

OFFICE CONSOLIDATION

BYLAW NUMBER 4M83

BEING A BYLAW OF THE CITY OF CALGARY TO LICENSE AND REGULATE CONCERTS

(Amended by 6M89, 34M97, 1M2000, 38M2003, 42M2004, 40M2005, 47M2009, 50M2011, 70M2011, 71M2011, 72M2011, 56M2014, 43M2016, 51M2018, 36M2019, 72M2021, 40M2022, 45M2023)

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "The Concert Bylaw".
2. The purpose of this Bylaw is to license and regulate outdoor concerts in the City of Calgary.
3. In this Bylaw,
 - (i) "*Applicant*" means a person applying for a license pursuant to the terms of this Bylaw;
 - (i.1) "*Chief Administrative Officer*" means the Chief Administrative Officer of The City of Calgary or the employee of The City of Calgary who has been delegated the authority to exercise the powers, duties, and functions of the Chief Administrative Officer under this Bylaw;

(72M2021, 2022 January 01)
(45M2023, 2023 October 17)
 - (ii) "*Concert*" shall mean any music festival, musical performance, dance festival, "rock" festival, or similar musical activity, of an outdoor nature, for which 5,000 tickets have or will be printed, or an event likely to attract 5,000 or more people at any one time, at which music is provided by paid or amateur performers or by pre-recorded means, and which is held at any place within the municipality, and to which members of the public are invited or admitted for a charge;
 - (iii) "*Concert facility*" means any premises situated within the municipality capable of staging a concert in accordance with the provisions of this Bylaw;
 - (iv) "*Council*" means the Council of The City of Calgary;
 - (iv.1) "*Director, Development, Business & Building Services*" or "*Director*" means the Chief Administrative Officer;

(72M2021, 2022 January 01)
(45M2023, 2023 October 17)
 - (v) "*Health Officer*" means the Medical Officer of Health appointed by the Calgary Regional Health Authority;
 - (vi) "*Licensee*" means a person who has applied for and obtained a license to

operate a concert pursuant to this Bylaw;

(vii) DELETED BY 72M2021, 2022 JANUARY 01;

(viii) "*Municipality*" means The City of Calgary;

(ix) "*Security Officer*" means a person licensed as a security guard pursuant to the provisions of *The Private Investigators and Security Guards Act*, R.S.A. 1980 ch. P-16 or such other security personnel as the *Director* shall approve.

(1M2000, 2000 January 31)

(72M2021, 2022 January 01)

4. No person shall operate, maintain, conduct or advertise a concert in the municipality unless he has first obtained a license from the Director to operate or conduct such a concert.

(72M2021, 2022 January 01)

5. Applications for a license to conduct a concert shall be made to the Director in writing at least forty-five days prior to the proposed date of the concert and shall be accompanied by a non-refundable license fee, required by the provisions of Schedule "A" to this Bylaw, and shall contain the following information:

- (a) The name, age, residence, and mailing address and telephone number or numbers of the person or persons making such application. If the application is made by a partnership, the names and addresses of all partners shall appear. 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 addresses of such corporate directors and shall have attached a certified copy of the Certificate of Incorporation.
- (b) A written statement of the kind, character, or type of concert which the Applicant proposes to conduct, operate or carry on outlined in sufficient detail to be satisfactory to the Director.
- (c) The municipal address and legal description of the property where the proposed concert is to be conducted, operated, or carried on. Additionally, the Applicant shall submit proof of ownership of the place where the concert is to be conducted or a statement signed by the owner or manager of the premises indicating his consent that the site be used for the proposed concert.
- (d) The date or dates and the hours during which the concert is to be conducted.
- (e) The number of tickets printed for each daily concert.
- (f) An estimate of the number of customers, spectators, participants, and other persons expected to attend the concert for each day it is conducted.
- (g) The names and addresses of anyone contributing, investing, or having a financial interest greater than five hundred (\$500.00) dollars in producing the concert.
- (h) When required by the Director a Performance Bond securing the obligations of

the Licensee in a form satisfactory to the Director and the City Solicitor.

- (i) A detailed written explanation satisfactory to the Director of the Applicant's plans to provide security and fire protection, water supplies and facilities, sewage and drainage facilities, food supplies and facilities, sanitation facilities, first aid facilities and services, vehicle parking spaces, vehicle access policing and on-site traffic control and, if it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for illuminating the premises and for camping or similar facilities. The Applicant's plans shall include what provisions shall be made for numbers of spectators in excess of the estimate, provisions for the clean-up of the premises and provisions for the removal of rubbish after the concert has concluded. A plot plan showing the arrangement of the facilities, including those for parking, egress, and ingress, shall be submitted with each application.
- (j) A description of the methods to be used for the selling of tickets, including the provisions for sale of tickets prior to the first day of the concert and the provisions for the sale of tickets at the gate.

(72M2021, 2022 January 01)

- 6. Every person applying for a license pursuant to this Bylaw shall satisfy the Director and Health Officer that he is able to meet the conditions and requirements set out in this Bylaw prior to being issued a license.

(72M2021, 2022 January 01)

- 7. Every Licensee to conduct a concert shall be subject to the following conditions and requirements:

- (a) Security protection: Every licensee shall provide at his own expense security protection. This shall include the provision of
 - (i) a minimum of one security officer for every four hundred (400) persons expected to be in attendance. "Peer group" security may be considered appropriate to meet this requirement at the discretion of the Director.
 - (ii) the required number of municipal police officers as determined by the Chief of Police upon conducting an assessment of the risk to attendees and to the public presented by the concert, with reference to the following criteria:
 - (1) the type of concert;
 - (2) the type of demographic;
 - (3) crowd dynamics;
 - (4) the size of the crowd;
 - (5) the potential for criminal activity during the concert;
 - (6) the availability of alcohol during the concert;

- (7) the location of the concert;
- (8) the duration of the concert;
- (9) the history of the particular concert event or the concert organizers;
- (10) the security measures in place for the concert;

and any other criteria the Chief of Police deems applicable in the circumstances.

(47M2009, 2009 July 27)

- (b) Water and sanitation facilities: Every Licensee shall provide an ample supply of potable water for drinking and sanitation purposes at the site of the concert as approved by the Health Officer.
- (c) Where the Applicant proposes to have food concessions at or near the concert site, he shall submit detailed plans relating to the proposed food concessions to the Health Officer for approval prior to being issued a license.
- (d) Every Licensee shall be required to furnish such trash cans and garbage receptacles as may be required by the Health Officer. An adequate supply of plastic bag liners to fit the trash cans shall be provided and each container shall at all times have a plastic bag liner inserted and, when full, it shall be tied and removed and a new plastic bag liner inserted. The pickup and removal of trash, refuse, garbage and rubbish shall be at least once a day or more often if required by the Health Officer. A signed contract with a licensed refuse collector shall be submitted and filed with the Health Officer when required. The removal of all trash and refuse shall be at the Licensee's expense.
- (e) First aid facilities: Every Licensee shall provide such first aid facilities at the site of the concert as may be required by the Health Officer. The type of ambulance service shall be as required by the Health Officer. Where a proposed concert is expected to attract a large number of persons to a site located a distance of five (5) Kilometres or more from adequate existing treatment facilities, the Licensee may be required by the Health Officer to provide emergency medical treatment facilities on the premises of the concert.
- (f) Parking area: Every Licensee shall satisfy the Director that motor vehicle parking can be adequately accommodated. All parking areas shall be clearly marked. The Director shall approve an Applicant's "parking plan" before a license shall be issued.
- (g) Access and parking control: The Licensee shall provide adequate ingress and egress to the concert premises and parking areas, therefore necessary roads, driveways and entrance ways shall exist to insure the orderly flow of traffic into the premises from a highway or road which is part of the highway system or which is a highway maintained by the municipality. A special access way for fire equipment, ambulances and other emergency vehicles may be required. The

Director shall approve the licensee's plan for ingress and egress before a license shall be issued. Additionally, any licensee may be required to show that traffic guards are under his employ to insure orderly traffic movement and relieve traffic congestion in the vicinity of the concert area.

- (h) Hours of operation: All concerts which are subject to a license shall close and cease operations continuously between the hours of 10:30 p.m. and 7:00 a.m. each and every day.
- (i) Communications: The applicant shall be required to establish a communication system for public use where ordinary communications are not available. The Director may require a provision of a mobile phone at the site of the concert.
- (j) Alternate transportation: The Director may require the Applicant to provide, at the Applicant's expense, for alternate means of transportation to and from the concert premises where such alternate means of transportation in the sole opinion of the *Director* are required due
 - (i) to a lack of public transportation in the area,
 - (ii) limitations regarding access to the concert premises, or
 - (iii) parking limitations in the vicinity of the concert premises.
- (k) Miscellaneous: The *Director* may impose such additional conditions as are reasonably necessary to protect the welfare and property of local residents and persons attending concerts.

(72M2021, 2022 January 01)

- 8. (a) A Licensee shall comply with all relevant Federal, Provincial or Municipal laws in existence.
- (b) The general licensing provisions of the License Bylaw, being Bylaw Number 32M88 of The City, as amended from time to time, and including any Bylaw passed in substitution for Bylaw 32M88, shall apply to this Bylaw.

(6M89, 1989 February 06)
- 9. All costs and expenses incurred in meeting the requirements of this Bylaw shall be at the sole cost and expense of the Applicant.
- 10. The Director shall not issue a license for a concert under the provisions of this Bylaw until the Applicant has obtained approval for such concert from the following persons or their designated representatives:
 - (a) Chief of Police
 - (b) Director, Environmental Management
 - (c) Director, Roads

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- (d) Calgary Regional Health Authority

(1M2000, 2000 January 31)
(38M2003, 2003 October 06)
(72M2021, 2022 January 01)

- 11 (a) Where the Director is satisfied that a concert facility is capable of staging a concert to which this Bylaw applies, in accordance with the provisions of this Bylaw, the Director may issue a license under this Bylaw to the concert facility.
- (b) Where a license issued under this Section has been issued to a concert facility, a person seeking to stage a concert within a concert facility need not obtain a license under the provisions of this Bylaw while the license issued to the concert facility is still in effect.

(72M2021, 2022 January 01)

- 11.1 (a) Where the *Director* has suspended, revoked or cancelled an existing *licence* under this Bylaw, then, unless such suspension, revocation or cancellation is overturned in whole by the *Licence and Community Standards Appeal Board*, the *licencee* shall, as a condition of any reinstatement or renewal of the *licence*, including any reinstatement on the conclusion of a suspension for a fixed term, and before receiving a *licence* if the *Licencee* applies for a new *licence*, pay a reinstatement fee as follows:

<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
\$1,363	\$1,363	\$1,363	\$1363

- (b) A reinstatement fee is not refundable.

(40M2005, 2005 July 25)
(50M2011, 2011 September 19)
(70M2011, 2012 January 01)
(71M2011, 2013 January 01)
(72M2011, 2014 January 01)
(56M2014, 2015 January 01)
(43M2016, 2017 January 01)
(51M2018, 2019 January 01)
(72M2021, 2022 January 01)
(40M2022, 2023 January 01)

12. Schedule "A" attached to this Bylaw shall form a part of this Bylaw.

13. Any person who:

- (a) operates, maintains, conducts, advertises a concert in the City of Calgary without first having obtained the licenses required by this Bylaw; or
- (b) and having obtained a license, fails to comply with the conditions set out in this Bylaw or attached to a license, is guilty of an offence and is liable on conviction to a fine of not less than ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$1,250.00) for a first offence and not more than TWO THOUSAND FIVE

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HUNDRED DOLLARS (\$2,500.00), for every day the offence continues and in default of payment, to imprisonment for a term not exceeding thirty (30) days.

14. This Bylaw comes into force on the date it is given third reading.

READ A FIRST TIME THIS 2ND DAY OF MAY, 1983.

READ A SECOND TIME, AS AMENDED, THIS 2ND DAY OF MAY, 1983.

READ A THIRD TIME, AS AMENDED, THIS 2ND DAY OF MAY, 1983.

(Sgd.) R. Hawkesworth
DEPUTY MAYOR

(Sgd.) J.E. Woodward
CITY CLERK

SCHEDULE "A"

Amount to be paid to the *Director* for a licence to conduct a concert.

	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
Concert (fee for each day)	\$1179	\$1179	\$1179	\$1179
Concert facility				
• first year	\$236	\$236	\$236	\$236
• renewal	\$117	\$117	\$117	\$117

(34M97, 1997 October 20)
(70M2011, 2012 January 01)
(71M2011, 2013 January 01)
(72M2011, 2014 January 01)
(56M2014, 2015 January 01)
(43M2016, 2017 January 01)
(51M2018, 2019 January 01)
(36M2019, 2020 January 01)
(72M2021, 2022 January 01)
(40M2022, 2023 January 01)