

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1010

**A BYLAW TO REGULATE EVENTS
HELD IN THE REGIONAL
DISTRICT OF NANAIMO**

WHEREAS the Regional District of Nanaimo was granted the powers of a municipal council under Sections 506, 527(a), 692 and 932(a) to (i) of the Municipal Act in relation to functions, gatherings and entertainment;

AND WHEREAS the approval of the Minister of Health has been obtained;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled, enacts as follows:

1. **SHORT TITLE**

This bylaw may be cited as “Regional District of Nanaimo Special Events Regulatory Bylaw No. 1010, 1996”.

2. **INTERPRETATION**

In this bylaw:

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

“**Board**” means the Board of the Regional District;

“**Regional District**” means all parts of the Regional District of Nanaimo not contained within the boundaries of a city, town, district or village municipality under the Municipal Act;

“**Permit**” means a special event permit issued under this bylaw in the form set out in Schedule ‘A’ to this bylaw;

“**RCMP**” means the Royal Canadian Mounted Police;

“**Site**” means the land described in a permit, on which a special event is to be held; and

“**Special Event**” means any event or gathering at which the attendance is likely to exceed 500 persons.

3. **APPLICATION OF BYLAW**

Despite the rest of this bylaw, this bylaw does not apply to any special event:

- (a) which is licensed by any government or governmental agency having the jurisdiction to do so,
- (b) held by a board of school trustees under the School Act,
- (c) held by a municipality or by the Regional District under the Municipal Act, or
- (d) held within the boundaries of a city, town, district or village municipality under the Municipal Act.

4. **PERMIT REQUIRED**

No special event may be held or be permitted to be held in the Regional District unless a permit for that special event has been obtained from the Secretary of the Regional District as provided in this bylaw.

5. **OBTAINING A PERMIT**

The registered owner or the occupier of land on which a special event is to be held must obtain a permit for that special event. An application for a permit must be made at least forty-five (45) days before the date on which the special event is to be held or begin. An application for a permit must be made in the form set out in Schedule 'A' to this bylaw. The application must be accompanied by:

- (a) the written consent of the registered owner of the land where the special event is to be held, if it is to be held by someone other than the registered owner of the land,
- (b) a document in which the medical health officer, as that term is defined in the Health Act for the place in which the special event is to be held, expresses his or her satisfaction, that sufficient arrangements have been made for the following facilities and services for the special event, as applicable:
 - (i) drinkable water supply,
 - (ii) toilet facilities,
 - (iii) waste collection and removal facilities, and
 - (iv) food and drink storage, dispensing, preparation and use.

- (c) a document in which the officer in charge of the relevant detachment of the RCMP or the commanding officer of any other police force having jurisdiction, as the case may be,
 - (i) expresses his or her satisfaction that sufficient arrangements have been made for the following, as applicable:
 - (A) off-street parking of motor vehicles, as that term is defined in the Highway Act,
 - (B) policing and other necessary security on and around the site,
 - (C) traffic control on and around the site, and
 - (D) provision of a police and security command post, and
 - (ii) sets out the estimated cost of providing policing for the special event.
- (d) a document in which the fire inspector or local assistant, as those terms are defined in the Fire Services Act, having jurisdiction for the site expresses his or her satisfaction that the site conditions and all buildings and other structures on the site comply with applicable fire safety enactments,
- (e) security for policing and other costs required under Sections 6 or 7, and
- (f) a document setting out in reasonable detail, that arrangements have been made for first aid care and facilities for the special event.

6. SECURITY FOR POLICING COSTS

A permit may not be issued until the applicant has delivered to the Regional District, the estimated amount of policing costs, established as provided for in Section 5(e). The amount must be delivered in cash or by certified cheque. The amount is to be used by the Regional District to pay the RCMP or other police force having jurisdiction, or both, of the actual costs incurred in policing the special event. The Regional District may pay their actual costs from the amount deposited under this section to the RCMP or other police force after the special event. Payment of the amount does not affect the applicant's obligation to pay all those costs. If the policing costs exceed the amount deposited under this section, the excess of the actual costs must be paid at once by the applicant to the RCMP or other police force having jurisdiction, or both. If the policing costs, as certified by the RCMP or other police force having jurisdiction, or both, are less than the amount paid to the Regional District under this section, the Regional District must refund the remaining amount as soon as is practical. No interest is payable on any amount paid to the Regional District under this section.

7. **RESPONSIBILITY FOR COSTS**

The applicant is responsible for all costs incurred or connected with the special event, including the cost of providing policing for the special event and of cleaning up the site after the special event. Without affecting Section 6, the Regional District may require as a condition of issuance of a permit that the applicant deliver to the Regional District, security for costs to clean up the site after the special event. Section 6 applies to this section with the necessary changes.

8. **OFFENCE**

It is an offence punishable under the Offence Act:

- (a) for any person to hold a special event, or to permit a special event to be held, without a permit on land of which they are the registered owner or the occupier, or
- (b) for any person to hold a special event without a permit.

9. **REPEAL OF EXISTING BYLAW**

The Regional District bylaw cited as “Nanaimo Regional District Special Events Bylaw No. 891, 1993” is hereby repealed.

Introduced and read three times this 12th day of March, 1996.

Advertised in accordance with Section 817.1 of the Municipal Act this 22nd and 23rd day of March, 1996.

Received the approval of the Minister of Health this 9th day of May, 1996.

Adopted this 14th day of May, 1996.

CHAIRPERSON

SECRETARY