

The Corporation of the City of Kawartha Lakes
Council Report

Report Number CLK2018-010

Date: September 25, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Title: Repeal of Tag Day By-law

Author and Title: Ann Rooth, Deputy Clerk

Recommendation(s):

That Report CLK2018-010, **Repeal of Tag Day By-law**, be received;

That the solicitation of monetary contributions, known as Tagging, be prohibited at City Parks and Facilities; and

That a by-law to repeal By-law 2001-53, being a By-law to Fix Days for Solicitation of Monetary Contributions by Persons and Organizations in Charitable or Patriotic Work, be brought forward for adoption.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of April 23, 2001, Council adopted the following resolution:

Moved by Councillor McGregor, seconded by Councillor McGee, RESOLVED THAT, report CS2001-17, Regulation of Tag Days within City Boundaries be received; and
THAT the by-law to fix days for solicitation of monetary contributions by persons and organizations in charitable or patriotic work, in the form appended as Schedule “A” to Report CS2001-17, be presented to Council for reading and passage; and,
THAT administration of the “tag day” process be handled by the Clerk’s office, including receipt of requests, issuance of permission letters and scheduling.

CARRIED CR2001-424

Tag Days are events that allow organizations to fundraise on City Property with the permission of the City of Kawartha Lakes.

By-law 2001-053, being a By-law to Fix Days for Solicitation of Monetary Contributions by Persons and Organizations in Charitable or Patriotic Work (Tag Days By-law), was intended to replace Tag Days by-laws from predecessor municipalities in order to ensure that local charitable organizations could continue the practice of ‘Tagging’ to raise funds in the populated and urban areas of the City. The purpose of the by-law was to allow for equal opportunity to ensure the local organizations have successful fundraising events by allocating dates for organizations to utilize municipal property, such as sidewalks and parks.

Rationale:

Staff recommend the Tag Days By-law be repealed for the following reasons:

- The number of organizations submitting Tag Days requests:
 - in 2016 - 5
 - in 2017 - 6
- Many organizations who Tag do not request approval from the City as they limit their Tagging to private property.
- Private property owners may grant permission to multiple organizations to Tag on their properties on the same day. This is beyond the control of the municipality and can cause frustration for organizations that did receive City approval and are competing for fundraising dollars.
- The by-law requiring notification to the City creates an additional layer of complexity to the process of organizing Tagging events.
- The City’s current approval process does not require the requestor to provide proof of status as a charitable organization.

- Tagging on City property, such as at a recreational facility, may be ill perceived as a required donation for entry. For example, a parent attending a child's hockey game.
- Tag Day approval may open the City up to risk and potential litigation should there be an accident or incident during the Tagging event that occurs on City property with City approval.

The Tag Days By-law does not apply to the placing of donation boxes at municipal facilities with approval. This is addressed in the City's Display and Sale of Tickets/Merchandise Management Directive

The repeal of the Tag Days By-law would not stop local fundraising. By repealing the Tag Days By-law, the onus would be on organizations to seek permission from private property owners to tag on their properties.

The Safe Streets Act includes provisions to govern solicitation of money or another thing of value on a roadway, as defined in the Highway Traffic Act.

Other Alternatives Considered:

Council could opt to continue the administration of Tag Day approvals through the Clerk's Office. If the Tag Days approval process is to continue, it is recommended that additional steps be taken to mitigate risk, including the requirement for:

- Proof that the organization requesting Tag Days is a non-profit organization and is registered.
- Provision of a certificate of insurance for the event (as we require for other events taking place on City property).

This would help to protect the City in the event an accident or claim should occur, but adds to the administrative burden of the process. Should Council opt for this alternative, a replacement by-law would be brought forward to Council to deal with some housekeeping amendments including updates to legislative references.

Financial/Operation Impacts:

There will be no financial impact as the City does not collect a fee for Tag Days. Repeal of the by-law would reduce staff time required for Tag Day administration.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

This report directly aligns with the Strategic Enabler, Municipal Service Excellence, as it acknowledges the opportunity to eliminate an administrative process that has become redundant and has little added value in serving the public.

Consultations:

Director of Community Services
Manager of Municipal Law Enforcement and Licensing
Insurance Risk Management Coordinator

Attachments:

Appendix A – By-law 2001-53



By-law 2001-053.pdf

Department Head E-Mail:

Department Head:

Department File: