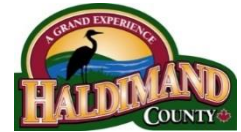

HALDIMAND COUNTY

Report CS-CL-04-2018 The Lights Fest – Public Entertainment Event Licence Application



For Consideration by Council in Committee on May 15, 2018

OBJECTIVE:

To seek approval to issue a Public Entertainment Event Licence for two (2) “The Lights Fest” events on July 14th and September 1st at 536 Port Maitland Road (Dunnville Airport).

RECOMMENDATIONS:

1. THAT Report CS-CL-04-2018 The Lights Fest – Public Entertainment Event Licence be received;
2. AND THAT, in accordance with By-law 1915/18, a Public Entertainment Event Licence be issued to Viive Events, 487 East 1000 South, Ste. A, Pleasant Grove UT 84062, to hold The Lights Fest Event at 536 Port Maitland Road, Dunnville, on July 14, 2018, subject to the following conditions:
 - a. A building permit be procured for erecting any stage or tent structure that exceeds 60 square metres;
 - b. A Flame Resistant Certificate conforming to CAN/ULC S-109 be submitted for any tent structure of any size to be utilized during the event;
 - c. A pre-event meeting to be arranged with the Fire Chief/Chief Paramedic to confirm all fire and paramedic requirements are being met for the event;
 - d. An on-site fire safety inspection be held on the day prior to the event, with cost recovery;
 - e. A Haldimand County fire pumper and 5 staff be contracted for the duration of the event, with cost recovery;
 - f. A Haldimand County ambulance crew and 2 paramedics be contracted for the duration of the event, with cost recovery;
 - g. Final approvals from the Haldimand-Norfolk Health Unit related to food premises and portable toilets are obtained;
 - h. Confirmation that security staff will be on location for the entire event – from when gates open until participants have left the property;
 - i. Written proof that the Applicant has advised neighbours of the proposed event;
 - j. Provision of a certificate of a Commercial General Liability Policy of insurance with an insurer licensed to do business in the Province of Ontario providing coverage for bodily injury and property damage in an amount not less than \$5,000,000 per occurrence, written on an occurrence basis, containing a cross liability/severability of interest clause, provide for 30 days written notice of cancellation and naming Haldimand County as an additional insured;
 - k. A damage deposit in the amount of \$5,000 be provided for any municipal costs for damages to municipal property or cleaning of municipal property;
 - l. In the event of unfavourable weather requiring postponement, any subsequent date/location will be required to meet the same conditions as noted above with approval by County officials;

3. AND THAT, subject to confirmation of the successful completion of the July 14, 2018 event, a subsequent Public Entertainment Event Licence be issued to Viive Events, 487 East 1000 South Ste. A, Pleasant Grove, Utah, for the September 1, 2018 Lights Fest Event at 536 Port Maitland Road, Dunnville, subject to the same conditions as noted in Clause 2 of the recommendations in Report CS-CL-04-2018.

Prepared by: Evelyn Eichenbaum, Clerk

Respectfully submitted: Karen General, CPA, CGA, General Manager of Corporate Services

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

Viive Events, based in Utah, has submitted an application to hold The Lights Fest – an event that centres around the release of lit lanterns into the sky at nightfall. Based on the parameters for this event, a licence must be procured under the County’s Public Entertainment Event Licensing By-law 1915/18, specifically through Council approval. This report lays out the by-law requirements related to a Public Entertainment Event and suggests a conditional framework for licence approval. The applicant will be in attendance at the May 15, 2018 Council in Committee meeting to provide an overview of the event and answer any questions related to the event.

BACKGROUND:

Haldimand County has a process in place for the licensing of Public Entertainment Events. While a licensing by-law has been in place since 2002, the by-law was significantly amended in 2013 (and amended again in April 2018) to reflect licensing of larger outdoor entertainment events that take place in Haldimand County. To date, the only events licensed under this by-law are the annual Motor Vehicle Racing Event Licences and the 2014 Lachie Music Festival. This is the first application received for an event related to the release of lanterns in Haldimand County.

ANALYSIS:

An application to hold The Lights Fest, at 536 Port Maitland Road (Dunnville Airport property), on July 14th and September 1st of this year has been submitted by Viive Events, a company based in Utah. The maximum number of attendees expected for each event is 9,000 participants. The event is described as “a family friendly event that features the release of specially designed sky lanterns into the night sky at night-fall”. The event will feature iPod playlists, an M.C., family friendly performances and acoustic music. There will be no alcohol served at this event and as it is a one-day event, no camping will be available for participants. The event is scheduled to start at 4:00 p.m. and end by 11:30 p.m.

A letter from the property owner acknowledges that Viive Events, LLC is allowed to lease the property for the Lights Fest, subject to a negotiated lease between the two parties. The proposed site plan for the event is included as Attachment 2 to this report for reference.

The following lists service areas that have been consulted with regards to this application, as required under the Public Entertainment Event By-law 1915/18 (included for reference as Attachment 1):

Emergency Services

The Fire Chief/Chief Paramedic has reviewed the proposed event plans and, based on the premise that the lantern release, flame out, descent and ember process will be confined to the Dunnville Airport property, approval has been granted for the 2 proposed events. The approval is based on a requirement of one Haldimand County pumper and a crew of 5 firefighters being contracted for the event as a safety measure. The applicant indicates that there will be contracted paramedics on site, and the contracting of an additional Haldimand County ambulance and paramedics is also included as a condition for issuance of the licence. As much of the initial information has been provided through e-mails, a site inspection, the day prior to the event is required. These Emergency Services Division requirements will be billed at 2018 cost recovery rates, in accordance with the County's User Fees By-law.

Weather is a significant factor in the determination of whether or not the event goes ahead. In the case of unpredictable or bad weather, the event will be postponed, or rescheduled or relocated as necessary. In such a case, the applicant will be required to notify County staff who will ensure that a revised date/location still meet the conditions required for the initial licence approval and safety of all participants and surrounding properties.

Zoning & Building permits

Staff have confirmed that the property where the event will be held – 536 Port Maitland Rd., Dunnville – is zoned for Short Term Shows and Events, thus the event is permitted to be held on the property. Staff have advised the applicant that a building permit will be required in order for the proposed stage to be set up. The applicant has also been advised that if tents are erected that are larger than 60 square metres in area, a building permit would be required. Due to the nature of the event, proof that any tents are made of flame resistant material is a condition on issuance of the licence.

Traffic control

Both the OPP and the Roads Operations Division have been made aware of the traffic control plan whereby there will be 2 entrances located on Port Maitland Rd. for efficient management of traffic. On exit, vehicles leaving from one parking lot will be forced to turn left onto Port Maitland Road and vehicles leaving from the other lot will be forced to turn right onto Port Maitland Road. A separate emergency entrance and exit is in place for emergency vehicles, if necessary. Both the OPP and the Roads Division have indicated that they are satisfied with the proposed traffic control plan.

Security

The applicant indicates that they will have 8 security guards working the event. All participants will be entering through a security check point and then they will be directed to check in where they will receive a wristband in order to enter the festival area. Security will be checking for wristbands at the entrance to the Festival area. There will be 5 security guards within the Festival area at all times. The OPP is satisfied with the security plan. One condition for issuance of the licence requires that there be a security presence until participants have left the premises.

Health Unit

The applicant has submitted a Special Event Organizer application to the Health Unit. They anticipate approximately 10 food providers to be on site. The Health Unit will review their qualifications ahead of time and will complete any inspections once the providers are set up on site. All vendors will provide their own water supply; in addition, 85 portable toilets will be required, along with 43 portable handwash sinks based on the projected volume of spectators.

Waste Disposal

The applicant indicates that there will be 150 trash cans and 2 large dumpsters on the property for waste disposal. Also, they have a clean up crew who will ensure that lanterns are picked up and disposed of after the event. Staff have included a condition on the licence issuance requiring a deposit to be paid in advance should there be any damage to or clean up of municipal property. The only adjacent municipal property is a County road.

Insurance

Insurance for Special Events, as outlined in By-law 1915/18, requires: “a Commercial General Liability Policy of insurance with an insurer licensed to do business in the Province of Ontario and acceptable to the Issuer. Such policy shall provide coverage for bodily injury and property damage in an amount not less than \$2,000,000.00 per occurrence **or such greater amount as the Issuer may determine**, and shall name Haldimand County as an additional insured. The coverage shall be written on an occurrence basis, contain a cross liability/severability of interest clause and shall provide for 30 days written notice of cancellation” (emphasis added). In discussing this application with staff, it was agreed that the insurance policy required for this event should total \$5,000,000 per occurrence. A condition to this effect is included as part of the licence issuance.

Notification of Neighbours

The applicant indicates that they have a standard letter prepared for distribution to neighbours to the property, and will note date and time of delivery of the notifications. This written record is also included as a condition of licence issuance.

FINANCIAL/LEGAL IMPLICATIONS:

The Public Entertainment Event licensing fee of \$1,126 has been paid upon submission of the application for both events on July 14 and September 1, 2018. While By-law 1915/18 contemplates a series of Motor Vehicle Racing Events being processed as part of a single application, the by-law did not contemplate more than 1 Public Entertainment Event being licensed as part of a single application. Staff recommend waiving the requirement for a second application and related fee conditional on the September 1, 2018 event particulars duplicating the initial event. The purpose of the fee is to recover staff time related to reviewing and assessing an application. If the only difference is related to the date, there is no justification for a second fee. If changes are necessary based on the first event results, a new application and user fee will be required.

All additional cost recoveries for contracted municipal services are according to approved user fees.

STAKEHOLDER IMPACTS:

Staff from the following divisions: Emergency Services, Building & By-law Enforcement, Roads Operations and Support Services; the Haldimand Norfolk Health Unit and the Ontario Provincial Police have been consulted on requirements to fulfill this licence application.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. By-law 1915/18
2. Site Map View