

Report to MSC  
September 9, 2024  
**Report Title: Tourist Campground Licensing By-law**

Department: Development Services  
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Position: Manager of Development Services  
File/Report #: DS2024-24



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## **RECOMMENDATION**

Be it resolved that the Municipal Services Committee recommends to Council that the draft Tourist Campground Licensing By-law as identified in report DS2024-24 be adopted at the October 7, 2024 Council Meeting.

AND FURTHER THAT staff be directed to explore utilizing Frontenac Municipal By-law Enforcement to implement the Tourist Campground Licensing By-law so that existing staff resources are not affected and service levels are maintained which shall include a provision for up to \$7,500 as pre-approved in the 2025 budget.

## **Context**

The Tourist Campgrounds Land Use Study, completed in 2022 as part of the Interim Control By-Law implemented by Council, recommended the implementation of a Licensing By-law for Tourist Campgrounds. It was noted that the creation of the Licensing By-law would be pursued by the Township in consultation with our solicitor, the public and stakeholders, following completion of the land use study.

At the May 24, 2023 PACA meeting the Committee passed Resolution 79-2023 which directed staff to provide information regarding campground licensing at a June PACA meeting for further discussion. Additionally, at the May 4, 2023 Rideau Lakes Lake Association Committee meeting the Committee passed Recommendation 8-2023 which requested that Council explore licensing and self-certification of campgrounds.

A report was produced at the June 14, 2023 PACA meeting which provided the committee with an overview of the legislative background of municipal licensing of businesses (Section 151 and 164 of the Municipal Act), a list of pro's and con's of licensing, and commentary on implementation considerations for a licensing by-law. Staff recommended only that direction be given, which resulted in Resolution 88-2023 that reads:

*FURTHER THAT Staff are directed to draft a Licensing By-law for Tourist Campgrounds which shall include the following considerations: Users pay system with a reasonable fee, no surveys required, administrative monetary penalties, self-certification compliance*  
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*reports, random scheduled spot checks of approximately 4 campgrounds by Township's Staff with all campgrounds inspected within the term of Council, inspections on a complaint basis and renewals on a 4 year cycle.*

*FURTHER THAT site features are to include number of sites, naturalization, emergency access and fire routes.*

*FURTHER THAT operational features are to include fire safety measures, verification of safe water and wastewater systems approval in place and provisions of campground rules.*

*FURTHER THAT the draft licensing By-Law be provided to PACA in the Fall for consideration with a potential implementation date of 2024.*

*FURTHER THAT staff are to develop an approximate 2 page framework of the components to include in the draft Licensing By-law to inform an open house to be held in August.*

An open house was held on November 2, 2023 where the findings were presented in a report at the December 13, 2023 PACA meeting.

This report, is presenting a draft licensing by-law with considerations that implement Council's direction and the public feedback received at the November 2, 2023 open house.

The results of the open house were presented at the December 13, 2023 PACA meeting, and staff also presented a draft of a licensing by-law. The by-law indicated three main considerations for the licensing regime:

1. Compliance with MECP orders and ECA conditions
2. Having a site plan of the property indicating all relevant features and campsites
3. Ensuring emergency responsiveness has been considered and there are adequate processes in place

The staff report was Acknowledged, and Resolution 183-2023 was passed that indicated:

*AND FURTHER that staff be directed to obtain a legal review of the draft by-law which is to include the proposed licensing framework identified in the staff report and said legal review and licensing by-law is to be brought back to a future Planning Advisory and Committee of Adjustment meeting.*

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Discussion at the December 13, 2023 PACA meeting indicated that the 3 main considerations in the by-law noted above is the right direction for municipal regulation, however, PACA indicated to staff that site inspections by the Township should be mandatory and occur at least once during the term of the licence. Staff utilized the City of Kawartha Lakes "Seasonal Trailer Park" licensing by-law as the basis for the development of the Township's By-law.

The fully completed draft version was presented at the July 10, 2024 PACA Meeting, where

Resolution 76-2024 was passed which directed certain changes to the draft licensing by-law and directed the next stage of the review was to occur at the Municipal Services Committee (MSC) on September 9<sup>th</sup>, 2024:

*That the Planning Advisory and Committee of Adjustment direct staff to make the following changes to the draft licensing By-law:*

- *remove tents from the campground licensing purview*
- *make minor amendments to section 3.02 and typo in definition of "recreational vehicle"*
- *Section 3.06 c) be amended to include sizing of trailer, sizing of decks and servicing on each campsite*
- *amend the shutdown period to provide for consideration of those septic systems which service another permitted use*

*AND FURTHER that a legal review of the draft by-law be completed and that Campground owners, lake associations, Camping in Ontario be circulated the draft by-law for comment.*

*AND FURTHER that the legal review and stakeholder feedback be reviewed at the September 9, 2024 Municipal Services Committee for further deliberation.*

### **Stakeholder Comments**

#### **Campgrounds**

Section 3.03: The 90-day response is unreasonable to be within the timeframe in which most campground businesses open. 60 days (about 2 months) should be a more reasonable period to respond to an application for licensing.

Section 3.05B), Section 5.01: Licensing Fee at \$1,000 per campground is unfair to smaller campgrounds

Section 3.06 B & C: Concerns with Site Plan Requirements - Setbacks from buildings to other buildings, campsites, property lines onerous. Additionally, requiring a description of sizing of trailers/buildings on camp sites onerous and would require multiple updates throughout the year

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Sections 3.09 & 5.10: Any inspection as part of licensing of Campgrounds property should be coordinated with owner/ operators to be present, prior to or at the conclusion of the operating season.

Section 4.04: 24-hour phone line potentially not feasible and not able to be met putting ability to obtain a licence in question

Section 8.03: 10 days is not a sufficient time to rectify any issue for a business owner.

Section 8.03: More explanation on criteria for refusal of a licence is needed  
Sections 9.03 and 9.04: Fine structure is too aggressive – Minimum \$500 fine up to \$100,000 is potentially devastating to operations

No section: Campground's should not be singled out in a licensing by-law that provides short term accommodation. Other short-term accommodations should be licensed/regulated similarly, like AirBnb's etc...

### Camping in Ontario

Section 3.06 B & C: concerns with site plan requirements being excessive and unnecessary, and request that an example be provided to show compliance. The comments mention concern about requiring the names of campers, however, this is a misinterpretation of Section 3.06 B which is asking for names or numbers of "campsites" – as some campsites have names like "Owl" or "Loon" etc... They reiterate the issue of the changing nature of campsites, with RVs being swapped out regularly that may not be static at one given time. They request further clarification is needed whether campground owners would be required to monitor continuously or only every four years when applying for a new license. Additionally, clarification is requested on whether the license would be revoked immediately should a site inspection reveal that the site plan is not up to date.

Section 4.04: concerns with requiring a 24-hour emergency phone

Section 8.03: concern with council discretion to refusing a licence. Adding a political element to the decision-making process is concerning for campground operators.

No section: Concern with licensing issues that arise during peak season, as dealing with licensing problems would be unfeasible for most owners during the peak occupancy months.

Other comments related to Zoning conformity under the new Zoning By-law provisions and will be dealt with separately.

## Rideau Lakes Lake Association Committee

Section 3.06 B & Section 4.02: Site Plan requirements should be made much clearer to ensure consistent compliance across campground submissions. Photos of the shoreline area should also be included in Site Plan submissions to get a base line of shoreline area.

Section 6.0 – Insurance requirements should include proof of directors liability insurance is in place.

Section 6.01: Requirement for \$2,000,000 in general liability insurance is too low and may not fully cover risks from environmental spills.

No Section: Should include a section that violations of Noise by-law will result in specific fines, and those fines should be included in the licensing by-law. Consideration should be given to a “three strikes and you are out” clause escalating fine with revocation of the licence as a final step. Fines should also be linked to inflation with 2024 as the base year.

### **Legal Review**

See Attached. All recommended changes have been implemented.

### **Summary of Changes:**

Based on stakeholder and legal feedback, the following changes are recommended.

Definition of Licensee: replaced “owner” with “holder”

Section 2.02: Add “and may, at the discretion of the Licensing Enforcement Officer, result in the revocation of a license.” at the end of the second sentence

Section 3.03: Remove 90-day response time stipulation.

Section 3.04: Remove “occupy or”

Section 3.05: Change wording from “signed acknowledgement” to “An acknowledgement signed by the owner”

Section 3.06 B & C (Site Plan Requirements) Amendment to read:

- a. a site plan drawing outlining the
  - location of all roads and campsites and their names and or numbers, all buildings, , campsites and property lines;
  - setbacks of all buildings, campsites to property lines

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- b. A list of all campsites and buildings on the property, which include
  - the sizing of any trailer, sizing of decks, date constructed/established, and servicing on each campsite;
  - the dimensions and height of each building

Section 3.07: Change wording of first paragraph to read “The Licensing Enforcement Officer may deny, revoke, suspend, or refuse to issue a licence or issue a licence with specific licensing conditions based on, but not limited to, the following criteria:”

Section 3.09: Add in “and the applicant, in applying for a licence, shall be deemed to consent to said inspection.” at the end of the paragraph

Section 3.10: Add in “, unless otherwise revoked in accordance with this by-law.” At the end of the paragraph.

Section 4.01: Add in “approved by the Licensing Enforcement Officer.” At the end of the paragraph.

Section 4.03: Minor wording changes

Removal of Section 4.04 – to be suggested and reviewed by Fire Chief in requirement for the submission of the emergency and fire safety plan (Section 3.06 d)

Section 4.05: Minor wording changes

Section 5.11: Modify wording of first paragraph so that it reads: “**Right to Refuse and Revoke:** The Licencing Enforcement Officer may, having regard for the criteria in Section 3.07, revoke, suspend, impose any conditions upon, or refuse to issue or renew any licence to any person under this by-law”

Section 6.01: Minor wording changes

Section 7.01: Minor wording changes

Removal of Section 9.02

Section 9.05: Add in “, and where a person is convicted of a multiple offence, the minimum fine for each offence included in the multiple offence shall be \$500.00 and the maximum fine for each offence included in the multiple offence shall be \$10,000.” At the end of the first paragraph.

## **Overall Direction/Discussion on Tourist Campground Licensing**

A Tourist Campground Licensing by-law was recommended by Fotenn in their March 23, 2022 Land Use Study that was to be implemented with 10 other recommendations in their report. So far, only 2 of those recommendations have been completed (Updates to the Official Plan and Zoning By-law), and a Licensing by-law would be the completion of a 3<sup>rd</sup> recommendation. There is no work plan identified yet to implement the other 7 recommendations.

Generally, the Zoning By-law and Official Plan updates assist in further regulating expansions to a Tourist Campground, and the Licensing By-law assists in regulating operations of a Tourist Campground. The proposed Licensing By-law achieves 3 primary objectives:

1. Asking for confirmation of compliance with the Ministry of Environment
2. Obtaining a Site Plan and documented record of all campsites and buildings on the property
3. Asking for details on emergency preparedness through the submission of a emergency and fire safety plan.

During the course of the consultation with stakeholders, it is apparent that there are meaningful gaps between what various stakeholders expect the Licensing By-law to do, versus what it will actually achieve. Some clarifications are:

- The licensing by-law will not implement the new campsite sizing or campsite coverage to existing sites.
- The licensing by-law does not give authority of the Township to directly deal with septic issues. These are exclusively under the jurisdiction of the Ministry of Environment. All the licensing by-law does is require compliance with the Ministry of Environment, and if not in compliance, then the license **could** be revoked.

There is still the outstanding issue of appropriate staff resources to properly administer licensing by-law. At all stages of reporting on this file, Fotenn and staff have stated proper staffing is a concern in the implementation of this by-law, and core services will be impacted. The scope of work that is included in the implementation of this by-law is so far apparently to be absorbed by existing staff:

<b>Task of Implementing Licensing By-law</b>	<b>Estimated Time Allocation</b>
Receipt and review of 16 Tourist Campground Licence applications	Approximately 20 hours
Follow ups for incomplete applications, additional information, clarificaion	Approximately 10 hours

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Receipt and review of complaints from public regarding campground compliance with licensing by-law	Unknown – Approximately 20-30 hours
Conduct 4 compliance site visits per year, minimum 3 hours per campground including travel time with minimum 2 staff members (4x3 x 2 staff member = 24 hours)	Approximately 24 hours
Follow ups to non-compliance of sites, potential building non-compliance – unknown approx 20-30 hours	Approximately 20-30 hours
TOTAL	94-114 FTE Hours

Total staffing hours anticipated in 2025 are a minimum of 90-114 FTE hours. If there are issues of non-compliance then legal fees will also arise, as compliance must be compelled through prosecution in Provincial Offenses Court or an injunction with Brockville Superior Court. Any enforcement that proceeds to this level will require substantial staff time and resources to execute.


The licensing by-law is not in and of itself enough to warrant a new staff member, but it is also significant enough to not be absorbable within existing staff complement. **Staff recommend exploring the financial impact of increasing services from Frontenac Municipal By-law Enforcement to implement this by-law so that existing staff resources are not affected and service levels are maintained.**

**Financial Implications**

To be finalized with Frontenac Municipal By-law Enforcement for the 2025 budget.

**Attachments**

- 1. Draft Tourist Campground Licensing By-law

  
 \_\_\_\_\_  
 NAME: Malcolm Norwood  
 Position: Manager of Development Services

September 5, 2024  
 DATE

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 e-signed  
 NAME: Shellee Fournier  
 Position: CAO

September 5, 2024  
 DATE

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