BYLAW 2020-10

A BYLAW OF MUNICIPAL DISTRICT OF LESSER SLAVE RIVER NO. 124 IN THE PROVINCE OF ALBERTA, TO ESTABLISH PERMITTING AND REGULATION OF PARADES

WHEREAS the *Traffic Safety Act* provides that the Council of a municipality may, with respect to a highway under its direction, control and management, make bylaws that are not inconsistent with this Act, doing the following: governing the use of highways, governing closing or restricting the use of a highway, governing parades and processions, prescribing or otherwise providing for penalties with respect to the contravention of a Bylaw made under this Act;

WHEREAS the *Traffic Safety Act* provides that the Council of a municipality has the authority to make a bylaw under this Act governing or respecting any matter including the authority to make prohibitions in respect of that matter and the authority to make a Bylaw under this Act including the authority to specify that a contravention of or a failure to comply with the Bylaw is an offence;

WHEREAS the *Municipal Government Act* provides that a Council of a municipality may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the *Municipal Government Act* provides that a Council of a municipality may pass bylaws respecting people, activities and things in, on or near a public place or place that is open to the public; and

AND WHEREAS the Council of the Municipal District of Lesser Slave River No. 124 deems it advisable and in the public interest to regulate parades within the boundaries of the Municipal District of Lesser Slave River.

NOW THEREFORE the Council of Municipal District of Lesser Slave River No. 124 in the Province of Alberta, enacts as follows:

1.0 TITLE

1.1 This Bylaw is cited as the Municipal District of Lesser Slave River No. 124 "Parades Bylaw."

2.0 DEFINITIONS

2.1 "Applicant" means a person named on a Permit issued pursuant to this Bylaw;

2.2 "Control Officer" means any Community Peace Officer and Bylaw Enforcement Officer employed by the Municipality, any municipal employee designated by the Chief Administrative Officer for the purposes of this bylaw, and any member of the Royal Canadian Mounted Police;

2.3 "Municipality" means the Municipal District of Lesser Slave River No. 124;

2.4 "Parade" means an organized procession of people, vehicles, equipment, animals or a combination thereof moving through or on a municipal roadway or public lands which is likely to obstruct, impede, hinder or otherwise interfere with pedestrian or vehicular traffic, excluding funeral or military processions.

2.5 "Permit" means a Permit issued by the Chief Administrative Officer authorizing a parade to take place within the Municipality on public land; and

2.6 "Person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person.

3.0 GENERAL CONDITIONS

3.1 A person shall not operate, maintain, conduct or advertise a parade in the Municipality unless they hold a valid and subsisting Permit for that parade and then only in accordance with the terms and conditions of the Permit issued and this bylaw.

3.2 A Permit is not required under the following circumstances:

3.2.1 Parades that occur on privately owned land (if the parade is to exceed 300 people then a Special Event Licence is required);

3.2.2 Parades on lands owned or controlled by the Municipality that is either hosted by the Municipality or has been authorized by the Municipality pursuant to the terms of a lease, license or facility rental agreement;

4.0 PERMIT APPLICATION

4.1 Application for a Permit to conduct a parade shall be made to the Chief Administrative Officer at least ninety (90) days prior to the proposed date of the parade and in the from as prescribed and approved by the Chief Administrative Officer.

4.2 At minimum, the Parade Application Form will include the following:

4.2.1 a non-refundable application fee in the amount of $50.00 (plus GST), except in the case of the Canyon Creek Canada Day Parade, Smith Fall Fair Parade and the Flatbush Festival Parade;

4.2.2 a refundable damage deposit (if no damages to Municipal infrastructure occurs and/or no clean-up is required by the Municipality after the event) in the amount of $250;

4.2.3 the name, email address, mailing address, phone number and signature of the person making such application;

4.2.4 the date or dates and the hours during which the proposed parade is to be held;

4.2.5 if the application is made by a partnership, the names, email addresses, mailing addresses, phone numbers and signatures of the person making such application;

4.2.6 if the application is made by a non-profit society, the President of the Society shall be named and sign and date the application;

4.2.7 where the applicant is an incorporated company, the application shall be signed by at least two directors of the incorporated company and shall contain the address of such corporate directors and shall have attached a certified copy of the Certificate of Incorporation;

4.2.8 a written statement outlining the specific nature, kind, character and type of parade which the applicant is seeking a Permit;

4.2.9 the municipal address and legal description of the properties including a parade route map where the proposed parade is to be held;

4.2.10 an estimate of the number of customers, spectators, participants and other persons expected to attend the parade;

4.2.11 the applicant shall include a site plan that clearly indicates the arrangement of all facilities associated with the proposed parade, including but not limited to those for parking and event ingress and egress;

4.2.12 the applicant shall provide proof of special event third party insurance for the parade in the amount of not less than two million dollars;

4.2.13 the special event third party insurance for the parade shall name the Municipal District as an additionally named insured; and

4.2.14 anything else reasonably required by the Chief Administrative Officer to process the application.

4.3 The Chief Administrative Officer shall not issue a Permit pursuant to this Bylaw unless the Chief Administrative Officer is satisfied that the applicant meets all the conditions and requirements set out in this Bylaw.

4.4 Prior to issuing a Permit, the Chief Administrative Officer may consult with and obtain relevant and material information from the Royal Canadian Mounted Police, Alberta Health Services, the Alberta Liquor and Gaming Commission, Fire Chief, any department of the Municipality or any other agency which, in the opinion of the Chief Administrative Officer, may assist in determining whether or not issuing a Permit for a particular parade is appropriate in the circumstances.

4.5 If a parade to which a Permit has been issued is an annual event, the Chief Administrative Officer may, in his/her discretion, renew the Permit for that parade on any terms or conditions the Chief Administrative Officer deems appropriate.

4.6 The Chief Administrative Officer may refuse to issue or renew a Permit and may suspend or cancel a Permit for the following reasons:

4.6.1 the applicant does not or no longer meets the requirements of this Bylaw with respect to the Permit applied for or held;

4.6.2 the applicant or any of its officers or employees furnishes false information or misrepresents any fact or circumstance to a Control Officer or the Chief Administrative Officer;

4.6.3 the applicant has, in the opinion of the Chief Administrative Officer based on reasonable grounds, contravened this Bylaw whether the contravention has been prosecuted; or

4.6.4 the parade, in the opinion of the Chief Administrative Officer based on reasonable grounds, is in the public interest to do so.

5.0 PERMIT CONDITIONS

5.1 A Permit is not transferrable.

5.2 It is a deemed condition of every Permit that the applicant shall, at their sole expense and to the satisfaction of the Municipality:

5.2.1 ensure that the appropriate insurance associated with the parade remains in full force and effect;

5.2.2 comply with all terms and conditions specified on the Permit; and

5.2.3 comply with all relevant Federal, Provincial and Municipal laws in effect.

6.0 PENALTIES & FINES

6.1 Any person who operates, maintains, conducts or advertises a parade in the Municipality without having a valid and subsisting Permit for the parade; or having obtained a Permit, fails to comply with any term or condition set out in this Bylaw or specified on the Permit; or obstructs or hinders any other person in the exercise or performance of that person's powers or duties pursuant to this Bylaw; is guilty of an offence for which the specified penalties are as follows:

6.1.1 $2,500 for a first offence;

6.1.2 $5,000 for a second offence within a year of a first offence;

6.1.3 $10,000 for a third offence within a year of a second offence; and

6.1.4 each day that a contravention of this Bylaw has occurred may be considered a separate offence.

6.2 A notice or form commonly called a Municipal Violation Tag having printed wording approved by the Municipal District may be issued by a Control Officer to any person alleged to have contravened this Bylaw. The said notice shall specify the accused offence and require payment of the specified penalty within 14 days to the Municipal District.

6.3 The specified penalty indicated in a Municipal Violation Ticket may be paid in lieu of prosecution.

6.4 Notwithstanding section 6.2, a Provincial Violation Ticket may be issued for contravention of this Bylaw, specifying the penalty as indicated in Section 6.1, or requiring an appearance in court without the option of making a voluntary payment.

6.5 The validity and interpretation of this Bylaw and of each clause or part is to be governed by the laws of the Province of Alberta.

7.0 PROOF OF PERMIT OR EXEMPTION

7.1 The onus of proving that a person has a valid and subsisting Permit is on the person alleging the existence of the Permit on a balance of probabilities.

7.2 The onus of proving that a person is exempt from the provisions of this Bylaw requiring a Permit is on the person alleging the exemption on a balance of probabilities.

8.0 DELEGATION OF POWERS

8.1 Without restricting any other power, duty or function granted by this Bylaw, the Chief Administrative Officer may:

8.1.1 carry out whatever inspections are reasonably required to determine compliance with this Bylaw;

8.1.2 take any steps or carry out any actions required to enforce this Bylaw;

8.1.3 take any steps or carry out any actions required to remedy a contravention of this Bylaw;

8.1.4 establish forms for the purposes of this Bylaw;

8.1.5 refuse to issue a Permit with or without terms and conditions as deemed appropriate and acting reasonably; and

8.1.6 delegate any powers, duties or functions under this Bylaw to an employee of the Municipality.

9.0 OTHER PERMITS AND APPROVALS

9.1 Nothing in this Bylaw relieves any person from any requirement to obtain any license, Permit or approval under any other Bylaw of the Municipality or any provincial or federal statute or regulation.

10.0 SEVERABILITY

10.1 If any clause in this Bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole Bylaw

11.0 EFFECTIVE DATE

11.1 This Bylaw takes effect immediately after third reading and upon being signed.

READ for a first time this 10th day of June, 2020.

READ for a second time this 10th day of June, 2020.

Approved unanimously to proceed to third reading this 10th day of June, 2020

READ for a third and final time this 10th day of June, 2020.

Murray Kerik, Reeve

Allan Winarski, Chief Administrative Officer