



Date: November 4, 2024
To: Mayor and Council
Author: Angela Toole, Acting Manager of Municipal Governance & Clerk
RE: Large Holiday Displays Nuisance By-law

RECOMMENDED ACTION

That Council **APPROVE** By-law 85-2024 being a By-law to Prohibit and Regulate Public Nuisances related to Large Holiday Displays in the Town of Kingsville;

And that Administration **BE AUTHORIZED** to submit the set fines appended to By-law 85-2024 to the Ministry of the Attorney General for approval;

And that corresponding By-law 85-2024 **BE ADOPTED** during the By-law stage of this Council Agenda.

BACKGROUND

On June 17, 2024, Administration presented the results of the William's Light Show Targeted Survey to the Committee of the Whole. Subsequently, the Committee of the Whole resolved the following:

Moved by Councillor Lowrie
Seconded by Councillor Neufeld

"That the Committee of the Whole **DIRECTS** Administration to draft a Bylaw or amend an existing By-law to include restrictions and/or permitting for holiday light shows on private property; and

That the Committee of the Whole further **DIRECTS** Administration to bring forward the same draft for review and consideration before the end of the current Term of Council."

CARRIED

DISCUSSION

Administration recognizes that there are both positive and negative community impacts with respect to large holiday displays. Positively, large holiday displays are seasonal and draw non-resident visitors to Kingsville who may contribute to the local economy. Negatively, the following are concerns with related to large holiday displays:

- Nuisance concerns related to noise, light, and littering by visitors;
- Safety concerns related to emergency vehicle access, parking, and blocked driveways; and,
- The overall general impact of hundreds of visitors visiting residential neighbourhoods.

As a result of the direction given by the Committee of the Whole, Administration has drafted a By-law to regulate “Large Holiday Displays”.

Draft By-law 85-2024 defines “Large Holiday Display” as *“an exterior display of lights and decorations that are temporarily installed on private property that can be reasonably expected to create or has previously created Nuisance Impacts in the sole discretion of the Clerk and the Supervisor of By-law Enforcement.”*

Key elements of Draft By-law 85-2024 include the following:

- The requirement that a person obtain a Holiday Display Permit to assemble and operate a Large Holiday Display;
- Regulations limiting the operation of the Large Holiday Display to; Thursday to Sunday, and January 1, October 31, December 24, December 25, and December 31, from 6:00 p.m. to 8:00 p.m.;
- A permit will not be issued for a period longer than forty-five (45) days;
- The application for a Holiday Display Permit requires a drawing of the layout and location of the Holiday Display, a description of potential traffic impacts, and the number of expected visitors based on previous years of operation;
- Discretion of the Clerk to impose certain conditions on the Holiday Display Permit such as the day(s) and time(s) the Large Holiday Display can occur, the imposition of noise and traffic mitigation measures, and neighbourhood notification requirements; and,
- Discretion to the Clerk to refuse to issue, suspend or revoke a Holiday Display Permit, with the ability for the applicant to appeal to the Committee of Adjustment & Appeals.

In addition to the key elements of Draft By-law 85-2024 as noted above, the By-law contains standard enforcement provisions which will allow the Town’s By-law Enforcement Officers to take remedial action should complaints or concerns arise as a result of a Holiday Display.

Lastly, Administration has referenced Part I of the *Provincial Offences Act* and has drafted a schedule of Set Fines to be submitted to the Ministry of the Attorney General should Council adopt Draft By-law 85-2024.

Administration is recommending that Council adopt Draft By-law 85-2024.

FINANCIAL CONSIDERATIONS

It is important to note that Administration does not recommend a fee for a Holiday Display Permit so as not to discourage potential applications.

ENVIRONMENTAL CONSIDERATIONS

None.

CONSULTATIONS


Daryl Flacks, Supervisor of By-law Enforcement

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CAO