

**THE CORPORATION OF THE TOWNSHIP OF ESSA  
COMMITTEE OF THE WHOLE MEETING  
WEDNESDAY, APRIL 19, 2023  
6:00 p.m.**

**AGENDA**

Members of the public wishing to attend can do so by attending in person to the Council Chambers located in the Administration Centre at 5786 County Road 21, Utopia.

**1. OPENING OF MEETING BY THE MAYOR**

The Township of Essa acknowledges that we are situated on the traditional land of the Anishinaabeg, Huron-Wendat and the Tiononati people. We are dedicated to honouring Indigenous history and culture and committed to moving forward in the spirit of reconciliation and respect with all First Nation, Métis and Inuit people.

**2. DISCLOSURE OF PECUNIARY INTEREST**

**3. DELEGATIONS / PRESENTATIONS / PUBLIC MEETINGS**

**STAFF REPORTS**

**4. PLANNING AND DEVELOPMENT**

**5. PARKS AND RECREATION / COMMUNITY SERVICES**

- p. 1 a. **Staff Report PR006-23 submitted by the Manager of Parks and Recreation, re: Essa Arena's Concession Stand Pilot Project.**

Recommendation: *Be it resolved that Staff Report PR006-23 be received; and That Council direct the Manager of Parks and Recreation to proceed with tendering for the concession stand operation in Essa's facilities, with operations to return for the start of the 2023 season; and*

*That Council direct the Manager of Parks and Recreation to proceed with a new tender for food and beverage machines in the recreation facilities.*

- p. 4 b. **Staff Report PR007-23 submitted by the Manager of Parks and Recreation, re: Playing for Connor.**

Recommendation: *Be it resolved that Staff Report PR007-23 be received; and That Council direct the Manager of Parks and Recreation to proceed with booking the Playing for Connor Charity Baseball Tournament with fees waived for the event annually for the 2022-26 term of Council.*

**6. FIRE AND EMERGENCY SERVICES**

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## 7. PUBLIC WORKS

- p. 7 a. **Staff Report PW005-23 submitted by the Manager of Public Works, re: Bio-cremation – Alkaline Hydrolysis Process Request.**

Recommendation: *Be it resolved that Staff Report PW005-23 be received; and That Council support the decision of Staff to deny the request for reinstatement of the Extra Strength Surcharge Agreement with Verpreme Corporation (formerly Georgian Bay Cremation Services Ltd) for the use of an Alkaline Hydrolysis Digester at the Bridge Funeral Home located at 209 Mill Street, Angus Ontario, due to the potential operational impact and the system/capacity limitation as per the Angus Infrastructure Master Plan.*

- p. 9 b. **Staff Report PW006-23 submitted by the Manager of Public Works, re: Award of Quotation – 2023 Granular Gravel Supply.**

Recommendation: *Be it resolved that Staff Report PW006-23 be received; and That the quotation as received from Duivenvoorden Haulage Ltd. be accepted in the amount of \$444,750.00 (excluding HST), to supply and place Granular ‘A’ Gravel in various locations within the Township limits, and to deliver to stockpile granular for supply, contingent upon a WSIB Clearance Certificate and copy of Insurance being provided to the Township, to the Township’s satisfaction.*

## 8. FINANCE

## 9. CLERKS / BY-LAW ENFORCEMENT / IT

- p. 12 a. **Staff Report C008-23 submitted by the Manager of Legislative Services, re: Fees and Charges By-law 2023-01 – Proposed Amendments.**

Recommendation: *Be it resolved that Staff Report C008-23 be received; and That Council approve the proposed amendments as recommended in this Report; and That Staff be directed to schedule a Public Meeting to allow for public comment, prior to the passage of a By-law to amend Essa’s Fees and Charges By-law.*

- p. 19 b. **Staff Report C009-23 submitted by the Manager of Legislative Services and the Manager of Public Works, re: Automated Speed Enforcement – Status Update.**

Recommendation: *Be it resolved that Staff Report C009-23 be received; and That Council approve, in principle, the Draft By-law to implement an Administrative Monetary Penalty System for contraventions detected using Automated Speed Enforcement Cameras, with the final By-law to come forward at a future meeting for passage; and That Staff be directed to bring forward a By-law at a future meeting to authorize execution of an Agreement with the Ministry of Transportation; and That Staff be directed to bring forward a By-law at a future meeting to authorize execution of an Agreement with the Ministry of Attorney General.*

**10. CHIEF ADMINISTRATIVE OFFICER (C.A.O.)**

**11. OTHER BUSINESS**

**12. ADJOURNMENT**

Recommendation: *Be it resolved that this meeting of Committee of the Whole of the Township of Essa adjourn at \_\_\_\_\_ p.m., to meet again on the 3<sup>rd</sup> day of May, 2023 at 6:00 p.m.*



## TOWNSHIP OF ESSA STAFF REPORT

**STAFF REPORT NO.:** PR006-23

**DATE:** April 19, 2023

**TO:** Committee of the Whole

**FROM:** Jason Coleman, Manager Parks and Recreation

**SUBJECT:** Essa Arena's Concession Stands Pilot Project

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### RECOMMENDATION

Be it resolved that Staff Report PR006-23 be received; and that Council consider directing the Manager of Parks and Recreation to proceed with the tendering of the concession stand operation in Essa's facilities to return for the start of 2023 season; and to also issue a new tender for food and beverage machines in the recreation facilities.

### BACKGROUND

In past seasons prior to the Covid-19 pandemic, the Angus Recreation Centre and Thornton Recreation Centre operated a concession stand during the winter hockey season. The concession stand provided food and drink to patrons inside the facility. The hours of operation open were typically evenings and weekends.

Following the concession stand closure resulting from Covid-19 pandemic, a Pilot Project was implemented to create additional office/meeting room space while also implementing vending machines as a convenient option for users all year round within the facility.

The previous concession stands lease agreement(s) had been tendered out in 3-year increments which operated 6 out of 12 months each year. The remaining 6 months of the year the concession stand was closed and did not offer services to users/patrons of the facility. The operation dates of the concession stand typically run October 1 through to March 31 each year. The last concession stands lease agreement for both arenas expired March 31, 2022.



## COMMENTS AND CONSIDERATIONS

Council approved Staff's recommendation to implement a 'Pilot Project' of vending machines for the 2022/2023 hockey season along with temporary conversion of concession stands to office space.

Frequent mechanical issues causing the machines to be out of order for significant periods of time, resulted in unavailable food/beverage being able to be provided to users of the facility. It should be noted that users of the facility and members of the community expressed interest to see the return of the concession stands in addition to a new tender for the vending machines.

It is recommended that the Township advertise and issue an RFP Tender for a 3 year term for concession stands for the Thornton and Angus Arena with the expectation that the successful bidder is scheduled to open in time on October 1 2023 for the hockey season. The tender will also include a clear guideline that hours are required to be open when minor hockey games are taking place.

It is also recommended the Township advertise and issue an RFP Tender for a 3-year term for food and beverage vending machines within Thornton and Angus Arenas.

## FINANCIAL IMPACT

A successful concession tender received is anticipated to generate approximately \$5400 in lease revenue annually combined for both recreation centres.

A successful vending machine tender is anticipated to generate approximately \$1500 annually for both recreation centres.

Manager of Finance: 

## SUMMARY/OPTIONS

Council may:

1. Take no further action and don't pursue further lease agreements or vending machine agreements.
2. Approve the tendering of lease of concession stands.
3. Do not approve the tendering of concession stands.
4. Approve the tendering of vending machines.
5. Do not approve the tendering of vending machines.
6. Direct Staff in another course of action.

## CONCLUSION

Options #2 and #4 is recommended.

Respectfully submitted,

*Jason Coleman*

\_\_\_\_\_  
Jason Coleman  
Manager of Parks and Recreation

Reviewed by,

*Ch Healey*

\_\_\_\_\_  
Colleen Healey-Dowdall,  
Chief Administrative Officer



## TOWNSHIP OF ESSA STAFF REPORT

**STAFF REPORT NO.:** PR007-23

**DATE:** April 19, 2023

**TO:** Committee of the Whole

**FROM:** Jason Coleman, Manager Parks and Recreation

**SUBJECT:** Playing for Connor

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### RECOMMENDATION

Be it resolved that Staff Report PR007-23 be received; and that Council consider directing the Manager of Parks and Recreation to proceed with booking of the Playing for Connor Baseball tournament and waive associated fees for the event annually for this term of Council 2023-2026.

### BACKGROUND

The Playing for Connor Baseball Tournament organizer, Emily Warren, has approached the Township of Essa requesting that all fees for the charity baseball tournament, "Playing for Connor" be waived.

The tournament has been running for 7 years and has raised over \$40,000 as of last year. In addition to playing baseball, the tournament will be host to live music, a BBQ and silent auction.

It should be noted that in years previous, Council has directed staff to waive the fees.

### COMMENTS AND CONSIDERATIONS

The Tournament is to run from 8am to 6pm (10 Hrs) on Saturday August 26, 2023. The tournament is planning on utilizing Angus Community Park, parking lot and baseball diamond. It is expected that many participants will be in attendance for the event.

Operational impacts for this event will be washroom servicing/maintenance, garbage removal and diamond field maintenance.

**FINANCIAL IMPACT**

The cost of the diamond for the day is \$200.00 plus tax. These costs cover washroom service, field and park maintenance required for the day. Without receiving the revenue from the tournament, the Township would be running at a loss for the event for the day.

Manager of Finance: 

**SUMMARY/OPTIONS**

Council may:

- 1. Decline the request to waive all fees for the Playing for Connor Tournament.
- 2. Approve the request to waive all fees for the Playing for Connor Tournament.
- 3. Direct Staff in another course of action.

**CONCLUSION**

Option #2 is recommended.

Respectfully submitted,

*Jason Coleman*

Jason Coleman  
Manager of Parks and Recreation

Reviewed by,

*C. Healey*

Colleen Healey-Dowdall,  
Chief Administrative Officer

Attachment #1 -



April 4, 2023

Subject: Playing for Connor, mental health fundraiser

Dear members of Essa Township Council,

We would first like to thank you for your unwavering support for Playing for Connor and youth mental health over the last 7 years. Last year, Playing for Connor had its most successful year yet and we were able to surpass the \$40,000 mark. We are so proud of our community for coming together year after year to support youth mental health in memory of Connor Warren.

Playing for Connor, most importantly, is held in memory of Connor Warren as a way for friends and family to find positive light in such a tragic situation, but to also make a difference in the community by bringing awareness to the harsh reality that without change, we will continue to suffer the loss of the youth in our community. Playing for Connor has positively served our community for 7 years now and we have been able to raise more money year after year in support of the RVH Youth Mental Health inpatient unit, and Nottawasaga Pines S.S.. Our ultimate goal is to reach out to as many community members and local businesses to work together to create this change. Last year, we had more local businesses included than any year prior, and the most players signed up to play in the tournament.

This year, we are continuing the tradition of the Playing for Connor baseball tournament as well as the bottle drive, clothing sales, a BBQ and games to help raise money for youth mental health where 100% of the money raised is donated. Over the years we have been able to diversify and create new ways to fundraise that have been extremely successful and we are excited to see where that takes us this year.

This letter is to request the assistance of the Essa Township Council in helping us secure the use of the Angus Community Park on August 26, 2023 until 6pm, as well as waiving the rental fee as this ensures that the most money possible can be donated directly back into the youth in our community. This event is meaningful to not only the family and friends of Connor, but also the people who require the services provided by the NPSS Guidance Counselors as well as the RVH Youth Mental Health inpatient ward which requires donations to continue running at full capacity and updating resources as required. We are so grateful for your continued support and look forward to serving our community again this year!

Thank you for your time and consideration,  
Emily Warren and Bethany Foster, Playing for Connor



**TOWNSHIP OF ESSA STAFF REPORT**

**STAFF REPORT NO.:** PW005-23

**DATE:** April 19<sup>th</sup> , 2023

**TO:** Committee of the Whole

**FROM:** Michael Mikael, P.Eng – Manager of Public Works

**SUBJECT:** Biocremation – Alkaline Hydrolysis Process Request

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**RECOMMENDATION**

That Staff Report PW005-23 be received; and

That Council support the decision by Staff to deny the request of the Extra Strength Surcharge Agreement Reinstatement with Verpreme Corporation (formerly Georgian Bay Cremation Services Ltd) for the use of an Alkaline Hydrolysis Digester at the Bridge Funeral Home located at 209 Mill Street, Angus Ontario with respect to the potential operational impact and the system/capacity limitation as per the Angus Infrastructure Master Plan.

**BACKGROUND**

On June 19<sup>th</sup>, 2019 Essa entered into an agreement to approve this process in principle with Georgian Bay Cremation Services Ltd to allow Georgian Bay Cremation Services Ltd. to discharge the extra strength sewer in the Angus Wastewater Treatment Plant. This agreement was terminated by Essa on December 18, 2019 since the agreement contained clauses that provide Essa with the right to terminate the contract with the proper notice and with respect to the capacity limitations/restrictions at the Angus Wastewater Treatment Plant.

Also, staff met virtually with Verpreme Corporation back in 2021 to discuss the business owner request to reinstate the terminated agreement.

The Alkaline Hydrolysis is a water and compound process which is used to reduce a human body to skeletal remains, similar to fire-based cremation in concept.

**Operational Impact on the Angus Waster Water Treatment Plant (WWTP):**

The design parameters of the Angus WWTP were established when there were less water saving devices and the influent characteristics were lower. The initial plant was designed for a Biochemical Oxygen Demand (BOD5) of 190 mg/L. The BOD5 is the amount of oxygen consumed by the beneficial aerobic bacteria to breakdown human organic / micro-organisms matter received at the Angus WWTP plant in a certain volume of a sample water during a period of 5 days aerobically.

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The Angus WWTP is currently operating and receiving a BOD5 at **a higher concentration** than the design parameter (190 mg/l).

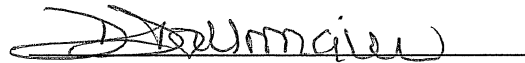
Based on OCWA's initial assessment the BOD resulting from dissolving one body, is equivalent to adding 700 people to the Angus WWTP which is pretty significant.

***Each biocremation body load process would be around 6% of entire Angus average daily BOD load when having the peak month load to the facility and given that the biocremation facility would likely process more than 1 body per day, or process bodies in batch, this will significantly fluctuate incoming wastewater loads to the Angus WWTP Plant. This will also cause limitations to the WWTP capacity in addition to the limitation presented in 2022 to Council as per the Angus Infrastructure Master plan.***

Furthermore to this; the Alkaline Hydrolysis process request did not receive MECP or OCWA approval.

**Financial Impact**

Anticipated non recoverable financial cost to increase the capacity allocation equivalent to almost 200 homes to serve one property (Verpreme Corporation) and potential liability exposure.



Manager of Finance

**SUMMARY/OPTIONS**

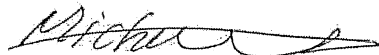
Council may:

1. Take no further action.
2. Support the decision by Staff to deny the request of the Extra Strength surcharge Agreement reinstatement with Verpreme Corporation (formerly Georgian Bay Cremation Services Ltd) for the use of an Alkaline Hydrolysis Digester at the Bridge Funeral Home located at 209 Mill Street, Angus Ontario with respect to the potential operational impact and the system /capacity limitation as per the Angus Infrastructure Master Plan.
3. Direct Staff in another course of action.

**CONCLUSION**

Staff recommends that **Option 2** be approved.

Respectfully submitted,



Michael Mikael, P.Eng  
Manager of Public Works

Reviewed by,



Colleen Healey-Dowdall,  
Chief Administrative Officer



### TOWNSHIP OF ESSA STAFF REPORT

**STAFF REPORT NO.:** PW006-23

**DATE:** April 19, 2023

**TO:** Committee of the Whole

**FROM:** Michael Mikael – Manager of Public Works

**SUBJECT:** Award of Quotation – 2023 Granular Gravel Supply

#### RECOMMENDATION

That Staff Report PW006-23 be received; and

That the quotation as received from **Duivenvoorden Haulage Ltd.** be accepted in the amount of **\$444,750.00 (excluding HST)**, to supply and place Granular 'A' Gravel on various locations within the Township limits, and to deliver to stockpile granular for supply, contingent upon a WSIB Clearance Certificate and a copy of Insurance being provided to the Township, to the Township's satisfaction.

#### BACKGROUND

The RFQ for the 2023 Granular Supply was posted on the Township's website, as well as Biddingo and was circulated in accordance with Essa's Procurement Policy A05-01. The closing date for this was April 11, 2023.

Included in the 2023 budget under Roadway Maintenance – Gravel, Resurfacing, Patching and Pits, Council approved \$95,000 (2023 Operating Budget) for the following gravel roads (Table 1):

Road	Length	Area	Depth	Volume	Total Tonnes
Smith Road	1250	8750	0.15	1312	2625
20 Sideroad	1300	9100	0.15	1365	2730
<b>Total Tonne</b>					<b>5,355</b>

*\*The above total tonne includes a 10% shrinkage factor.*

7b

The following quantities of gravel type A were estimated in the 2023 Capital Budget for the resurfacing projects (Table2):

Road	Length	Area	Depth	Volume	Total Tonnes
9 <sup>th</sup> Line Resurfacing	3100	27900	0.15	4185	8370
11 <sup>th</sup> Line Resurfacing	3500	31500	0.15	4725	9450
<b>Total Tonne</b>					<b>17,820</b>

\*The above total tonne includes a 10% shrinkage factor.

### COMMENTS AND CONSIDERATIONS

The following is a summary of results:

BIDDER	TOTAL PER ITEM BID: 1) Type A - Various locations in Essa – 25,000 tonnes 2) Stockpile – 2,000 tonnes	Unit Price (2023)	TOTAL BID (Excluding applicable tax)
Duivenvoorden Haulage Ltd.	1. \$444,750.00 2. \$32,660.00	1)\$17.79 2)\$16.33	\$477,410.00
Robinson Haulage Inc.	1. \$450,000.00 2. \$34,000.00	1) \$18.00 2) \$17.00	\$484,000.00
John Eek & Son Ltd.	1. \$466,250.00 2. \$35,900.00	1)\$18.65 2)\$17.95	\$502,150.00

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**FINANCIAL IMPACT**

The 2023 Operating Budget approval for Gravel Roads Maintenance is **\$95,000 for 5,355 tonnes** for the Gravel Roads (Smith Road & 20 Sideroad). The Duivenvoorden price is \$95,265 based on supplying 5,355 tonnes.

2023 Public Works prioritized Capital Budget included the following approved resurfacing projects:

Road	Total Tonne	Duivenvoorden Unit Price per tonne	Total Cost excluding HST	Approved Capital Budget	Remaining Capital Budget
11 <sup>th</sup> Line Resurfacing	9450	\$17.79	\$168,115.50	\$1,020,000	\$851,884.50
9 <sup>th</sup> Line Resurfacing	8,370	\$17.79	\$148,902.30	\$650,000	\$501,097.70

*All received quotations were evaluated by staff utilizing the established evaluation weight criteria. In accordance with the Procurement Policy, "the lowest bid is not necessarily accepted".*

Reference checks were conducted by staff as per the evaluation criteria stated in the RFQ which formed a part of the decisions to recommend to Council awarding the RFQ to **Duivenvoorden Haulage Lt**

  
\_\_\_\_\_  
Manager of Finance

**SUMMARY/OPTIONS**

Council may:


1. Take no action.
2. Award the Quotation to **Duivenvoorden Haulage Ltd.** in the amount of **\$444,750.00 (excluding HST)**, to supply and place Granular 'A' Gravel on various locations within the Township limits, and to deliver to stockpile granular for supply, contingent upon a WSIB Clearance Certificate and a copy of Insurance being provided to the Township, to the Township's satisfaction.
3. Direct Staff in another course of action.

**CONCLUSION**

Staff recommends that **Option 2** be approved, given that this supplier is in a good standing with the Township and with no known past performance problems.

Respectfully submitted,

Reviewed by,



\_\_\_\_\_  
Michael Mikael, P.Eng  
Manager of Public Works

\_\_\_\_\_  
Colleen Healey-Dowdall  
Chief Administrative Officer



**TOWNSHIP OF ESSA STAFF REPORT**

**STAFF REPORT NO.:** C008-23

**DATE:** April 19, 2023

**TO:** Committee of the Whole

**FROM:** Lisa Lehr, Manager of Legislative Services

**SUBJECT:** Fees and Charges By-law 2023-01 – Proposed Amendments

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**RECOMMENDATION**

That Staff Report C008-23 be received, and

That Council approve the proposed amendments as recommended in this Report, and direct staff to schedule a Public Meeting to allow for public comment, prior to the passage of a By-law to amend Essa’s Fees and Charges By-law.

**BACKGROUND**

Section 391 of the *Municipal Act*, S.O.2001, c.25, as amended, permits municipalities to pass By-laws imposing fees or charges for:

- Services or activities provided by or carried out on behalf of it,
- Costs payable for services or activities provided by or done on behalf of it or any local board, and
- The use of its property including property under its control.

A fee or charge imposed for municipal services may include costs incurred by the municipality or local board related to:

- administration,
- enforcement, and
- the establishment, acquisition and replacement of capital assets.

**COMMENTS AND CONSIDERATIONS**

Municipalities face increasing costs to deliver essential services that residents and ratepayers require daily while maintaining reasonable and affordable tax rates. Fees and charges help to recover all or a portion of the cost of delivering specific services so that ratepayers are not adversely impacted financially for the delivery of the item or service. Although full cost recovery is not always achieved, all budgeted user fee revenue is applied against the total cost for the service.

Fees and charges traditionally have been developed using a combination of actual direct costs to deliver the service, including in some instances the overhead and administrative costs, as well as market comparison with neighbouring municipalities. Township of Essa staff have historically reviewed department fees on an annual basis and presented a report to Essa Council in the fall prior to budget deliberations.

In respect of enforcement fees where municipal by-law infractions exist, s. 391(3) permits municipalities to implement administrative enforcement fees to assist with the recovery of costs associated with the enforcement of municipal by-laws where infractions exist. It is important to

note that administrative enforcement fees are not permitted to be a penalty; such fees are required to be reasonable as the intent of the enforcement fee is to recover costs associated with enforcement of the municipal by-law where an infraction is present.

Upon conducting research in respect of the implementation of administrative enforcement fees, it was acknowledged by various municipalities that the administrative enforcement fees work effectively when applied collaboratively and in conjunction with penalties where infractions exist. The combination of administrative enforcement fee(s) together with penalties (established set fines approved by the Ministry of Attorney General, or administrative penalties established through an Administrative Monetary Penalty System) are thought to serve as a strong deterrent, of which encourages and promotes proactive compliance with municipal by-laws. Additionally, administrative enforcement fees allow the municipality to recover costs associated with enforcement of its own municipal by-laws.

At this time, Essa does not have any such administrative enforcement fees in its current Schedule of Fees. It is recommended that Council approve the implementation of such fees in an effort to obtain full cost-recovery for enforcement of its municipal by-laws where it has been validated that infractions exist. (Proposed Administrative Enforcement are outlined in Attachment No. 1 of this Report.)

**FINANCIAL IMPACT**

Should the proposed amendments be passed to include Administrative Enforcement Fees, there will be increased revenue to be realized by the municipality. It is unknown at this time what the impact would be.

  
Manager of Finance Approval

**SUMMARY/OPTIONS**

Council may:

1. Take no further action.
2. **Approve the proposed amendments as recommended in this Report and authorize staff to schedule a Public Meeting to allow for public comment on proposed amendments to Essa’s Fees and Charges By-law, prior to the passage of a By-law to amend Essa’s Fees and Charges By-law.**
3. Some other action as deemed appropriate by Council.


**CONCLUSION**

Staff recommends that Council approve Option No. 2.

Respectfully submitted:

  
\_\_\_\_\_  
Lisa Lehr  
Manager of Legislative Services

Reviewed by:

  
\_\_\_\_\_  
Colleen Healey-Dowdall  
Chief Administrative Officer

Attachments:

1. Proposed Amendments to Fee Schedule - Clerks Department



**TOWNSHIP OF ESSA  
FEE SCHEDULE - REQUEST FOR AMENDMENT**

9a

<u>DEPARTMENT:</u>	<u>DATE:</u>	<u>NAME AND TITLE OF REQUESTOR:</u>
Clerk's Department	05-Apr-23	Lisa Lehr Manager of Legislative Services <u>SIGNATURE:</u>
Name of Existing Fee or Proposed New Fee:	Current Amount of Fee: (N/A for new fee)	Proposed Amount of Fee: Detailed justification or rationale for the proposed New or Amended Fee:
Line Fence Dispute Application Fee	NEW	\$200.00 Per Council approval; Staff Report C001-23

FF

**TOWNSHIP OF ESSA  
FEE SCHEDULE - REQUEST FOR AMENDMENT**

9a

<u>DEPARTMENT:</u>	<u>DATE:</u>	<u>NAME AND TITLE OF REQUESTOR:</u>
Clerk's Department	05-Apr-23	Lisa Lehr Manager of Legislative Services
<u>Name of Existing Fee or Proposed New Fee:</u>	<u>Current Amount of Fee: (N/A for new fee)</u>	<u>Proposed Amount of Fee:</u>
<b>Administrative Enforcement Fee - Canine Control</b>		<b>Applies where a dog has been declared to be dangerous and/or a muzzle order has been issued</b>
Issuance of Dangerous Dog Declaration and/or Muzzle Order	NEW	\$200.00
Investigation Fee	NEW	\$50.00
Investigation Fee	NEW	\$50.00
		Detailed justification or rationale for the proposed New or Amended Fee: fee for issuance of declaration and/or order; issued following investigation into dog bite occurrence.  per subsequent visit to property; ensure compliance with dangerous dog provisions in Canine Control By-law per subsequent visit to property; ensure compliance with Canine Control By-law and/or investigations relating to Dog Attacks

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**TOWNSHIP OF ESSA  
FEE SCHEDULE - REQUEST FOR AMENDMENT**

<b>DEPARTMENT:</b> Clerk's Department	<b>DATE:</b> 05-Apr-23	<b>NAME AND TITLE OF REQUESTOR:</b> Lisa Lehr Manager of Legislative Services	
<b>Name of Existing Fee or Proposed New Fee:</b>	<b>Current Amount of Fee: (N/A for new fee)</b>	<b>Proposed Amount of Fee:</b>	<b>Detailed justification or rationale for the proposed New or Amended Fee:</b>
<b>Administrative Enforcement Fees - Sign By-law</b>		<b>Applies where signs have been posted without obtaining permit</b>	
Issuance of Order/Notice	NEW	\$75.00	fee for enforcement of municipal by-law where infraction exists
Sign Removal Fee	NEW	\$100.00	cost-recovery for removal of sign(s) up to 10
Sign Disposal Fee	NEW	Cost PLUS 50%	to be administered if it can be determined who is "owner" of unauthorized signs

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**TOWNSHIP OF ESSA  
FEE SCHEDULE - REQUEST FOR AMENDMENT**

<b>DEPARTMENT:</b>	<b>DATE:</b>	<b>NAME AND TITLE OF REQUESTOR:</b>
Clerk's Department	05-Apr-23	Lisa Lehr Manager of Legislative Services
<b>Name of Existing Fee or Proposed New Fee:</b>	<b>Current Amount of Fee: (N/A for new fee)</b>	<b>Proposed Amount of Fee:</b>
<b>Administrative Enforcement Fees - Untidy Lot</b>	<b>If inspection reveals infraction of Untidy Lot By-law</b>	<b>Detailed justification or rationale for the proposed New or Amended Fee:</b>
Issuance of First Order/Notice	NEW	fee for enforcement of Untidy Lot By-law where infraction exists; first notice/order
Issuance of Second Order/Notice	NEW	fee for enforcement of Untidy Lot By-law where infraction exists; second notice/order
Investigation Fee	NEW	per subsequent visit to the property to ensure compliance has been achieved
Clean-up Costs (works conducted by or on behalf of municipality to bring property into compliance)	NEW	administrative fee; per occasion; Township's out-of-pocket expenses to clean-up property in whole or in part (contractor hired) PLUS 25%
Officer attendance if clean-up required to be conducted by municipality	NEW	MLEO rate of pay/hour
		to be applied only if municipality is required to perform clean-up on property





### TOWNSHIP OF ESSA STAFF REPORT

**STAFF REPORT NO.:** C009-23

**DATE:** April 19, 2023

**TO:** Committee of the Whole

**FROM:** Lisa Lehr, Manager of Legislative Services  
Michael Mikael, Manager of Public Works

**SUBJECT:** Automated Speed Enforcement – Status Update

#### RECOMMENDATION

That Staff Report C009-23 be received for Council's information; and  
 That Council approve, in principle, the DRAFT By-law to implement an Administrative Monetary Penalty System for contraventions detected using Automated Speed Enforcement Cameras, with the final By-law to come forward at a future meeting for passage; and  
 That Staff be directed to bring forward a By-law at a future meeting to authorize execution of an Agreement with the Ministry of Transportation; and  
 That Staff be directed to bring forward a By-law at a future meeting to authorize execution of an Agreement with the Ministry of Attorney General.

#### BACKGROUND

At its meeting of October 5, 2022, Council authorized Staff to enter into a Service Agreement with Global Traffic Group Ltd. to implement an Automated Speed Enforcement (ASE) Pilot Project in 2023, that being an automated system that uses a camera and a speed measurement device to detect and capture images of vehicles travelling in excess of the posted speed limit (as set by the municipality). As speeding on municipal roads is the number one concern received by Council and the OPP, it is hoped that implementing the ASE Program will work to promote compliance with the *Highway Traffic Act* through the use of a camera-based system that will work to capture speed-related infractions on roads under municipal jurisdiction (in designated Community Safety Zones and/or School Zones).

Penalties to be collected for speeding on designated roads where the camera systems are installed are outlined in the *Highway Traffic Act*. Such penalties (fines) can be collected in one of two methods:

- Through the *Provincial Offences Act* (where the infraction ticket is filed with the Barrie Courthouse); or
- Through the implementation of an Administrative Monetary Penalty System (this was approved by the Province in April 2022 through passage of Ontario Regulation 355/22 under the HTA).

A Working Group comprised of the Manager of Public Works, Chief Administrative Officer, and Manager of Legislative Services, have been meeting on a weekly basis with Global Traffic Group, working collaboratively to move forward in implementing the Automated Speed Enforcement Program. During these meetings, it was decided that the best collection method for penalties would be for the municipality to establish an Administrative Monetary Penalty System (AMPS).

Given the scope of the Project, this Staff Report is being submitted to provide Council with progress taken to date to move the ASE Program forward.

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## COMMENTS AND CONSIDERATIONS

In order to implement the ASE Program, the municipality is required to establish the Program in accordance with provisions contained in the *Highway Traffic Act* (“HTA”). As prescribed in the HTA, automated speed cameras can only be placed on roads where the speed limit is less than 80 km/hr (capped at maximum speed of 70 km/hr), and where the selected road(s) falls within a designated Community Safety and/or School Zone. Notice is required to be provided to users of the road system, and prescribed signage is mandatory.

### • STATUS UPDATE

- The Manager of Public Works is currently looking at the designated areas for Community Safety and School Zones based on the historical speed analysis and the Transportation Master Plan Model to update By-law 2000-15, and of which will be presented to Council in the near future.
- Global Traffic has communicated that they are currently looking into the purchase of the mandatory signage.

Penalties resulting from speeding infractions on designated roads where the infraction has been captured by camera would be issued to the owner of the vehicle (not the driver). As the infraction under an ASE Program is not deemed to be an “offence”, demerit points are not imposed, but rather a monetary penalty would be levied on the owner of the vehicle.

In an effort to expedite the resolution process for penalties imposed as a result of speeding infractions captured by ASE cameras, and to keep the less serious matters out of the court system (the more serious provincial offences that raise significant concerns about public safety and welfare would continue to be prosecuted as offences in the Ontario Court of Justice), *it is advisable to implement an Administrative Monetary Penalty System as was recently approved through the passage of Ontario Regulation 355/22 under the HTA.*

The Administrative Monetary Penalty System (AMPS) is a civil (rather than quasi-criminal) mechanism used for enforcing compliance with regulatory requirements. It is an effective, quick, clear and tangible way for regulators to respond to infractions of the law. It is also an efficient dispute process that moves HTA disputes from the court-based system to an administrative review model. Administrative penalties are assessed and imposed in the form of a Notice with a prescribed date and time for payment. While monetary penalties do not lead to convictions or impose a risk of imprisonment, administrative decisions may still be made (ie: denial of license plate renewal). O. Regulation 355/22 prescribes requirement for an AMP system to provide the following:

- Only Provincial Offences Officers can issue a penalty order.
- Penalty Orders are required to be issued within 23 days of the contravention taking place.
- If the contravener wishes to appeal an administrative monetary penalty imposed as the result of an infraction captured by camera, the appeal process is prescribed in the Regulation.
  - Screening Officer is required to be appointed by the municipality (the Screening Officer can confirm, vary or set aside the administrative penalty).
  - Hearing Officer is required to be appointed by the municipality (the Hearing Officer can confirm, vary or set aside the administrative penalty).
  - The municipality can choose whether hearings are to be conducted orally or electronically, however the screening and hearing officer(s) retain the authority to conduct the hearing in a different format (s.12(1) of O. Reg. 355/22)



- Provincial Offences Officers (who issue the Penalty Order) cannot be the Screening or Hearing Officer – this maintains the integrity of the AMPS Program and avoids the perception of a conflict of interest.

- **STATUS UPDATE**

- Confidential Attachment No. 1 contains a DRAFT By-law of which will work to establish and implement an Administrative Monetary Penalty System for contraventions detected using Automated Speed Enforcement Cameras. The DRAFT By-law has been reviewed by the Ministry of Transportation and will be presented to Council for passage at a meeting in the near future once Staff have been assured by the Ministry of Attorney General that nothing further is required.

Additionally, in order to implement the ASE Program and the AMPS By-law, the municipality is further required to:

- enter into an Agreement with the Ministry of Transportation (for use of personal information obtained from the MTO database).
  - **STATUS UPDATE** – staff have had preliminary discussion with MTO in regard to implementing its ASE Program, and subsequently for implementing an AMPS By-law. They provided comment on the DRAFT ASE AMP By-law.
    - A By-law will be brought forward in the near future for execution of the Agreement with MTO (Confidential Attachment No. 2 contains a copy of the Agreement for Council's information).
- enter into an Agreement with Ministry of Attorney General for Camera Systems Administrative Penalty Enforcement Programs (allows for the municipality to report unpaid Administrative Monetary Penalties to the Ministry of Attorney General's Defaulted Fine Control Centre (DFCC) – if the municipality notifies the DFCC of the unpaid penalty(ies), the contravener's license plate will go into plate denial and they will not be able to renew their license plate without paying the amount owed).
  - **STATUS UPDATE** – In progress - staff have to schedule a meeting with the Ministry of Attorney General, who will provide comment on the DRAFT AMP By-law.
    - A By-law will be brought forward in the near future for execution of the Agreement with the Ministry of Attorney General (Confidential Attachment No. 3 contains a copy of the Agreement for Council's information).
- conduct a privacy impact assessment and consult with the Information and Privacy Commissioner to ensure that personal data collected by the Joint Processing Centre is used only for its intended purpose (automated speed enforcement and the issuance of Notices where infractions have been captured).
  - **STATUS UPDATE** - This is progress – Global Traffic is currently working with the municipality to draft this comprehensive assessment.

Further to the above-noted, Staff are working with Global Traffic to determine the online payment platform for the collection of Administrative Penalties associated with the ASE Program

- **STATUS UPDATE** – Global Traffic will be meeting with Essa's IT Team to decide on the online payment platform with all costs to be covered by Global Traffic (if any).



**FINANCIAL IMPACT**

This Report is being provided for Council's information only.

  
\_\_\_\_\_  
Manager of Finance Approval

**SUMMARY/OPTIONS**

Council may:


1. Take no further action, thereby receiving the Report only.
2. **Approve, in principle, the DRAFT By-law to implement an Administrative Monetary Penalty System for contraventions detected using Automated Speed Enforcement Cameras, with the final By-law to come forward at a future meeting for passage.**
3. **Direct Staff to bring forward a By-law at a future meeting to authorize execution of an Agreement with the Ministry of Transportation.**
4. **Direct Staff to bring forward a By-law at a future meeting to authorize execution of an Agreement with the Ministry of Attorney General**
5. Direct Staff as deemed appropriate by Council.

**CONCLUSION**

Staff recommends that Council approve Option No. 2, 3 and 4.

Respectfully submitted:

Reviewed by:

  
\_\_\_\_\_  
Lisa Lehr  
Manager of Legislative  
Services

  
\_\_\_\_\_  
Michael Mikael  
Manager of Public Works

\_\_\_\_\_  
Colleen Healey-Dowdall  
Chief Administrative Officer

**CONFIDENTIAL ATTACHMENTS (for Council only)**

1. DRAFT By-law to establish and implement an Administrative Monetary Penalty System for Contraventions Detected Using ASE.
2. DRAFT Agreement – Ministry of Transportation of Ontario (MTO)
3. DRAFT Agreement – Ministry of Attorney General (MAG)