

**DEVELOPMENT & BUILDING APPROVALS REPORT TO
THE S.P.C. ON OPERATIONS AND ENVIRONMENT**

2003 JULY 30

EXTENDED DANCE EVENT BYLAW AMENDMENTS

ISSUE:

To amend the Extended Dance Event Bylaw 34M2000 to provide greater flexibility and streamline the licensing process.

RECOMMENDATION:

That the S.P.C. on Operations and Environment recommend approval of Alternative #3 which directs the Administration to amend Bylaw 34M2000 to create a graduated licensing system for regulating "raves".

EXECUTIVE OFFICER'S COMMENTS:

Executive Officer Erika Hargesheimer concurs with this report.

BACKGROUND:

In the summer of 2000, The Extended Dance Event Bylaw 34M2000, commonly known as the "Rave" Bylaw, was approved. The features included the safety of the building and the supervision of the rave participants, some of whom are minors. The two goals of the Bylaw were to:

1. Assist in ensuring "raves" are safe for participants, and
2. Ensure that "raves" are not unduly disruptive to the neighbourhood.

On 2001 July 18, the S.P.C. on Community and Protective Services approved the Recommendation of the Administration contained in the Community Strategies Report CPS2001-42. The report recommended that Council approve the report with no amendments to the Extended Dance Event Bylaw (34M2000) at that time and further, that the Administration be directed to provide an update report to the S.P.C. on Community and Protective Services in one year.

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On 2001 July 23, Council adopted the Community Strategies Report CPS2001-42, Extended Dance Review Committee (EDERC) Report.

On 2003 February 05 at the S.P.C. on Community and Protective Services the Extended Dance Event Bylaw was discussed. Members of the Committee agreed that the Extended Dance Event Bylaw report should proceed to the Operations and Environment Committee as the changes to the bylaw were primarily facility and use based.

RECENT DEVELOPMENTS:

Since the Bylaw was passed in July of 2000, there has been a dramatic decrease in applications from a high of 24 in 2001 to only two licensed events to date in 2003 (Attachment 2). It is not clear if the Bylaw has significantly contributed to this decrease, as it may be the lack of suitable venues, increased costs to "rave" promoters (i.e.: increased cost of renting the venue or obtaining insurance) or the "rave" phenomena has run it's course.

INVESTIGATION:

The Business Licence Division has consulted with a number of internal and external stakeholders, including the Calgary Police Service, Emergency Medical Services, Fire Department / Fire Prevention Bureau, Law Department, Land Use and Development, Rave Promoters, DJs and Ravers.

The most contentious issues raised by the promoters include the requirements for pay duty Police Officers, Provincially Licensed Security Personal and the required 45 day turn around to process the business licence. Their complaint is that, the bylaw does not specify the standard with respect to the numbers of pay duty officers required for each event. As well, they object to the cost pay duty officers add to the overall cost of putting on the events.

ALTERNATIVES:

The following three alternatives were considered:

1. Leave the current Bylaw as is with no changes. This is a less desirable option as the Administration feels that the Bylaw would benefit from the amendments to clarify certain definitions and deeming provisions within the Bylaw. The Business Licence Division is sensitive to the community's expectations and other business units within the Administration who use and benefit from the Bylaw.

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2. Technical amendments to the Bylaw. This approach would resolve the clarity issue with the Bylaw but would not respond to the Rave community's complaints, nor would it assist in the administration of the Bylaw. This approach would see "cosmetic" changes rather than the substantive improvements to the Bylaw.
3. Amend the Bylaw to create a graduated licensing system (Attachment 3). This approach would result in a significant amendment to the Bylaw and address many of the "rave" industry's concerns, while still maintaining the original intent of the Bylaw. A comparison of the existing bylaw and the proposed graduated licensing system is provided in Attachment 4.

This system would ensure that events take place in approved venues and address the licence application in a more cost efficient manner. At present, an unusual amount of City employee time is spent implementing, reviewing, and enforcing the Bylaw with promoters. The easiest, quickest and least expensive licence for a rave promoter to obtain under the graduated licensing approach would be one where the proposed venue has all of the proper fire, health and planning approvals in place. On the other side of the tiered system, the most difficult, time consuming and expensive licence would be one where the proposed venue does not have the fire, health and planning approvals in place.

This approach would address the rave community concerns regarding the time and the uncertainty of applying for a license and would see the lowest category of a rave license not require pay duty officers.

ENVIRONMENTAL IMPACT:

There are no environmental impacts associated with the approval of the recommendations outlined in this report.

FINANCIAL IMPACT:

The approval of a graduated licensing approach would result in fewer employee resources being allocated to review and implement the bylaw.

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CONCLUSION:

It was determined that the most effective licensing system should capture all of the existing standards within the current Bylaw and continue to maintain health, safety, and security of people and property while addressing the concerns of the promoters. This could be achieved by adopting the graduated licensing system that provides for greater flexibility and a user-friendly process for both the promoter and the Administration.

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Summary/Issue

The graduated licensing system for Extended Dance Events would provide for greater flexibility for both the "rave" industry and for the Administration.

Previous Council Direction

In the summer of 2000, The Extended Dance Event Bylaw 34M2000, commonly known as the "Rave" Bylaw, was approved. On 2001 July 18, the S.P.C. on Community and Protective Services approved the Recommendation of the Administration contained in the Community Strategies Report CPS2001-42. The report recommended that Council approve the report with no amendments to the Extended Dance Event Bylaw (34M2000) at that time and further, that the Administration be directed to provide an update report to the S.P.C. on Community and Protective Services in one year.

Recommendation:

Amend the Bylaw to create a graduated licensing system (Attachment 3). This approach would result in a significant amendment to the Bylaw and address many of the "rave" industry's concerns, while still maintaining the original intent of the Bylaw.

Investigation

After several discussions with industry stakeholders, the recommendation strikes a balance of maintaining the intent of the Bylaw while providing clarity and flexibility for event applicants.

The current Bylaw is considered to be prohibitive and not transparent. The graduated licensing process will provide clear expectations, responsibilities and requirements of the applicant. Each tier will ensure the safety, health and well being of attendees based on the size and nature of the event.

Implications

The graduated licensing process will maintain the security requirements and at the same time protect the community from any negative spillover as a result of these events.

Budget Implications

The graduated licensing process will allow for cost recovery to the Administration when processing the applications on each of the five levels.

Risks

The recommendation does not reduce the standards of the current Bylaw, it just allows for a simplified application process with clear expectations of the applicant. Managing and regulating the Bylaw will continue to be maintained regardless of which tier an event may fall under.

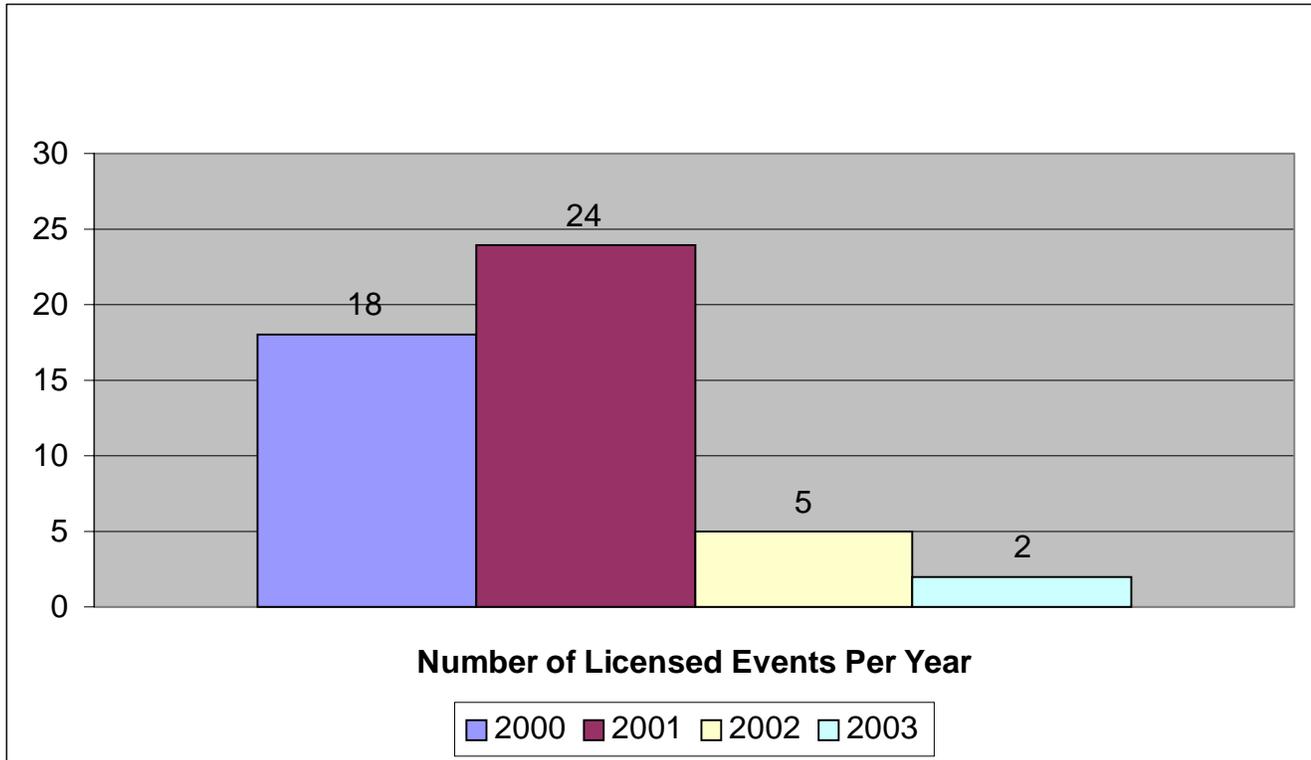
ATTACHMENTS

1. Extended Dance Event Bylaw Amendments – Old Report Format
2. Number of Licensed Events Per Year
3. Table of Graduated Licensing System
4. Comparison of Existing and Proposed Regulations

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EXTENDED DANCE EVENT BYLAW AMENDMENTS

Number of Licensed Events Per Year



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Comparison of Existing and Proposed Regulations

	EXISTING RAVE BYLAW (2000+)	PROPOSED RAVE BYLAW (2004+)
LICENCE REQUIRED	ONLY UNDER CERTAIN CIRCUMSTANCES (OVER 5 HOURS AND 250 PEOPLE). CONDITIONS OF BYLAW APPLY ONLY TO LICENSED EVENTS.	GRADUATED LICENSING SYSTEM. CONDITIONS OF BYLAW APPLY TO ALL EVENTS OF ANY SIZE OR DURATION. LICENCE ISSUED IN TYPE 'B' THROUGH 'E' EVENTS.
FEE	\$250	RANGING FROM ZERO TO \$1500 (COST RECOVERY).
NOTICE TO APPLY	45 DAYS.	RANGING FROM 5 DAYS TO 180 DAYS.
HEALTH AND SAFETY FEATURES (water, earplugs, medical personnel)	REQUIRED ONLY ON LICENSED EVENTS.	REQUIRED ON ALL EVENTS.
SECURITY, SOUND, SITE, TRANSPORTATION AND OTHER PLANS	REQUIRED ONLY ON LICENSED EVENTS.	REQUIRED ON ALL EVENTS. GRADUATED SYSTEM, NUMBER AND LEVEL OF CONDITIONS DEPENDING UPON THE SIZE OF EVENT AND TYPE OF VENUE.
MINIMUM CONDITIONS OF LICENSING	NO WRITTEN MINIMUMS (POLICE, EMS, SECURITY). CHIEF LICENCE INSPECTOR MAY IMPOSE CONDITIONS.	SET WRITTEN MINIMUMS LISTED IN GRADUATED LICENSING TABLE. CHIEF LICENCE INSPECTOR MAY IMPOSE ADDITIONAL CONDITIONS IN RESPECT TO HEALTH, SAFETY AND PROTECTION OF PEOPLE AND PROPERTY.
REFUSAL OF LICENCE	CHIEF LICENCE INSPECTOR MAY REFUSE TO ISSUE LICENCE. LICENCE HEARING PROCESS APPLIES AND APPEALABLE TO LICENCE APPEAL BOARD.	CHIEF LICENCE INSPECTOR MAY REFUSE TO ISSUE LICENCE. LICENCE HEARING PROCESS APPLIES AND APPEALABLE TO LICENCE APPEAL BOARD.

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PROPOSED CHANGES to the existing Bylaw

For changes to the Extended Dance Events Bylaw 34M2000 (July 2003)

License Type	A	B	C	D	E
Do you need a licence?	NO	YES	YES	YES	YES
Fee	None	\$75	\$250	\$600	\$1500 (cost recovery)
Notice to the City	7 days	30 days	30 or 45 days	45 days	180 days
Event guest size	299 or less	300 - 799 people	800 - 1499 people	1500+	Any
Venue requirements	<ul style="list-style-type: none"> Land Use Approval Building meets Fire Code 	Same as A	Same as A	Same as A	Any venue that is NOT currently approved for assembly or entertainment.
Liquor possibility	No	No	No	No	No
Police (pay duty) required	No	No	Yes with a minimum number set	Yes with a minimum number set	Yes with a minimum number set
Security	No specifications of type, but in house staffing accepted	Yes. Provincially Lic. Security	Yes. Provincially Lic. Security	Yes. Provincially Lic. Security	Yes. Provincially Lic. Security
EMS	Staff/volunteers who are qualified in EMS and would be dedicated to EMS duties only. Minimum of 2.	EMS (St John style) with a minimum number of 4 set	EMS (St John style) with a minimum number of 6 set	EMS and Paramedic with a minimum number of 6 set	EMS would be needed in the same form of A thru D, depending upon the size of the crowd.
Other	No changes or modifications to the above				The building must be brought up to Code
Notes	Even though this type does not require a licence, the provisions of the bylaw would apply and be enforceable, such as having free water access, ear plugs, security, EMS, health requirements etc.				