

The Corporation of the Town of Kingsville

By-law 22-2026

Being a By-law to Regulate and Permit Special Events in the Town of Kingsville

Whereas 11(2) of the *Municipal Act, 2001*, SO. 2001, c. 25, as amended ("*Municipal Act*") provides that a municipality may pass by-laws for the economic and social well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property, including consumer protection;

And whereas Section 126 of the *Municipal Act* provides that a municipality may regulate cultural, recreational and educational events, including public fairs, may prohibit said activities unless a permit is obtained, and may impose conditions for obtaining, continuing to hold and renewing such permits, including requiring the submission of plans;

And whereas the Council of The Corporation of the Town of Kingsville wishes to encourage the holding of special events in the Town and deems it advisable to replace the Special Event Policy and Special Event Procedure Guide passed on February 13, 2012, with this By-law to regulate and permit Special Events in the Town of Kingsville;

Now therefore The Council of the Corporation of the Town of Kingsville enacts as follows:

1. In this By-law:

"Application" means the application for a Special Event Permit;

"Authorized Official" means:

- a) any employee, officer or agent of the Town who is appointed and/or retained to enforce the by-laws of the Town in accordance with the *Community Safety and Policing Act, 2019*, R.S.O. 2019, c. 1, Sched. 1, or the *Municipal Act*;
- b) any employee, officer or agent of the Town who is appointed and/or retained to enforce the provisions of this By-law, or any other by-law related to fire prevention, in accordance with the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4;
- c) any employee, officer or agent of the Town who is appointed and/or retained to enforce the provisions of this By-law, or any other by-law related to building construction standards, in accordance with the *Building Code Act, 1992*, S.O. 1992, c. 23;
- d) the SERT Coordinator of the Town of Kingsville; and
- e) any designate appointed by the foregoing;

"Highway" shall have the same meaning as in the *Highway Traffic Act* and shall include sidewalks and other Town Property ordinarily used for the passage of Vehicles and/or pedestrians within the geographical boundaries of the Town;

"Ontario Building Code" shall mean the regulations made under the *Building Code Act, 1992*, S.O. 1992, c. 23, and any Regulations made under it which establish requirements for building construction, major occupancy classifications, and related standards applicable in Ontario;

"Ontario Fire Code" shall mean the regulations made under the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4. and any regulations under it which establish requirements for fire safety, fire protection systems, fire prevention measures, and related standards applicable in Ontario;

“Person” means an individual person, a partnership, or a corporation to which the context can apply;

“SERT” means the Town’s Special Events Review Team, and is comprised of a variable group of select Town staff as well as representatives from external organizations, such as but not limited to the Ontario Provincial Police (OPP), Emergency Medical Services (EMS), and the Alcohol and Gaming Commission of Ontario (AGCO), to review Application(s) for Special Event Permit(s) and assist event organizers in ensuring they are compliant with the Town’s Special Events By-law, and to ensure the safety and wellbeing of the community and attendees;

“SERT Coordinator” means the person designated by the Chief Administrative Officer to be primarily responsible for administering the Special Event By-law;

“Special Event” means:

- a) a cultural, recreational, or educational event of limited duration—occurring one time, annually, or infrequently—including but not limited to an exhibition, show, display, concert, festival, race, competition, public entertainment, or any other organized public amusement, whether free or for a fee, and any such organized activity with a projected attendance of more than 250 persons; and/or,
- b) any event that significantly impacts, or has the potential to impact, Town services, including but not limited to transportation, emergency services, or public operations; and/or,
- c) any activity the SERT Coordinator, at their discretion, classifies as a Special Event, despite the foregoing;

“Special Event Permit” means a permit issued by the SERT Coordinator pursuant to the provisions of this By-law;

“Special Event Permit Fee” means the fee payable upon an application for a Special Event Permit as may be established by the Town’s Fees and Charges By-law as in force at the time of application;

“Town” means The Corporation of the Town of Kingsville;

“Town Property” means property owned by or under the jurisdiction of the Town and includes, but is not limited to, Highways, parks and parkettes, parking lots, alleyways (both assumed and un-assumed), walkways, pathways, trails, waterfront areas and/or beaches, and/or open spaces.

Interpretation

2. This By-law shall be known as the “Special Event By-law.”
3. If any section, subsection, schedule, appendix or part, or parts of this By-law are declared by any Court of Law to be invalid, illegal or ultra vires, such section, subsection, schedule, appendix or part, or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
4. If there is a conflict between the provisions of this By-law and any other By-law of the Town in force or a provincial or federal statute or regulation, the more restrictive provisions shall apply.
5. Headings are inserted for ease of reference only, form no part of this By-law, and shall not affect in any way the meaning or interpretation of the provisions of this By-law.

General Provisions

6. No Person shall hold or operate a Special Event, or permit or cause to permit another Person to hold or operate a Special Event, unless:
 - a) a valid Special Event Permit has been issued for the Special Event;
 - b) the Special Event is held or operated in accordance with all provisions of this By-law; and,
 - c) all conditions of the Special Event Permit are complied with.
7. No Person shall cause or permit a Special Event to operate outside the dates or hours authorized in the applicable Special Event Permit.
8. No Person shall cause or permit amplified sound at a Special Event except in accordance with the Special Event Permit and any Noise By-law exemption granted by the Town.
9. No Person shall hold or operate, or permit or cause to permit to be held or operated, a Special Event in a manner that obstructs or interferes with access for emergency vehicles to or through the Special Event location, except as permitted in the Special Event Permit.
10. No person shall fail to provide and maintain, during a Special Event, adequate sanitary facilities, waste and recycling facilities, and lighting in accordance with the Special Event Permit.
11. No Person shall hold or operate, or permit or cause to permit to be held or operated, a Special Event in a manner that exceeds the maximum attendance authorized in the Special Event Permit, if applicable.
12. No Person shall place, install, or maintain any temporary structure for a Special Event, including but not limited to any stage, tent, canopy, fence, barricade, or equipment, in a manner that is inconsistent with the Special Event Permit or any applicable municipal, provincial, or federal law.
13. No Person shall fail to restore Town Property used for a Special Event to the condition required by the Special Event Permit within the time specified in the Permit, if applicable.
14. No Person shall obtain, or attempt to obtain, a Special Event Permit by providing false, misleading, or incorrect information.

Application and Special Event Permit

15. A completed application for a Special Event Permit shall be submitted to the Town in a form determined by the SERT Coordinator, and shall be accompanied by the information and documentation prescribed by the SERT Coordinator, and any other information and/or supporting documentation the SERT Coordinator may request from time to time.
16. A Special Event Permit may be issued if the SERT Coordinator is satisfied that the Application is complete, and the Applicant has satisfied the requirements of this By-law.
17. The SERT Coordinator may call a SERT Meeting at their discretion, and require the attendance of event organizer(s), if in their opinion, a proposed Special Event has the potential to significantly impact Town services and draw upon Town resources, or pose a risk to the Town, community and/or attendees. The SERT Coordinator will determine who is required to attend each SERT Meeting on an as-needed basis

18. The SERT Coordinator may deny the issuance of a Special Event Permit if:
- a) the SERT Coordinator is not satisfied that an Application is in conformity with this By-law or other applicable laws;
 - b) the event presents and health and safety risk to the community and/or attendees;
 - c) the event endorses views and ideas that are likely to promote discrimination, contempt or hatred for any person or group on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability;
 - d) the event presents a risk of unreasonable and/or unmitigated nuisance to the community;
 - e) the event conflicts with the Town of Kingsville's Strategic Plan or adversely impacts the Town's identity; and,
 - f) any other concern or reason the SERT Coordinator, in consultation with the Chief Administrative Officer, feels warrants such denial.
19. The SERT Coordinator may attach to the Special Event Permit any conditions that the SERT Coordinator deems necessary for the safety of the general public or to ensure compliance with the provisions of this By-law.

Revocation of Special Event Permit

20. The SERT Coordinator may revoke a Special Event Permit in the event that:
- a) it was issued on mistaken, false or incorrect information;
 - b) it was issued in error; and/or
 - c) the Special Event no longer complies with a provision of this By-law, a condition of the Special Event Permit or any applicable By-law or law.

Notice by SERT Coordinator and Appeal

21. Where the SERT Coordinator:
- a) issues a Special Event Permit with conditions;
 - b) refuses to issue a Special Event Permit; or
 - c) revokes a Special Event Permit,
- the SERT Coordinator shall provide notice to the applicant for or the holder of a Special Event Permit, as the case may be.
22. In the case of the Special Event Permit being issued with conditions, the notice shall set out the reasons for the Special Event Permit being issued with conditions.
23. In the case of the Special Event Permit being refused or revoked, as the case may be, the notice shall set out the grounds upon which the issuance of the Special Event Permit is refused or revoked.
24. The notice shall state that the applicant for or the holder of a Special Event Permit, as the case may be, may request a hearing before

Council within fourteen (14) days of receipt of the notice and said notice shall set out the process in order to request such a hearing.

25. Council may deny the appeal or may approve the appeal and direct the SERT Coordinator to issue a Special Event Permit, with or without conditions.

Notice

26. Any notice required by this By-law shall be in writing, and may be delivered by way of:
- a) hand delivery, in which case the notice shall be deemed received on the date of delivery;
 - b) e-mail, in which case the notice shall be deemed received on the date of sending;
 - c) by prepaid mail, in which case the notice shall be deemed received on the fifth (5th) day following the date of mailing:

if to the applicant for or holder of a Special Event Permit, to the address or email address included on the Application;

if to the SERT Coordinator: 2021 Division Road North
Kingsville, Ontario N9Y 2Y9
licensing@kingsville.ca

Inspection and Enforcement

27. An Authorized Official may, at any reasonable time, enter upon lands for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) this By-law; or
 - b) an order made under Section 431 of the *Municipal Act*.
28. For the purposes of conducting an inspection pursuant to this By-law, an Authorized Official may:
- a) require the production for inspection of documents or things, or copies of any document or thing, relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any person concerning a matter related to the inspection; and
 - d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

Penalties

29. Every Person who contravenes any of the provisions of this By-law is guilty of an offence and, upon conviction, is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
30. Notwithstanding Section 22 of this By-law, every person who contravenes any provision of this By-law and every director or officer of a corporation who concurs in such contravention by the corporation is guilty of an offence and, upon conviction, is liable to a fine that shall not exceed \$25,000.00.

31. Notwithstanding Section 22 of this By-law, a corporation that contravenes any provision of this By-law is guilty of an offence and, upon conviction, is liable to a fine that shall not exceed \$50,000.00.
32. The court in which a conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted, and such order shall be in addition to any other remedy and to any penalty imposed on the Person convicted.
33. If the fine remains unpaid, the fine shall be deemed to be unpaid taxes for the purposes of Section 351 of the *Municipal Act*.

Delegation of Authority

34. The SERT Coordinator may delegate all or part of any authority given to the SERT Coordinator by this By-law to any Town employee whom the SERT Coordinator supervises.

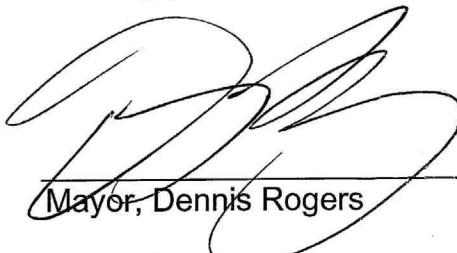
Exemptions

35. The Town shall be exempt from the requirements to pay any Special Event Permit Fee required by this By-law.
36. A Special Event Permit is not required for a private event held entirely inside a Group A assembly occupancy that has a posted maximum occupant load under the Ontario Building Code and Ontario Fire Code, provided that:
 - a) The event does not exceed the posted occupant load;
 - b) No temporary structures are being utilized;
 - c) No changes to the space are made that contravene the Ontario Fire Code (eg. altered/blocked exits, exceeded occupant load capacity, drapes/curtains, netting and other similar or decorative material to meet CAN/ULC-S109 flame resistance or inoperable fire safety features required for Group A assembly occupancies, etc.);
 - d) All required fire and life safety systems are maintained as per the Ontario Fire Code and are fully operational (eg. Fire alarm systems, exits remain free of obstructions which includes snow and ice, exit and emergency lighting, portable fire extinguishers, fire access routes, etc.); and,
 - e) The event is private, meaning by invitation only and not open to the general public.


Enactment

37. This By-law shall come into force and take effect on the day of the final passing thereof.

Read a first, second and third time and finally passed this 23rd day of March, 2026.



Mayor, Dennis Rogers



Clerk, Angela Toole