

**BYLAW #2001-724
VILLAGE OF CARBON
IN THE
PROVINCE OF ALBERTA
(Hereinafter referred to the "Municipality")**

BEING A BYLAW TO REGULATE EXTENDED DANCE EVENTS WITHIN THE CORPORATE BOUNDARIES OF THE VILLAGE OF CARBON IN THE PROVINCE OF ALBERTA

WHEREAS the Municipal Government Act, S.A., 1994, c.M-26.1, and amendments thereto, provides that Council may pass bylaws for municipal purposes respecting:

- the safety, health, and welfare of people and the protection of people and property;
- people, activities, and things in, on or near a public place or a place that is open to the public;
- businesses, business activities, and persons engaged in business; and
- systems of licences, permits, or approvals;

AND WHEREAS gatherings for the purpose of dancing to music for extended time periods could potentially take place in the Village of Carbon;

AND WHEREAS these gatherings

- often involve in excess of one hundred (100) people;
- take place during the late night hours;
- may result in profit or gain for their organizers; and
- take place in areas which caused disturbances to nearby residents;

AND WHEREAS it is desirable that these gatherings take place in facilities with adequate fire and safety protections;

AND WHEREAS it is desirable that outlets for cultural and physical expression that takes place at these gatherings be continued in a safe and responsible fashion;

NOW THEREFORE THE COUNCIL OF THE VILLAGE OF CARBON ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Extended Dance Event Bylaw".

Definitions

2. In this Bylaw:

- a) "Applicant" means the person who applies for an extended Dance Event Licence.
- b) "Daytime" means the hours between 8:00 a.m. and 10:00 p.m. of the same calendar date.
- c) "Expected Attendance" means the number of people a person anticipates attending or desires to attend an Extended Dance Event, including Extended Dance Event Personal and members of the public.
- d) "Extended Dance Event" means gathering of people for the primary purpose of listening to or dancing to music which lasts for more than five (5) hours and includes events which may commonly be referred to as "raves".

- e) "Extended Dance Event Personnel" includes entertainers and their entourage, sound and lighting technicians, security personnel, and emergency medical personnel, regardless of whether they are paid a salary or fee for providing services at the Extended Dance Event.
- f) "Extended Dance Event Promoter" means the person who stages the Extended Dance Event, and whose responsibilities may include contracting with entertainers, security firms, Venue owners, and advertisers.
- g) "Extended Dance Event Manager" means the person who will be in attendance at the Extended Dance Event and will oversee the overall operation of the Extended Dance Event, and includes a person employed as a licensed security consultant.
- h) "Nighttime" means the hours between 10:00 p.m. and 8:00 a.m. of two consecutive calendar days.
- i) "Responsible Party" means every person who:
 - i) is an applicant;
 - ii) is an Extended Dance Event Promoter;
 - iii) is an Extended Dance Event Manager;
 - iv) provides entertainment or concessions for an Extended Dance Event; or
 - v) profits in any way from an Extended Dance Event.
- j) "Venue" means the place of where an Extended Dance Event is held.

Licensing Requirements

3. The Development Officer may issue an Extended Dance Event License in accordance with this Bylaw.
4. No person shall sell tickets or stage an Extended Dance Event for which an Extended Dance Event License is required without first obtaining an Extended Dance Event License.
5. An Extended Dance Event License is required for all Extended Dance Event which have an expected attendance of 250 or more people.
6. A person will be deemed to have expected or desired 250 or more people to attend an Extended Dance Event if:
 - a) the Extended Dance Event was held in a Venue of 200 or more square meters;
 - b) the Extended Dance Event was held in a Venue with an occupancy of 250 or more people;
 - c) 250 or more tickets to the Extended Dance Event were printed or sold; or
 - d) the promotional material, including material on the Internet or telephone lines, for the Extended Dance Event implies the attendance at the Extended Dance Event will exceed 250 people.
7. An Extended Dance Event License is not required for wedding dances, holiday parties, community dances, school dances, or similar events.
8. An Extended Dance Event License is valid for only one Extended Dance Event and only for the Venue and date identified in the application for the Extended Dance Event License.

Licence Applications

9. Each application for an Extended Dance Event Licence must be made no later than forty-five (45) days before the proposed date of the Extended Dance Event.
10. Each application for an Extended Dance Event Licence must consist of:
 - a) a non refundable licence application fee of \$250.00;
 - b) a completed disclosure setting out:
 - i) the full name and address of the Applicant;
 - ii) a form signed by the Applicant giving the Applicant's consent for the RCMP to conduct a security check on the Applicant;
 - iii) if the Applicant is a corporate entity, the names and address of the directors and shareholders of the Applicant;
 - iv) the full name and address of the Extended Dance Event Promoter;
 - v) a form signed by the Extended Dance Event Promoter giving the Extended Dance Event Promoter's consent to the RCMP to conduct a security check on the Extended Dance Event Promoter;
 - vi) if the Extended Dance Event Promoter is a corporate entity, the names and address of the directors and shareholders of the Extended Dance Event Promoter;
 - vii) the full name and address of the Extended Dance Event Manager;
 - viii) a form signed by the Extended Dance Event Manager giving the Extended Dance Event Manager's consent to the RCMP to conduct a security check on the Extended Dance Event Manager;
 - ix) the proposed Venue for the Extended Dance Event;
 - x) the name and address of the registered owner of the Venue;
 - xi) the Expected Attendance;
 - xii) the times the Extended Dance Event will begin and end;
 - xiii) the date of the Extended Dance Event; and
 - xiv) the method by which tickets to the events will be sold, including the names and address of any ticket agents, where applicable.
 - c) a letter of consent from the registered owner of the Venue or his authorized agent indicating the registered owner of the Venue:
 - i) understands the Venue will be used for and Extended Dance Event; and
 - ii) consents to the Development Officer, Bylaw Officers, RCMP Members, Emergency Medical Services, Safety Code Officers, Regional Health Authority Officers, Alberta Gaming and Liquor Commission Inspectors, Alberta Occupational Health and Safety Officers, or any one of them entering and remaining within the Venue during the Extended Dance Event for the purposes of ensuring that this or any Bylaw, license conditions, or any Acts or Regulations are being compiled with.

- d) a letter from the Extended Dance Event Promoter indicating he consents to the Development Officer, Bylaw Officers, RCMP Members, Emergency Medical Services Officers, Safety Code Officers, Regional Health Authority Officers, Alberta Gaming and Liquor Commission Inspectors, Alberta Occupational Health and Safety Officers, or any one of them entering and remaining within the venue during the Extended Dance Event for the purposes of ensuring that this or any Bylaw, license conditions, or any Acts or Regulations are being complied with;
- e) a detailed written plan setting out how the Applicant intends to address emergency medical concerns which specifically sets out how many medical personnel and equipment will be on hand at the Extended Dance Event, and what medical training and certification the medical personnel will have;
- f) a detailed written plan setting out how the Applicant intends to address security concerns, which specifically sets out:
 - i) how many security personnel will be on hand at the Extended Dance Event;
 - ii) what training, certification, and licenses the security personnel have;
 - iii) how many security personnel will be located outside the Venue while the Extended Dance Event is ongoing;
 - iv) how security personnel will monitor line-ups outside the Venue;
 - v) how security personnel will control the number of people leaving and entering the Venue while the Extended Dance Event is ongoing;
 - vi) whether people will be allowed to leave and re-enter the Venue while the Extended Dance Event is ongoing;
 - vii) whether the Venue will have a "quiet room", outdoor space or similar separate area where people can take a break from dancing;
 - viii) how security personnel will monitor the "quiet room", outdoor space or similar area;
 - ix) how security personnel will ensure there is access and egress to the Venue for emergency medical and police vehicles; and
 - x) how security personnel will communicate with each other, the Extended Dance Event Manager, and emergency medical personnel.
- g) A detailed written plan setting out the sound system to be used at the Extended Dance Event, any steps the Applicant will take to ensure noise disturbance outside of the venue is minimized, and steps the Applicant will take to ensure noise is controlled within the venue while the Extended Dance Event is ongoing.

11. Any person who provides false or misleading information in an application for an Extended Dance Event Licence commits an offence.

Consultations and Inspections

12. The Development Officer may provide the completed application to all or any of the following agencies for their review and consultation:
 - a) RCMP;
 - b) Emergency Medical Services;
 - c) Fire Chief;
 - d) Regional Health Authority;
 - e) Alberta Gaming and Liquor Commission;
 - f) Land Use;
 - g) Engineering and Transportation;
 - h) Any other agency which, in the opinion of the Development Officer may assist in determining whether granting the Extended Dance Event Licence is in the interests of the safety, health, welfare, and property of the attendees to the Extended Dance Event or the neighbourhood of the proposed Venue.
13. Upon request by any of the agencies set out in Section 12, the Applicant shall provide a representative of the agency access to the proposed Venue for the purposes of conducting an inspection of the proposed Venue and shall assist in carrying out the inspection.
14. Upon request by any of the agencies set out in Section 12, the Extended Dance Event Manager shall accompany the representative of the agency on the inspection of the proposed Venue.

Licence Conditions

15. The Development Officer may issue an Extended Dance Event Licence with specific conditions respecting:
 - a) the number and qualifications of emergency medical personnel and equipment which must be available at the Venue during the Extended Dance Event;
 - b) the number and qualifications of security personnel which must be available at the Venue during the Extended Dance Event;
 - c) the procedures required to be in place to address emergency medical and security concerns;
 - d) means of transportation for attendees of the Extended Dance Event if, in the opinion of the Development Officer parking, passenger pick up and drop off, or public transportation is unlikely to be sufficient for the Extended Dance Event;
 - e) the number of people who may attend the Extended Dance Event;
 - f) noise abatement measures which must be made to ensure noise outside or within the Venue is minimized;
 - g) proof of current public liability insurance sufficient to cover any anticipated loss or damages by attendees at the extended dance event; and

h) such additional conditions as are, in the opinion of the Development Officer reasonably necessary to protect the safety, health, welfare, and property of the attendees of the Extended Dance Event or the neighbourhood of the proposed Venue.

16. All costs and expenses incurred in meeting the requirements of this Bylaw or any conditions attached to the Extended Dance Event Licence shall be borne by the Applicant.

Refusal of An Application

17. The Development Officer shall not issue an Extended Dance Event Licence to an Applicant if, in the opinion of the Development Officer:

- a) the applicant does not contain everything set out in Section 10;
- b) the Development Officer, Bylaw Officers, RCMP Members, Emergency Medical Services Officers, Safety Code Officers, Regional Health Authority Officers, Alberta Gaming and Liquor Commission Inspectors, Alberta Occupational Health and Safety Officers, or any one of them, were unable to inspect the Venue because the Applicant was unable or unwilling to provide them with access to all of the Venue in a timely fashion;
- c) the Applicant is not a resident of Carbon;
- d) the proposed emergency medical plan is not adequate;
- e) the proposed Venue cannot safely accommodate the expected attendance; or
- f) the proposed security plan is not adequate.

18. The Development Officer may not issue an Extended Dance Event Licence to an Applicant if:

- a) the Applicant, Extended Dance Event Promoter, Extended Dance Event Manager, Venue Owner, or any of the Directors or Shareholders of the Applicant, Promoter, or Venue Owner have previously operated an Extended Dance Event in breach of a condition of an Extended Dance Event Licence or this Bylaw;
- b) the RCMP recommends against issuing the Extended Dance Event Licence;
- c) the proposed Venue has previously been a Venue and has, in the opinion of the Development Officer shown itself to be an inadequate site for an Extended Dance Event;
- d) the proposed Venue lacks appropriate Land Use approvals which thereby makes it inappropriate for an Extended Dance Event;
- e) in the opinion of the Development Officer, it is inappropriate to issue an Extended Dance Event Licence to an Applicant because the safety, health, or welfare of the public may be harmed due to the issuance of the licence or the operation of the Extended Dance Event; or

- f) in the opinion of the Development Officer, it is inappropriate to issue an Extended Dance Event licence to an applicant because the potential noise impact of the Extended Dance Event would create a nuisance in the community near the proposed Venue.

Offences and Penalties

19. Every person who organizes, promotes, allows, provides entertainment or concessions for, or in any way profits from, an Extended Dance Event for which an Extended Dance Event Licence is required but for which an Extended Dance Event Licence has not been issued commits an offence.
20. For greater certainty, but without restricting the generality of the foregoing, any person who is shown as the registered owner of a Venue on the Land Title for a Venue, is shown as the payee of business or property tax on the tax roll for a Venue, or as the payee of utilities on the utilities statement of a Venue, will be deemed to have allowed an Extended Dance Event to take place at that Venue.
21. A Responsible Party shall ensure an Extended Dance Event for which a Licence has been issued is carried out in accordance with this Bylaw and any conditions attached to the Extended Dance Event Licence.
22. A Responsible Party shall ensure all security personnel at the Extended Dance Event is distinctively dressed in such a way that they are easily identified as security personnel.
23. A Responsible Party shall ensure all medical personnel at the Extended Dance Event is distinctively dressed in such a way that they are easily identified as medical personnel.
24. A Responsible Party shall ensure the Extended Dance Event Licence is conspicuously posted at the Venue for the duration of the Extended Dance Event.
25. The Extended Dance Event Manager identified in the Application for an Extended Dance Event Licence must be at the Venue at all times the Extended Dance Event is ongoing and must be distinctively dressed in such a way that he is easily identified as the Extended Dance Event Manager.
26. A Responsible Party shall ensure at least one security person is located at every entrance to the Extended Dance Event.
27. A Responsible Party shall ensure that security personnel keep an accurate count of the number of persons admitted to the Extended Dance Event.
28. A Responsible Party shall ensure the number of people attending the Extended Dance Event does not exceed the number of persons allowed to attend the Extended Dance Event pursuant to the Extended Dance Event Licence.
29. The Applicant shall report the number of persons who were in attendance at the Extended Dance Event to the Development within five (5) days of the Extended Dance Event.
30. A Responsible Party shall ensure free drinking water is available to the attendees of the Extended Dance Event at all times the Extended Dance Event is ongoing.

31. A Responsible Party shall ensure ear plugs are available to the attendees of the Extended Dance Event at all times the Extended Dance Event is ongoing.
32. The minimum penalty imposed upon a conviction for a first offence of a particular section of this Bylaw shall be the minimum penalty as set out in Section "A" to this Bylaw.
33. The specified penalty imposed upon a conviction for a first offence of a particular section of this Bylaw shall be the specified penalty as set out in Schedule "A" to this Bylaw.
34. Pursuant to the *Provincial Offences Procedures Act*, S.A. 1988, c.P-21.5, a person charged with an offence under this Bylaw may make a voluntary payment equal to the amount of the specified penalty for that offence.
35. Where within twenty-four (24) months of being convicted of a first offence pursuant to Section 19 of this Bylaw a person is convicted of a second or subsequent offence pursuant to Section 19 of this Bylaw, the minimum penalty that shall be applied is \$3,000.00.
36. Where within twenty-four (24) months of being convicted of a first offence pursuant to this Bylaw a person is convicted of a second or subsequent offence pursuant to this Bylaw, the minimum penalty that shall be applied is \$700.00.

Applicability of Other Regulations

37. The issuance of an Extended Dance Event Licence pursuant to this Bylaw shall not be construed as alleviating any person of the obligation to comply with any other bylaws, acts, or regulations.
38. Unless specifically addressed in this Bylaw, the provisions of the *Business License Bylaw*, as it may be amended from time to time, or any bylaw passed in substitution therefore, shall apply to this Bylaw.
39. Without restricting the generality of the foregoing, the provisions respecting refusal, revocation, or suspension of a licence and appeals of a decision of the Development Officer, *mutatis mutandis* to this Bylaw.

Severability


40. Each provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

Transition


41. This Bylaw comes into force on the day it is passed.
42. Sections 11, 19, 21, 24, 25, and 28 comes into force forty-six (46) days after the Bylaw is passed.
43. Any Extended Dance Event Promoter who stages an Extended Dance Event during the forty-five (45) days between the passage of this Bylaw and the coming into force of Section 19 who does not give the Development Officer, at least twenty-four (24) hours prior notification of the Extended Dance Event commits an offence.

44. The specified penalty for a contravention of Section 43 is \$250.00.

READ A FIRST TIME this 26TH day of February, 2001.




Mayor



Municipal Administrator

READ A SECOND TIME this 9th day of April, 2001.

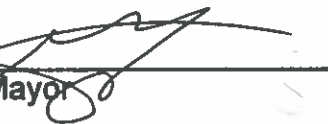


Mayor




Municipal Administrator

READ A THIRD TIME AND PASSED this 23rd day of April, 2001.



Mayor



Municipal Administrator

**VILLAGE OF CARBON
BY-LAW NO. 2001-724**

SCHEDULE A

PENALTIES

Section	Offence	Minimum Penalty	Specified Penalty
s.11	Provide false or misleading information in an application	\$300.00	\$500.00
s.19	Participate in an unlicensed Extended Dance Event	\$1,500.00	\$2,500.00
s.21	Breach conditions of a licence in respect of		
	- emergency medical personnel	\$300.00	\$500.00
	- security personnel	\$300.00	\$500.00
	- security procedures	\$300.00	\$500.00
	- means of transportation	\$200.00	\$300.00
	- number of people who may attend	\$300.00	\$500.00
	- noise abatement measures	\$200.00	\$300.00
	- general conditions	\$150.00	\$250.00
s.22	Security Personnel not distinctively dressed	\$200.00	\$300.00
s.23	Medical Personnel not distinctively dressed	\$200.00	\$300.00
s.24	Fail to post Licence	\$50.00	\$100.00
s.25	Extended Dance Event Manager fails to be at Venue	\$300.00	\$500.00
s.26	Fail to have security personnel at every entrance	\$300.00	\$500.00
s.27	Fail to ensure accurate attendance figures	\$300.00	\$500.00
s.28	Number of people in excess of Licence	\$400.00	\$600.00
s.29	Fail to report attendance numbers	\$300.00	\$500.00
s.30	Fail to provide free drinking water	\$400.00	\$600.00
s.31	Fail to make ear plugs available	\$400.00	\$600.00