

Report To: CITY COUNCIL

Report Date: 11 May 2001

Meeting Date: 22 May 2001

**Subject:**

**First Annual Weekend Concert Celebrating 300 Years of Music Extravaganza  
(Request for Special Occasion Permit and Exemption to Former City of  
Valley East Noise By-law 85-33)**

**Department Review:**

  
Doug Wuksinic  
General Manager Corporate Services

**Recommended for Agenda:**

  
J.L. (Jim) Rule,  
Chief Administrative Officer

**Report Authored by:** Thom M. Mowry, City Clerk

### Executive Summary

Mr. Richard Doyan and Meteor Valley Marketing Alliance have requested Council's consent to the issuance of a Special Occasion Permit and an exemption to Noise By-law 83-33 of the former City of Valley East, in order to hold the *First Annual Weekend Concert Celebrating 300 Years of Music Extravaganza* in support of the Musicians Alliance Fund.

This event has been scheduled for Friday, June 15th, Saturday, June 16th and Sunday, June 17th, 2001.

The Promoters anticipate an attendance of approximately 7,500 persons over the three day event.

A copy of the recommended Conditions of Approval are attached to this report.

### **Recommendation:**

The following motion has been prepared for Council's consideration:

**THIS Council has no objection to the granting of a Special Occasion Permit for the First Annual Weekend Concert Celebrating 300 Years of Music Extravaganza in support of the Musicians Alliance Fund as proposed by Richard Doyan and Meteor Valley Marketing Alliance (hereinafter called the "Promoters"), to be held at the Rainbow Hatchery and Nature Land, 475 Guenette Drive, in the Community of Hanmer, in the City of Greater Sudbury, to be held on June 15th, 16th and 17th, 2001, between the hours of 12:00 o'clock noon and 11:00 p.m. each day;**

**AND FURTHER THAT this Council has no objection to the granting of an exemption to Noise By-Law 85-33 of the former City of Valley East to the event Promoters for the days of June 15th, 16th and 17th, 2001, between the hours of 12:00 o'clock noon and 11:00 p.m. each day;**

**AND FURTHER THAT this Council confirms the nature of the event as a Community Festival and that it is of municipal significance to the Community of Greater Sudbury.**

**AND FURTHER THAT Council's approval shall be subject to the event Promoters satisfying each of the Conditions set out on Schedule "A" attached hereto.**

(Please note that a copy of the Conditions of Approval appear as an attachment to this Report.)

## **Background:**

The City of Greater Sudbury has received an Application for Approval of for Outdoor Fund Raiser and Community Festival from Mr. Richard Doyon and Meteor Valley Marketing Alliance, as the Promoters of the "*First Annual Weekend Concert Celebrating 300 Years of Music Extravaganza*".

A photocopy the Application is attached for Council's convenience.

This event is scheduled to take place over the following three day period: Friday, June 15th, Saturday, June 16th and Sunday, June 17th, 2001. The hours of operation will be between 12:00 o'clock noon and 11:00 p.m., each day. It is anticipated that approximately 7,500 persons will attend over the three days of the event.

A portion of the proceeds will be directed to the Musicians Alliance Fund which is used to entertain seniors, sick children and to promote other musical extravaganzas.

The Promoters are requesting Council's consent a for a Special Occasion Permit (Beer) and an exemption to Noise By-law 85-13 of the former City of Valley East.

## **Location and Zoning:**

This event will be held on the lands comprising the Rainbow Hatchery and Nature Land, located at 475 Guenette Drive, in the Community of Hanmer. A location map is also attached to this Report for the convenience of Members of Council.

Rainbow Hatchery is currently zoned RU-10 (Fishing Tackle, Furniture and Storage Business - Capreol Township Map 3 (89-264, 95-15Z) under Zoning By-law Number 83-300 for the former municipalities of Valley East and Onaping Falls.

The remainder of the lands (known as "Nature Land") are designated "A Zone - Agricultural Reserve" under Zoning By-Law 83-300. An outdoor recreation area is a permitted use in areas designated as agricultural reserves. The By-law defines an "outdoor recreation area" as:

"an area of private land consisting mostly of landscaped open space or other open areas and used primarily for commercial or non-commercial outdoor recreational purposes".

**Circulation and Comments:**

The Promoters have indicated in their Application that off duty police officers and private security will be hired for this event. In addition, a shuttle bus service will be operated during the event for the convenience of the attendees and to mitigate traffic concerns.

This Application has been circulated to the Greater Sudbury Police Service, the Traffic and Transportation Section, Community & Volunteer Services, General Manager Public Works, Fire Services, and the City Solicitor.

No objections were received.

Staff appreciate that a lot of time and effort goes into planning and promoting such events, and they are often seen as a way of creating employment and providing economic benefits for the community. However, without a formal Council policy in place to assist in reviewing these requests it is difficult to set reasonable conditions to promote good practice by promoters and Council so that the benefits of these events for the community are maximised and any negative social impacts are minimised or reduced.

While Council's consent is recommended for this event, it is important that any negative impacts (perceived or real) are recognised, managed and preferably addressed as conditions of consent attached to Council's approval.

The proposed conditions of consent in respect of this Application are attached to this Report and it is recommended that they form part of Council's approval for this event.

All of which is respectfully submitted for Council's consideration.

## **SCHEDULE "A"**

### **(CONDITIONS OF APPROVAL)**

#### **1.00 Greater Sudbury Emergency Service (GSMS) Requirements:**

1.01 The Promoters shall ensure that satisfactory arrangements are put in place for:

- clear passage for police, fire and ambulance vehicles to gain access into the venue;
- that a fire lane be maintained at all times;
- providing Greater Sudbury Police Services and the City of Greater Sudbury GSMS with a plan of the venue, access to it and a plan for evacuating the venue in the event of an emergency. This plan should include: (a) a map of the venue location, including any significant landmarks, the names of the streets surrounding the venue and any road blocks due to road works or for the event itself (b) a site plan of the venue including all permanent and temporary structures including any signage. The site plan shall provide for nominated pickup point for patrons needing medical assistance.
- to ensure that should any Police or GSMS vehicle called to the venue is met on arrival and clear instructions are given about access, disturbances or casualties.
- that no bonfires of any kind, barbecues or similar types of cooking devices shall be operated on the site without the consent of the Fire Chief of the City of Greater Sudbury, and that an approved fire extinguisher be provided for each of the foregoing.
- that all Ontario Fire Code regulations must be adhered to, in particular, with respect to Section 2.8 that indicated a Fire Safety Plan is required for this event.

## **SCHEDULE "A" (CONDITIONS OF APPROVAL)**

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### **2.00**

#### **Neighbourhood Notification and Complaints Requirements:**

- The Promoters shall ensure that the adjoining residential properties are notified of the event at least ten days prior to the start of the event.
- Such notification shall set out the complaints procedure that the Promoters have put in place so that any complaints made by the adjoining residents can be responded to properly by the Promoters. This notice shall describe the steps taken by the Promoters to control excessive noise, dust, smoke, glare, spillover lighting and clean up arrangements.
- This notice must state that alcohol will be part of this event.
- The Promoters shall provide the name of a contact person with his or her cellular phone number, pager number or describe other means as to how this person may be contacted during the event. The Promoters shall ensure that a contact person is present on the site during the entire duration of the event.
- The Promoters shall provide the City Clerk's Office with a copy of this notice.

### **3.00**

#### **Water Requirements:**

- The Promoters shall ensure that an adequate and safe cold water supply is always available for drinking, fire fighting, and hygiene during the event.

## **SCHEDULE "A" (CONDITIONS OF APPROVAL)**

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### **4.00 Health Unit Approvals & Requirements:**

4.01 The Promoters shall provide written confirmation that the Sudbury and District Health Unit are satisfied with arrangements made for:

- toilet facilities and sewage disposal systems;
- grey water disposal from concessions;
- sani-dumps, showers, and any other proposal which require approval for sewage disposal.
- food and drink preparation, serving and storage;
- potable water supply;
- garbage collection and removal;

4.02 In addition to the foregoing, the Promoters shall ensure that any waste "gray" water generated from food preparation, hand washing facilities, ware washing facilities and ice water draining from canned or bottled drinks shall be collected and disposed of by the event organizer's contractor in portable receptacles. No waste water is to be allowed to flow into any open drainage ditch or to be allowed to pool on the ground.

4.03 The Promoters shall provide for the sanitary removal of portable toilets or waste from the units.

### **5.00 Alcohol Serving Requirements:**

- All alcoholic drinks shall be made available only in unbreakable containers (no glass or crockery).

## **SCHEDULE "A" (CONDITIONS OF APPROVAL)**

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### **6.00      On Site Security Requirements:**

6.01      The Promoters shall be responsible for the cost of providing on site Security for the duration of the event and shall ensure that:

- Security Staff are easy to identify by the use of vests, armbands, hats, or any combination thereof, and have in their possession portable communication devices at all times.
- Security Staff are directed to notify the police immediately of any incidents that require police attention.
- Security Staff are instructed to assist as required in the evacuation of the venue, in accordance with an approved evacuation plan.
- Security Staff are aware of venue policies, procedures and regulations, and help prevent breaches of these policies and venue regulations.

### **7.00      Traffic and Parking Requirements:**

The Promoters shall:

- keep all exits and vehicle entrances to the venue clear at all times.
- make sure all parking area entrances and emergency exits are kept clear and that vehicles are correctly parked.
- provide adequate ingress and egress for each parking area to facilitate the movement of any vehicle at any time.



## **SCHEDULE "A" (CONDITIONS OF APPROVAL)**

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### **7.00**      **Traffic and Parking Requirements continued:**

- control all exits including any openings in a boundary fence.
- ensure that arrangements are put in place to control traffic and parking on adjoining roads and to ensure access to neighbouring properties will not be obstructed prior, during or immediately following the event.

### **8.00**      **Temporary Electrical Systems Requirements:**

- 8.01      The Promoters shall ensure that prior to the start of the event that all temporary electrical systems have been inspected and approved by the Electrical Safety Authority of Hydro One

## **SCHEDULE "A" (CONDITIONS OF APPROVAL)**

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### **9.00 Waste Disposal Requirements:**

9.01 The Promoters shall assume responsibility for proper collection, storage and disposal of solid waste generated by the public, performers and vendors.

9.02 The Promoters shall:

- provide enough individual trash receptacles to handle waste generated from the consumption of food and drinks;
- make arrangements with a commercial and permitted waste hauling company for storage container(s) to hold trash and litter collected throughout the event.
- overnight storage must be in metal containers with lids.
- arrange for the collection and disposal of litter throughout the event.
- ensure that vendors generating food scraps dispose of their scraps in designated solid waste containers with covers to prevent flies, odours etc. Solid waste containing food scraps must be removed from Vendors' sites daily and deposited in the approved waste hauling container.
- final disposal of solid waste must be in an approved sanitary landfill at no expense to the City of Greater Sudbury.

9.03 The Promoters shall ensure that the venue and adjoining properties are cleaned up following the event and in all respects resorted to their former condition, immediately following its conclusion but not later than 48 hours after the conclusion of the event.

## **SCHEDULE "A" (CONDITIONS OF APPROVAL)**

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### **10.00      Building Permit Requirements:**

10.01      The Promoters shall ensure that:

- the use or construction of platforms, stages, bleachers, or any other equipment or temporary structures are approved by the Chief Building Official of the City of Greater Sudbury prior to the start of the event.
- all structures associated with the operation of the event shall meet all applicable Ontario Building Code and Ontario Fire Code standards. All structures erected or installed specifically for the special event shall be promptly removed upon the cessation of the event.
- upon cessation of the event or use, the site shall be returned to its previous condition (including the removal of all trash, debris, signage, attention attracting devices or other evidence of the event).
- that any tent shall be erected in accordance with the provisions of the Ontario Building Code and no spikes shall be used to anchor any tent located on any portion of public properties including any rights of way.

## **SCHEDULE "A" (CONDITIONS OF APPROVAL)**

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### **11.00      Signs and Attention-attracting Devices Requirements:**

11.01      The number and types of signs and attention getting devices shall be approved by the Chief Building Official and evaluated on the following criteria:

- safety considerations (sight distance setbacks, etc.,)
- lighting considerations (disturbance of nearby residents or adverse affects to traffic on adjacent streets); and,
- aesthetic concerns (appearance, illumination, number and size of signs and attention-getting devices proposed).

### **12.00      Sound and Noise Requirements:**

12.01      The Promoters shall ensure that:

- there is no activity within 300 metres of any residential properties between the hours of midnight and 9:00 a.m.
- when outdoor amplified sound equipment is in use, all speakers and speaker stacks shall be positioned to tilt downward into the audience or crowd versus projecting straight over the crowd or adjoining properties.

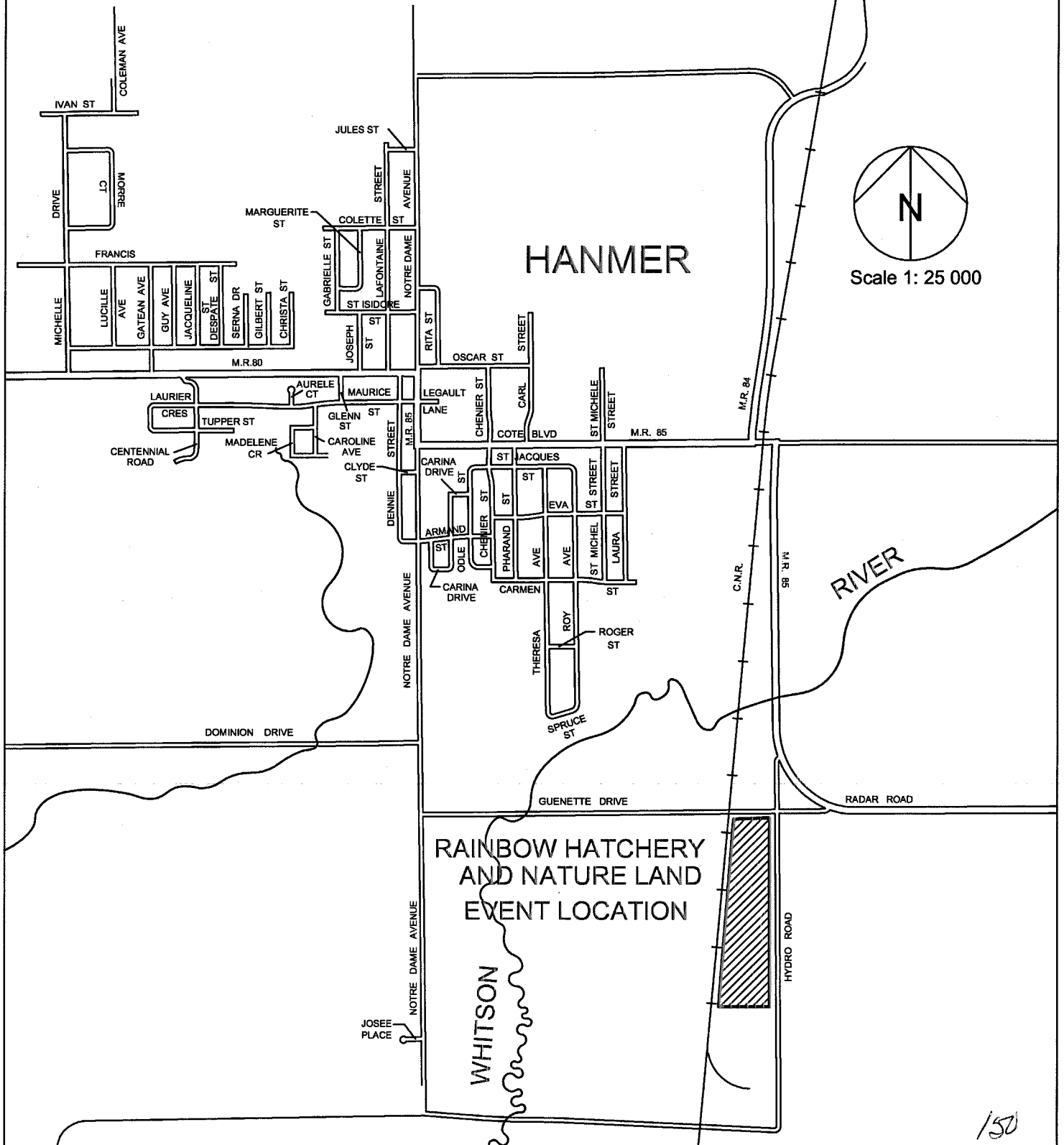
## **SCHEDULE "A" (CONDITIONS OF APPROVAL)**

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### **13.00      Risk Management Requirements:**

- The Promoters shall show satisfactory proof of general liability insurance at a limit of not less than \$5,000,000 per occurrence.
- A Certificate of Insurance shall be filed with the City not less than 10 days prior to the commencement of the site preparations for the event, naming the City of Greater Sudbury, its officers, employees and agents, as additional insured, as their interest may appear, and agreement not to cancel such insurance without 30 days' written notice to the City.
- It is a condition of this approval that the Promoters shall indemnify and save the City of Greater Sudbury harmless, and shall agree to provide defense for the City, its officers and servants, from any and all claims, suits, actions, damages, or causes of action caused by any negligent or wrongful act or omission of the event Promoters or their agents, officers and employees, arising out of or as a result of the event or of the condition of the venue on which the event is held, including those arising during the event itself, and those arising during its preparation and removal before and after the event, for any personal injury or loss of life or damage to or loss of property, and from and against any orders or judgments which be entered thereon, and from and against any legal fees and costs incurred in and about the defense of such claims, suits, actions, damages or causes of action arising as a result of the act or omission of a City officer or employee in the scope of his or her employment or function with the City of Greater Sudbury.
- For insurance purposes, the venue area shall be defined to include any and all areas occupied or affected by the event.

# RAINBOW HATCHERY AND NATURE LAND





city of | ville de  
**SUDBURY**

**Application for Approval  
of Outdoor Fund Raisers  
and Community Festivals**

Name of Applicant Richard Doyon  
 Name of Group METEOR Valley Marketing Alliance  
 Address 475 Guenette Dr. Telephone 969-3474  
 Proposed Event (Describe all activities to be held) CELEBRATING 300 Years  
of Music, serving Beer, pop, Hot dogs, hamburgers  
& Sausages, two stages for musicians, tenting for employees  
 Anticipated Attendance 2500 / day Location 475 Guenette Dr.  
 Date June 15<sup>th</sup> / 16<sup>th</sup> - 17<sup>th</sup> / 2001 Hours of Operation 12.00 noon - 11.00pm  
 Owner/Occupant of Location Nicole Doyon  
 Address 475 Guenette Dr. Telephone No. 969-3474  
 Security Proposed (State whether police, private security or other and numbers) off duty Police and Private Security  
 Proposed Access To Location and Proposed Parking Area (Attach Sketch if necessary)  
Rainbow Hatchery, 5 acres to park. Shuttle buses will pick up  
public at different locations in Greater City.  
 Has This Event Been Held Before? (Provide Details) No.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Has this Group sponsored any previous outdoor fund raisers or community festivals?  
No.  
 \_\_\_\_\_  
 \_\_\_\_\_


Signature of Applicant

I/WE certify the above information to be correct and undertake to advise the Municipal ByLaw Enforcement Officer immediately upon any change in the above information.

**FREEDOM OF INFORMATION**

Personal information on this form is collected under the authority of the Municipal Act, Liquor Licence Act and is used to process Application For Approval Of Outdoor Fund Raisers And Community Festivals. For further information please contact the City Clerk, c/o The Corporation of the City of Sudbury, 200 Brady Street, PO Box 5000, Station "A", Sudbury, Ontario, P3A 5P3.



 Ministry of  
Consumer and  
Commercial Relations

# LETTERS PATENT

This application constitutes the charter of the corporation which is issued by these Letters Patent dated this

Ministère de  
la Consommation  
et du Commerce

LETTRES PATENTES

La présente requête forme la charte de la compagnie constituée en personne morale par toutes patientes d'Alcoa ou

**Orlando Corporation Number**  
**Requiere de la persona que reside en Ontario.**

1335980

APRIL 20 APRIL 20  
Minister of Consumer and Commercial Relations

✓ *Wm D. Linn*  
Director / Director

**APPLICATION FOR INCORPORATION OF A CORPORATION WITHOUT SHARE CAPITAL  
REQUÊTE EN CONSTITUTION D'UNE PERSONNE MORALE SANS CAPITAL ACTIONS**

**Form 2**  
**Corporations**  
**Act**

**- Article 8**  
**Loi sur les**  
**personnes**  
**morales**

1. The name of the corporation is/Dénomination sociale de la personne morale :

[illegible]

2. The address of the head office of the corporation is/Adresse du siège social:

475 GUENETTE DRIVE VALLEY EAST UTAH  
(Street & No., or R.R. No., or Lot & Contession No., or Lot & Plan No., Post Office Box No. not acceptable if Multi-Office Building  
give Room No.)

REGINA MUNICIPALITY - SUNDARY CB3C1V4

3. The applicants who are to be the first directors of the corporation are:  
Requérants appelés à devenir les premiers administrateurs de la personne morale :

Name in full, including all first, middle names;  
Nom et prénoms au complet

Address for service, giving Street & No., or R.R., No. or Lot & Concession No., or Lot & Plan No., and Postal Code (Post Office Box No. not acceptable)  
Domicile élu y compris la rue et le numéro ou la R.R. et le numéro, ou le numéro de lot et de concession, ou le numéro de lot et de plan, ainsi que le code postal (Numéro de boîte postale inacceptable)

Richard C. Donovan

435 CHEWETTE DR  
HAMMER ONT.  
P3P 1U4

nicole m. doyon

475 LINCOLN ST. JR.  
HAWAII ST.  
P.O. BOX 104

Louise F. Lacey - Texas

208 HAWAIIA AVE BOX 550  
CARROLL OHI.  
PO BOX 140

Daniel E. Joannis

202 MANNA AVE. Box 350  
CARROL OHI.  
POM 140

CHARTER PARK R. AUGUSTO

43- DORTON AVENUE  
SADDLEBURY ON P3C 467