

**THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND**

**BY-LAW NO. 71-2013**

**BEING A BY-LAW TO REGULATE AND LICENCE SPECIAL EVENTS WITHIN  
THE TOWNSHIP OF ALNWICK/HALDIMAND**

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**WHEREAS** Part II of the Municipal Act, 2001, provides that a local municipality may pass bylaws to govern and regulate activities within its boundaries; license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality;

**AND WHEREAS** Section 151 of the **Municipal Act, 2001**, provides that businesses that may be licensed, regulated and governed under subsection (1) include exhibitions, concerts, festivals and other organized events held for public amusement, whether for profit or otherwise;

**AND WHEREAS** Section 153(2) of the **Municipal Act, 2001** provides that a municipality may require that as a condition to obtaining, continuing to hold or renewing a license that the business must comply with the land use by-law or controls under the Planning Act;

**AND WHEREAS** Section 128 of the Municipal Act, 2001, authorizes Council to prohibit and regulate those matters that, in the opinion of Council are public nuisances;

**AND WHEREAS** having determined that concerts, festivals and other events organized for the purpose of entertainment or amusement that attract large numbers of people have the potential to create problems related to the health and safety for those who attend as well as for other members of the community, and to cause a public nuisance, Council deems it desirable and in the best interest of the Municipality and its inhabitants to license, regulate and govern certain types of events and activities.

**NOW THEREFORE** the Council of The Corporation of the Township of Alnwick/Haldimand enacts as follows:

**DEFINITIONS**

1. In this By-Law:

- (a) "Application" shall mean an Application for a Special Event License in the form as attached at Schedule "A" of this By-law;
- (b) "BEO" shall mean the By-Law Enforcement Officer for Municipality;
- (c) "Council" shall mean the Council of the Municipality
- (d) "Family" shall mean persons who are related to one another through blood or legal means such as marriage and adoption
- (e) "Municipality" shall mean the Corporation of the Township of Alnwick/Haldimand;
- (f) "OPP" shall mean the Ontario Provincial Police;
- (g) "Organizer" shall mean the Owner(s) or person(s), individual(s) who does, or proposes to, organize, operate or manage a Special Event pursuant to this By-Law;
- (h) "Owner" shall mean the person(s) who are illustrated in the books at the Land Registry Office and identified as legal owner(s) of property on which a Special Event is, or is proposed to be, held.
- (i) "Person" shall mean to include an individual, any form of association of individuals and a corporation.

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(h) "Special Event" shall mean any exhibition, concert, festival or other event organized for the purpose of entertainment, amusement or celebration.

**REQUIREMENT FOR LICENSE**

2. No person shall organize or operate a Special Event within the Municipality or permit any lands within the Municipality to be used for a Special Event except within the terms and conditions of a Special Events Licence issued by the Municipality for the Special Event in accordance with the provisions of this By-Law.

**APPLICATION FOR LICENSE**

3. Not later than sixty (60) days prior to the proposed commencement date of the Special Event, an Application shall be submitted to the Municipal Clerk in the form attached as Schedule "A" to this By-law.

(a) Every complete Application shall be forwarded to Council for their consideration and if approved then endorsed by resolution.

(b) Every person who wishes to obtain a license for a Special Event shall, not later than sixty (60) days prior to the event, install and post a sign at all public road frontages of the property where the Special Event will be held. Said sign shall be no less than 32 square feet in area and have lettering of sufficient size so as to be easily read from the public road. The sign shall clearly indicate the type of Special Event and date that it will occur.

(c) Any Application that contravenes any of the provisions of the Municipality Zoning By-law that apply to the property where the Special Event will be held or any other applicable Municipality By-law or Provincial or Federal statute will be denied.

(d) Every Application shall include all of the information prescribed by this By-law and be accompanied by a certified cheque payable to the Municipality for the license fees payable in accordance with Schedule "D" this By-law.

(e) Any Owner owning multiple land holdings within the Municipality shall not be permitted to operate more than three (3) Special Events on their land holdings, collectively, in any calendar year.

(f) Every Application shall include the following information:

- (i) A detailed description of the Special Event;
- (ii) The proposed start date and end date of the Special Event including the hours of operation;
- (iii) A statement as to the maximum number of persons expected to be in attendance at the Special Event and each day if the Special Event extends more than one day to the maximum of three (3) days;
- (iv) The name, current address and telephone number of every person who is an organizer of the Special Event, including a description of his or her particular duties and responsibilities in respect of the Special Event;

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- (v) In the case of an Application by a corporation, the name, current address and telephone number of the President and every director of the corporation, including a description of his or particular duties and responsibilities in respect of the Special Event;
- (vi) The legal description and municipal civic address of the property where the Special Event will be held;
- (vii) The name, current address and telephone number of every Owner of the property where the Special Event will be held;
- (viii) A detailed drawing or site-plan showing the location and size of the area on the property where it is proposed to hold the Special Event, including a description of the facilities and arrangements for
  - a. the location of onsite medical services (mandatory);
  - b. the location of all dwellings within 500 feet of the subject property boundaries;
  - c. the preparation, sale and consumption of food or refreshments;
  - c. sewage disposal and other sanitary requirements;
  - d. garbage disposal;
  - e. the entertainment and spectator areas;
  - f. motor vehicle parking, including traffic control at the points of entry and exit onto public roads;
  - g. the exhibition or sale of goods or services, if any;
  - h. areas for camping and tenting clearly identified;
  - i. the management of noise from the Special Event at levels that shall not disturb the inhabitants of lands and premises in the vicinity of the Special Event in compliance with the Municipality Noise By-law (as amended);
- (ix) A copy of a letter to the OPP (Northumberland Detachment) advising them of the Special Event and outlining the arrangements that have been made to provide adequate security for the Special Event, including crowd control, traffic control and the protection of properties in the vicinity of the Special Event;
- (x) A copy of a letter advising the local Medical Officer of Health of the Special Event and outlining the arrangements that have been made in respect of the preparation and sale of food, sewage disposal and sanitary conditions, as well as, a copy of their confirmation letter/permit stating the proposed Special Event will be in conformance with their rules & regulations, this will include that there is a certified food handler on site during operation at the Special Event;

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- (xi) A copy of a letter advising the Fire Chief of the Municipality of the Special Event;
- (xii) A copy of a letter advising the BEO of the Special Event;
- (xiii) A copy of a letter advising the County of Northumberland Transportation & Waste Department of the Special Event;
- (xiv) A copy of a letter advising the Municipality Public Works Department of the Special Event;
- (xv) A copy of a letter advising the County of Northumberland Emergency Medical Services (EMS) of the Special Event;
- (xvi) A copy of a letter advising the appropriate Conservation Authority (Lower Trent Region Conservation Authority or the Ganaraska Region Conservation Authority) of the Special Event. A copy of their confirmation letter stating the proposed Special Event will be in conformance with their rules & regulations may be required if the Conservation Officer deems that the Special Event may pose a potential impact on any natural heritage or natural hazard feature on the property where the Special Event will be held;
- (xvii) A signed statement by every person who is an organizer or, in the case of an organizer that is a corporation, an officer or director of the corporation, and by every Owner of the property where the Special Event will be held that the information contained in the Application is accurate and true and confirming that they have read this By-Law;
- (xviii) An Agreement, in a form, satisfactory to the Municipality executed by each organizer of the Special Event and every Owner of the property where the Special Event will be held that includes a covenant to indemnify and save harmless the Municipality its officials, agents and employees from all costs, expenses, damages, claims and actions that were directly or indirectly caused by or that were the result of the Special Event or that resulted from the issuing of a license for the Special Event;
- (xix) Completion of the form attached as Schedule "B" to this By-law, including a certified copy of a policy of comprehensive general liability insurance issued by an insurance company licensed to issue such policy in the Province of Ontario providing for coverage for the Special Event in the amount of at least Two Million Dollars (\$2,000,000.00) for injuries, damages, tort claims and actions caused by or resulting from the Special Event, and naming every organizer of the Special Event and the Municipality as co-insured. Council may require increased insurance coverage depending upon circumstances of the Special Event.

**ISSUANCE OF LICENSE**

- 4. (a) Upon receipt of a resolution of Council endorsing the Application and upon being satisfied as to the accuracy, completeness and sufficiency of the information submitted in support of the Application, the Municipal Clerk shall issue the Special Event License.

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- (b) Despite subsection (a), Council may impose as a condition of issuing the Special Event License, the requirement for an irrevocable letter of credit, drawn on a Canadian chartered bank in favor of the Municipality in such amount as Council determines, based on the recommendation and advice of the OPP, BEO, the Fire Chief, and/or local Medical Officer of Health (or alternate), to be based on the estimated costs of security/supervision/monitoring or policing for the Special Event, such letter of credit shall be maintained for at least six months following the Special Event. Council reserves the right to request a further deposit, dependent upon the Special Event, to address the need to have Municipal Public Works and/or Fire Department personnel at the Special Event.
- (c) If the BEO, having reviewed an Application, determines that there are other unique or special circumstances concerning the Special Event that warrant the imposition of special conditions for the better protection of the community and its inhabitants or the persons attending the Special event, the BEO shall refer the Application to Council with a recommendation as to what special conditions should be attached to the Special Event license, and the decision of Council shall be final.
- (d) In addition to such special conditions as Council may impose, every license issued for a Special Event shall be deemed to have been issued on the condition that the Special Event will be operated strictly in accordance with the information submitted in the Application.
- (e) A Special Event License issued under this By-Law may not be transferred to another individual/organization/event except with the consent of the Municipality expressed in the form of a resolution of the Council. In the event of a rain-out, the Special Event may be held on a rain date with written notice to the Municipality prior to the alternate date. One rain date postponement per Special Event may be permitted.
- (f) The duration of a Special Event may be no longer than three (3) consecutive days.
- (g) Notwithstanding the requirement to pay fees as stated in Schedule "D" of this By-law, an Applicant may apply to Council for the reduction or waiver of said application fees.

Any Special Event where an Applicant requires a licence under the Liquor Licence Act a copy of the Application of the Special Occasion Permit/Liquor Licence shall be provided with the Application; and further that upon the issuance of the approved licence under the Liquor Licence Act, a copy shall be submitted to the Municipality.

**FIRE DEPARTMENT REQUIREMENTS**

5. In addition to the following requirements, the provisions of By-Law #95-2001 (attached as Schedule 'E') being Open Air Fires (burning) By-law are to be strictly adhered to.

**Smoking**

- (a) No smoking permitted within 10 meters of permanent or temporary structures including a stage.
- (b) No Smoking signs are to be posted on the entrance to all structures, and 5 lb. ABC extinguishers mounted at all exits from structures in accordance with the Ontario Fire Code.

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**Campfires**

- (c) One campfire only to serve the Special Event which must be 100 meters away from any structure including tents, trailers or sleeping quarters. Individual campfires/bonfires are not permitted.
- (d) The campfire will be no larger than 3 meters square and fuel wood to be at least 5 meters away.
- (e) At least one person will be responsible for campfire watch at all times the fire is burning and ensure the fire is completely extinguished before leaving the fire.
- (f) The fire watch person will have available water hose or fire extinguisher on hand in case of emergency.
- (g) Cooking fires will be in metal containers no larger than ½ meter in size only to be in use during hours of 7 am to 8 pm.

**Internal Access**

- (h) All road accesses are to be kept clear at least 4 meters wide, parking in road access is not permitted, to allow for emergency response vehicles.
- (i) In the event that an emergency occurs, there is to be a designated person posted at the main access road entrance, to direct responding emergency vehicles to the right location.

**REVOCAION OF LICENSE**

- 6. (a) If at any time Council or Municipality employees, acting reasonably, determine that:
    - (i) incorrect or false information of a material nature was submitted in an Application;
    - (ii) the Special Event is being operated in a manner contrary to the terms and conditions of an issued Special Events License or the information submitted in an Application for the license;
    - (iii) based on the advice or recommendation of the OPP, local Medical Officer of Health or Fire Chief that a situation has developed in connection with the Special Event that presents a serious risk to the health and safety of members of the community or those attending the event;
    - (iv) the Special Event is being operated in a manner which contravenes the Municipality's Noise By-Law (attached to this by-law as Schedule 'F') or any applicable Municipality By-law or Provincial or Federal statute;
- Council or Municipality employees may immediately revoke the Special Events License upon written notice delivered to any person who is an organizer of the Special Event or Owner of the property on which the Special Event is being or is to be operated.
- (b) If a Special Event License is revoked, every person who is an organizer and every person who is an owner of the property on which the event is being operated shall forthwith take all steps necessary to shut down the Special Event. All License fees will be forfeited. If the Applicant withdraws an Application prior to revocation of the Special Events Licence, an administration fee of fifty (50%) percent or \$150.00 minimum shall be retained by the Municipality, and the remainder, if any, being returned to the applicant.

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- (c) If during the course of a Special Event a situation develops that places the participants/attendees or the general public at risk, then the OPP, local Medical Officer of Health, Fire Chief and/or BEO have the authority to immediately cancel the event and order the site of the Special Event cleared. The Municipal Council is to be notified of this action as soon as practical after the order has been issued.

**EXEMPTIONS**

7. This By-law shall not apply to the following:

- (a) Special Events organized and operated by
- (i) the Municipality;
  - (ii) the County of Northumberland;
  - (iii) a church, synagogue or other recognized religious organization;
  - (iv) a school board;
  - (v) a registered charitable organization;
  - (vi) a branch or affiliate of the Royal Canadian Legion;
  - (vii) a Family for a Family event or celebration on property owned by a Family member; or
  - (viii) an agricultural related event.
- (b) Special Events to be operated on any property owned by
- (i) the Municipality with the prior written consent of the Municipality;
  - (ii) the County of Northumberland with the prior written consent of the County of Northumberland, any event planned for the Northumberland Forest will require a permit from the County of Northumberland only;
  - (iii) a church, synagogue or other recognized religious organization
  - (iv) a school board;
  - (v) a registered charitable organization;
  - (vi) a branch or affiliate of the Royal Canadian Legion; or
  - (vii) a Family for a Family event or celebration on property owned by a Family member.

**OFFENCES**

8. (a) Any person who contravenes this By-Law is guilty of an offence and shall, upon conviction be liable to payment of a fine as provided for under the Provincial Offences Act R.S.O. 1990, c. P.33.

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- (b) In addition to any other remedies available to the Municipality, any cost or expense incurred by the Municipality that results directly from the Special Event shall constitute a charge payable to the Municipality in accordance with Part XII of the Municipal Act, 2001, as amended, and every organizer of the Special Event and every Owner of the property where the Special Event is/was held shall be liable for payment of the charge; and further that the amount owing, if outstanding for a twelve months period, shall be added to the tax roll of the property and collected in the same manner as taxes together with interest thereon at the same rate as payable on unpaid taxes.

**SEVERABILITY**

9. Should any section, clause, sub-clause, provision or part of this By-Law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole, nor any part thereof, other than the part declared invalid.

**EFFECTIVE DATE**

10. This By-Law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Township of Alnwick/Haldimand; and further that By-Law No. 35-2011 be repealed in its' entirety.

This **By-Law No. 71-2013**, read and deemed to be PASSED this 7<sup>th</sup> day of November, 2013.



**MAYOR, Dalton McDonald**



**Clerk, Robin van de Moosdyk**



**BY-LAW NO. 71-2013 - A BY-LAW TO  
REGULATE AND LICENCE SPECIAL EVENTS**

**SCHEDULE 'A'  
TO BY-LAW NUMBER 71-2013**

Being a By-Law to regulate and license Special Events

Application for Special Event Licence

1) DATE \_\_\_\_\_

NAME OF APPLICANT(S) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

PHONE #'S: \_\_\_\_\_ (h) \_\_\_\_\_ (w) \_\_\_\_\_ (c) \_\_\_\_\_

EMAIL: \_\_\_\_\_

LOCATION OF EVENT AND SIZE OF AREA ON WHICH THE EVENT WILL BE HELD

\_\_\_\_\_

DATE OF EVENT:

One day event: \_\_\_\_\_

Two day event: First day \_\_\_\_\_  
Second day \_\_\_\_\_

Three day event: First day \_\_\_\_\_  
Second day \_\_\_\_\_  
Third day \_\_\_\_\_

HOURS OF OPERATION OF EVENT:

One day event: \_\_\_\_\_

Two day event: First day \_\_\_\_\_  
Second day \_\_\_\_\_

Three day event: First day \_\_\_\_\_  
Second day \_\_\_\_\_  
Third day \_\_\_\_\_

2) FACILITIES / ARRANGEMENTS FOR THE FOLLOWING:

(Section 3) (c) (viii)

- a) LOCATION OF ONSITE MEDICAL SERVICES
- b) HANDLING OF FOOD (Food Safety Certificate)
- c) SEWAGE DISPOSAL AND SANITARY REQUIREMENTS
- d) GARBAGE DISPOSAL
- f) SECURITY (Crowd and Traffic Control)

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3) DETAILED DRAWING OR SITE PLAN OF LANDS TO BE ATTACHED  
(Section 3 (c)(iv) Indicate location of entertainment, spectators, motor vehicle parking,  
food/refreshments, sale of goods/services, camping, sanitary services)

4) ESTIMATED NUMBER OF ATENDEES  
One day event: \_\_\_\_\_

Two day event: First day \_\_\_\_\_  
Second day \_\_\_\_\_

Three day event: First day \_\_\_\_\_  
Second day \_\_\_\_\_  
Third day \_\_\_\_\_

5) LETTERS OF COMPLIANCE (to be filed with the application) (Section 3 (c)(ix – xiv)

**-ONTARIO PROVINCIAL POLICE (OPP)-(Northumberland Detachment –  
Cobourg Office)**

Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**-MEDICAL OFFICER OF HEALTH  
(Haliburton, Kawartha, Pine Ridge District Health Unit)**

Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**-FIRE CHIEF (or alternate)-(Township of Alnwick/Haldimand)**

Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Conditions: \_\_\_\_\_  
\_\_\_\_\_

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**-CHIEF BUILDING OFFICIAL - (Township of Alnwick/Haldimand)**

Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**-COUNTY OF NORTHUMBERLAND TRANSPORTATION & WASTE**

Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**-COUNTY OF NORTHUMBERLAND EMERGENCY MEDICAL SERVICES**

Title: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6) DESCRIPTION OF THE MEANS/METHODS TO KEEP NOISE TO A LEVEL THAT WILL NOT DISTURB INHABITANTS IN THE VICINITY (Section c)(viii) (h)  
\_\_\_\_\_  
\_\_\_\_\_

7) AGREEMENT BY APPLICANT CONVENANTING TO INDEMNIFY AND SAVE HARMLESS THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND (Section 3(c)(xiv))  
\_\_\_\_\_

8) CERTIFIED COPY OF COMPREHENSIVE GENERAL LIABILITY

INSURANCE \_\_\_\_\_  
(Section 3(c)(xv), Please attached

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9) DECLARATION

(Section 3(c)(xiii))

As the applicant/owner named above, I hereby make this application and confirm that I have read this and all applicable municipal by-law(s) and agree to abide by provisions and regulations therein.

10) INDEMNITY

As an organizer/owner, I hereby covenant and agree to indemnify and save harmless The Corporation of the Township of Alnwick/Haldimand its officials, agents and employees from all costs, expenses, damages, claims and actions that are directly or indirectly caused by or that are the result of the Special Event or that may result from the issuing of a license for the Special Event.

11) OUTSTANDING MUNICIPAL COSTS

As an organizer/owner, I hereby covenant and agree to the repayment to The Corporation of the Township of Alnwick/Haldimand any and all additional Municipal and or Emergency Response costs over and above the \$500.00 Municipal Cost Recovery Deposit that are directly or indirectly caused by or that are the result of the Special Event or that may result from the issuing of a license for the Special Event.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.

Applicant(s) \_\_\_\_\_

Applicant(s) \_\_\_\_\_

Applicant(s) \_\_\_\_\_

Owner(s) \_\_\_\_\_

Owner(s) \_\_\_\_\_

Owner(s) \_\_\_\_\_

**THIS LICENSE IS HEREBY GRANTED TO THOSE APPLICANT(S) AND/OR OWNER(S) LISTED ABOVE, AND IS IN EFFECT FOR THE PERIOD OF:**

**FROM:** \_\_\_\_\_ **TO:** \_\_\_\_\_

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Date of Issuance

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**SCHEDULE "B"  
TO  
BY-LAW NO. 71-2013**

**CERTIFICATE OF INSURANCE APPLICANT/SPONSOR**

It is certified that insurance as described below has been arranged for the insured name herein on whose behalf this certificate is executed, and we hereby certify that such insurances are in full force and effect. If the said insurance is cancelled or changed during its term in such a manner as to affect this Certificate, written notice of such change or cancellation will be given by letter.

INSURED NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Postal Code

TYPE & INSURER \_\_\_\_\_

GENERAL LIABILITY

The Contractor shall maintain a Policy of General Liability insurance having limits of not less than **\$2,000,000.00** inclusive per occurrence for bodily injury, death, and damage to property.

POLICY NO. \_\_\_\_\_ EFFECTIVE DATE: \_\_\_\_\_

EXPIRATION: \_\_\_\_\_ LIMITS OF LIABILITY: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

Of Insurance Company Officer (Broker or agents signature not acceptable)

NOTE: The following shall be added to THE GENERAL LIABILITY INSURANCE CERTIFICATE

"The Township of Alnwick/Haldimand, is hereby named as an additional insured but only in respect of and for the duration of the services to be performed under this agreement, and shall contain a cross liability clause endorsement."

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**SCHEDULE "C"  
TO  
BY-LAW NO. 71-2013  
FIRE CHIEF FESTIVAL and EVENT REQUIREMENTS**

The following needs to be provided to Township of Alnwick/Haldimand Fire Chief fourteen days in advance of submitting the completed Application to the Clerk in order for a letter of approval to be supplied the Applicant.

**FIRE**

- 1) Site Plan for each location, showing
  - a) Activities
  - b) Parking
  - c) Access Routes
  - d) Emergency Access
  - e) Emergency Equipment Location
- 2) If in building you will need
  - a) Layout and occupancy load
  - b) Activities
  - c) Evacuation Plan
  - d) Emergency Access
  - e) Parking
- 3) Life Safety Plan for event
- 4) Names - contact information of individuals in charge
- 5) Expected Attendance

**FIREWORKS**

- 1) Specific Site Plan
  - a) Distances
  - b) Launch point
  - c) Spectator area
  - d) Surrounding topography
  - e) Safety equipment location
- 2) Safety Plan and Procedures
- 3) Copy of Fireworks Supervisor Card
- 4) Firing List
- 5) Names and contact information and ages of those assisting

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**SCHEDULE "D"  
TO  
BY-LAW NO. 71-2013**

**SCHEDULE OF APPLICATION FEES**

<b>a.</b> Basic Application Fee	\$ 150.00
<b>b.</b> Motorized Event Daily Fee	\$ 200.00
<b>c.</b> Musical Event Daily Fee	\$ 150.00
<b>d.</b> Non Motorized/Non Musical Event Daily Fee	\$ 100.00
<b>e.</b> Municipal Cost Recovery Deposit	\$ 500.00

Total application fee Payable by cash, certified cheque or money order, as illustrated below;

**a + b + c + d = \$ \_\_\_\_\_**

**+ \$ 500.00** Municipal Cost Recovery Deposit, payable by cash, certified cheque or money order, to be held for 30 days after Special Event has ended. If no outstanding Municipal costs remain, resulting from directly or indirectly from the Special Event, the said deposit shall be returned to applicant/Owner as illustrated on the application. If any outstanding Municipal costs, resulting directly or indirectly from the Special Event, exceed the deposit amount, the applicant/Owner, as illustrated on the application, shall be invoiced the additional outstanding amount, and shall be responsible for payment in full of such additional amounts.

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**SCHEDULE "E"  
TO  
BY-LAW NUMBER 71-2013  
BY-LAW NO. 95-2001**

**BEING A BY-LAW FOR PRESCRIBING THE TIME FOR SETTING OPEN AIR  
FIRES IN THE TOWNSHIP OF ALNWICK/HALDIMAND AND THE  
PRECAUTIONS TO BE OBSERVED**

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**WHEREAS** Section 210, Paragraph 35 of the Municipal Act, R.S.O. 1990, as amended, provides that Councils of Municipalities may pass By-Laws for prescribing the times that fires may be set in the open air and the precautions to be observed by persons setting out fires.

**NOW THEREFORE** THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND HEREBY ENACTS AS FOLLOWS:

1. All persons setting an open air fire in the Township of Alnwick/Haldimand shall first obtain a "Notice of Controlled Burn" from the municipal office pursuant to this section. The Notice of Controlled Burn shall be in accordance with Schedule "A" attached hereto. The material to be burned shall be limited to wood or by-products of wood, leaves, garden refuse, and brush. A person who has obtained a "Notice of Controlled Burn" pursuant to this section shall:
  - a) not permit more than one (1) cubic metre of material to be burned at any one time;
  - b) ensure that the means of extinguishing the fire designated on the "Notice of Controlled Burn" is available at the site at all times during the fire.
2. Notwithstanding the provisions of section 1 hereof, the Chief Fire Official may, upon application, approve the setting of any fire, subject to the fire being supervised by the Fire Chief of the Township of Alnwick/Haldimand Volunteer Fire and Rescue Department or his designate.
3. Notwithstanding the provisions of section 1, hereof, open air fires may be set when such burning consists of a small confined fire, supervised at all times and it used to cook food of a grill or a barbeque, or is for personal warmth.
4. No person shall set an uncontained fire, including but not limited to a grass fire.
5. All persons setting an open air fire in the Township of Alnwick/Haldimand, at the discretion of the Volunteer Fire Department Officer in charge, may be held:
  - a) responsible for any damage to property or injury to persons occasioned by the said fire; and;



**BY-LAW NO. 71-2013 - A BY-LAW TO  
REGULATE AND LICENCE SPECIAL EVENTS**

**BY-LAW NO. 95-2001 - BEING A BY-LAW FOR PRESCRIBING Pg. 2**

**THE TIME FOR SETTING OPEN AIR FIRES IN THE TOWNSHIP OF  
ALNWICK/HALDIMAND AND THE PRECAUTIONS TO BE OBSERVED**

- b) liable for costs incurred by the fire department, including necessary personnel, equipment and apparatus called in to extinguish the said fire.
  - c) Failure to pay these costs in a timely manner shall result in the unpaid amount, together with, interest thereon being added to the collector's roll in accordance with the Municipal Act.
6. No open air fire shall be ignited when the wind is in such direction or Intensity, so as to cause any or all of the following:
- a) smoke and/or odour nuisance to neighbouring premises or buildings,
  - b) a decrease in visibility on any highway or roadway;
  - c) a rapid spread of fire through grass or a brush area.
7. A farmer who intends to set or maintain a fire in the open air on a specified day for disposal of vegetable matter, vegetation, or wood products on farm lands, which is normal and incidental for farming purposes will be issued a "Notice of Controlled Burn" to cover the period of the proposed fire, and will be required to notify the Office of The Corporation of the Township of Alnwick/Haldimand on each day of the proposed fire.
8. A "Notice of Controlled Burn" may be cancelled or suspended at any time by the Chief Fire Official or his designate and immediately upon receiving notice of such cancellation or suspension, the holder of said Notice shall extinguish any fire started under Notice.
9. Every person who contravenes any provision of this By-Law is guilty of an offence and is liable to a fine of not more than \$5,000.00, exclusive of costs under the Provincial Offences Act, (Ontario) as amended from time to time.
10. This By-Law shall come into full force and effect upon the final passing thereof.  
11. This By-Law repeals By-Laws **14-97, (Township of Haldimand)** and **99-14, (Township of Alnwick)** in their entirety.

READ THIS FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED THIS 29<sup>th</sup> DAY  
OF NOVEMBER, 2001.

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MAYOR, WILLIAM FINLEY

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CLERK/ADMINISTRATOR, TERRENCE  
KOROTKI

**BY-LAW NO. 71-2013 - A BY-LAW TO  
REGULATE AND LICENCE SPECIAL EVENTS**

**SCHEDULE "A"**

**TO BY-LAW 95-2001**

**"NOTICE OF CONTROLLED BURN"**

NAME OF OWNER: \_\_\_\_\_

NAME OF FIRE SUPERVISOR: \_\_\_\_\_

CIVIC ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

LOCATION OF SUPERVISED FIRE: LOT \_\_\_\_\_ CONCESSION \_\_\_\_\_

MATERIAL TO BE BURNED: \_\_\_\_\_

APPROXIMATE SIZE TO BE BURNED: \_\_\_\_\_

MEANS OF EXTINGUISHING AVAILABLE: \_\_\_\_\_

NOTE: NOTICE IS VALID FOR 7 DAYS INCLUDING DATE OF ISSUANCE

RECEIVED AT GRAFTON/ROSENEATH, ONTARIO THIS \_\_\_\_\_

DAY \_\_\_\_\_, 20\_\_\_\_.

THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND

PER: \_\_\_\_\_

FIRE DEPARTMENT USE

CONTACTED OWNER DATE: \_\_\_\_\_

INSPECTION OF FIRE GROUND DATE: \_\_\_\_\_

FIRE GROUND RECOMMENDATIONS: \_\_\_\_\_

**BY-LAW NO. 71-2013 - A BY-LAW TO  
REGULATE AND LICENCE SPECIAL EVENTS**

**SCHEDULE "F"  
TO  
BY-LAW NUMBER 71-2013**

**THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND  
BY-LAW NO. 73-2013  
BEING A BY-LAW TO PROHIBIT OR REGULATE NOISE IN THE TOWNSHIP OF  
ALNWICK/HALDIMAND**

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**WHEREAS** section 129 of Part III of the Municipal Act, S.O. 2001, Chapter 25 provides that Councils of local municipalities may pass by-laws to prohibit and regulate with respect to noise and vibration;

**AND WHEREAS** section 425 of Part XIV of the Municipal Act, S.O. 2001, provides that a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

**AND WHEREAS** section 429 of Part XIV of the Municipal Act, S.O. 2001, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;

**AND WHEREAS** it is deemed advisable to provide for the prohibition or regulation of noise within the Corporation of the Township of Alnwick/Haldimand;

**NOW THEREFORE** the Council of the Corporation of the Township of Alnwick/Haldimand enacts as follows;

1. In this By-law:

- (a) **"Agricultural Use"** means the growing of crops, including nursery and horticultural crops, the raising of livestock and other animals for food, fur or fibre, including poultry or fish, aquaculture, apiaries, agro-forestry or maple syrup production and associated on-farm buildings and structures;
- (b) **"Construction"** includes the erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials made in any form or for any purpose, and includes any work in connection therewith;
- (c) **"Construction Equipment"** means any equipment or device designed and intended for use in construction or material handling including, but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;
- (d) **"Emergency Vehicle"** means a police car, ambulance, fire truck or other vehicle responding to an emergency call pursuant to a statutory duty;
- (e) **"Person"** includes a corporation;
- (f) **"Council"**, "Municipality" shall mean the Council of the Corporation of the Township and/or the Township of Alnwick/Haldimand;
- (g) **"Noise"** shall mean unwanted noise.

**BY-LAW NO. 71-2013 - A BY-LAW TO  
REGULATE AND LICENCE SPECIAL EVENTS**

2. A) No person shall, within the limits of the Corporation of the Township of Alnwick/Haldimand, make or permit an unusual noise, or noise likely to disturb the inhabitants thereof.  
  
B) *Persistent barking, calling or whining or other similar persistent noise marking by any domestic pets or any other animals kept or used for any purpose other than agricultural.*
3. Despite Section 2 of this By-law, none of the provisions of this By-law shall apply to prohibit;
  - (a) any agricultural use/activity conducted on lands that are zoned 'Rural' or 'Agricultural' in the Comprehensive Zoning By-law then in force in the Township of Alnwick/Haldimand,
  - (b) the operation of emergency vehicles, including all their components, while in use pursuant to a statutory duty,
  - (c) operation of service vehicles or equipment operated by the Township of Alnwick/Haldimand, the Corporation of the County of Northumberland, the Province of Ontario, Canadian National Railway, Via Rail or Canadian Pacific Railway their workmen, employees, servants, agents, contractors or sub-contractors,
  - (d) cultural, recreational, educational and political events in parks and other public places administered by the Corporation of the Township of Alnwick/Haldimand,
  - (e) races, parades, processions and events for ceremonial, religious or traditional purposes that have been authorized by the Corporation of the Township of Alnwick/Haldimand,
  - (f) operation of bells, chimes, carillons and clocks in churches and public buildings,
  - (g) operation of power lawn mowers and/or gardening equipment or any equipment used in the maintenance of property between the hours of 7:00 a.m. and 10:00 p.m. from Monday to Friday; 7:00 a.m. to 8:00 p.m. on Saturday, and between the hours of 9:00 a.m. and 9:00 p.m. on Sunday provided that such equipment is maintained in good working order,
  - (h) noise arising out of or created by construction or construction equipment operated within the Township of Alnwick/Haldimand between the hours of 7:00 a.m. and 8:00 p.m. from Monday to Friday inclusive and 7:00 a.m. to 5:00 p.m. on Saturday's.
4. In the event any Court of competent jurisdiction should judge that any section or sections of this By-law is or are not valid for any cause, such section or sections shall be deemed severable from the remainder of the By-law and the remainder of the By-law shall stand and be enforceable to the same extent as if the offending section or sections had not been included herein.
5. For the purpose of this By-law, each day or part of a day on which the offence occurs or continues shall be deemed to be a separate offence.

**BY-LAW NO. 71-2013 - A BY-LAW TO  
REGULATE AND LICENCE SPECIAL EVENTS**

6. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as set out in Schedule "A" attached to and forming part of this By-law.
7. This By-law shall come into full force and effect upon final passage.
8. That By-law Nos. 31-2001 and 64-2001 of the Corporation of the Township of Alnwick/Haldimand are hereby repealed in their entirety.

This **By-Law No. 73-2013** read and deemed to be PASSED this 15<sup>th</sup> day of August, 2013.

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MAYOR, DALTON MCDONALD

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CAO/PLANNER, TERRY KOROTKI

**BY-LAW NO. 71-2013 - A BY-LAW TO  
REGULATE AND LICENCE SPECIAL EVENTS**

**THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND**

**SCHEDULE "A" TO**

**BY-LAW NO. 73-2013 BEING A BY-LAW TO PROHIBIT OR REGULATE NOISE  
IN THE TOWNSHIP OF ALNWICK/HALDIMAND**

**PART III PROVINCIAL OFFENCES ACT  
FINE SCHEDULE**

<b>Item</b>	<b>Column 1</b>	<b>Column 2</b>
1.	Minimum fine for a first offence shall be	\$ 150.00
2.	Maximum fine for a first offence shall not exceed	\$ 500.00
3.	Minimum fine for a second offence and for each day or part of a day the offence continues shall be	\$ 500.00
4.	Maximum fine for each day or part of a day the offence continues shall not exceed	\$ 5,000.00