

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 2026-005**

**A BY-LAW FOR THE PERMITTING, REGULATION, AND
GOVERNING OF SPECIAL EVENTS IN THE TOWN OF
NIAGARA-ON-THE-LAKE**

WHEREAS Subsection 8(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (hereafter, "the Act") provides that the powers of a Municipality under any act shall be interpreted broadly so as to confer broad authority on Municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to Municipal issues;

AND WHEREAS Section 9 of the Act provides that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 126 of the Act authorizes a Municipality to regulate cultural, recreational, and educational events, including public fairs, and to require permits for such activities and impose conditions related to obtaining, holding, or renewing those permits;

AND WHEREAS Section 391 of the Act authorizes a Municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of the municipality, and for the use of municipal property;

AND WHEREAS Section 425 of the Act authorizes a Municipality to create offences;

AND WHEREAS Section 429 of the Act authorizes a Municipality to establish a system of fines or offences under a By-law of a Municipality passed under the Act;

AND WHEREAS Section 436 of the Act authorizes a Municipality to pass By-laws providing that the Municipality may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a By-law direction, order or license;

AND WHEREAS Sections 102.1 and 434.1 of the Act and O. Reg. 333/07, as amended, authorize municipalities to establish an administrative monetary penalty system requiring a person to pay an administrative penalty for a contravention of any designated By-law;

AND WHEREAS Section 444 of the Act provides that a Municipality may make an order to require a person to discontinue contravening a By-law and to do the work required to correct a contravention;

AND WHEREAS Council recognizes that Special Events contribute to civic life and tourism, and that proper coordination is necessary to protect public safety, minimize community impacts, protect municipal assets, and provide a consistent and transparent permitting process;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF
NIAGARA-ON-THE-LAKE ENACTS AS FOLLOWS:**

INTERPRETATION

1. This By-law is intended to give effect to the Town's Special Events Policy P-CS-26-01 attached hereto as Appendix B and forming part of this By-law. Where the Policy and this By-law conflict, the By-law shall supersede the Policy.
2. Unless otherwise specified, words importing the singular include the plural and vice versa and words importing gender include all genders and the past, present or future tense or other related form of defined term shall have the same meaning as the defined term.

DEFINITIONS

3. In this By-law:

“Administrative Penalty By-law” means the Administrative Penalty By-law of the Town, as amended from time to time, or any successor thereof;

“Applicant” means the named individual seeking a Special Event Permit (“SEP”) from the Town to hold a Special Event on behalf of themselves, a group, or organization. This is the primary contact for the purpose of SEP application processing.

“Clerk” means the Town Clerk as appointed by Council of the Town, or their designate.

“Community Sponsored Event” means a Special Event listed in Schedule I of the Town’s Special Events Policy and designated as such by Council.

“Council” means the Municipal Council of the Corporation of the Town of Niagara on-the-Lake.

“Designated Annual Event” means:

- a) a Special Event that:
 - has occurred annually for a minimum of 5 consecutive years; and
 - is in good standing with the Town; and
- b) whose SEP application is, in the view of the Clerk:
 - substantively the same as the previous 2 consecutive years; and
 - submitted before March 1st for a Special Event occurring within the following 14 months.

“Event Organizer” means any individual, group, or organization responsible for promoting or facilitating any organized gathering, including but not limited to Special Events.

“Event Supervisor” means the individual who is an immediate contact throughout the Special Event in case of any emergency or concerns. Unless otherwise named, this shall be the same as the Applicant.

“Occasional Use” means infrequent, irregular, or incidental use of land, buildings, or facilities that does not occur on a routine, scheduled, or ongoing basis. An annual occurrence is not considered “occasional.”

“Municipal Officer” means a police officer or any person appointed for the purpose of enforcing By-laws of the Town or Region, including but not limited to Municipal Law Enforcement or Fire Services Officers.

“Organized Gathering” or “event” means any non-spontaneous assembly or activity that is planned, coordinated, or arranged in advance by an individual, group, or organization for a specific purpose.

“Park” means the land, including any body of water, buildings, or structures located therein, that is owned by or made available to the Town by lease, agreement, otherwise, and that is established, dedicated, set apart or made available for use as a public open space; but does not include a cemetery, as per the Town’s [Park’s By-law No. 5306-21](#);

“Policy” – means the Town’s Special Events Policy.

“Permit Holder” means the named individual, group, or organization on an SEP that is responsible for ensuring compliance with all relevant legislation, regulations, and permit conditions associated with the permitted Special Event.

“Region” means the Regional Municipality of Niagara.

“Event Site Plan” means a detailed map of the layout of the Special Event to be included in the package for all SEP applications. Details of what must be included in a site plan are outlined in section 14.4 (iii) of the Town’s Special Events Policy.

“Special Event” refers to any organized gathering that:

- a) meets any of the following criteria:

“Special Event” refers to any organized gathering that:

- a) meets **any** of the following criteria:
 - is expected to include over 200 people over the course of the event; or
 - will occur in whole or in part, on public property; or
 - will occur in whole or in part, on private property where temporary Site-Specific Zoning or site plan exemptions are required; and
- b) is not:
 - entirely on private property and explicitly allowed by a Site-Specific Zoning By-law; or
 - a garage sale, yard sale, or similar occasional use on privately-owned property; or
 - entirely within any Town-owned facility or amenity within the regular intended use or capacity of those facilities, and where a facility rental contract has been entered into with the Town; or
 - less than 50 people in a Town-owned park and in compliance with the Town’s [Park’s By-law No. 5306-21](#); or
 - a protest or other lawful exercise of the right to public assembly; or
 - entirely on provincial or federal lands.

“Special Event Permit” or “SEP” means a permit issued by the Town authorizing the promotion and facilitation of a Special Event under specified terms and conditions.

“Special Event Site” means the location identified by the Applicant in the Special Event Site Plan and approved by the Town for the purpose of holding a Special Event, and includes all areas used for event operations, setup, takedown, equipment staging, participant or spectator activities, and any temporary structures or facilities associated with the event.

“Special Event Series” means a Special Event that consists of a fixed number of non-consecutive days over a period of no more than six months (e.g. weekly farmer’s market, monthly concert series, etc.).

“Tier 1 Special Event” means any Special Event that:

- has less than 500 people; and
- requires no road closures; and
- is less than 1 day in duration.

“Tier 2 Special Event” means any Special Event that:

- has more than 500 people; or
- requires road closures; or
- is less than 3 consecutive days in duration; and
- is not a Tier 3 Special Event.

“Tier 3 Special Event” means any Special Event that:

- has more than 1000 people; or
- requires a closure/restricted access to Queen Street, Queen’s Royal Park, or Simcoe Park; or
- is 3 or more consecutive days; or
- is 2 or more non-consecutive days.

“Town” means the Corporation of the Town of Niagara-on-the-Lake.

ADMINISTRATION

2. The Clerk shall receive, process, and consider SEP applications and is authorized to approve, refuse, revoke, suspend, or impose terms and conditions on SEPs in accordance with this By-law and the Council-approved Special Events Policy.
3. The Clerk shall oversee the general administration of the Special Events Policy pursuant to this By-law and ensure the Policy is reviewed, updated, and approved by Council according to the terms and schedule outlined therein.

OPERATION OF SPECIAL EVENTS

4. No person shall hold, carry on, permit or operate a Special Event unless such Special Event is carried on under the authority of a valid Special Event Permit ("SEP") issued pursuant to this By-law. A separate SEP shall be obtained for each Special Event.
5. No person shall hold, carry on, permit or operate any Special Event in violation of the conditions of an SEP issued pursuant to this By-law.
6. No person shall operate any Special Event without public liability insurance of \$5,000,000, or an amount otherwise specified in the conditions of an SEP.
7. Every Permit Holder shall be responsible for the act or acts and omissions of any of his or her employees, assistants, agents, contractors and volunteers in relation to a Special Event under a SEP in the same manner and to the same extent as though such actions or omissions were done by the Permit Holder.
8. No Permit Holder shall allow any third-party contractor, service provider, or vendor to set up or operate or conduct business within the Event Site in contravention of the conditions of the SEP, or any provincial, federal, or municipal legislation, By-laws or regulations.
9. No third-party vendor, contractor or service provider shall set-up, operate, or conduct business at any Special Event in contravention of this By-law or the conditions of an SEP.
10. A separate SEP shall be obtained for each non-consecutive day of operation unless explicitly outlined within the conditions of an SEP for eligible Special Event series, as determined by the Clerk.
11. No person shall hold, carry on, permit or operate a Special Event between 11:00pm – 7:00am the next day, or between 11:00pm – 9:00am the next day on Sundays or Statutory Holidays.
12. The Permit Holder shall ensure the Special Event site is maintained in a safe, clean, and sanitary condition for the duration of the Special Event, including set-up and site clean-up.
13. The Permit Holder shall ensure the Special Event site is returned to its original condition immediately following the conclusion of the Special Event unless prior arrangements have been made.
14. All persons are subject to the Town's [Noise By-Law 4588-12](#).
15. The Permit Holder shall ensure that an identified Event Supervisor(s) is on-site and identified to the Town for the duration of the Special Event and is immediately available for in-person, telephone, or email correspondence.
16. The Permit Holder or Event Supervisor is required, upon request by any Municipal Officer, to provide evidence of all valid licenses and/or permits necessary to operate the Special Event including for all on-site third-party vendors, contractors or service providers.
17. The Event Supervisor shall immediately comply with all verbal directions given by a Municipal Officer during a Special Event and shall ensure that the Event does not pose a risk to the health or safety of the public or of individuals attending or participating in the Event.
18. No person to whom a permit has been issued under this By-law shall alter, erase or modify a permit, or permit the alteration, erasing or modification of the SEP or any part thereof, unless approved by the Clerk who has initialled the change.

ADVERTISING SPECIAL EVENTS

19. No person shall promote or advertise any Special Event without first acquiring a valid SEP issued by the Clerk pursuant to this By-law.
20. Section 21 does not apply to online advertisement or promotion of a Designated Annual Event up to 12 months in advance of the Special Event. The Town assumes no liability for cost incurred by the Event Organizer in the event that an SEP is not issued.

21. All persons are subject to all relevant By-laws respecting the size, use, location, and maintenance of signs pursuant to the Town's By-laws [4586-12](#) and [4586A-18](#).

SPECIAL EVENT PERMIT APPLICATION PROCESS

22. All SEP applications shall be submitted to the Clerk's Office in accordance the requirements outlined in the Town's Special Events Policy.

23. The Clerk shall review each application submitted and may:

- a) not accept an application deemed to be incomplete;
- b) not accept or require additional processing fees for any SEP application submitted in contravention of prescribed timelines;
- c) require the Applicant to provide additional documentation to support the review of the SEP applications;
- d) determine applicable fees and the amount of a security deposits, if required;
- e) identify amendments to any application or Event Site Plan;
- f) determine whether an application must be referred to Council for approval; and/or
- g) consult with staff within the Administration or any such other persons, governments, or agencies as are deemed to have an interest in the conduct of the Special Event; and/or
- h) issue SEP approvals; and/or
- i) impose other terms, conditions, and requirements on any SEP approval.

24. Where an SEP has been issued pursuant to this By-law, the Clerk shall notify and deliver the SEP to the Applicant electronically via the email provided on the application and shall retain one (1) copy for the Town's records.

INSURANCE AND INDEMNIFICATION

25. Every Permit Holder shall file with the Clerk a minimum of 30 days prior to the commencement of a Special Event proof of commercial general liability insurance coverage in the amount of \$5,000,000 million dollars, or amount otherwise agreed to as a condition of the SEP. Such certification must be acceptable to the Town and name the Town, its employees, agents and elected officials from and against all manner of actions, causes of action, claims, demands, losses and costs that may arise, be sustained or prosecuted against the Town by reason of the granting of the SEP or the action of the Permit Holder whether with or without negligence on the part of the Permit Holder, its employees directors, agents or volunteers. The Permit Holder must provide 30 days notice to the Town of any modification or cancellation of insurance. If deemed necessary by the Clerk, insurance respecting automobile liability, liquor licence liability and additional coverage for operating fireworks displays may be required.

POWERS TO REFUSE, REVOKE, SUSPEND

26. The Clerk is authorized to refuse to issue an SEP for the following reasons:

- a) Any of the permitting considerations outlined the Special Events Policy;
- b) the required application fees have not been paid;
- c) the subject property does not comply with all legislation applicable to holding a Special Event, including the Town's Zoning By-law;
- d) an SEP issued to the Applicant or issued in respect of the property the permit applied for relates to, has a history of contravention with this or other Town By-laws;
- e) where the Applicant, property, group, organization, or Special Event has other outstanding fines or balances owing to the Town;

- f) The SEP is determined through the Town's review process to be a danger to the health and safety of any person or property;
- g) where the information submitted on the application or any supporting documentation is deemed incorrect or misleading;
- h) Where Council has determined it is not in the public interest to issue a SEP.

27. An SEP may be revoked or suspended by the Clerk:

- a) where information submitted on the SEP application or any supporting documentation is incorrect or misleading;
- b) where proof of insurance is not provided to the Clerk in accordance with the Special Event Policy;
- c) where any conditions of an SEP have not been met;
- d) where fees for services required as a condition of an SEP have not been paid;
- e) where the Applicant of property has refused to comply with any notice to comply;
- f) where the Applicant or property has contravened provisions of any other Town By-laws or regulations.

PERMIT OR APPLICATION AMENDMENTS

28. The Applicant or Permit Holder shall be responsible for informing the Clerk in writing of any changes to the information contained within an application or for any deviation to the approved terms and conditions of an issued SEP.

The Clerk may, at their sole discretion, require the Applicant or Permit Holder to re-submit their SEP application, including applicable fees, and may choose to not accept or require addition processing fees for any amendments or applications not submitted within timeframes outlined in the Special Events Policy.

29. The Clerk may, at their sole discretion, choose to re-issue an SEP with new terms and conditions in accordance with the Special Event Policy.

Where an SEP has been re-issued, the terms and conditions of the re-issued SEP supersede those of the original.

Where an SEP is not re-issued, the original terms and conditions of an approved SEP remain valid unless revoked or suspended by the Clerk pursuant to this By-law.

LICENSE APPEAL PROCESS

30. An Applicant or Permit Holder may request to appeal the decision of the Clerk, by filing a request in writing with reasons for appeal to the Director of Corporate Services where;

- a) an application has been refused for any reason except that it is incomplete; or
- b) an SEP has been revoked or suspended; or
- c) the terms or conditions placed on the SEP are considered inappropriate or too onerous in the circumstances.

31. Every person who wishes to appeal a decision made by the Clerk shall submit a Notice of Appeal;

- a) within fourteen (14) days of a refusal, suspension, or issue;
- b) with the non-refundable required appeal fee as detailed in the Town's Fees and Charges; and
- c) by registered mail or in-person to the Clerk.

32. The Town shall receive all notices of appeal and hold a hearing with every person who initiates an appeal of a decision made under this By-law.
33. Non-compliance with a Zoning By-law requirement is not subject to an appeal.
34. Upon hearing an appeal, the Director of Corporate Services may:
- a) confirm the decision of the Clerk to refuse an SEP application; and/or
 - b) rescind the decision of the Clerk to refuse an SEP application and order that the SEP be issued; and/or
 - c) confirm the decision of the Clerk to revoke or suspend an SEP; and/or
 - d) rescind the decision of the Clerk to revoke or suspend an SEP; and order the SEP be reinstated; and/or
 - e) confirm, modify or remove any conditions placed on the SEP, or add and conditions they deem appropriate, and order the SEP be re-issued.
35. The decision of the Director of Corporate Services shall be provided, in writing, to the Applicant or Permit Holder, as soon as is reasonable after such decision is rendered.
36. The decision of the Director of Corporate Services is final and binding.

FEES & COSTS

37. All applications for a SEP filed with the Town shall be accompanied by the application fee as set out in the Town's Fees and Charges By-law.
SEP application fees, as required by this By-law, are non-refundable.
38. The Clerk is authorized to require a Permit Holder to provide a refundable security deposit as a condition of issuance of the SEP, in an amount determined by the Clerk to be refunded within 30 days following the conclusion of the Special Event less any applicable damages collected as a result of a breach of the SEP conditions.
39. Fees for municipal services listed as conditions of a SEP shall be paid 30 days prior to the start of the Special Event unless specified in the conditions of the SEP.
Such fees are set out in the Town's Fees and Charges By-law and are refundable if for any reason they become unnecessary as determined by the Town.
40. The Clerk is authorized to recover any additional costs incurred by the Town during or after the Special Event as a direct result of event operations including, but not limited to, repairs of damage to Town property, additional waste collection, enforcement response, or other unanticipated municipal services made necessary during or after the event, the Town may:
- a) withhold all or part of any security deposit; and/or
 - b) issue additional invoices to the Permit Holder after the conclusion of the event.
41. All fees or invoices issued under Section 41 shall be paid in full before the Town will consider issuing a SEP for a future Special Event to the Applicant, Permit Holder, or any principal, director or officer of the Permit Holder in regard to a Special Event regardless of whether such debt was incurred through another organization or legal entity.

ENFORCEMENT

42. Any Municipal Officer is authorized to enter onto land at any reasonable time to inspect any Special Event site, building, structure or property for the purposes of carrying out an inspection to determine whether this By-law, the conditions of a SEP, or a Notice to Comply is being contravened.
43. While conducting an inspection, a Municipal Officer may:

- a) require the production for inspection of documents or things relevant to the inspection; and/or
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts; and/or
 - c) require information from any person related to the inspection; and/or
 - d) make examinations, take tests, and make photographic or other records.
44. No person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Officer who is exercising a power or performing a duty under this By-law.
45. The enforcement authority granted by this section is in addition to, and not in substitution for, any other remedy or penalty available to the Town at law or in equity.

OFFENCES AND PENALTIES

46. Every person who contravenes any provision of this By-law, is guilty of an offence and all contraventions of this By-law are designated as continuing offences pursuant to section 429 of the Municipal Act, 2001, S.O. 2001, c.25.
47. Every person who contravenes any provision of this By-law is guilty of an offence for each day or part of a day that the offence continues and on conviction is liable to a minimum fine of not exceeding \$500 and a maximum fine not exceeding \$10,000, for each offence, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33 and the Municipal Act, 2001, S.O. 2001, c.25. The daily total of all fines may exceed \$100,000.
48. Every Director or Officer of a Permit Holder who knowingly concurs in the contravention of this By-law is guilty of an offence for each day or part of a day that the offence continues and on conviction is liable to a minimum fine of not exceeding \$500 and a maximum fine not exceeding \$10,000, for each offence, as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33 and the Municipal Act, 2001, S.O. 2001, c.25. The daily total of all fines may exceed \$100,000.
49. Where a person has been convicted of an offence, pursuant to this By-law, the Court determining the conviction may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.
50. A Municipal Officer may, in their discretion, proceed by way of administrative penalty in accordance with the Administrative Penalty By-law. Where an administrative penalty has been issued to a person for a contravention of this By-law, no charge shall be laid against that same person under the Provincial Offences Act for the same contravention.
51. Any person shall, upon issuance of a penalty notice for a contravention of this By-law, in accordance with the Administrative Penalty By-law, be liable to pay an administrative penalty as set out in Schedule "A" of this By-law in any administrative fees, in accordance with the Administrative Penalty By-law.
52. An administrative penalty imposed on a person pursuant to this By-law that is not paid on or by the date on the penalty notice is due and payable after the day it becomes due and payable, constitutes a debt of the person to the Municipality and may be added to a municipal tax roll and collected in the same manner as municipal taxes.
53. This by-law may be enforced by a police officer or a Municipal Officer appointed by the Town.

CONFLICT AND SEVERABILITY

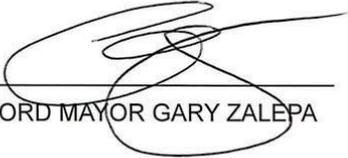
54. If any portion of this By-law is found to be in conflict with any other provision of any building, fire, safety or other By-law of the Town or regulations, the provision which establishes the higher standard shall prevail.

55. Should any section, clause or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part hereof, other than the part which was declared to be invalid.

EFFECTIVE DATE

56. This By-law shall come into full force and effect of the final date of passage hereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 27TH DAY OF JANUARY, 2026.



LORD MAYOR GARY ZALEPA



TOWN CLERK GRANT BIVOL

SCHEDULE "A"
TO BY-LAW 2026-005

TOWN OF NIAGARA-ON-THE-LAKE SHORT TITLE: Special Events By-law

Item	Short Form Wording	Violation	Set Fine
1	Operating a Special Event without a permit.	6	<i>First Offence: \$1000 Second Offence: \$2000 Third Offence: \$4000</i>
2	Operating a Special Event in contravention of permit conditions.	7	<i>Per contravention: \$250</i>
3	Allowing a third party to operate at a Special Event in contravention of permit conditions.	10	<i>First Offence: \$350 Second Offence: \$700 Third Offence: \$1400</i>
4	Conducting business at a Special Event without a permit or in contravention of permit conditions.	11	<i>First Offence: \$350 Second Offence: \$700 Third Offence: \$1400</i>
5	Operating a Special Event outside allowed hours.	13	<i>First Offence: \$350 Second Offence: \$700 Third Offence: \$1400</i>
6	Failure to maintain the Special Event site in a safe, clean, and sanitary condition.	14	<i>First Offence: \$350 Second Offence: \$700 Third Offence: \$1400</i>
7	Failure to return the Special Event site to its original condition.	15	<i>First Offence: \$350 Second Offence: \$700 Third Offence: \$1400</i>
8	Failure to have an on-site Event Supervisor.	17	<i>First Offence: \$500 Second Offence: \$1000 Third Offence: \$2000</i>
9	Failure to provide proof of documentation for permits.	18	<i>First Offence: \$250 Second Offence: \$500 Third Offence: \$1000</i>
10	Advertising or promoting a Special Event.	21	<i>First Offence: \$350 Second Offence: \$700 Third Offence: \$1400</i>