

Licence

Chapter 567 Circuses - Carnivals – Exhibitions

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Article 1 - Short Title

567.1.1 Citation

This Chapter may be cited and known as the "Circus and Carnival Regulation By-law."

Article 2 - Interpretation

567.2.1 Carnival or midway - defined

"carnival" or "midway" is hereby defined as a gathering which includes one or more of the following: stalls, amusements, amusement rides or the sale of goods associated with a carnival or midway.

567.2.2 Circus - defined

"circus" is herein defined as any travelling show of performing animals and may include acrobats or clowns as an additional attraction.

567.2.3 Singular - plural - masculine - feminine

Whenever the singular is used in this Chapter, it shall also be construed to mean the plural and whenever the masculine is used, it shall also mean the feminine.

Article 3 - General Provisions

567.3.1 Operation - without licence - prohibited

No person shall operate a carnival, midway, or circus in the City of Woodstock without first having obtained a licence for same pursuant to this Chapter.

567.3.2 Application - licence - carnival - midway - circus

All applications for licences shall be made to the Clerk or designate in writing on the prescribed form.

567.3.3 Information - to be filed with the application

The following information shall be attached to the application for:

- a) Carnival and Midway Events:
 - (i) Fire Department approval,
 - (ii) current ride operator's licence from Technical Standards Safety Authority,
 - (iii) a list of all of the devices to be operated at the event, and
 - (iv) a current permit for each device to be operated and a copy of the last inspection certificate from Technical Standards Safety Authority;
- b) Circus:
 - (i) Fire Department approval, and
 - (ii) Engineering Department approval.

567.3.4 Requirements

No licence shall be issued until all of the requirements of the City of Woodstock have been met.

567.3.5 Insurance - minimum - requirement

No person shall operate a carnival, midway or circus in the City of Woodstock without first having produced a certificate of insurance confirming that general liability policy in an amount of \$5,000,000 is in force for the event. By-law 9229-18 – August 9, 2018

567.3.6 Insurance - additional - requirements

The City of Woodstock shall be an additional insured named in any policy issued to provide public coverage and no such policy shall be cancelled or varied without notice to the City of Woodstock.

567.3.7 Bond - deposit - required - held fifteen days by City

No person shall operate a carnival, midway or circus in the City of Woodstock unless or until there has been deposited with the City a bond in the form of cash or certified cheque in the amount of at least \$500. Such bond may be held by the City for a period of fifteen days after completion of the event and may be used by the City to rectify damage or undertake cleanup caused by the event.

567.3.8 Area - clean - tidy - free from hazard

The licensee shall keep the area being utilized for an event and the surrounding area in a clean and tidy condition and clear of any hazard to the public.

567.3.9 Accident - investigation - required

In the event of accident or mishap arising out of the operation of any carnival ride or like contrivance and causing personal injury, the ride or contrivance shall not be operated until an investigation has been made by the Technical Standards Safety Authority and/or any other body with jurisdiction and authority to re-operate has been provided to the City of Woodstock by the jurisdictional body. By-law 8535-09, May 7, 2009.

Article 4 - Licence

567.4.1 Licence fee - with application

The licence fee for all or part of any calendar year shall be \$165 and such payment shall accompany any application for a licence. By-law 8535-09, May 7, 2009; By-law 8573-09, September 17, 2009; By-Law 8893-14, January 16, 2014.

567.4.2 Expiry - February 15

Each permit granted under this Chapter shall be for one year from February 15 in the current year and expire on the 15th of February one year after issue or sooner if the licence so indicates.

567.4.3 Contravention - criminal offence - revocation

Any person who holds a licence pursuant to this Chapter and is convicted of a breach of this Chapter, or any offence under the Criminal Code of Canada, may, at the discretion of the Clerk or designate, have his licence revoked or suspended for such time as the Clerk or designate may determine.

567.4.4 Contravention

The Woodstock Police Services Department or designated Municipal By-law Enforcement Officers may prosecute any person for a breach of any provision of this Chapter. By-law 8535-09, May 7, 2009.

Article 5 - Refusal - Revocation - Suspension Of Licence

567.5.1 Notice - issued - conditions set out

The Clerk shall provide a notice of refusal to issue a licence to an applicant if the conditions for issuance have not been met, the Clerk determines that, the information on the licensee's application for a licence is inaccurate, the applicant has contravened a Section of this Chapter or if the applicant, or any of its directors, officers or managers have been convicted of an offence under the Criminal Code of Canada. The Clerk shall provide the applicant with the written notice of refusal to issue a licence setting out the reasons for refusal, when the right to review will expire and how to apply for a review.

567.5.2 Notice - how served

The notice shall be served personally or by registered mail to the applicant at the address shown on the application.

567.5.3 Application - not filed - expired without notice

If an application for review has not been filed within fourteen days of the Clerk having effected service of the notice, the applicant's right to a review will expire without further notice.

567.5.4 Licence fee returned - not granted - review expired

The Clerk shall return the licence fee paid at the time of the application if the licence is not granted and the applicant's right to a review has expired.

567.5.5 Revocation or suspension of a licence

The Clerk shall provide a notice to revoke or suspend a licence if the licensee no longer complies with the conditions for issuance after the licence is issued, the Clerk determines that, the information on the licensee's application for the licence is inaccurate, the licensee has contravened a Section of this Chapter or if the licensee or any of its directors, officers or managers have been convicted of an offence under the Criminal Code of Canada.

The Clerk shall give the licensee notice of the revocation or suspension in writing setting out the reasons for revocation or suspension, when the right to a review will expire and how to apply for a review. The notice shall be served personally or by registered mail to the licensee's address last on file with the Clerk.

567.5.6 Application for review - expiry

If an application for review has not been filed within fourteen days of the Clerk having effected service of the notice, the applicant's right to review will expire without further notice.

567.5.7 Licence - fee - refund - pro-rated

The Clerk shall return a pro-rated portion of the licence fee (based on the length of time the licence was in effect) of a revoked or suspended licence.

567.5.8 Application for review - procedure - deadline

An applicant or licensee in receipt of a notice to refuse, revoke or suspend a licence, may, within fourteen days after service of notice apply in writing for a review of notice to refuse, revoke or suspend a licence by filing the application for review with the Clerk and the provisions of Sections 567.5.10 to 567.5.21, inclusive shall apply.

567.5.9 Report for a review of status of licensee

The Clerk may report to the Review Tribunal any reasons for the issuance of notice of refusal, revocation or suspension including any breaches by the licensee of this Chapter or other relevant considerations.

567.5.10 Review hearing - date of

Upon receipt of the application to review, the Clerk shall determine a date for the review hearing with the Review Tribunal chairperson which shall be at least fourteen days after the receipt of the application for review.

567.5.11 Review hearing - notice of

Upon determination of the review hearing date, the Clerk shall give notice in writing to the applicant or licensee, said notice to:

- a) include a statement,
 - (i) as to the time, date, place and purpose of the review hearing, and
 - (ii) that, if the applicant or licensee does not attend the review hearing, the Review Tribunal shall proceed in the absence of the applicant or licensee and the applicant or licensee will not be entitled to any further notice;
- b) be served personally or by registered mail to the applicant or licensee at the address last on file with the Clerk; and
- c) where the good character, propriety of conduct or competence of an applicant or licensee is an issue, contain reasonable information of any allegation with respect thereto.

567.5.12 Review hearing - by Review Tribunal – procedure

The Review Tribunal shall hold the review hearing at the time, place and date set out in the notice. The applicant or licensee may be represented at the review hearing by counsel, and the applicant or licensee or their counsel shall have the right to adduce evidence, submit argument on their behalf and cross-examine witnesses adverse in interest.

567.5.13 Review hearing - City - represented

The City shall be represented at the review hearing by either the Clerk or the City Solicitor, who is entitled to adduce evidence and submit arguments in reply to evidence and arguments on behalf of the applicant or licensee.

567.5.14 Review hearing - onus upon applicant

At the review hearing, the onus shall be upon the applicant or licensee to show cause why:

- a) the licence should be granted;
- b) the licence should not be suspended or revoked; or
- c) conditions should not be imposed on the licence.

567.5.15 Review hearing - open to public - exception

All review hearings shall be public hearings unless the applicant or licensee requests that the hearing be held in closed session and the Review Tribunal may approve the request by a simple majority.

567.5.16 Review hearing - applicant absent - decision rendered

Where notice of the review hearing has been served on the applicant or licensee and the applicant or licensee does not attend the hearing, the Review Tribunal may proceed with the review hearing and render a decision in the absence of the applicant or licensee.

567.5.17 Review hearing - completion - decision rendered

Upon completion of the review hearing, the Review Tribunal shall render a decision which shall:

- a) confirm the Clerk's decision to refuse, revoke or suspend the licence;
- b) reject the Clerk's decision and order the Clerk to issue a licence; or
- c) reject the Clerk's decision to revoke or suspend the licence.

567.5.18 Licence - conditions - imposed

Where the Review Tribunal rejects the Clerk's decision, the Review Tribunal may impose conditions, including special conditions, on the applicant or licensee as a requirement to hold a licence on such terms as are deemed just.

567.5.19 Review Tribunal - decision final - binding

The Review Tribunal's decision shall be final and binding.

567.5.20 Review Tribunal - decision in writing

The Review Tribunal shall give its decision in writing to the Clerk within seven days of the date of the completion of the review hearing.

567.5.21 Waiver of hearing

Despite any of the provisions of this Chapter, a proceeding may be disposed of by a decision of the Review Tribunal given:

- a) without a hearing; or
- b) without compliance with any other requirements of the *Statutory Powers Procedure Act*, as amended, or of this Chapter, where the applicant or licensee has waived such hearing or compliance.

567.5.22 Review Tribunal - decision - notification procedure

The Clerk shall notify the applicant or licensee of the decision by serving a copy personally or by registered mail to:

- a) the applicant or licensee at the address shown on the application, or last on file with the Clerk; or
- b) the counsel or agent of the applicant or licensee, if any, at the address as stated to the Review Tribunal.

567.5.23 Licence - continued until expired

If the decision rendered is to reject the Clerk's decision, the licence shall be issued or in the case of a notice to suspend or revoke the licence shall continue until its expiry date.

567.5.24 Licence - suspended or revoked - authority

If the decision is to confirm the Clerk's decision to suspend or revoke the licence, the licensee shall within twenty-four hours of service of notice by registered mail, or immediately if the notice is personally served, return the licence to the Clerk and the Clerk shall have access to any premises or other property of the licensee for the purpose of receiving or taking the same.

567.5.25 Conditions - imposed - acceptance confirmed

If the decision is to confirm the Clerk's decision to impose conditions on the licence, the licensee shall within twenty-four hours of service of notice by registered mail or immediately if the notice is personally served, advise the Clerk as to his or her acceptance of the conditions.

567.5.26 Service of notice - by registered mail

Service of a notice by registered mail is effective on the fifth day after the document is mailed. By-law 8772-12, June 7, 2012.

Article 6- Enforcement

567.6.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided in the *Provincial Offences Act*.

567.6.2 Separate offence - daily

Each day a violation of this Chapter continues shall constitute a separate and distinct offence under this Chapter.

Article 7 - Repeal - Enactment

567.7.1 By-law - previous

All previous by-laws regarding circuses - carnivals - exhibitions licensing are hereby repealed.

567.7.2 Effective date

This Chapter shall become effective as of third and final reading of the enabling by-law. By-law 8535-09, May 7, 2009.