



REPORT TO COUNCIL

**TO:** Richmond City Council  
**FROM:** Mayor Greg Halsey-Brandt, Chair  
General Purposes Committee  
**DATE:** July 6<sup>th</sup>, 2000  
**FILE:** 8060-20-7141  
**RE: SUPPLEMENTARY REPORT ON LATE NIGHT EVENTS (RATE) REGULATION  
BYLAW NO. 7141 - DEALING WITH BONDING REQUIREMENTS**

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The General Purposes Committee, at its meeting held on Tuesday, July 4<sup>th</sup>, 2000, considered the attached report, and recommends as follows:

COMMITTEE RECOMMENDATION

- (1) *That Bylaw 7141, which establishes new regulations for Rave Events, be introduced and given first, second and third readings, without including the requirements for bonding of either the promoters or owners of the facility that acts as a venue for Rave Events.*
- (2) *That staff be instructed to review the licence requirements of those involved in Rave Events to determine whether or not the provisions of insurance and bonding should be a requirement of the obtaining of a business licence and/or a permit for a Rave Event.*
- (3) *That staff be requested to review in general terms, those rave-like events which take place earlier in the evening and end by 2:00 a.m.*

Mayor Greg Halsey-Brandt, Chair  
General Purposes Committee

Attach.

VARIANCE

Please note that staff recommended the following:

- (1) That Bylaw 7141, which establishes new regulations for Rave Events, be introduced and given first, second and third readings, without including the requirements for bonding of either the promoters or owners of the facility that acts as a venue for Rave Events.
- (2) That staff be instructed to review the licence requirements of those involved in raves to ascertain whether or not the provisions of insurance should be a requirement of the obtaining of a business licence.

## STAFF REPORT

### ORIGIN

At the General Purposes Committee meeting of June 19<sup>th</sup>, 2000, the new Late Night Event (Rave) Regulation Bylaw was referred to staff to examine the issue of requiring bonding for promoters and owners of facilities which act as a venue for such events.

### FINDINGS OF FACT

Currently, there are certain businesses which may be required to post either a bond or provide proof of liability insurance with the city in order to obtain a business licence. Under the provisions of Business Licence Bylaw, the Chief Licence Inspector has the authority to ask for such insurance if, in his opinion, there is a possibility of liability on the City. It should be noted that this authority has not yet been exercised on any business licence applicant.

At the present time, a separate business licence category for the operators of Rave Events does not exist, as they are considered to be banquet operators, and there are no special requirements to obtain such a business licence. In addition, the promoters of Rave Events are licensed as "Service Use", and again, there are no special requirements to obtain such a business licence.

This liability insurance requirement issue is quite different than requiring a performance bond which could be seized in the event of a breach of the Rave Event Regulation bylaw, or which could be used to compensate the city or the public for damages caused directly or indirectly, in connection with the holding of a Rave Event. While the Municipal Act allows the City to set "terms and conditions" on the issuance of a business licence, it is unlikely that this wording would include the power to impose the requirement of bonding. In the event that the City undertook a review of a specific business licence as a result of a hearing by Council regarding the possible suspension or cancellation of that business licence, requiring a bond could be made a condition of allowing the business in question to retain their licence to operate.

### ANALYSIS

There are also problems in that if the City required a performance bond, then anyone who has, or thinks they have, suffered damage as result of the Rave Event, will expect the City to use the proceeds of the bond to repair such damage. In these circumstances, the City would have to establish a process to decide whether or not the damage in question was connected to the Rave Event, the extent of the damage, and to prioritize claims if there was insufficient money to cover all requests for compensation.

The requirement for liability insurance may have some merit, but could not be implemented until the 2001 licence year, for those operators who are currently licenced for the year 2000. Thus, it would be advisable for staff to review the possibility of requiring such liability insurance and to bring forward an appropriate amendment to the Business Licence Bylaw.

### FINANCIAL IMPACT

Not Applicable

CONCLUSION

The requirement for bonding for either the promoters or managers of venues or both of Rave Events should not be made a condition of obtaining a business licence, however staff should consider the possibility of requiring those involved in holding Late Night Event (Raves) to have adequate liability insurance, naming the City as an additional named insured party.

Paul Kendrick  
City Solicitor

PK:pk

CITY OF RICHMOND

## EVENT REGULATION (RAVES) BYLAW NO. 7141

The Council of the City of Richmond enacts as follows:

### PART ONE – GENERAL PROHIBITION

- 1.1 A person must not hold a **late night event** without first obtaining an event permit issued in accordance with the provisions of Part Two.
- 1.2 Notwithstanding the provisions of section 1.1, a **late night event** which is:
- (a) of a non-commercial nature; and
  - (b) held as part of a graduation ceremony of an educational facility as evidenced by a letter signed by a school official, and filed with the **Manager, Zoning**,

will not be required to meet the requirements of this bylaw.

### PART TWO – EVENT PERMITS

#### 2.1 Event Permit Application Procedure

- 2.1.1 A **promoter** wishing to organise or hold a **late night event** must complete an event application provided for that purpose, by the **City**.
- 2.1.2 The event application specified in subsection 2.1.1, must:
- (a) be signed by the **promoter**;
  - (b) be presented to the **Manager, Zoning** at least 10 days prior to the event; and,
  - (c) be accompanied by an application fee of \$100.

#### 2.2 Event Permit Requirements

- 2.2.1 The **Manager, Zoning** will only issue a **late night event** permit for events which are held at a location specified in section 2.3, provided:
- (a) the premises continue to meet all relevant fire and health regulations; and remain adequately sound-proofed to ensure that no persons other than those in attendance will be impacted by the event;

- (b) a payment is made, prior to the issuance of the event permit, for additional policing services, on the basis of:
  - (i) a minimum of 1 officer for the first 500 persons; and
  - (ii) a further officer for each additional 250 persons, or portion thereof,up to the maximum capacity of the facility, and as stated in the event application;
- (c) there is an adequate security plan in place for the **late night event** which includes provisions for:
  - (i) first aid;
  - (ii) entrance control to ensure that alcohol or illicit drugs are not brought in the premises during a **late night event**;
  - (iii) outside inspection and clean up in the vicinity of the premises during and after the event;
  - (iv) line control including ensuring that patrons are not permitted to re-enter the event after they have left;
  - (v) the employment of a security firm licensed by the Government of British Columbia;
- (d) there is provision for an adequate supply of potable water at no cost to those in attendance.

2.2.2 A permit for a **late night event** will not be issued to any **promoter**:

- (a) who does not have a valid business licence to hold such **late night event**, nor
- (b) whose application indicates the employment or hiring of any person or company connected with a previous **late night event**, which was operated in contravention of any **City** bylaw or Provincial statutes or regulations.

## 2.3 Late Night Event – Approved Locations

2.3.1 Only the following locations are approved for **late night events**:

- (a) 14500 River Road; and
- (b) 14431 Knox Way.

## PART THREE - INTERPRETATION

3.1 In this Bylaw, unless the context otherwise requires:

**CITY** means the City of Richmond.

**LATE NIGHT EVENT** means a dance or other entertainment performance or other event where 20 or more persons are assembled at any time between 2:00 a.m. and 6:00 a.m. and where music, noise or sound of any kind or source, including but not limited to amplified recorded or computer generated music, amplified recorded or computer generated sounds, live music, sound or band music is performed or played.

**MANAGER, ZONING** means the Manager, Zoning in the Urban Development Division of the **City**.

**PROMOTER** means the person who has the financial responsibility for the **late night event** including contracting with entertainers, security firm, renting the facility, advertising the **late night event** and collecting gate receipts.

## PART FOUR - PREVIOUS BYLAW REPEAL

4.1 Event Regulation (Raves) Bylaw No. 7123 (adopted April 10<sup>th</sup>, 2000) is repealed.

## PART FIVE - VIOLATIONS AND PENALTIES

5.1 Any person who:

- (a) violates or who causes or allows any of the provisions of the bylaw to be violated; or
- (b) fails to comply with any of the provisions of this, or any other applicable bylaw or statute; or
- (c) neglects or refrains from doing anything by this bylaw; or
- (d) makes any false or misleading statement,

is deemed to have committed an infraction of, or an offence against this bylaw, and is liable on summary conviction, to the penalties provided for in the *Offence Act*, and each day that such violation is caused or allowed to continue constitutes a separate offence.

- 5.2** An operator, manager or owner of any premises in which a **late night event** is responsible to ensure that such **late night event** is held in compliance with all City bylaws and regulations.

## PART SIX - SEVERABILITY AND CITATION

- 6.1** If any part, section, subsection, clause, or sub clause of this bylaw is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
- 6.2** This bylaw is cited as "**Event Regulation (Raves) Bylaw No. 7141**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

_____	CITY OF RICHMOND
_____	
_____	
_____	APPROVED for legality by Solicitor

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK