

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #712 (1982)

Being a by-law to regulate the holding of Public
Entertainments, Festivals and Parades within the
Town of Pelham.

WHEREAS Section 104 of the Municipal Act, R.S.O. 1980, Chapter
302, permits a municipality to pass and make such regulations for the health,
safety, morality and welfare of the inhabitants of the municipality as may be
deemed expedient and are not contrary to law;

AND WHEREAS Section 232 of the Municipal Act authorizes a munici-
pality to pass by-laws to license and regulate all exhibitions held for hire or
gain and all places of amusement;

AND WHEREAS the Council deems it expedient in the interest of
good government and the protection of the health, safety, morality and welfare
of the inhabitants of the municipality that this by-law be passed;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF
PELHAM ENACTS AS FOLLOWS:

(1) In this By-law:

 A public entertainment, rally, festival, parade or exhibition
held for a "charitable purpose" means a public entertainment, rally, festival,
parade or exhibition not held for profit, or if its proceeds are used for any
one or more of the following purposes:

- (i) the relief of poverty
- (ii) the advancement of education
- (iii) the advancement of religion
- (iv) any purposes beneficial to the community,
 not falling under the foregoing heads,
 providing such purposes are in the interests
 of social welfare and are for the public
 benefit.

(2) No person, persons, corporations, organizations or associations
shall hold or conduct a public entertainment, rally, festival, parade or
exhibition within the limits of the Corporation of the Town of Pelham which
public entertainment, rally, festival, parade or exhibition is not for a
charitable purpose and is for hire or gain without obtaining a license therefor
and complying with the provisions of this by-law.

(3) No person, persons, corporation, organization or association
shall permit any land owned or occupied by them to be used for any other
purpose as prohibited by this by-law unless a license is obtained in advance
and the provisions of this by-law are complied with.

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(4) This by-law shall not apply to any corporation, organization or association registered as a Canadian Charitable Organization pursuant to the Income Tax Act of the Dominion of Canada or to any of the following service organizations: a Lion's Club, Kinsmen Club, Independent Order of Oddfellows or Masonic Order, Canadian Polish Society, Canadian Legion, Slovakian Clubs or any similar organization which may be exempted by Council from the application of this by-law or any assembly of not more than one hundred (100) persons wholly within a permanent structure designed for such assembly.

(5) Upon application, the Clerk of the Corporation of the Town of Pelham, shall issue the said license upon the following conditions being fulfilled:

(a) Upon payment of a license fee of Five Hundred Dollars (\$500.00) and the completion of such forms as may be provided by the Clerk;

(b) Upon a deposit with the Treasurer for the Corporation of the Town of Pelham an amount estimated by the incumbent head of the Ontario Provincial Police or the Niagara Regional Police, depending upon the location contemplated, as is sufficient to provide for the cost of adequate, and if necessary, additional police protection during the period and for the purpose for which the license is granted;

(c) Upon depositing with the Treasurer for the Corporation of the Town of Pelham, a bond of indemnity saving the Town harmless from action or causes of action arising out of the proposed undertaking for which the license is sought, in any amount of not less than One Million Dollars (\$1,000,000.00). Such bond shall contain a clause indemnifying the Corporation of the Town of Pelham against damage to public property as well as indemnification for private property and public liability;

(d) Upon further deposit with the Corporation of the Town of Pelham an amount to be estimated by the Treasurer as sufficient to ensure that all minor damage and cleaning up of buildings or grounds is done and, in the event that the grounds are not cleaned up within 48 hours after the end of the licensed period, the Corporation of the Town of Pelham shall be at liberty to use the said sum for such purpose and the whole of the said sum shall be forfeited to the Corporation of the Town of Pelham;

(e) Upon filing with the Clerk of the Corporation of the Town of Pelham a certificate in writing issued by the Niagara Regional Health Unit to the effect that adequate lavatory, washing and potable water facilities will be available for the number of persons anticipated to be in attendance;

(f) Upon satisfying the Corporation of the Town of Pelham that sufficient medical facilities will be made available for the number of people anticipated to be in attendance;

(g) Upon sufficiently satisfying the Corporation of the Town of Pelham that all adequate precautions of said public entertainment, rally, festival, parade or exhibition is for a legal purpose and that all persons attending the said public entertainment, rally, festival, parade or exhibition shall be law abiding and that proper precautions have been taken to control excessive noise and dust and traffic congestion on the

number of persons attending the said function;

(h) Every person, association or corporation who infringes any of the provisions of this by-law shall incur a penalty of not more than One Thousand Dollars (\$1,000.00) exclusive of costs recoverable under the Provincial Offences Act;

(i) In addition, any action infringing the provision of this by-law may be enjoined by action taken at the instance of a ratepayer or the corporation;

(j) Where any activity required to be licensed under this by-law will last for a lesser period than twenty-four hours, the Council, in its discretion, may dispense with any or all of the requirements of this by-law.

READ A FIRST AND SECOND TIME
THIS 31st.DAY OF MAY,
1982 A.D.

MAYOR

E.S. Bergenstein

CLERK

Thomas Luckett

READ A THIRD TIME AND FINALLY
PASSED BY COUNCIL THIS 31st.
DAY OF MAY,
1982 A.D.

MAYOR

E.S. Bergenstein

CLERK

Thomas Luckett