

SUMMARY:

The Outdoor Events bylaw sets out the regulations for the holding of outdoor events on public or private property within city limits. Under the provisions of the bylaw any outdoor event held on public property or outdoor event expected to be attended by more than 1,000 people held on private property must be authorized by a permit issued by the Event Committee. The bylaw provides the Event Committee with the authority to set conditions on the issuance of a permit. Conditions may include provision of parking, vehicle, litter and crowd control, security deposit, insurance requirements and payment of policing costs.

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CITY OF KELOWNA
BYLAW NO. 8358
REVISED: June 24, 2006

CONSOLIDATED FOR CONVENIENCE TO INCLUDE BYLAW NOS. 9631

A Bylaw to Regulate Outdoor Events Within the City of Kelowna

WHEREAS it is deemed desirable and expedient to require that owners or occupiers of real property holding outdoor events involving significant numbers of people, as well as the organizers of outdoor events using city property or streets provide adequate health, sanitation, vehicle control, crowd control, and dog control, for public safety and the protection of public and private property;

NOW THEREFORE the Council of the City of Kelowna, in open meeting assembled, hereby enacts as follows:

Section 1 - Introduction

1.1 Title

1.1.1 This bylaw may be cited as the 'Outdoor Events Bylaw No. 8358.'

1.2 Interpretation

1.2.1 In this Bylaw, unless the context otherwise requires, the following words shall have the following meanings:

- (a) "City" means the City of Kelowna or the area within the Municipal boundaries as the context may require;
- (b) "Council" means the Municipal Council of the City of Kelowna;
- (c) "Event Committee" means the Committee established by Council pursuant to this bylaw to issue Outdoor Event Permits;
- (d) "Permit" means an Outdoor Event Permit issued pursuant to the provisions of this bylaw;
- (e) "Owner" shall have the meaning set forth in Part 1.1 of the *Municipal Act*;
- (f) "Outdoor Event" means:
 - (i) any public or private exhibition, parade, procession, carnival, athletic event, commercial performance or show, held outdoors on public property, including any street, road, lane, bridge, park or other public right of way or place; and

- (ii) any public show, exhibition, carnival, athletic event or commercial performance, attended by or which might reasonably be expected to be attended by more than 1,000 people, held outdoors on private property, when authorized by City of Kelowna Zoning Bylaw No. 8000.
- 1.2.2 This bylaw does not apply to an athletic event on public property involving less than 500 people and not involving the use of roadways.
- 1.2.3 The headings given to the sections and paragraphs of this bylaw are for convenience of reference only. They do not form part of this bylaw and will not be used in the interpretation of this bylaw.
- 1.2.4 If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
- 1.2.5 An enactment referred to herein is a reference to an enactment of the Council of the City of Kelowna, as amended, revised, consolidated or replaced from time to time.

Section 2 - Outdoor Event Permit

- 2.1 Permit Required
 - 2.1.1 No person shall hold an Outdoor Event on private property within the City unless the property owner or his duly authorized representative holds a valid permit issued pursuant to this bylaw.
 - 2.1.2 No person shall hold an Outdoor Event on public property unless the person promoting or organizing the event holds a valid permit issued pursuant to this bylaw.
 - 2.1.3 No person shall publicize an Outdoor Event before a permit for the event has been issued pursuant to this bylaw without written permission from the Outdoor Events Committee.
 - 2.1.4 The organizers or promoters of an Outdoor Event shall obtain an Outdoor Event Permit a minimum of thirty days prior to the event taking place.

Section 3 - Outdoor Events Committee

- 3.1 Committee Establishment
 - 3.1.1 Council hereby establishes an 'Outdoor Events Committee' which shall consist of the following representatives:
 - (i) Kelowna Detachment, RCMP - Officer In Charge;
 - (ii) BC Ambulance Service - Superintendent;
 - (iii) Deputy Medical Health Officer;
 - (iv) Kelowna Transit - General Manager;
 - (v) City of Kelowna Director of Parks & Leisure Services;
 - (vi) City of Kelowna Recreation Manager;

- (vii) City of Kelowna Fire Chief;
- (viii) City of Kelowna Transportation Manager; and
- (ix) City of Kelowna Licensing & Bylaw Enforcement Supervisor;

or their authorized designates.

- 3.1.2 The Outdoor Events Committee shall consider applications for Outdoor Event Permits pursuant to this bylaw and may establish conditions to be met by the promoters or organizers of such events, having due regard for health, sanitation, vehicular and traffic control, dog control, public safety, and the protection of public and private property.
- 3.1.3 The Outdoor Events Committee shall not issue an Outdoor Event Permit for an event involving the closure of a city street without written approval of the City Engineer pursuant to City of Kelowna Traffic Bylaw No. 4495-78.
- 3.1.4 The Outdoor Events Committee is hereby authorized to issue an Outdoor Event Permit when the conditions of this bylaw have been met by the property owner and/or event organizer or promoter.

Section 4 - Application for Permit

4.1 Application Requirements

BL9631 amended subsection 4.1.3:

- 4.1.3 An application for a permit to hold an outdoor event shall be accompanied by a nonrefundable Administration Fee, as set by the City of Kelowna Recreation, Parks and Cultural Services Fees and Charges Bylaw No. 9609, as amended from time to time.
- 4.1.4 Unless deemed otherwise by the City, an application for a permit to hold an outdoor event which involves the use of roadways, or the attendance of more than 1,000 people must be accompanied by proof of public liability and property damage insurance in an amount of at least Two Million Dollars (\$2,000,000) in a form acceptable to the City.
- 4.1.5 An application for an Outdoor Event Permit must include a written agreement in a form acceptable to the City to save and hold the City of Kelowna harmless from and against any and all suits or claims or other damages of any kind as a result of the Outdoor Event.

Section 5 - Permit Requirements

5.1 Committee Authority

- 5.1.1 The Events Committee is hereby authorized to establish the conditions under which an Outdoor Event Permit may be issued which may include but are not limited to:
 - (i) the provision of all vehicular control, parking control, and crowd control at the cost of the permit holder;

- (ii) the posting of a rental/security deposit or performance bond to cover the costs of damages to City facilities and the performance of the permit conditions by the permit holder;
- (iii) the payment of all policing and security costs by the permit holder;
- (iv) arrangements for litter control and removal at the cost of the permit holder;
- (v) conditions relating to the consumption of alcoholic beverages;
- (vi) conditions relating to the selling and/or marketing of goods, including food and beverages;
- (vii) conditions relating to environmental protection;
- (viii) notification of neighbours or other persons who may be affected by the outdoor event by the permit holder;
- (ix) arrangements for public transit and emergency vehicle access; and
- (x) any other conditions necessary to meet the objectives outlined in sub-section 3.1.2 of this bylaw.

5.1.2 The holder of an outdoor event permit must comply with all City of Kelowna Bylaws and all Provincial and Federal legislation and regulations.

Section 6 - Enforcement

6.1 Inspection

6.1.1 The members of the Outdoor Events Committee, Bylaw Enforcement Officers and any other authorized representatives of the City under their direction are hereby authorized to enter at all reasonable times upon any premise to ascertain whether the regulations and provisions of this bylaw are being or have been complied with.

6.2 Offence

6.2.1 Every person who violates a provision of this bylaw commits an offence and is liable on summary conviction to a penalty not exceeding Ten Thousand Dollars (\$10,000) and the costs of prosecution.

Section 7 - General

7.1 Repeal

7.1.1 "Special Events Bylaw No. 7138" is hereby repealed.

7.2 Effective Date

7.2.1 This bylaw comes into force and takes effect on the date of adoption.

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Read a first, second and third time by the Municipal Council this 15th day of February, 1999.

Adopted by the Municipal Council of the City of Kelowna this 23rd day of February, 1999.

"Walter Gray"

Mayor

"D.L. Shipclark"

City Clerk