license.

The minimum supply of water to outdoor festival shall be fifteen (15) gallons of water for each person in attendance per day. All water shall meet Public Health Service standards. Public and private flush-type water closets, lavatories, and drinking facilities shall be required as determined by the Local Health Officer. Sewage and drainage systems relating to such facilities shall meet the requirements of Health, Plumbing, and Drainage Act Regulations of Alberta and shall be subject to the prior approval of the Town, Local Health Officer, the Building Official, and the Plumbing Inspector.

- (c) **Food Concessions.** Where the proposed festival is to be held a substantial distance from public eating places, food handling places, or like establishments, the applicant shall be required to demonstrate that food will be available at the premises for each day of operation to adequately feed the number of persons expected to be in attendance.

(i) Concessionaires shall be licensed and operate under a valid Health Department permit pursuant to Provincial laws.

(ii) Every licensee shall provide at least one flush-type water closet and lavatory for each sex in a closed facility for employees of each food concession or operation within the enclosure area of such food operation unless otherwise approved by the Health Officer. Under no circumstances

shall the Health Officer allow such flush-type water closets and lavatories to be located more than fifty (50) feet from the food concession or operation.

(iii) All lavatories required in conjunction with food concessions and food operations shall be provided with hot and cold water under pressure which shall be dispensed by an approved type mixing faucet.

(iv) All sewage, sink waste, and waste water from water closets, lavatories, and sinks operated in connection with food concessions or food operations shall be disposed of to a public sewer or a sewage disposal system approved by the Local Health Officer and the Building Official.

- (d) **Sanitation Facilities.** Every licensee shall provide at least one enclosed flush-type water closet facility marked "Men" and one such facility marked "Women" on the premises of a festival on the basis of one flush-type water closet for each forty (40) males and one for each forty (40) females expected to be in attendance. Urinals may be substituted for the required flush-type water closets for men on the ratio of one urinal and one flush-type water closet per sixty (60) males.

Lavatories provided with cold water under pressure, soap, and paper towels shall be provided on the basis of one lavatory for each seventy-five (75) persons expected to be in attendance.

Where flush-type water closets cannot be made available for the persons in attendance, the Council may allow the use of portable chemical toilets. Such chemical toilets shall meet the approval of the Local Health Officer before any license may be issued. Chemical toilets shall be emptied and recharged at the licensee's expense as necessary pursuant to procedures established by the Local Health Officer.

The requirement for flush-type water closets for food concessions, food operations, and for the use of employees may not be waived.

Every licensee shall be required to furnish at least one trash can with thirty-six (36) gallon capacity with a tight-fitting lid for each twenty-five (25) persons expected to be in attendance, an adequate supply of plastic bag liners to fit the trash receptacles shall be provided, and each container shall at all times have a plastic bag liner inserted, and, when full, it shall be tied and removed and a new plastic bag liner inserted. The pickup and removal of refuse, trash, garbage, and rubbish shall be at least once a day and more often if required by the Health Officer. A signed contract with a licensed refuse collector shall be submitted to the Health Officer, and a copy of such contract shall be filed with the Health Officer. The removal of all trash and refuse shall be at the licensee's expense.

- (e) **Medical Facilities:** Where a proposed festival is expected to attract a large number of persons for a site located a substantial distance from adequate existing treatment facilities, the applicant shall be required to provide emergency medical treatment facilities on the premises of the festival. Where the proposed festival is located close to adequate existing facilities, the applicant shall provide, as required by the Health Officer, emergency treatment facilities on the premises of the festival.

The location of such facilities, the number of doctors, psychiatrists, psychologists, nurses, and other aides needed to staff such facilities, and the quantity of medical supplies, drugs, ambulances, and other equipment which shall be on the site shall be approved by the Local Health Officer prior to the issuance of any license pursuant to the provisions of this By-law.

The Local Health Officer shall calculate the need for medical services based on the number of persons expected to attend the festival, their expected age group, the duration of events planned, and the possibility of exposure to inclement weather and outdoor elements.

Traffic lanes and other adequate space shall be designated and kept open for access and travel for ambulance and other emergency vehicles to transport patients or staff to appropriate on-site and off-site treatment facilities.

- (f) **Parking Areas.** Every licensee shall provide adequate parking spaces for persons attending the festival by motor vehicle. Persons desiring to operate or conduct a festival may be called upon to provide a separate parking space for every two (2) persons expected to attend the festival by motor vehicle. Such parking areas shall be clearly marked. The Development Officer shall approve an applicant's "parking plan" before a license shall be issued.
- (g) **Access and Parking Control.** Every licensee shall provide adequate entrance and exit points to the festival premises and parking areas therefor. Necessary roads, driveways, and entrance ways shall exist to insure the orderly flow of traffic into the premises from a highway or road which is a part of the Town System of Highways or which is a highway maintained by the Province. A special access way for fire equipment, ambulances, and other emergency vehicles may be required. The Development Officer shall approve the licensee's plan for entrance and exit points before a license shall be issued. Additionally, any applicant may be required to show that traffic controllers are under his employ to insure orderly traffic movement and relieve traffic congestion in the vicinity of the festival area.

- (h) **Hours of Operation.** All festivals which are subject to license pursuant to the provisions of this By-law shall close and cease operations continuously between the hours of 2:00 a.m. and 6:00 a.m. of each and every day, unless a variance is granted by the Council.
- (i) **Illumination.** Every licensee planning to conduct a festival after dark, or planning to allow persons who attend the festival to remain on the premises after dark, shall provide electrical illumination to insure that those areas which are occupied are lighted at all times. The Development Officer shall approve an applicant's lighting plan as a prerequisite to the issuance of a license pursuant to the provisions of this By-law.

A licensee may be required to illuminate specific areas on the premises in accordance with the following scale of lighting intensity:

Illumination	Watts/Square Feet
Open areas reserved for spectators	0.50
Stage areas.	5.00
Parking overnight areas	0.25
Rest Room and Concession areas	1.00

- (j) **Overnight Camping Facilities.** Every licensee authorized to allow persons who attend the festival to remain on the premises overnight shall provide camping facilities and campgrounds, including travel trailer parks, recreational overnight areas that meet the requirements of the Province for mobile home parks, special occupancy trailer parks, and trailer parks, temporary trailer parks, incidental camping areas, and tent camps. Such areas and facilities shall be approved by the Local Health Officer and the Building Official prior to the issuance of any license.
- (k) **Bonds.** Any licensee may be called upon to post an indemnity bond and/or a irrevocable letter of credit in favor of the Town in connection with the operation of a festival. Bonds or irrevocable letters of credit required by the provisions of this By-law may be approved by the Town Solicitor prior to the issuance of a license. An applicant may be required to submit a surety bond written by a corporate bonding company, authorized to do business in the Province, in a penal amount determined by the Council. Such bond shall indemnify the Town, its agents, officers, servants, and employees, and the Council against any and all loss, injury, and damage to any nature whatsoever arising out of, or in any way



connected with, such festival and shall indemnify against loss, injury, and damage to both persons and property. Additionally, the Town may demand that the applicant provide a corporate surety bond written by a corporate bonding company, authorized to do business in the Province, indemnifying the Town and the owners of property adjoining the festival site for any costs necessitated for cleaning up and/or removing debris, trash, or other waste from, in, and around the premises. Such bond shall be in an amount determined by the Council.

- (1) **Fire Protection.** Every licensee shall provide, at his own expense, adequate fire protection as determined by the Fire Official. If the event is located in a hazardous fire area, a suitable number of fire marshalls shall be employed by the licensee who shall be approved by the Chief of the responsible fire protection agency. Flammable vegetation and other fire hazards shall be removed in a manner and in such quantity as determined by the Fire Chief. First aid fire extinguishing equipment shall be provided as directed by the Fire Chief.
- (m) **Financial Statements.** Each licensee shall be required to provide a financial statement to give assurance of the ability of the promoters and/or applicants to meet the conditions of the permit.
- (n) **Communications.** The licensee shall be required to establish a communication system for public use where ordinary communications are not available. Such communication shall be to Police and Badlands requirements.
- (o) **Miscellaneous.** Any applicant may be required to meet any other condition prior to receiving a license to conduct a festival, which condition is reasonably calculated as necessary to protect the health, welfare, and property of local residents and persons attending a festival.
- (p) **Variances.** Unless otherwise prohibited, the Council may, after reasonable inquiry and with just cause, grant a variance to any of the provisions of this By-law.

#### **SECTION 9. DENIAL OF LICENSES: NOTICES OF DENIAL**

After holding the required public hearing, the Council may deny the issuance of license if the Council finds any of the following:

- (a) That the applicant fails to meet the conditions imposed pursuant to the provisions of this By-law.

- (b) That the proposed festival will be conducted in a manner and/or location not meeting the health, zoning, fire, or building and safety standards established by the Town or the laws of the Province.
- (c) That the applicant has knowingly made a false, misleading, or fraudulent statement of material fact in the application for the license or in any other document required pursuant to the provisions of this By-law.
- (d) That the applicant, his employees, agents, or any person connected or associated with the applicant as partner, director, officer, stockholder, associate, or manager has previously conducted the type of festival being applied for which resulted in the creation of a public or private nuisance; and
- (e) That the applicant, his employees, agents, or any person associated with the applicant as partner, director, officer, stockholder, associate, or manager has been convicted in a court of competent jurisdiction, by final judgment, of:
  - (1) An offence involving the presentation, exhibition, or performance of an obscene production, motion picture, or play or of selling obscene matter; or
  - (2) An offence involving lewd conduct; or
  - (3) An offence involving the use of force and violence upon the person of another, or
  - (4) An indictable offence.

Where the application is denied, the Town Commissioner shall mail to the applicant written notice of the denial within fourteen (14) days of such action, which notice shall include a statement of the reasons the application was denied.

#### **SECTION 10. COMPLAINTS**

Any person may file a complaint with the Town Manager or may petition the Council to conduct a hearing concerning the revocation of the license of any licensee. The Town Manager shall notice the petition for hearing in accordance with the provisions of Section 12 of this By-law.

**SECTION 11. REVOCATION OF LICENSES**

The Council or, in the absence of a quorum of the Council, the Town Manager, or the Police Chief shall have the power to revoke and reinstate any license upon suitable conditions when the following causes exist:

- (a) The licensee fails, neglects, or refuses to pay to the Town, the fee prescribed by the provisions of this By-law.
- (b) The licensee or his employees or agents fail, neglect, or refuse to fulfill any or all of the conditions imposed pursuant to the provisions of this By-law.
- (c) The licensee allows the festival to be conducted in a manner which violates the law or regulation established by the laws of the Town or the laws of the Province.
- (d) The licensee allows the festival to be conducted in a disorderly manner or knowingly allows any person to remain on the premises of the festival while under the influence of intoxicating liquor or any narcotic or dangerous drug; or
- (e) The licensee or his employees or agents are convicted of any of the offences set forth in Section 9 of this By-law.

**SECTION 12. NOTICES OF REVOCATION**

If notice of revocation is given, the licensee shall be entitled to a hearing. The Commissioner shall give written notice, setting forth the causes for revocation, and shall state the time and place at which the matter of revocation will be heard before the Council. Such notice shall be mailed not later than ten (10) days prior to the date set for the hearing.

**SECTION 13. VIOLATIONS: REMEDIES OF TOWN**

It shall be unlawful for any licensee, employee, agent, or person associated with said licensee to do any of the following:

- (a) To conduct or operate a festival without first procuring a license to do so;
- (b) To sell tickets for a festival without a license first having been obtained,

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(c) To operate, conduct, or carry on any festival in such a manner as to create a public or private nuisance;

(d) To exhibit, show, or conduct within such place of festival any obscene, indecent, vulgar, or lewd exhibition, show, play, entertainment, or exhibit no matter by what name designated;

(e) To allow any person on the premises of the licensed festival to cause or create a disturbance in, around, or near any place of festival by offensive or disorderly conduct,

(f) To allow any person to consume, sell, or be in possession of intoxicating liquor while in a place of a festival except where such consumption or possession is

expressly authorized under the provisions of this By-law and under the laws of the Province: or

(g) To allow any person at the licensed festival to use, sell, or be in possession of any narcotic or dangerous drug while in, around, or near a place of the festival.

Any of the violations set forth in this By-law shall constitute a criminal act and shall be punishable pursuant to local, Provincial and Federal laws. Everyone who is convicted of an offence against the By-law is liable to a fine of not less than One Thousand Dollars (\$1,000.00) and not more than (\$10,000.00) Dollars or to imprisonment for One (1) year or to both fine and imprisonment. It is provided, however, that the Town retains any and all civil remedies, including the right of civil injunction, for the prevention of such violations and for the recovery of money damages therefor.

BY-LAW NO. 96.06 of the M. D. of Badlands No. 7 and By-law No. 19-97 of the City of Drumheller are hereby rescinded.

Read a first time this *2ND* day of *FEBRUARY*, 1998.

Read a second time this *2ND* day of *FEBRUARY*, 1998.

Read a third time and finally passed this *2ND* day of *FEBRUARY*, 1998

*W. Bullock*  
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Mayor

(seal)  
*M. Hancock*  
\_\_\_\_\_  
Town Clerk