



Staff Report

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Report To:	General Government Committee	
Date of Meeting:	April 19, 2021	Report Number: LGS-016-21
Submitted By:	Rob Maciver, Director of Legislative Services	
Reviewed By:	Andrew C. Allison, CAO	By-law Number:
File Number:	L1000-47	Resolution#: C-111-21
Report Subject:	On-Farm Special Event Licensing By-law	

Recommendation:

1. That Report LGS-016-21 be received for information

Report Overview

This Report presents the details of a draft On-Farm Special Event Licensing By-law that was requested by Council on March 22, 2021.

1. Background

- 1.1 At the Council meeting of March 22, 2021, Resolution #C-111-21 was passed which provided in part:

“That Attachment 2 to Report LGS-012-21, to proceed with a licensing regime for on-farm special events, be endorsed”.
- 1.2 The draft licensing by-law is found at Attachment 1 of this Report.
- 1.3 There remains considerable disagreement between the interested parties regarding the regulations contained in the draft by-law. The most controversial provisions of the draft by-law are briefly summarized in Section 2 of this Report. These provisions have also been highlighted in the draft by-law for ease of reference.
- 1.4 Members of Council will recall that the Staff recommendation was to forego the licensing by-law in favour of site-specific regulations to be established at the time of approval of a zoning by-law amendment and site plan. As another alternative, the draft by-law could be reformulated such that the specific operational regulations would be included as conditions of each individual by-law. This would achieve Council’s objective of providing for a system of licenses, while also affording the opportunity to tailor regulations to each unique farm property.

2. By-law Provisions

Hours of Operation / Seasonality

- 2.1 Section 2.6 of the draft by-law prohibits on-farm special events from occurring between 11:00 p.m. and 10:00 a.m. and establishes that events may only be held from May 1 to October 1.
- 2.2 Aspiring operators of on-farm special events and their supporters generally viewed these operational parameters as too restrictive. A specific request was made to allow for events to cease at 12 midnight, with sound amplification equipment to be turned off at 11:00 p.m.
- 2.3 Another specific request was submitted to permit events during the Christmas season in addition to the period of May to October.

Frequency

- 2.4 Sections 2.7 and 2.8 of the draft by-law provide that no more than one event may be held in any consecutive three-day interval, and no more than two events in any seven-day interval.
- 2.5 This essentially limits the number of events to one per weekend and two per week during the event season.
- 2.6 Operators again view these limitations as overly restrictive. The submission was made that permission for two wedding events on a long weekend would be more reasonable. A further submission was made that the restriction on the frequency of events should apply only to events that occur after daylight hours, and the daytime events should be counted separately.
- 2.7 Others were vigorously opposed to more than one event per weekend.

Maximum Attendance

- 2.8 Section 2.9 of the draft by-law establishes the maximum attendance for an on-farm special event of the capacity determined as part of the site plan approval, or 300 persons, whichever is less.
- 2.9 Some individuals were concerned that a 300-person maximum attendance was too high.

Annual Licensing Fee

- 2.10 Section 3.2 of the draft by-law would establish an annual licensing fee of \$500. This amount is in line with the permit fee for a larger scale special event of over 500 attendees (e.g. Boots and Hearts) but is higher than the annual fee under the Kennel By-law or the Refreshment Vehicle By-law (both \$200).
- 2.11 In order to remain competitive, some operators expressed a preference for a lower fee of perhaps \$250.

License Term

- 2.12 Section 3.12 of the draft by-law requires that a license be obtained annually. A specific request was submitted to see this licensing term extended to a three-year term to provide for more certainty when booking events more than one year in advance.

Set Fines

- 2.13 A set fine schedule is provided with the by-law to provide for simplified enforcement of minor by-law infractions.
- 2.14 Set fines are subject to approval by the Ontario Ministry of the Attorney General. It is unusual for approval to be obtained for set fine amounts in excess of approximately \$500, and Ministry staff review the proposed fines to determine reasonableness and proportionality.
- 2.15 Nevertheless, some individuals were concerned that the proposed set fine amounts would not be adequate to deter contraventions of the draft by-law.

3. Concurrence

Not Applicable.

4. Conclusion

This report summarizes the contents of the draft licensing by-law and provides some commentary on some of its controversial aspects. While not mandatory, Council may choose to enact the draft by-law, or to make amendments to the by-law based on submissions received from the public.

Staff Contact: Robert Maciver, Director of Legislative Services/Municipal Solicitor, 905-623-3379 ext. 2013 or rmaciver@clarington.net.

Attachments:

Attachment 1 – Draft On-Farm Special Event Licensing By-law

Interested Parties:

List of Interested Parties available from the Legislative Services Department.