

**THE CORPORATION OF THE TOWNSHIP OF ESSA
COMMITTEE OF THE WHOLE MEETING
WEDNESDAY, FEBRUARY 7, 2024
6:00 p.m.**

AGENDA

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

1. OPENING OF MEETING BY THE MAYOR

The Township of Essa acknowledges that we are situated on land within the area of Treaty 18, also known as the Lake Simcoe-Nottawasaga Treaty, signed on October 17, 1818 between the Government of Upper Canada and the Anishinaabe Indigenous peoples. The Anishinaabe include the Ojibwe, Odawa and Pottawatomi Nations collectively known as the Three Fires Confederacy. 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, Metis and Inuit People.

2. DISCLOSURE OF PECUNIARY INTEREST

3. DELEGATIONS / PRESENTATIONS / PUBLIC MEETINGS

- p. 1 **a. Delegation**
 Stephenson Memorial Hospital – Mary Thomas

STAFF REPORTS

4. PLANNING AND DEVELOPMENT

- p. 30 **a. Staff Report PD002-24 submitted by the Development Planner, re: 14 & 18 Margaret Street.**

Recommendation: **BE IT RESOLVED THAT** Staff Report PD002-24 be received; and **THAT** Council adopt a By-law to allow the Mayor and Clerk to execute an Amendment to the Official Plan, which would redesignate the properties municipally known as 14 & 18 Margaret Street from 'Institutional' to 'Residential'; and **THAT** Council approve an amendment to the Township's Zoning By-law (2003-50), for lands municipally known as 14 & 18 Margaret Street from 'Institutional (I) Zone' and 'Residential, Low Density, Detached (R1) Zone' to the 'Residential, Medium Density, Townhouses with Special Provisions (R3-11) Zone' and 'Residential, Medium Density, Townhouses with Special Provisions (R3-12) Zone' respectively, and from 'Residential, Low Density, Detached (R1)' to 'Residential, Medium Density, Townhouses with Special Provisions (R3-13) Zone'.

5. PARKS AND RECREATION / COMMUNITY SERVICES

- p. 34 a. **Staff Report PR001-24 submitted by the Manager of Parks and Recreation, re: Business Advertising Locations Enhancement**

Recommendation: **BE IT RESOLVED THAT** Staff Report PR001-24 be received; and **THAT** Council authorize the Manager of Parks and Recreation to permit additional business advertising locations and spaces to various assets within the Township as contained in this report.

6. FIRE AND EMERGENCY SERVICES

7. PUBLIC WORKS

- p. 36 a. **Staff Report PW001-24 submitted by the Interim CAO / Manager of Public Works, re: River Drive – Parking Restrictions.**

Recommendation: **BE IT RESOLVED THAT** Staff Report PW001-24 be received; and **THAT** the proposed amendments to Essa’s Parking By-law 2005-96 as contained in Staff Report C026-23 be amended at this time to remove the proposed parking restrictions on the north side of River Drive; and **THAT** Staff be directed to investigate implementing parking restrictions on River Drive once the new development located at 150 Mill Street, Angus, is complete; and **THAT** Council direct Staff to send a formal letter to neighbouring business and property owners regarding the parking restrictions as contained in sections 5.2 and 5.4 of Essa’s Parking By-Law 2005-96.

- p. 66 b. **Staff Report PW002-24 submitted by the Interim CAO / Manager of Public Works, re: Award of Tender – Thornton Pressure Relief Valve (PVR) Supply and Installation.**

Recommendation: **BE IT RESOLVED THAT** Staff Report PW002-24 be received; and **THAT** the quotation as received from **CC Underground** be accepted in the amount of **\$536,652 (excluding HST)**, to supply and install the Pressure Relief Valves in the Village of Thornton, contingent upon a WSIB Clearance Certificate and a copy of Insurance being provided to the Township, to the Township’s satisfaction.

8. FINANCE

- a. **Correspondence from the Interim CAO / Manager of Public Works, re: Release of Securities – Phoenix Building Components Inc.**

Recommendation: **BE IT RESOLVED THAT** Council approve the release of securities relating to Phoenix Building Components Inc. as recommended by the Interim CAO / Manager of Public Works, as follows:

Current Securities Held by Township of Essa:	\$223,494.00
Reduction as Recommended :	\$223,494.00
Securities to be Retained by Township of Essa:	None

And,

THAT this approval is conditional upon the Developer providing the municipality with a Statutory Declaration indicating that all accounts have been paid in full, including all of the Township's legal and engineering costs.

- p. 79 **b. Correspondence from Township Engineer AECOM, re: Reduction in Securities – San Diego Homes – Phases 1 and 2 Angus Subdivision (Plans 51M-1129 and 51M-1130).**

Recommendation: **BE IT RESOLVED THAT** Council approve a reduction in securities relating to San Diego Homes – Phases 1 & 2 Angus Subdivision, as recommended by AECOM as follows:

Current Securities Held by Township of Essa:	\$1,634,714.51
Reduction as Recommended by AECOM:	\$654,815.74
Securities to be Retained by Township of Essa:	\$979,898.77

And,

THAT this approval is conditional upon the Developer providing the municipality with a Statutory Declaration indicating that all accounts have been paid in full, including all of the Township's legal and engineering costs.

- c. Correspondence from Township Engineer AECOM, re: Release of Lot Grading Deposits – San Diego Homes – Phase 1 Subdivision (Plan 51M-1129).**

Recommendation: **BE IT RESOLVED** that Council approve the release of Lot Grading Deposits relating to San Diego Homes – Phase 1 Angus Subdivision, as recommended by AECOM as follows:

Current Lot Grading Deposits Held by the Township of Essa:	\$132,500.00
Reduction as Recommended by AECOM:	\$122,500.00
Deposits to be Retained by Township of Essa:	\$10,000.00

And,

THAT this approval is conditional upon the Developer providing the municipality with a Statutory Declaration indicating that all accounts have been paid in full, including all of the Township's legal and engineering costs.

9. CLERKS / BY-LAW ENFORCEMENT / IT

- p. 91 **a. Staff Report C001-24 submitted by the Manager of Legislative Services, re: Amendment to Essa's Business Licensing By-law 2011-21, re: Schedule 9 "Tow Truck Licensing".**

Recommendation: **BE IT RESOLVED THAT** Staff Report C001-24 be received; and **THAT** Council approve an amendment to Essa's Business Licensing By-law 2011-20, to repeal Schedule 9 specific to Essa's licensing regime surrounding the Tow Truck Industry.

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- p. 103 b. **Staff Report C002-24 submitted by the Deputy Clerk, re: Request for Sponsorship - Canadian Armed Forces Day & Air Show-June 15 & 16, 2024.**

Recommendation: **BE IT RESOLVED THAT** Staff Report C002-24 be received; and **THAT** Council approve a sponsorship in the amount of \$5,000 for the 2024 Canadian Armed Forces Day and Air Show.

- p. 112 c. **Staff Report C003-24 submitted by the Manager of Legislative Services, re: Amendment to Essa Procedural By-law 2017-77 (Section 15 “By-laws”).**

Recommendation: **BE IT RESOLVED THAT** Staff Report C003-24 be received; and **THAT** Council approves the proposed amendment to section 15 of Essa’s Procedural By-law 2017-77.

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

11. OTHER BUSINESS

- p. 144 a. **ROMA Conference Summary**
Councillor Kiezebrink and Councillor Maltby

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 21st day of February, 2024 at 6:00 p.m.



STEVENSON
MEMORIAL HOSPITAL



STEVENSON
MEMORIAL HOSPITAL
FOUNDATION

**Because of you, we will build a revitalized Hospital
that will transform health care in our community**

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OURS IS A HOSPITAL BUILT ON PHILANTHROPY THAT HONOURS FAMILY



**WILLIAM
STEVENSON**



**ELIZABETH
STEVENSON**

2

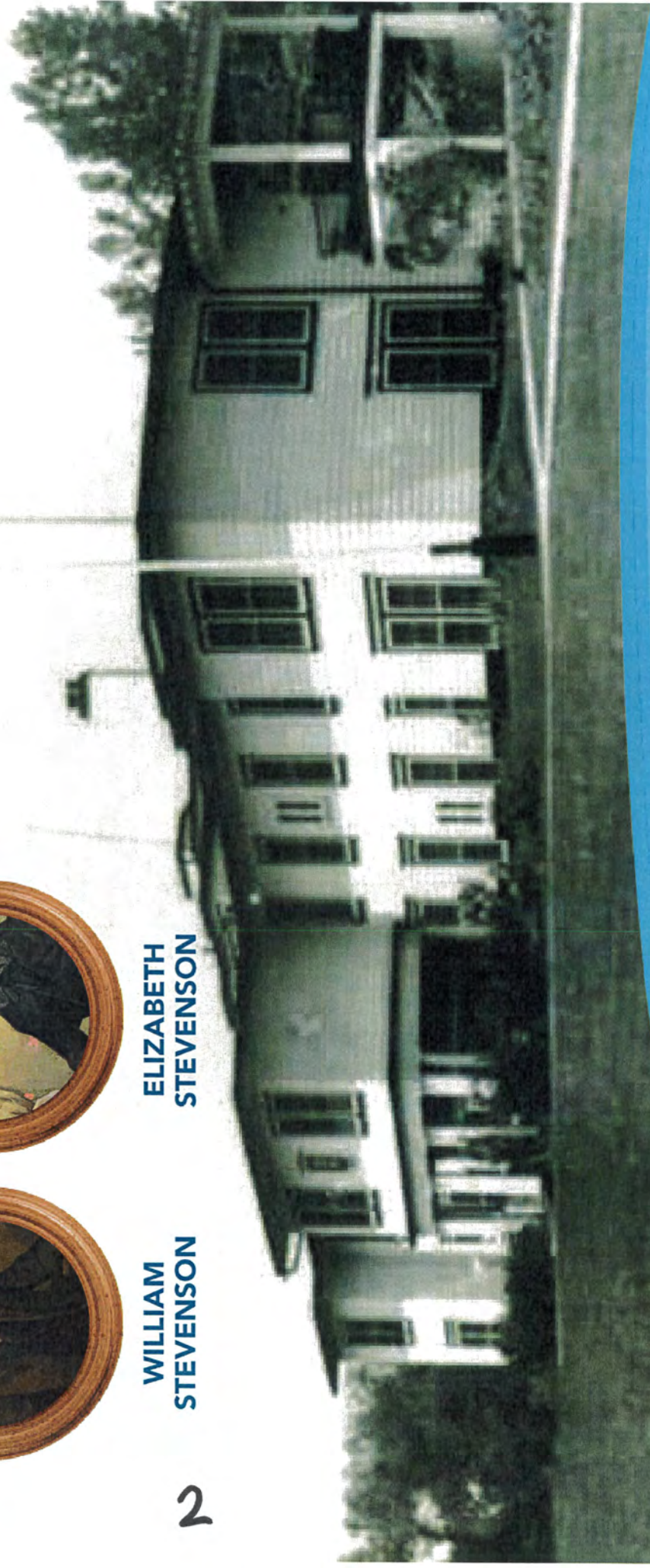


Photo source: Museum on the Boyne,
Collection 2022.1.1, Circa August 1951

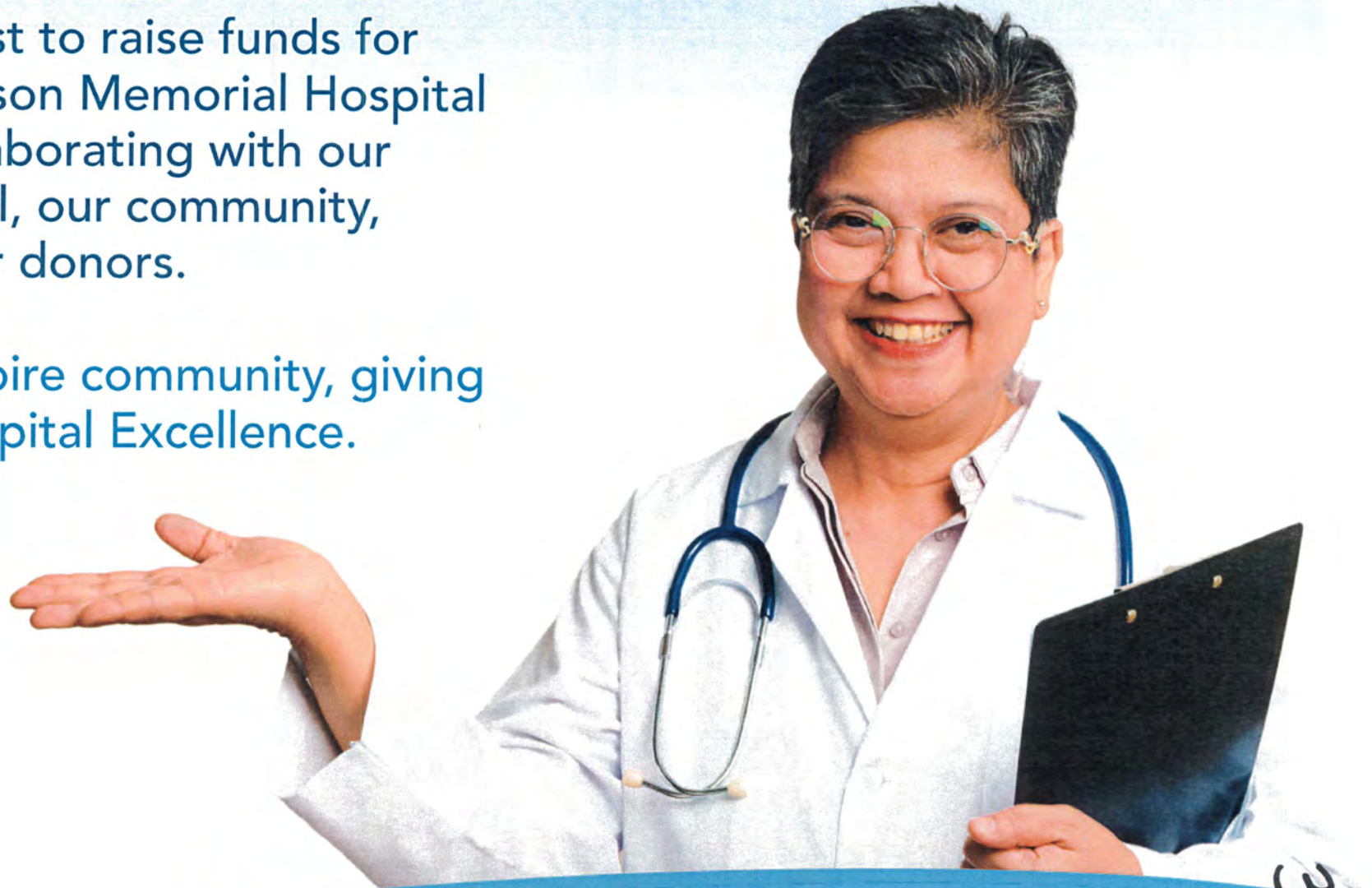


Because of you...

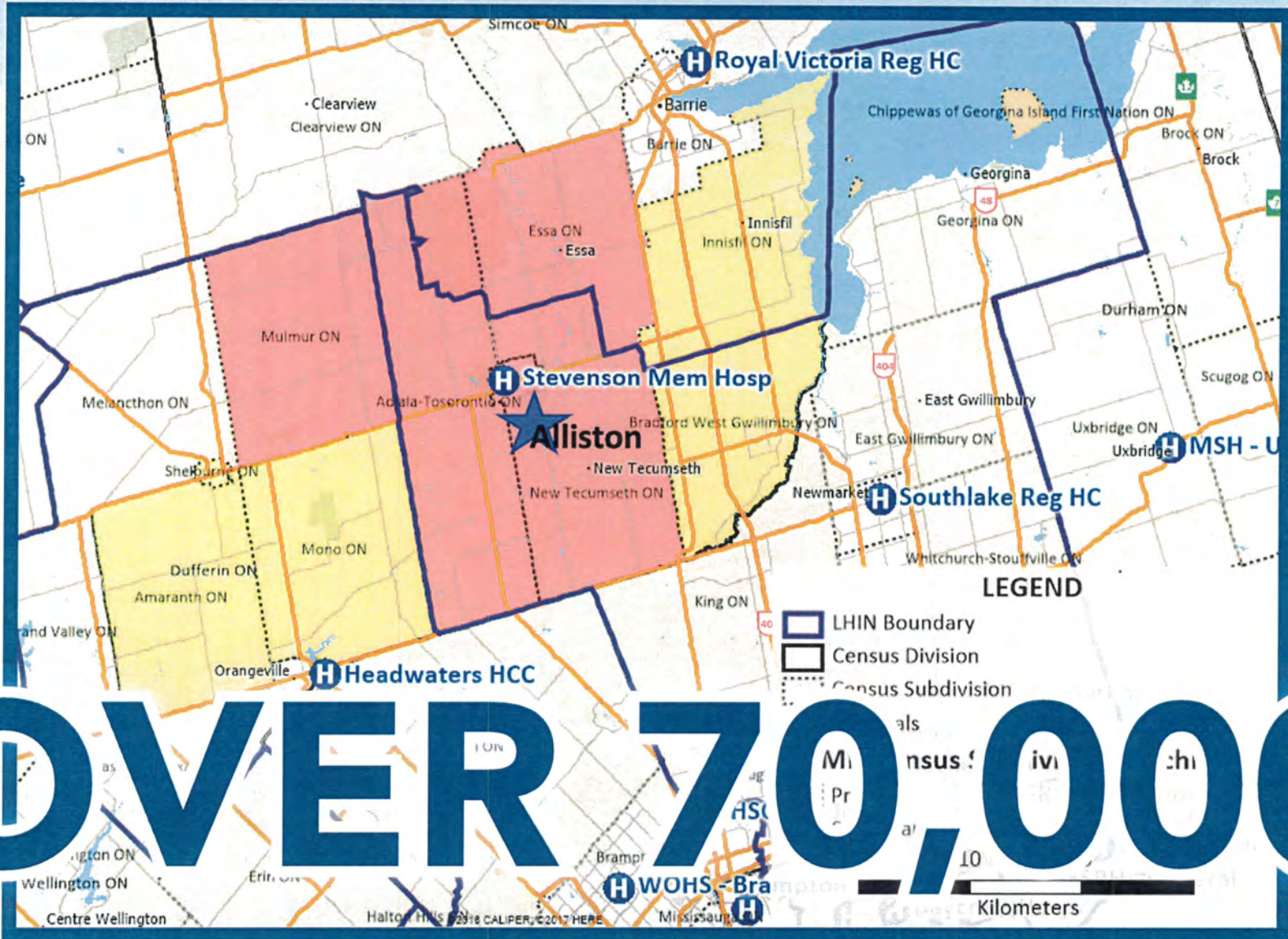
THE FOUNDATION

We exist to raise funds for Stevenson Memorial Hospital by collaborating with our hospital, our community, and our donors.

3 We inspire community, giving for Hospital Excellence.



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114,050 PATIENT VISITS

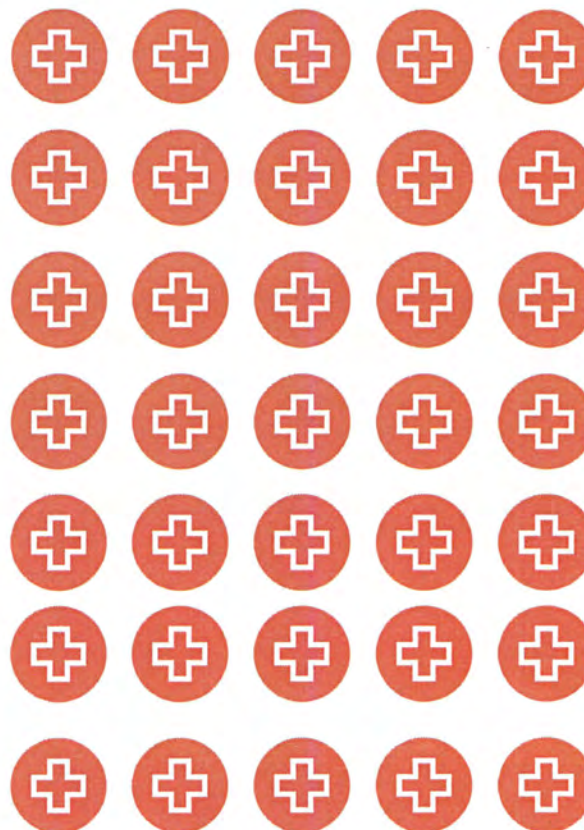


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EMERGENCY DEPARTMENT:
BUILT IN 1964 TO ACCOMMODATE
7,000 PATIENTS ANNUALLY



OUR EMERGENCY DEPARTMENT
NOW SERVES **MORE THAN**
35,000 PATIENTS ANNUALLY!!!



WE LAUNCHED
OUR CAPITAL CAMPAIGN
IN OCTOBER, 2019

Because of you...



STEVENSON
MEMORIAL HOSPITAL
FOUNDATION

Because of you...

3a

WHAT MOST PEOPLE DON'T REALIZE...

30a

Hospitals in Ontario must source community funding support for equipment and redevelopment initiatives.



Because of you...

ENTHUSIASTIC COMMUNITY SUPPORT



THE MORNINGVIEW
FOUNDATION



BMO



Because of you...

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ENTHUSIASTIC COMMUNITY SUPPORT ³



STEVENSON
MEMORIAL HOSPITAL
FOUNDATION

Because of you...

MAKE A
DIFFERENCE

DONATE

Make a one-time gift or
multi-year pledge

— Become a Stevenson
Champion

Participate in our
Business Supports and/
or Community Supports
programs

Legacy giving through
gifts of securities,
insurance or include
Stevenson Memorial
Hospital in your Will



Because of you...



MAKE A
DIFFERENCE

INSPIRE OTHERS

Be recognized as an
ambassador in the
community

2 Share an inspiring story
about your experience
at Stevenson

Encourage the
community to support
local



STEVENSON
MEMORIAL HOSPITAL
FOUNDATION

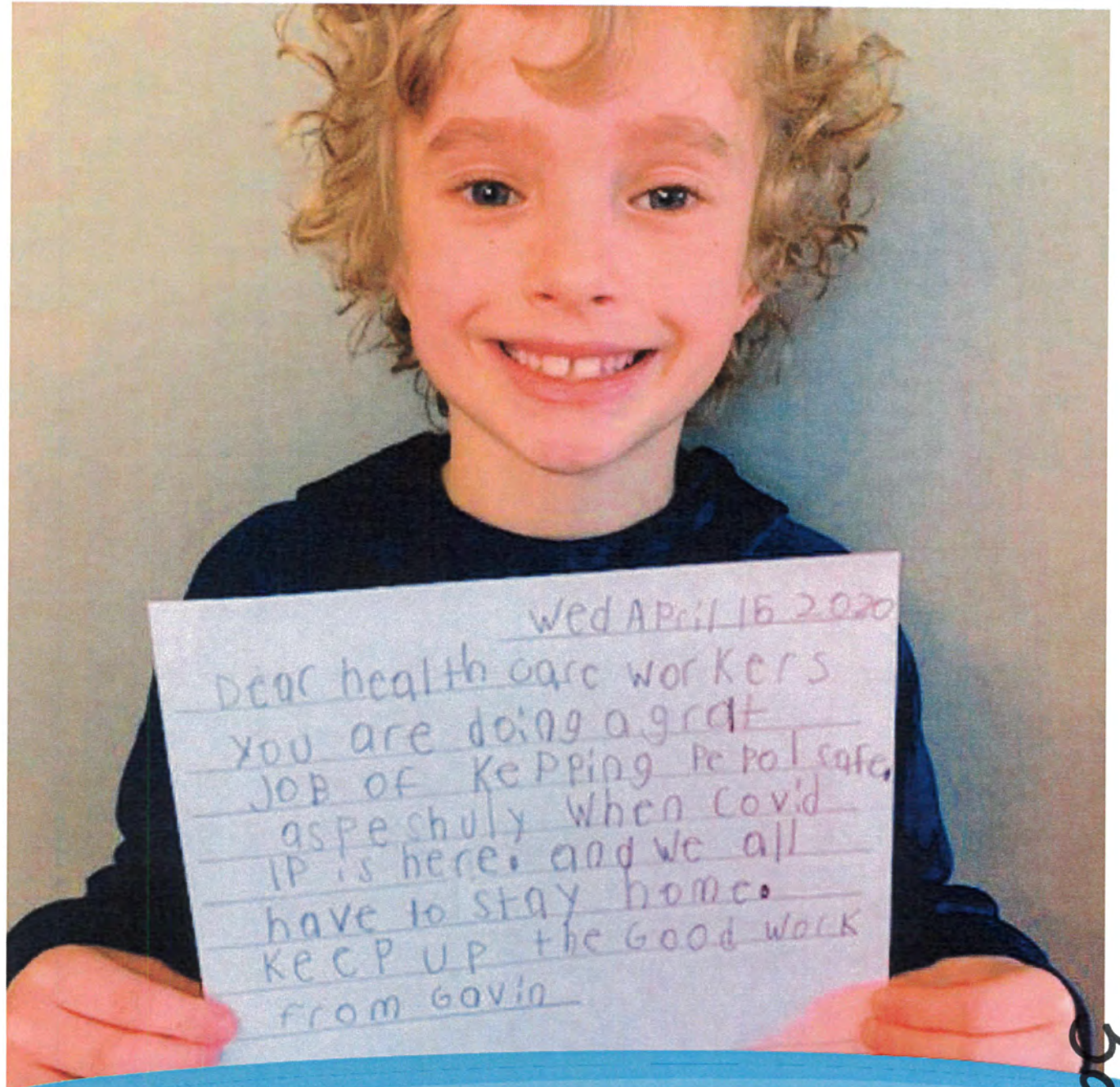
Because of you...

MAKE A DIFFERENCE

CONNECT

Talk to friends and
colleagues about your
gift, inspire them to do
the same

13 Volunteer with the
Foundation Campaign
Cabinet



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STEVENSON
MEMORIAL HOSPITAL


STEVENSON
MEMORIAL HOSPITAL
FOUNDATION



YESTERDAY... TODAY...

TOMORROW

14

STEVENSON MEMORIAL HOSPITAL & FOUNDATION



STEVENSON
MEMORIAL HOSPITAL



STEVENSON
MEMORIAL HOSPITAL
FOUNDATION

A revitalized hospital for New Tecumseth
and surrounding communities



* Rendering created by Kasian Architecture

REDEVELOPMENT PROJECT

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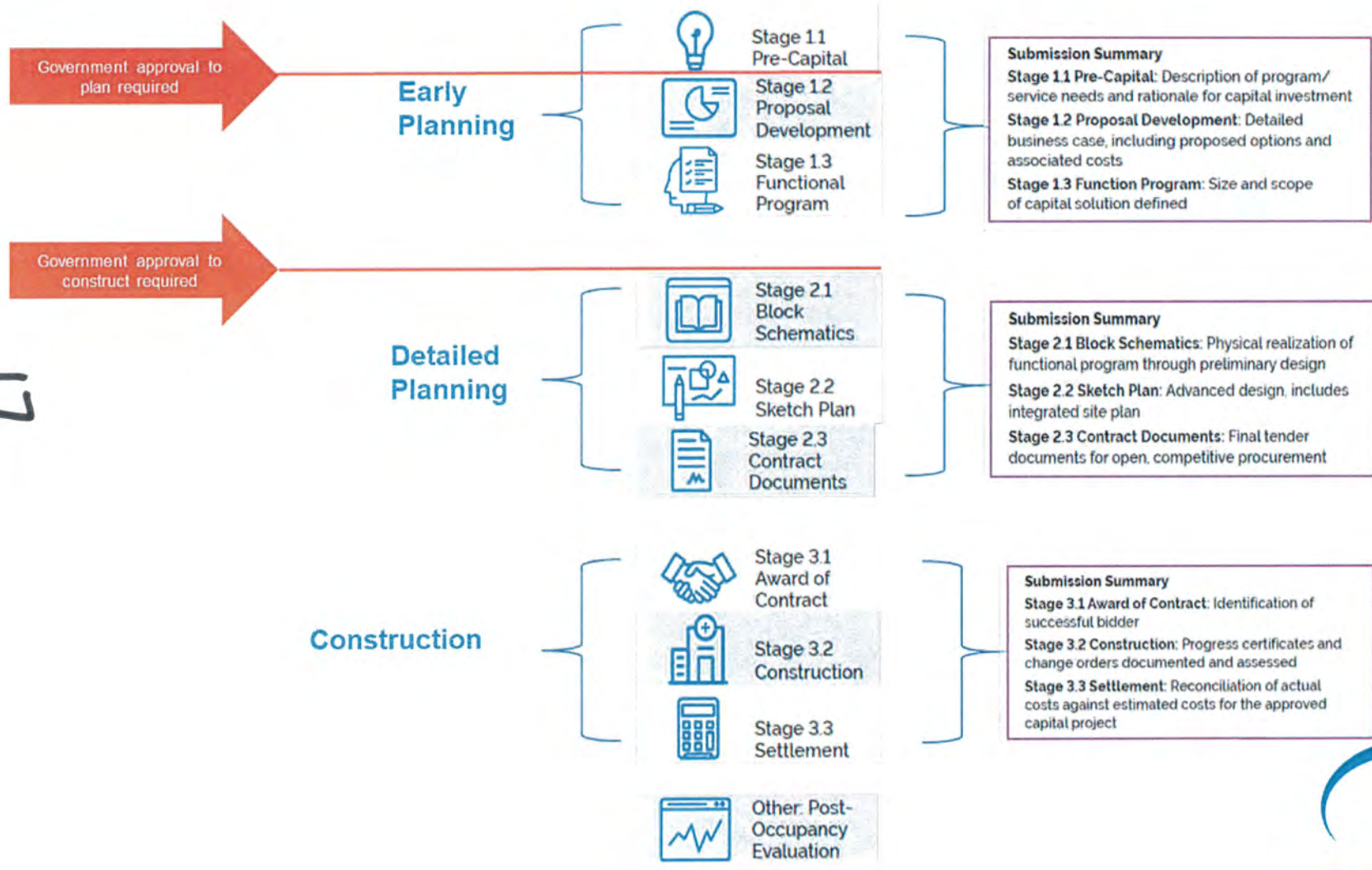


- Kasian Architecture, primary design consultants of the SMH redevelopment project created renderings of the hospital's new main entrance
- **Project details:** A complete revitalization of clinical spaces, doubling the square footage of the hospital. The Emergency Department will triple in size. Laboratory, Pharmacy, Diagnostic Imaging, Surgical, Obstetrics and Medical/Surgical inpatient units will all be expanded. Level 2 ICU also included.



REDEVELOPMENT PROJECT

17



REDEVELOPMENT PROJECT

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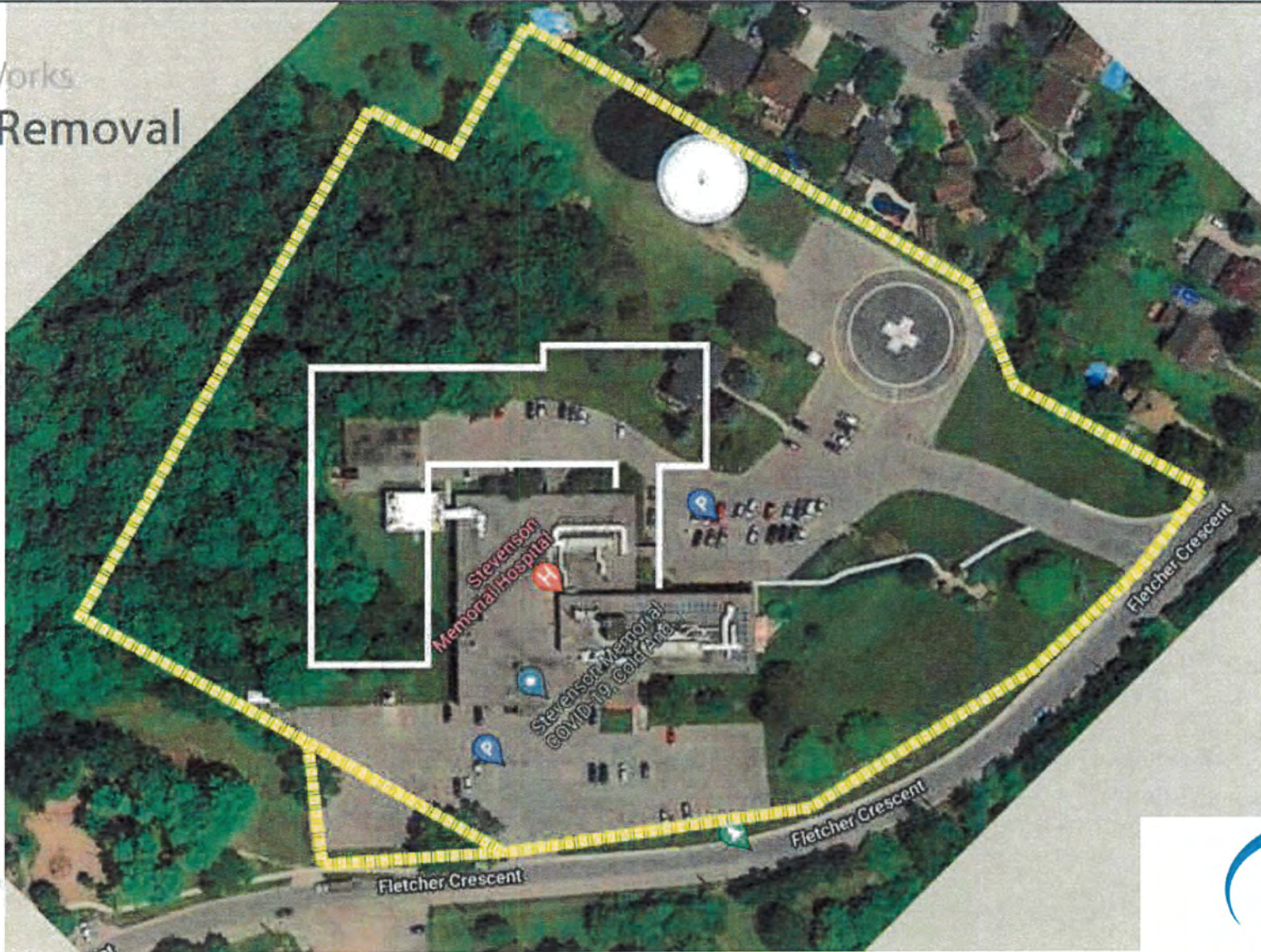
Early Works: Demolition of the Mary McGill Building



REDEVELOPMENT PROJECT

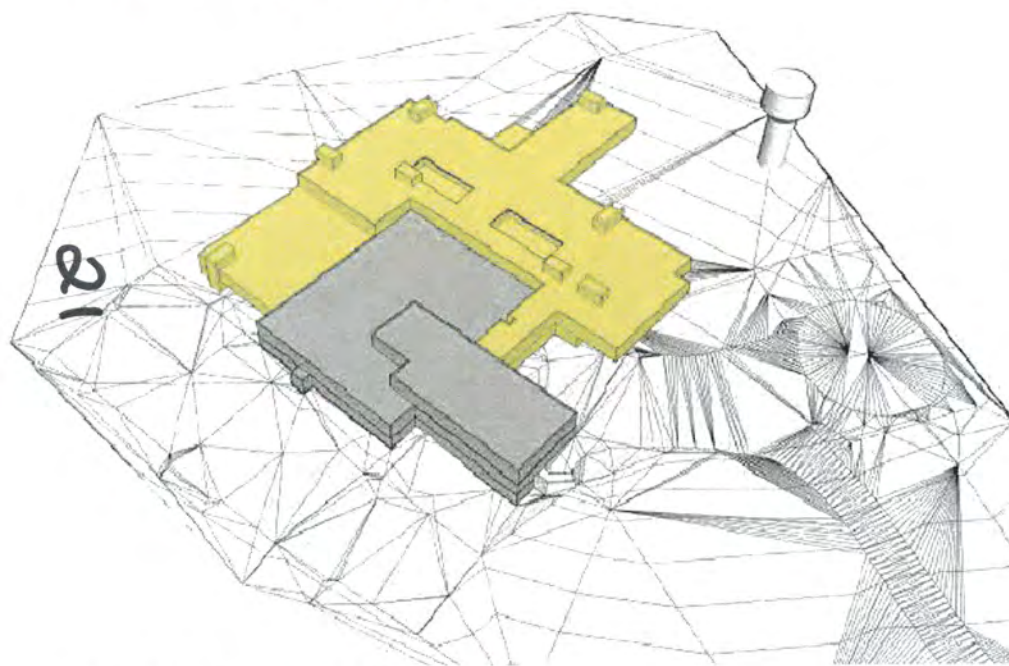
Early Works
Tree Removal

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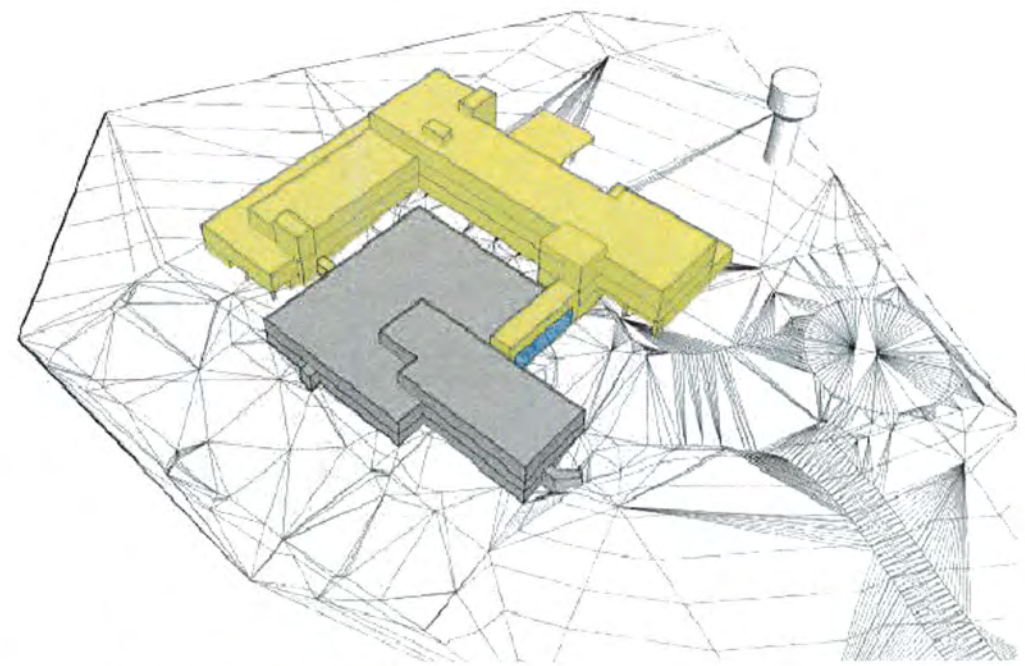
REDEVELOPMENT PROJECT

Proposed Block Planning Massing Comparison



Stage 2 proposal

-
- Deep floorplates, significant overhangs
- Daylight to main floor level blocked, patient rooms look into courtyards
- No daylight to large portions of the building
- Narrower main entrance / drop-off area
- Size does not reflect expected gross square footage



Current proposal

- +
- Compact footprint, no overhangs, floors stack
- All floors above grade receive daylight, views from patient rooms unobstructed
- 'Skinnier' building - better daylight penetration
- Wider main entrance & drop-off zone
- Size adjusted for expected gross square footage

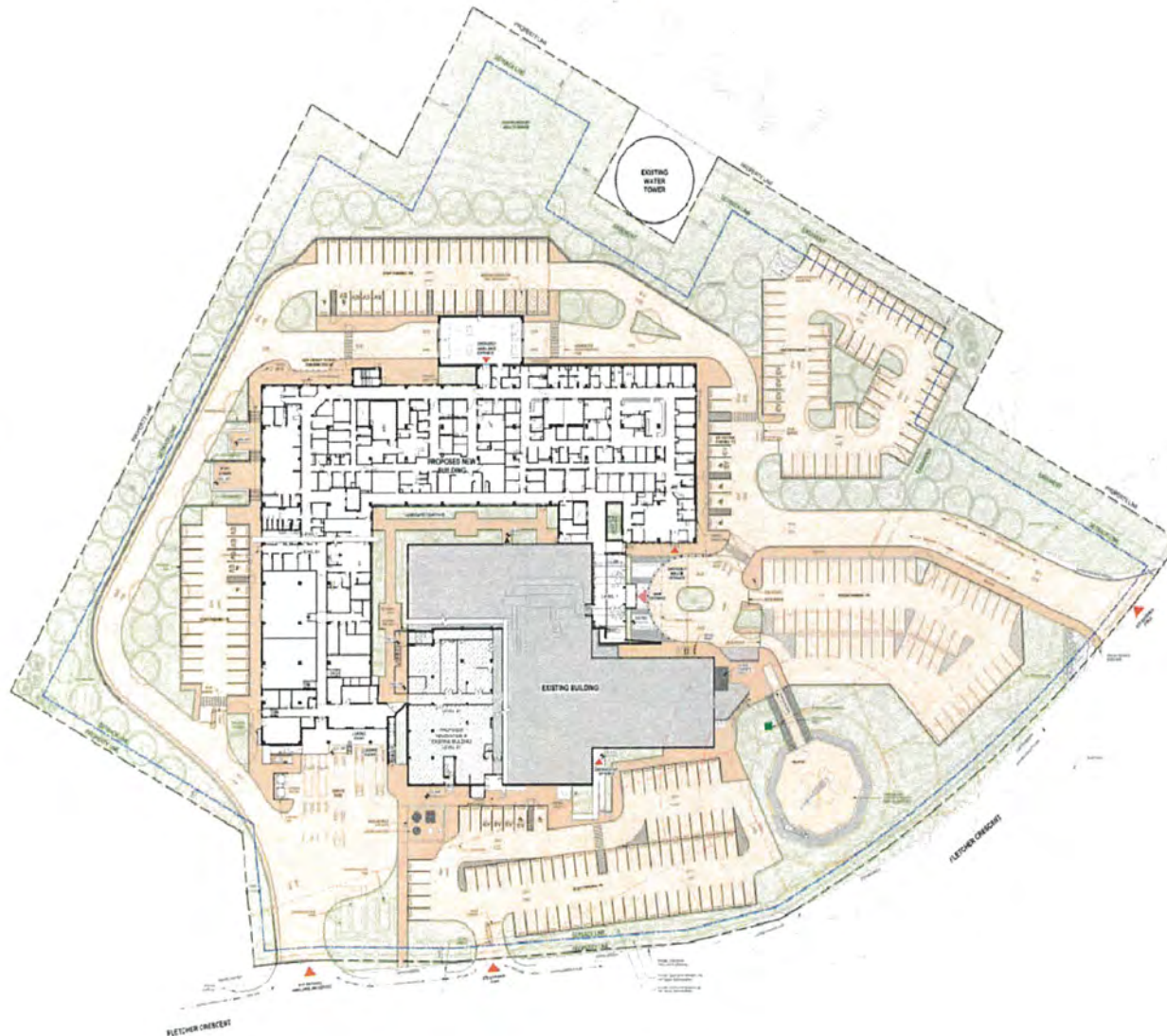
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REDEVELOPMENT PROJECT

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Refined Block Planning Site Masterplan

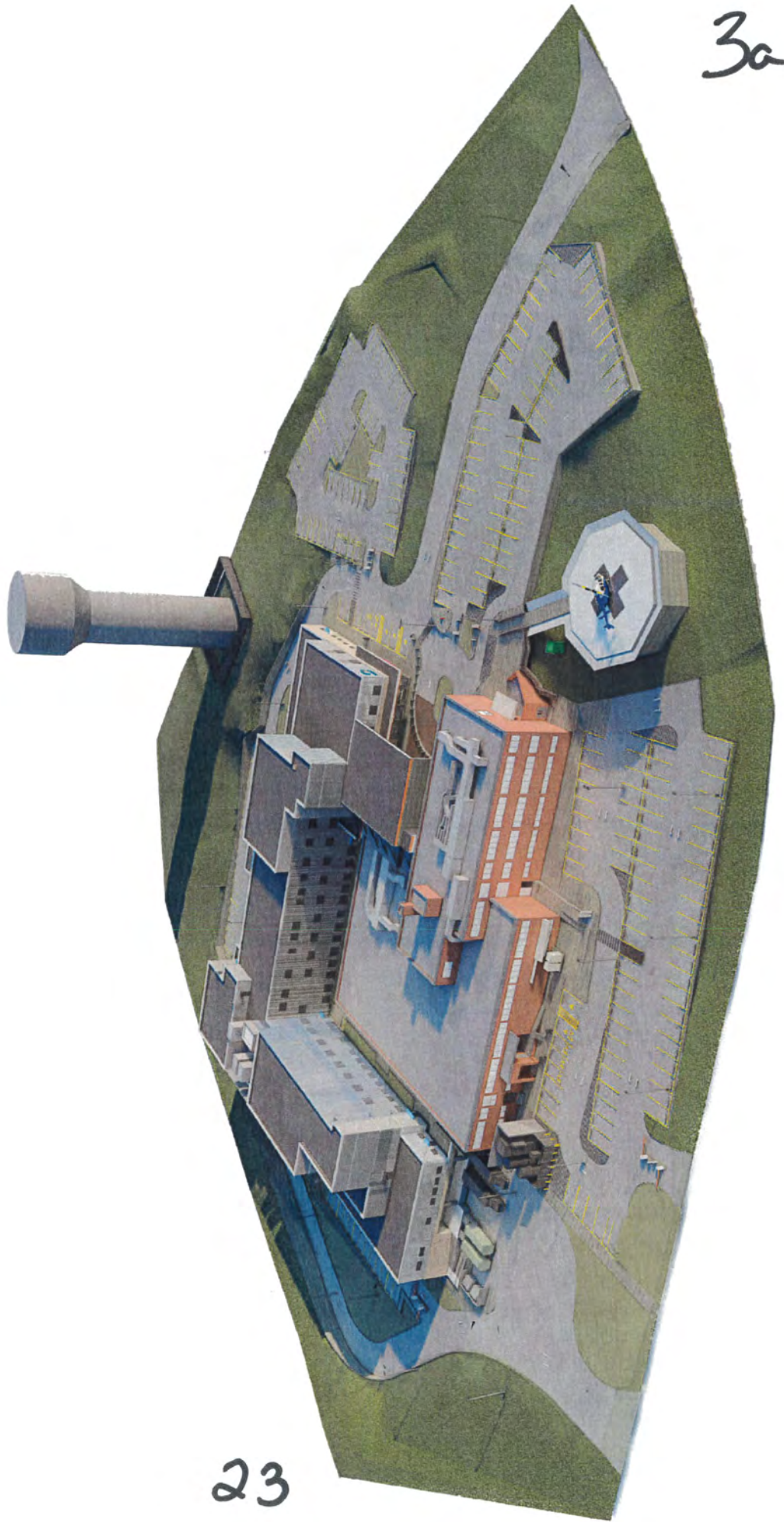
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- New block placed 8-9m away from existing to allow for :
 - a fully detached structural system
 - natural light along the perimeter of both new and existing buildings
 - appropriate life safety/fire exit arrangements for each building
 - Landscaped green area between buildings
 - Minimizes noise and vibration during construction.

Helipad in new location

REDEVELOPMENT PROJECT



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REDEVELOPMENT PROJECT

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REDEVELOPMENT PROJECT



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WELCOME

STEVENS

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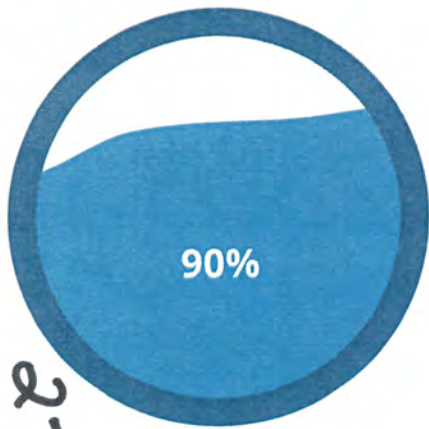
REDEVELOPMENT PROJECT



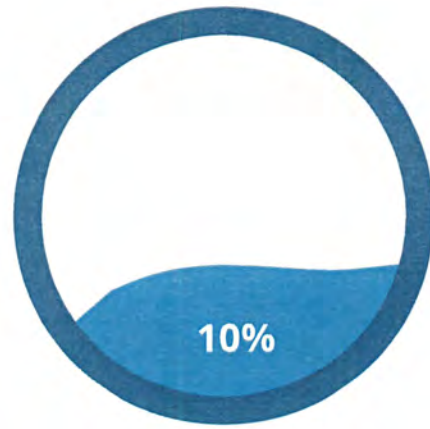
REDEVELOPMENT PROJECT

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FUNDRAISING



27
Government
funds 90% of the
Redevelopment
Cost



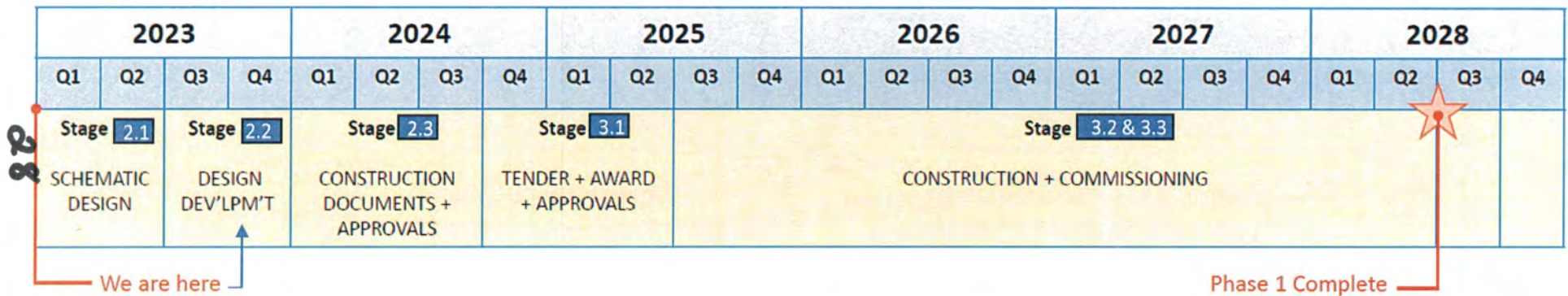
Community/Local
Share Portion is 10%

Furniture, Fixtures and
all Equipment is 100%
funded from the local
share

REDEVELOPMENT PROJECT

Handwritten initials/signature

Next Steps Project Schedule



TOWN HALL SERIES



Community Town Hall Series



Thursday,
February 22
6:30 p.m.

Angus Arena
Banquet Hall
2nd Floor

Angus Rec Centre
10 Sideroad



SPEAKERS:

Jody Levac

President and CEO, Stevenson Memorial Hospital



Mary Thomas

CEO, Stevenson Memorial Hospital Foundation

In partnership with:



22



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PD002-24

RELATED STAFF REPORT: PD030-23

DATE: February 7th, 2024

TO: Committee of the Whole

FROM: Owen Curnew, Development Planner

SUBJECT: Proposed Official Plan & Zoning By-law Amendment – OPA36/Z4-20 – 14 & 18 Margaret Street

RECOMMENDATION

That Staff Report PD002-24 be received; and

That Council

- a. Adopt a by-law to allow the Mayor and Clerk to execute an Amendment to the Official Plan, which would redesignate the properties municipally known as 14 & 18 Margaret Street from 'Institutional' to 'Residential'; and
- b. Approve an amendment to the Township's Zoning By-law (2003-50), for lands municipally known as 14 & 18 Margaret Street from 'Institutional (I) Zone' and 'Residential, Low Density, Detached (R1) Zone' to the 'Residential, Medium Density, Townhouses with Special Provisions (R3-11) Zone' and 'Residential, Medium Density, Townhouses with Special Provisions (R3-12) Zone' respectively, and from 'Residential, Low Density, Detached (R1)' to 'Residential, Medium Density, Townhouses with Special Provisions (R3-13) Zone'.

BACKGROUND

On behalf of Wynstar Developments Inc., Innovative Planning Solutions (IPS) has applied for a Zoning By-law Amendment and Official Plan Amendment on the subject property legally described as PLAN 160A LOT 2 TO 4 and PLAN 160A LOT 5, municipally known as 14 Margaret Street and 18 Margaret Street respectively (Attachment 1).

A public meeting was held in December 2020 for public consultation and comments regarding the proposed Official Plan Amendment (OPA) & Zoning By-law Amendment

(ZBA). Several concerns related to the potential heritage status of the former church building were raised by members of the public due to the then proposed demolition of the building.

The applicant went through three (3) subsequent circulations of materials to satisfy comments and concerns identified by relevant Agencies and Departments (including a Cultural Heritage Impact Assessment on the former church building). Staff deemed the most recent materials submitted in September of 2023 to satisfy all comments and concerns pertaining to the OPA & ZBA applications.

Staff Report PD030-23 was provided to Council on December 6th, 2023, where Council directed staff to hold a second public meeting since the previous public meeting was three years prior and the updated proposal featured significant changes.

Staff held the second public meeting on January 17th, 2024, where no objections were received. Questions about noise and construction timelines was raised that the Consultant assured would be addressed during Site Plan Control.

COMMENTS AND CONSIDERATIONS

The applicant is proposing a total of 4 parcels/lots and will be required to submit three consent applications for a lot line adjustment and the creation of 2 new lots. The 4 lots will consist of the following:

1. 14 Margaret Street: The applicant has proposed 30 back-to-back stacked townhouse units with 66 parking spaces. The minimum required parking spaces for the proposed development at 14 Margaret Street is 60. Both 14 & 18 Margaret Street will be subject to a lot line adjustment to transfer the portion containing the former Church to what is currently known as 18 Margaret Street. Additionally, 14 Margaret Street will be subject to Site Plan Control, where staff and agencies will be able to offer site-specific comments based on detailed drawings and reports.
2. Lot 1 - 18 Margaret Street: The applicant has proposed to repurpose the former church building to a 3-unit multi-family dwelling. The applicant has proposed 6 external parking spaces to meet with the minimum parking requirement for this proposed development. A portion of 14 Margaret Street will be transferred to 18 Margaret Street as a result of the proposed lot line adjustment.
3. Lot 2 – 18 Margaret Street: The applicant is proposing the development of two stacked townhouses with 4 external parking spaces. The minimum required for this proposed development is 4 external parking spaces. This proposed new lot will require a severance application.

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4. Lot 3 – 18 Margaret Street: The applicant is proposing the development of two stacked townhouses with 4 external parking spaces. The minimum required for this proposed development is 4 external parking spaces. This proposed new lot will require a severance application.

On January 17th, 2024, a public meeting was held for OPA36/Z4-20, where the public was given a chance to comment on the proposal. The following comments were provided:

- A resident inquired about the project timelines, asking when construction would begin if the application was approved.
- A neighbouring resident stated that she operated a garage on the land abutting 14 Margaret Street containing the Zion Presbyterian Church. The resident also expressed concerns about the potential for noise complaints to be generated as a result of the noise produce from the car/autobody shop. The resident also suggested that the density may be too high for the surrounding 'low density' residential area and expressed the hope that fencing would be constructed between the two properties.

Additionally, Staff was contacted by a member of the public prior to the January 17, 2024 public meeting requesting that the former church building be 'rezoned as a heritage site'.

Staff believes that the public comments can and should be addressed when the applicant submits for Site Plan Control and a subsequent Site Plan Agreement is registered on title, to inform buyers of the surrounding land uses. Additional conditions will be captured in Draft Plan Conditions and Plan of Condominium.

Staff also recommends that a Heritage Conservation Agreement be registered on title to protect heritage attributes identified in the Cultural Heritage Impact Assessment as a condition of severance. A Heritage Conservation Agreement is legal agreement between a municipality and landowner to protect the heritage attributes of a property.

Staff is of the opinion that all comments and concerns from Agencies, Departments, and the public pertaining to the OPA & ZBA application have been satisfied by the applicant. The application should be considered appropriate development as it meets all relevant planning policy requirements and procedures, making the proposed redevelopment good planning.

FINANCIAL IMPACT

All costs, including the Heritage Conservation Agreement are to be borne by the applicant at no cost to the municipality.

No financial impact to the municipality.


Manager of Finance

32

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. That Council
 - a. Adopt a by-law to allow the Mayor and Clerk to execute an Amendment to the Official Plan, which would redesignate the properties municipally known as 14 & 18 Margaret Street from 'Institutional' to 'Residential'; and
 - b. Approve an amendment to the Township's Zoning By-law (2003-50), for lands municipally known as 14 & 18 Margaret Street from 'Institutional (I) Zone' and 'Residential, Low Density, Detached (R1) Zone' to the 'Residential, Medium Density, Townhouses with Special Provisions (R3-11) Zone' and 'Residential, Medium Density, Townhouses with Special Provisions (R3-12) Zone' respectively , and from 'Residential, Low Density, Detached (R1)' to 'Residential, Medium Density, Townhouses with Special Provisions (R3-13) Zone'
3. Direct staff in another manner.

CONCLUSION

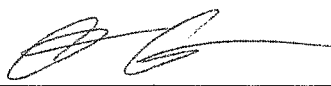
Planning Staff believes that all comments and concerns have been addressed for approval of a ZBA and OPA. The applicant is required to submit future Planning applications in the form of Consent applications, a Site Plan Control application and Plan of Condominium. Appropriate conditions will also be imposed as the proposed development progresses to building permits and construction.

Option #2 is recommended as Staff believes through public consultation and circulation, as well as considering all relevant policies and procedures that the approval of OPA36 and Z4-20 makes for good planning, meeting all provisions of the Planning Act.

Respectfully submitted by:

Reviewed by:

Reviewed by:



Owen Curnew, Development
Planner



Samuel Haniff, RPP,
MCIP, Manager of
Planning



Michael Mikhael, Acting
Chief Administrative Officer/
Manager of Public Works



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PR001-24
DATE: February 7th, 2024
TO: Committee of the Whole
FROM: Chris Rankin, Manager of Parks & Recreation
SUBJECT: Business Advertising Locations Enhancement

RECOMMENDATION

That Staff Report PR001-24 be received; and
 That Council authorize the Manager of Parks and Recreation to permit additional businesses advertising locations and spaces to various assets within the Township as contained in this report.

BACKGROUND

Neighbouring municipalities have been utilizing further open spaces for businesses advertising to generate additional revenue such as dog park fencing adds, baseball diamond, changeroom door. By receiving these amounts of advertising revenues, we could help maintain our parks and even buy new equipment for them. Below is the list developed by Staff along with projected revenues:

Initiatives – Business Advertising Locations

Each changeroom door could have an ad on it	4 X \$200=\$800 each rink	\$1,600
*Allow ads on boards (cost to convert boards) rink	10X\$400=\$4000 each	\$8,000
Place letter sizes ad boards around CC each CC	4X\$100=\$400	\$400
Place advertisement walls at sports fields/dog parks	25 spots @ \$100 = \$2500	\$2,500
Advertise on ice 2 spots rink	2X\$850=\$1700 each	\$3,400
	Total revenue	\$15,900

*Initial cost to convert boards is \$800 per board. No revenue is anticipated within the first 2 years.

COMMENTS AND CONSIDERATIONS

Allowing more businesses to advertise in more spaces across the Township will allow our local businesses to be seen and frequented by the residents. These initiatives will also increase the advertising revenue.

FINANCIAL IMPACT

Once approved, Staff will notify businesses regarding the additional spaces in various locations. Total revenues could be up to \$11,000-\$15,000 per yearly.

Worth to mention; the cost to convert boards is approximately \$800 per board so no revenue is anticipated within the first 2 years.

Manager of Finance: 

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. Authorize the Manager of Parks and Recreation to permit additional business advertising locations and spaces to various assets within the Township.
3. Direct Staff in another course of action.

CONCLUSION

Option #2 is recommended.

Respectfully submitted,



Chris Rankin
Manager of Parks & Recreation

Reviewed by,



Michael Mikael
CAO (Interim) / Manager of Public Works



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TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PW001-24
DATE: February 7, 2024
TO: Committee of the Whole
FROM: Michael Mikael,
Interim Chief Administrative Officer / Manager of Public Works
SUBJECT: River Drive – Parking Restrictions

RECOMMENDATION

That Staff Report PW001-24 be received; and

That the proposed amendments to Essa's Parking By-law 2005-96 as contained in Staff Report C026-23 be amended at this time to remove the proposed parking restrictions on the north side of River Drive; and

That Staff be directed to investigate implementing parking restrictions on River Drive once the new development located at 150 Mill Street, Angus, is complete; and

That Council direct Staff to send a formal letter to neighbouring business and property owners regarding the parking restrictions as contained in sections 5.2 and 5.4 of Essa's Parking By-Law 2005-96.

BACKGROUND

River Drive (Angus) is a paved two-lane local road with 20 meters road allowance (right of way) including a gravel shoulder and sidewalk (north side).

Historically residents and business have been utilizing the north side of River Drive for parallel parking (between Mill Street to Park Road), where they have been parking in the area between the sidewalk and roadway (boulevard). As reported by the Roads Department, winter maintenance operations (snow removal) has been a challenge on River Drive resulting from the vehicles parked on the north segment of River Drive (between Mill Street and Park Road).

At its meeting of January 17, 2024, Staff recommended (Attachment No. 2 – Staff Report C026-23) that Council support an amendment to By-law 2005-96 to include provisions for "no parking at anytime on the north side of River Drive" from Mill Street to Park Road.

COMMENTS AND CONSIDERATIONS

Staff explored alternative options with respect to enforcement of Essa's current Parking By-Law 2005-96 specific to the segment of road located between Mill Street and Park Road on River Drive (**attached figure 1**). The following provisions should be taken into consideration:

- *No person shall park a vehicle or permit a vehicle to remain parked on any highway within 20 meters (65.6 feet) of an intersection **when signs are installed** (Section 4.3 - Parking Prohibited with Signs)*
- *No person shall park a vehicle or permit a vehicle to remain parked on any highway within 9 meters (29.5 feet) of an intersection **regardless of signage on the roadway** (section 5.2 - Parking Prohibited Regardless of Signage)*
- *No person shall park a vehicle or permit a vehicle to remain parked on any highway in front of or within 1.5 meters (4.9 feet) of a driveway or laneway **regardless of signage on the roadway** (section 5.4 - Parking prohibited Regardless of signage)*

Worth to mention; that Section 5.12 of Essa's Parking By-law 2005-96 specifies that "No person shall park a vehicle or permit a vehicle to remain parked on a boulevard". As such, it is prohibited for any vehicle to park on the north side of River Drive in the segment between Mill Street and Park Road between the sidewalk and driving surface and should result in a ticket being issued.

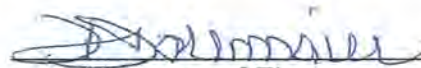
Determining a suitable option/solution depends on many factors which include roadway function, increased traffic volumes, road layout/geometry and sightlines.

The new development on River Drive (150 Mill Street) is currently in the construction phase and is anticipated to be fully operational in late 2024 / early 2025. The development will consist of a gas station, a food partner, and a car wash. The primary entrance/driveway for the development will be located on River Drive **as per the attached figure 1**.

Once development at 150 Mill Street is complete and the businesses are operational, it is anticipated that major sightlines, safety and operational issues will occur on River Drive. This will result in the requirement for further parking restrictions on River Drive between Mill Street to Park Road, to ensure safety of the roadway and avoidance of liability exposure resulting from potential collision(s).

FINANCIAL IMPACT

No financial impact.


Manager of Finance

SUMMARY/OPTIONS

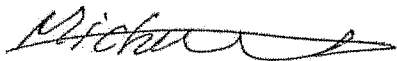
Council may:

1. Direct Staff to remove the proposed parking restrictions specific to the north side of River Drive from the proposed amendments contained in Staff Report C026-23.
2. Direct Staff to investigate the parking restrictions on River Drive once the new development is complete (150 Mill Street).
3. Direct Staff to send a formal letter to neighbouring business and property owners regarding parking restrictions contained in sections 5.2 and 5.4 of Essa's Parking By-Law 2005-96.
4. Direct Staff in another course of action

CONCLUSION

Staff Recommends that Options #1,2 and 3 be approved.

Respectfully submitted,

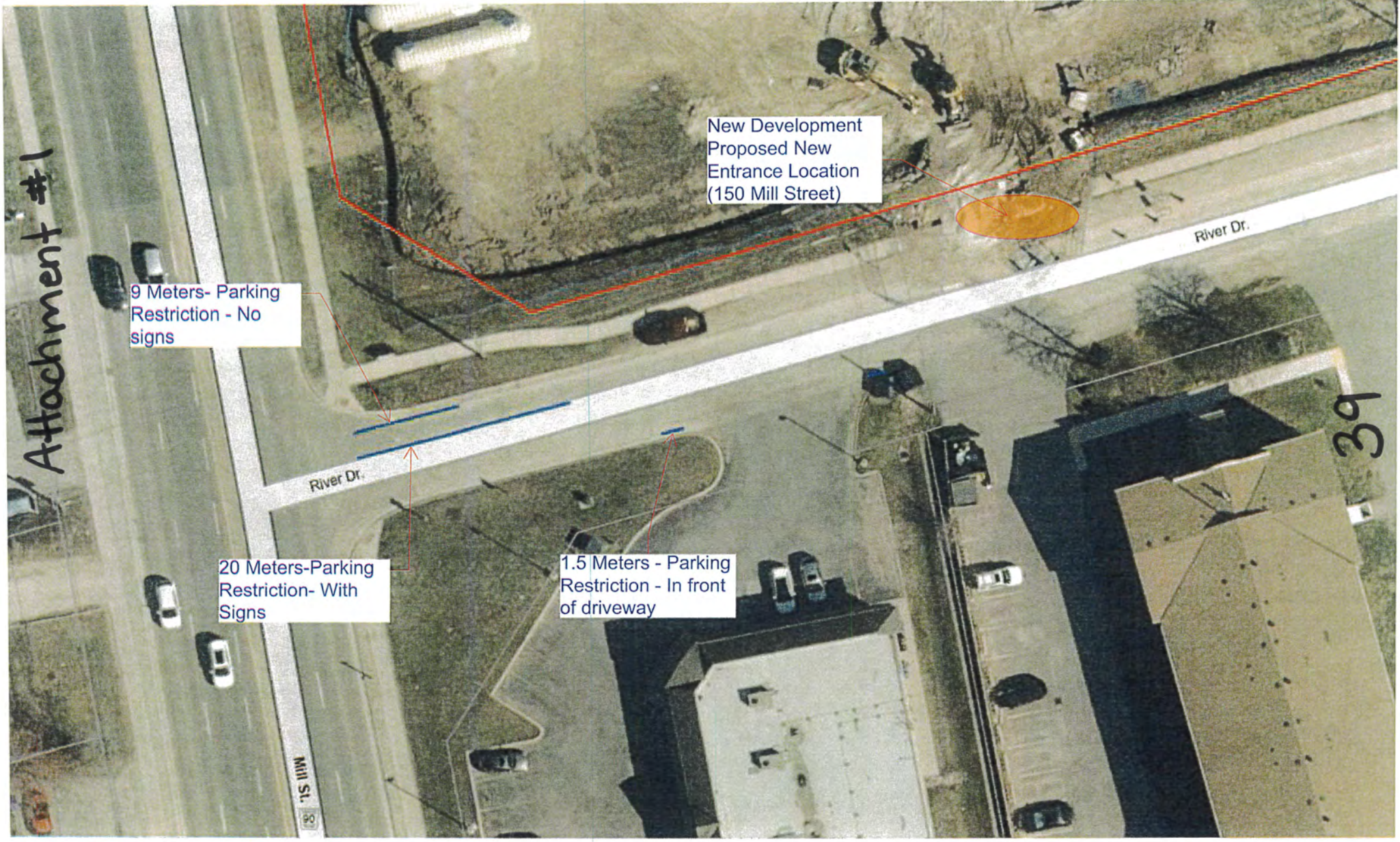


CAO (Interim) / Manager of Public Works

Attachments:

- 1 – Figure 1 – map of River Drive between Mill Street and Park Road
- 2 – Staff Report C026-23

Attachment #1



New Development
Proposed New
Entrance Location
(150 Mill Street)

9 Meters- Parking
Restriction - No
signs

20 Meters- Parking
Restriction- With
Signs

1.5 Meters - Parking
Restriction - In front
of driveway

39

70a

Attachment # 2

7a



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C026-23
DATE: December 20, 2023
TO: Committee of the Whole
FROM: Lisa Lehr, Manager of Legislative Services
SUBJECT: Proposed Amendments - Parking By-law 2005-96

RECOMMENDATION

*That Staff Report C026-23 be received; and
That Council authorize Staff to engage with the Ministry of Attorney General to increase the Early Payment and/or Set Fines associated with "Winter Parking Restrictions"; and
That Council consider approving amendments to Essa's Parking By-law to include provisions specific to:*

- *The prohibition of vehicles parked on the road system opposite to the flow of traffic;*
- *Vehicles Parking in EV Charging Station Parking Spaces where they are not charging their vehicle;*
- *No parking (at any time) on the North Side of River Road from Mill Street to Park Road, with signage to be installed;*
- *The requirement for vehicles parked in municipal parking lots to move on a regular basis (ie: once every 24 hours); and*

*That the appropriate By-law to amend Essa's Parking By-law 2005-96 be presented to Council for passage at its regular meeting scheduled on January 17, 2024; and
That Council direct staff to investigate implementation of an Administrative Monetary Penalty System for its Parking By-law, with a report to come forward in 2024.*

BACKGROUND

The Township of Essa's Parking By-law 2005-96, as amended, provides for the regulation of vehicle parking, standing and stopping on highways or parts of highways under the jurisdiction of the Township of Essa. The By-law is intended to be used as a means of addressing potential hazards and safety concerns such as visual obstructions caused by parking congestion or improper parking. It is enforced by Municipal Law Enforcement Officers (MLEOs) and the Ontario Provincial Police (OPP), and allows for vehicles found to be parked in contravention of the By-law to be ticketed and/or towed. Enforcement consists of the issuance of Part 2 tickets, which allows for voluntary payment and/or set fines approved by the Ministry of Attorney General.

Parking in the Township of Essa, particularly in medium to high density residential subdivisions, has become an increasingly challenging issue to manage. As Council is aware, local roads are often overcrowded with cars parked on road surfaces causing not only difficulty to motorists travelling the road system and safety concerns to pedestrians, but also challenges to municipal staff and contractors tasked with performing maintenance on the road system (ie: street sweeping, snow removal, water surface management, etc.). In addition to vehicles parked on local roadways, there has been an

7a

increase in observance of vehicles that are parking in municipal parking lots at local parks with vehicles often not moving, in some cases, for days at a time. These parking lots are thereby serving as overflow parking lots.

The Manager of Legislative Services and the Manager of Public Works have recently reviewed the current Parking By-law (2005-96 as amended) and are proposing changes in an effort to strengthen and enhance the Parking Enforcement Program. It is expected that implementation of the suggested amendments contained in this Report will further assist Officers in addressing the complexity of enforcement, and additionally, will further support deterrence and/or changes to driving behaviours in Essa.

COMMENTS AND CONSIDERATIONS

In respect of restricting parking on local roads, a few of the more common measures (to name a few) contained in the By-law are as follows:

- Seasonal on-street (“winter”) parking restrictions - November 1 to May 1 each calendar year between the hours of 2:00 am to 8:00 am
- Parking restrictions where “No Parking” signs have been erected (ie: around schools)
- Parking restrictions regardless of signage (ie: obstructing a sidewalk or driveway, too close to an intersection, etc.)
- Parking in front of fire hydrants

While it is important to note that all enforcement measures taken to administer the Parking By-law result in the mitigation of safety concerns and hazards posed to motorists and pedestrians, staff in the By-law Department and the Public Works (Roads) Department have requested for Council to consider amending the current Parking By-law in an effort for the By-law to be more effective and efficient.

Winter Parking Restrictions - Early Payment/Set Fines

It has been communicated from Municipal Law Enforcement Officers that the current voluntary payment and set fines attached to Essa's By-law no longer seem to serve as a deterrent (fines have been the same since the By-law was passed in 2005). This is supported by the data provided in Figure 1 below, which shows the frequency of tickets that have been issued to the same license plates during the 2022-23 winter parking and again this winter.

*Figure 1
 License Plates that Have Received Multiple Parking Tickets for
 Parking on Road during Restricted Period (November 1 to May 1)*

November 1 2022 to May 1 2023 Data collected for the complete 2022-23 Winter Parking Restriction Cycle			
No. of License Plates receiving 2-3 parking tickets	No. of License Plates receiving 4-5 parking tickets	No. of License Plates receiving 6-7 parking tickets	No. of License Plates receiving 8+ parking tickets
30	4	1	0
November 1 2023 to December 5 2023 (Data collected for one month into 2023-24 winter parking restrictions)			
No. of License Plates receiving 2-3 parking tickets	No. of License Plates receiving 4-5 parking tickets	No. of License Plates receiving 6-7 parking tickets	No. of License Plates receiving 8+ parking tickets
20	2	5	1

41

7a

General comments from residents that have received multiple parking tickets have stated that is cheaper to pay the Early Voluntary Payment (within 7 days following date of issuance) in the amount of \$25.00, or the Set Fine (within 8 to 15 days following date of issuance) in the amount of \$35.00, than it is to find an alternative solution themselves.

RECOMMENDATION NO. 1:

- **It is recommended that Council authorize Staff to engage with the Ministry of Attorney General to increase the Early Payment and/or Set Fines associated with “Winter Parking Restrictions” to reflect:**
 - **Early Payment Option – \$35.00 - if paid within 7 days from date of issuance.**
 - **Set Fine - \$50.00 – if paid 8+ days from the date of issuance.**

Parking on the Road Opposite to the Flow of Traffic

By-law Staff often get complaints of vehicles parked on the road in the direction that is opposite to the flow of traffic. This issue can ultimately result in potential risks to motorists and pedestrians, such as:

- Obstructs the flow of traffic in both directions - causes difficulty for other drivers (especially when they need to maneuver around the parked vehicle).
- Reduction in visibility to motorists for both the parked vehicle and oncoming traffic – increases the risk of accidents particularly in areas with limited visibility (such as curves and/or intersections).
- Safety of pedestrians can be compromised – pedestrians have increased difficulty crossing the road safely due to obscured visibility.
- Inconvenience to other residents and drivers in the area – parking in the opposite direction to the flow of traffic may result in limited roadway parking and create additional challenges when navigating residential streets.

As parking on the road in the same direction as the flow of traffic helps to maintain safe and orderly streets and reduces the risk of accidents, it is suggested that the By-law be amended to include provisions to enforce this issue.

RECOMMENDATION NO. 2:

- **It is recommended that Council consider directing Staff to:**
 - **amend the current Parking By-law to include provisions specific to the prohibition of vehicles parking on the road system opposite to the flow of traffic.**
 - **Include Early Payment Fine of \$35.00 (if paid within 7 days from date of issuance)**
 - **Include Set Fine - \$50.00 – if paid 8+ days from the date of issuance**

Electrical Vehicle (EV) Charging Stations

While Officers have the ability to address vehicles parking in EV Charging Station spaces (that are not charging their vehicle) through use of the existing provisions (ie: “parking on municipal property without permission”; “parking where restricted by signage”), the fine (once again) for these offences is only \$25.00 for early payment, and \$35.00 for payment after 8+ days. This penalty is not a very strong deterrent.

42

A review was conducted of other municipal Parking By-laws, and it was noted that some municipalities have a higher fine for contraveners that are caught parking in EV Charging Station spaces where the vehicle is not charging. It is proposed that Essa follow this framework.

RECOMMENDATION NO. 3:

- It is recommended that Council consider directing Staff to:
 - Amend Essa's current Parking By-law to include provisions specific to vehicles Parking in EV Charging Station Parking Spaces where they are not charging their vehicle.
 - Early Payment Option - \$75.00 if paid within 7 days from date of issuance.
 - Set Fine - \$100.00 if paid 8+ days from the date of issuance.

Limiting Parking to One Side of Road - River Road

As Council is aware, limited width of road surfaces is created when vehicles park on both sides of the travelled portion of road surfaces. This becomes very challenging for the Public Works Department when they are removing snow.

As a result of the review of Essa's Parking By-law, the Public Works Department has requested the assistance of Council in further limiting parking to one side of River Road, in an effort to further assist them with the safe removal of snow.

RECOMMENDATION NO. 4:

- It is recommended that Council consider directing Staff to:
 - Amend Schedule "A" of Essa's current Parking By-law to include the following:
 - No parking, at any time, on the North Side of River Road from Mill Street to Park Road

Vehicles Parking in Municipal Parking Lots

As was mentioned earlier, there has been an increase of vehicles that are parking in the parking lot(s) at municipal parks often times not moving for extended periods of time. The use of municipal parking lot(s) is not a permanent solution for residential parking, but rather allows for a temporary solution to get vehicles off the travelled portion of road surfaces. As a result, it is suggested that provisions be included in Essa's Parking By-law to require vehicles to move on a regular basis (ie: once every 24 hours), unless Council would like staff to further investigate the option for implementing a Parking Permit Program wherein these parking lots would serve to help solve the need for overflow parking. [**Please be advised that recreational vehicles (ie: trailers, boats, RVs, etc.) are not permitted to park in municipal parking lots at any time.]

RECOMMENDATION NO. 5:

- It is recommended that Council consider directing Staff to:
 - Amend its Parking By-law to require vehicles parking in municipal parking lots to move on a regular basis (ie: once every 24 hours) to maintain the municipal parking lots for recreational users.

Future Consideration for Council

The Township of Essa currently enforces its Parking By-law through the issuance of Part 2 tickets with Early Payment and Set Fines having been approved by the Ministry of Attorney General. Where tickets remain unpaid following the issuance of the Notice of Impending Conviction (NIC), the Township of Essa issues a Certificate Requesting Conviction (CRC) which gets filed with the Barrie Courthouse. This ultimately results in the following:

- The Barrie Courthouse initiates a Plate Denial Request through the Ministry of Transportation, which then proceeds to the contravener having to make payment through Service Ontario at the time of license plate renewal.

Where the registered owner of the vehicle wishes to challenge the ticket, the Township of Essa files the request through the Barrie Courthouse. The Barrie Courthouse then informs the municipality and the registered owner of the date for the appeal to be heard, with the Judge rendering a decision to:

- stay the ticket (leave the ticket as it was issued);
- vary the ticket (extending the timeline to pay and/or reducing the penalty amount);
or
- waive the ticket in its entirety.

Upon conducting a municipal review of the Parking By-laws of other municipalities, it was noted that many have moved away from enforcing their parking tickets through the court system to that of an Administrative Monetary Penalty System (AMPS). The logic behind moving to an Administrative Monetary Penalty System is as follows:

- AMPS provides for faster resolution where parking tickets have been challenged (an appeal is heard by a screening officer and/or a hearing officer, similar to that which Essa has established for its ASE AP Program)
- AMPS allows for the municipality to collect the penalty amount directly in its entirety, with unpaid tickets being sent to Ministry of Attorney General and/or Ministry of Transportation for collection when a license plate is being renewed
- AMPS allows for the municipality to realize more of the penalty amount, as there would be no prosecution fees to pay; this results in the municipality realizing full recovering more of penalty and administrative fees
- AMPS would allow for the municipality to be more in control of monetary penalties (currently Early Payment and Set Fines are required to be approved by the Ministry of Attorney General).

RECOMMENDATION NO. 6:

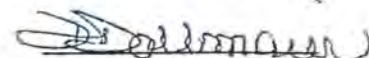
- **Council direct staff to investigate and report back in 2024 on implementation of an Administrative Penalty System for Parking Infractions.**

Additionally to note, it is anticipated that Essa's Transportation and Trails Master Plan (TTMP) will be brought forward for Council's consideration in January 2024 with public consultation sessions being scheduled. The TTMP may propose further recommendations and/or suggestions on topics to support additional traffic calming and parking measures. Following Council's approval of the TTMP, Staff will commence a comprehensive review of Essa's Parking By-law to implement the additional recommendations at that time.

7a

FINANCIAL IMPACT

No financial impact at this time, however should the Ministry of Attorney General approve the request for increased Early Payment and Set Fines, the municipality could realize higher revenue for parking infractions.



Manager of Finance

SUMMARY/OPTIONS


Council may:

1. Take no further action thereby receiving the Report only, with no proposed amendments being approved by Council.
2. **Authorize Staff to engage with the Ministry of Attorney General to increase the Early Payment and/or Set Fines associated with "Winter Parking Restrictions".**
3. **Direct Staff to amend Essa's Parking By-law to include provisions specific to the prohibition of vehicles parking on the road system opposite to the flow of traffic.**
4. **Direct Staff to amend Essa's Parking By-law to include provisions specific to vehicles Parking in EV Charging Station Parking Spaces where they are not charging their vehicle.**
5. **Direct Staff to amend Schedule "A" of Essa's Parking By-law to include No parking, at any time, on the North Side of River Road from Mill Street to Park Road.**
6. **Direct Staff to amend Essa's Parking By-law to require vehicles parking in municipal parking lots to move on a regular basis (ie: once every 24 hours) to maintain the municipal parking lots for recreational users.**
7. **Direct staff to investigate and report back in 2024 on implementation of an Administrative Penalty System for Parking Infractions.**
8. **Direct staff to investigate implementation of an Administrative Monetary Penalty System for its Parking By-law, with a report to come forward in 2024.**
9. Approve further amendments as provided by Council.
10. Direct Staff as Council deems appropriate.

CONCLUSION

It is recommended that Council approve options 2 through 8.

Respectfully submitted;


 Lisa Lehr
 Manager of Legislative Services


 Michael Mikael
 Manager of Public Works

Reviewed by:


 Colleen Healey-Dowdall
 Chief Administrative Officer

Attachments:

- 1 – Consolidated Version of Essa's Parking By-law 2005-96, with Set Fines as approved by Ministry of Attorney General in 2005.



THE CORPORATION OF THE TOWNSHIP OF ESSA

Parking By-law 2005-96 as amended

OFFICE CONSOLIDATION

This Office Consolidation is for ease of reference only. Copies of Original and Amending By-laws can be obtained by contacting the Clerk's Office at 705-424-9917.

Amending By-laws:

2008-21, 2013-22, 2013-46, 2017-07, 2018-87, 2018-102, 2021-38 and
2022-54

7a

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 2005 – 96 (amended)

Being a By-law to provide for the regulating of vehicle parking, standing and stopping on highways or parts of highways under the jurisdiction of the Corporation of the Township of Essa, and to Repeal By-law 97-63.

WHEREAS Section 11(2) of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that lower tier municipalities have the power to pass by-laws under a sphere of jurisdiction as assigned to an upper tier non-exclusively; and

WHEREAS Section 27 (1) of the *Municipal Act* provides that a municipality may pass by-laws in respect to highways over which it has jurisdiction, including the authority to regulate parking on highways; and

WHEREAS Section 35 of the *Municipal Act* provides that a municipality may restrict the common law right of passage by the public over a highway; and

WHEREAS Sections 63(1) and 101 of the *Municipal Act* allow for the removal and impounding or restraining and immobilization of vehicles placed, stopped, standing or parking on a highway or on private land in contravention of a municipal by-law regulating vehicles;

NOW THEREFORE the Council of the Corporation of the Township of Essa enacts as follows:

1 DEFINITIONS:

1. The meaning ascribed to any term defined in subsection 1 of Section 1 of the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8 as amended from time to time, are the meanings of that term as used in this By-law, unless that term is otherwise defined in subsection 1.2 of this Section.

For the purposes of this By-law:

- a. "Authorized Sign" means a sign or other device placed or erected on a highway or elsewhere pursuant to the provisions of this By-law and approved by the Ministry;
- b. "Boulevard" means all parts of the highway save and except any roadway, shoulder or sidewalk;
- c. "Bus Stop" means that part of a highway designated by a sign where buses will stop to take on or let off passengers;
- d. "Collector Road" means a road that serves to collect and distribute traffic between local streets and arterial roads, with typical daily motor vehicle traffic volume between 2,500 to 8,000 vehicles per day, with lower speeds (40-50 km/h);
- e. "Corner" means the point of intersection of curbs or edges of the portion of the highway used for vehicular traffic;
- f. "Council" means the Council of the Corporation of the Township of Essa;

7a

OFFICE CONSOLIDATION

By-law No. 2005 – 96,

as amended BY 2008-21, 2013-22, 2013-46, 2017-07, 2018-87, 2018-102, 2021-38 and 2022-54

Page 2 of 20

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- g. "Curb" shall include the edge of the roadway and gutters;
 - h. "Driveway" means improved land on a highway which provides vehicular access from the roadway to a laneway or a parking area on adjacent lands;
 - i. "Fire Route" means a private roadway designated as a fire route by one or more signs erected by or on behalf of the owner or occupant of the private roadway;
 - j. "Highway" includes a common and public highway, street, avenue, parkway, square, place, bridge, viaduct or trestle, designed and intended for, or used by the general public for the passage of vehicles, including unopened and unassumed highways;
 - k. "Highway, one way" means a highway upon which the movement of vehicular traffic is limited to one direction;
 - l. "Inner Boulevard" means that part of the highway lying between the property line and the edge of the sidewalk nearest to the property line and where there is no sidewalk, it means that part of the highway lying between the property line and the edge of the shoulder furthest from the roadway or where a shoulder does not exist from the edge of the roadway;
 - m. "Laneway" means improved land adjacent to the highway which provides access from the highway to a parking area on adjacent land;
 - n. "Leave or Left when prohibited" means the parking of a motor vehicle:
 - i. in excess of any time limit so posted; or,
 - ii. where a time limit is not posted, in excess of two hours; or,
 - iii. for any use other than the normal use intended for the property;
 - p. "Local Board" means a local board as defined in the *Ontario Municipal Act, 2001*;
 - q. "Local Road" means a road that serves primarily to provide access to properties and serve a relatively minor role in carrying motorized traffic, with typical motor vehicle traffic volume of less than 2,500 vehicles per day, with lower speeds (40-50 km/h);
 - r. "Municipality" means the Corporation of the Township of Essa;
 - s. "Municipal Property" means property of the Township of Essa or any local board thereof;
 - t. "Officer" means a Municipal Law Enforcement Officer appointed by the Township of Essa for the purpose of carrying out the enforcement of this By-law;
 - u. "OPP Commander" means the Detachment Commander of the Ontario Provincial Police having authority in the Township, or designate;
 - v. "Outer Boulevard" means that part of the highway lying between any sidewalk and the edge of the shoulder furthest from the roadway where a shoulder does not exist from the edge of the roadway;

48

7a

OFFICE CONSOLIDATION

By-law No. 2005 – 96,
as amended BY 2008-21, 2013-22, 2013-46, 2017-07, 2018-87, 2018-102, 2021-38 and 2022-54
Page 3 of 20

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- w. "Owner" when used in relation to property means the registered owner of the property;
 - x. "Owner" when used in relation to a vehicle means the last registered name on file with the Ministry of Transportation;
 - y. "Park" or "Parking", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
 - z. "Parking Infraction Notice" means a notice of an infraction of this By-law given by an Officer or Constable;
 - aa. "Parking Space" means that part of the surface of a roadway designated for the purpose of parking a vehicle;
 - bb. "Pedestrian" means a person or child, on foot or in a wheelchair, motorized accessibility scooter, or baby carriage;
 - cc. "Person" means an individual human being, his/her personal representative and their heirs, executors and assigns and shall also include a corporation with or without share capital and for the purpose of this By-law includes the owner or driver of a vehicle;
 - dd. "Private Road" means a highway, road or laneway on private property and one which is not assumed by, or under the jurisdiction of the municipality;
 - ee. "Road Right-of-Way" means a type of easement granted or reserved by the municipality on all roads within the municipality including the driving surface (paved and/or gravel) and beyond the driving surface over the land for transportation purposes;
 - ff. "Roadway" means that part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder and, where a highway includes two or more separate roadways, and the term Roadway® refers to any one roadway separately and not to all of the roadways collectively;
 - gg. "Shoulder" means that part of the highway immediately adjacent to the roadway and having a surface which has been improved with asphalt, concrete or gravel for the use of vehicles;
 - hh. "Sidewalk/footpaths" means that portion of a highway as is set aside by the Township for the use of pedestrians;
 - ii. "Stand" or "Standing", when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers (Immobilization);
 - jj. "Stop" or "Stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or of a traffic control sign or signal;

7a

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- kk. "Township" means the Corporation of The Township of Essa;
 - ll. "Vehicle" includes a motor vehicle, trailer, commercial motor vehicle, an automobile, motorcycle, motor assisted bicycle, a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry road building machine and any other vehicle propelled or driven otherwise than by muscular power.

2. GENERAL REGULATIONS

1. Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standard time, provided however, if what is known as "daylight savings time" has been generally adopted in the Township for any period of the year, under any statute, order-in-council, By-law, resolution or proclamation, whether the same is effective in law or not, such time shall be the time referred to during such period in any reference to time in this By-law.
2. The Roads Supervisor for the Township, or designate, shall have authority to place or erect and to maintain such authorized signs as are required to give effect to the provisions of this By-law;
3. No person shall place, maintain or display on any highway, any sign, marking or device which purports to be, or is an imitation of, or resembles an authorized sign or which conceals from view or interferes with the effectiveness of an authorized sign.
4. The Detachment Commander and the Township Roads Supervisor are hereby authorized to place or erect and maintain temporary "No Parking" signs and "No Stopping" signs on any highway.
5. The Schedule to this By-law shall form part of this By-law and each entry in a column of such a schedule shall be read in conjunction with the entry or entries across therefrom and not otherwise.
6. "Severability" - If any Court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires of the jurisdiction of the Council to pass or are invalid for any other reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.
7. A word interpreted in the singular number has a corresponding meaning when used in the plural.
8. "May" shall be construed as permissive.
9. "Shall" shall be construed as imperative.
10. "Distances" - Where a distance is used in this By-law as part of a prohibition of parking or stopping within a specified distance of an object, structure, land or part of a highway, such distance shall be measured:
 - (a) Along the curb or edge of the roadway from a point in such curb or edge of roadway opposite such object, structure, land or part of a highway, unless the context otherwise requires, and;

7a

- (b) from such object, structure, land, or part of a highway in all directions.
- 11. This By-law applies only to highways forming part of the road system under the jurisdiction of the Municipality.
- 12. If compliance therewith be impractical, the provisions of this By-law shall not apply to:
 - (a) ambulances, police, fire department, or public utility emergency vehicles; or,
 - (b) vehicles actually engaged in works undertaken for, or on behalf of the Municipality.

3. GENERAL STOPPING OR PARKING REGULATIONS

- 1. No person shall park or stop any vehicle on any highway or portion thereof except as follows:
 - (a) where there is a raised curb or a rolled curb on the right side of the roadway having regard to the direction such vehicle was proceeding with its right front and rear wheels parallel to and not more than 15 centimetres (5.9 inches) from such curb; or,
 - (b) where there is no curb or a rolled curb, with the right front and rear wheels parallel to and as near the right-hand limit of the highway as is practical without parking or stopping over a sidewalk or footpath or over any part of a highway where grass is grown or which is not intended for the use of vehicles.
- 2. Notwithstanding the provisions of subsection 4.1, on designated one-way highways where parking or stopping is permitted on the left side of a highway, no person shall park or stop any vehicle on any highway or portion thereof except as follows:
 - (a) where there is a raised curb or rolled curb on the left side of the roadway having regard to the direction in which the vehicle was traveling, with its left front and rear wheels parallel to, and no more than 15 cm (5.9 inches) away from such curb; or,
 - (b) where there is no curb or rolled curb, on the left side of the roadway having regard to the direction in which the vehicle was traveling with the left front and rear wheels parallel to and as near to the left hand limit of the highway as is practical without parking or over a sidewalk or footpath or over any part of a highway where grass is grown or which is not intended for use of vehicles.
- 3. Where parallel parking spaces are designated by lines painted on a roadway, no person shall park or stop any vehicle other than within the designated spaces.
- 4. Where angle parking is permitted, no person shall:
 - (a) park any vehicle other than within the designated spaces where parking spaces are designated by painted lines on the roadway; or,

7a

(b) park or stop any vehicle except at an angle of 45 degrees to the curb or boundary of the roadway where parking spaces are not designated by lines painted on the roadway.

5. The provisions of subsections 4.1 and 4.2 do not apply on highways where angle parking is permitted.

4. PARKING PROHIBITED WITH SIGNS

When authorized signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on any highway:

1. In front of, or within 9 metres (29.5 feet) of a lot on which there is a fire hall or on the side of the highway on which the fire hall is located;
2. On the opposite side of a highway from a fire hall and within 30 metres (98.4 feet) of the projected lot lines of the lot on which such fire hall is located;
3. Within 20 metres (65.6 feet) of an intersection;
4. Within 30 metres (98.4 feet) of an intersection controlled by traffic signals;
5. In front of the main entrance to, or any emergency exit from any church, hotel, hospital, nursing home, theatre, auditorium or other building or enclosed space in which persons may be expected to congregate in large numbers;
6. Within 30 metres (98.4 feet) of the approach side of a crosswalk that is not located at an intersection;
7. Within 15 metres (49.2 feet) of the departure side of a crosswalk that is not located at an intersection; or,
8. So as to interfere with the formation of a funeral procession.

5. PARKING PROHIBITED REGARDLESS OF SIGNAGE

No person shall park a vehicle or permit a vehicle to remain parked on any highway;

1. Within 9 metres (29.5 feet) of an intersection;
2. Within 9 metres (29.5 feet) of a fire hydrant;
3. For 30 metres (98 feet) of the roadway fronting a Cenotaph at any time;
4. In front of or within 1.5 metres (4.9 feet) of a laneway or driveway;
5. So as to obstruct a vehicle in the use of any laneway or driveway;
6. In such a position that will prevent the convenient removal of any other vehicle previously parked;
7. For the purpose of displaying the vehicle for sale;

7a

8. For the purpose of greasing or repairing the vehicle except for such repairs necessitated by an emergency;
9. On the roadway where the width of the roadway is 6 metres (19.6) feet or less;
10. On a driveway within 1 metre (3.2 feet) of a sidewalk or footpath, or if there is no sidewalk or footpath within 3 metres (9.8 feet) of the roadway;
11. So as to impede or obstruct the flow of other traffic during its lawful use of the highway;
12. On a boulevard; or,
13. Between the hours of 2:00 a.m. and 8:00 a.m. from the first day of November to the first day of May in any calendar year for the purposes of snow removal.

6. STOPPING PROHIBITED REGARDLESS OF SIGNAGE

No person shall stop a vehicle or permit a vehicle to remain stopped on any highway:

1. On, partly on, or over a sidewalk or footpath;
2. Within an intersection or crosswalk;
3. Within 30 metres (98.4 feet) of the approach side of a crosswalk that is not located at an intersection;
4. Within 15 metres (49.2 feet) of the departure side of a crosswalk that is not located at an intersection;
5. Adjacent to, or across from, an excavation or obstruction in the roadway, when the free flow of traffic would be obstructed;
6. On the roadway side of any stopped or parked vehicle;
7. Upon any bridge or elevated structure except where parking is otherwise permitted in this By-law;
8. Within 30 metres (98.4 feet) of either end of a bridge or elevated structure;
9. Within 30 metres (98.4 feet) of the approach side of the nearest rail of any level crossing of a railway; or,
10. Within 15 metres (49.2 feet) of the departure side of the nearest rail or any level crossing of a railway.

7. PARKING OR STOPPING PROHIBITED, WITH SIGNS

When authorized signs have been erected, no person shall stop or park a vehicle or permit a vehicle to remain stopped or parked:

1. On either side of a highway adjacent to a school, park or playground between the hours of 7:30 a.m. and 7:00 p.m.; or, _

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2. Within the turning basis of a cul-de-sac.

8. PARKING REGULATIONS - HIGHWAY CLEARING, CLEANING, SNOW REMOVAL AND SNOW PLOUGHING

When authorized signs have been erected, no person shall park a vehicle or permit a vehicle to remain parked on a highway:

- 1. So as to interfere in any manner with the work of clearing/or removing snow or ice therefrom; or,
- 2. In such a manner so as to interfere with highway cleaning operations.
- 3. Despite other provisions, in accordance with Section 170 (12) of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, no person shall park or stand a vehicle on a highway in such a manner as to interfere with the movement of traffic or the clearing of snow from the highway.

9. PARKING PROHIBITED - SPECIFIED TIMES AND PLACES WITH SIGNS - SCHEDULE "A"

When authorized signs have been erected, no person shall park a vehicle, or permit a vehicle to remain parked on any highway at the side and between the limits set out respectively in columns 1, 2 and 3 of Schedule "A" of this By-law during the times or days set out in column 4 of Schedule "A".

9.1 BUS LOADING / UNLOADING ZONES:

- 9.1.1 Where authorized signs have been erected, no person shall park or stop a bus, or permit a bus to remain parked or stopped for the purpose of loading and/or unloading pedestrians, on any highway as set out respectively in Schedule "B" of this By-law.
- 9.1.2 Schedule B "Bus Loading and Unloading Restrictions" shall form part of this By-law.

10. PARKING OR STOPPING PROHIBITED - VENDING VEHICLES

No person:

- 1. Who is selling or offering goods or produce for sale from a stationary vehicle on a highway, shall park the vehicle or permit the vehicle to remain parked in such a manner as to obstruct traffic;
- 2. Shall offer for sale or sell goods or produce from a vehicle on a highway, except from the side of such vehicle facing an inner or outer boulevard;
- 3. Who is selling or offering goods or produce for sale from a vehicle, for the purpose of carrying on business, shall stop the vehicle on any part of a highway for a period of time in excess of ten (10) minutes at any one location.

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11. PARKING PROHIBITED - PRIVATE PROPERTY AND MUNICIPAL PROPERTY

1. For the purpose of this section, the following definitions shall apply:
 - (a) "Municipal Property" means all property owned or occupied by the Township of Essa or any local board thereof except municipal roads controlled under the *Highway Traffic Act* or a municipal Traffic Control By-law;
 - (b) "Occupant" when used in relation to property means:
 - i. the lawful tenant or lessee of the property;
 - ii. the registered tenant or lessees of a condominium unit, whose consent shall extend only to the control of the unit of which he is tenant or lessee and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property;
 - iii. the spouse of a person described in the 11.1 (b) i. or 11.1 (b) ii.;
 - iv. the board of directors of a condominium corporation;
 - v. a person authorized, in writing, by the property owner as defined in 11.1 (b)i., 11.1 (b)ii., 11.1 (b)iii. or 11.1 (b)iv. to act on the owner's behalf for requesting the enforcement of a By-law passed under this paragraph;
 - (c) "Owner" when used in relation to property means:
 - i. the registered owner of the property;
 - ii. the registered owner of a condominium unit, whose consent shall extend only to the control of the unit of which he is owner and any parking spaces allotted to him by the condominium corporation or reserved for his exclusive use in the declaration or description of the property;
 - iii. the spouse of a person described in 11.1 (c)i. or 11.1 (c)ii.;
 - iv. the board of directors of the condominium corporation where the property is included in a description registered under the Condominium Act.
 - (d) "Private Property" means all property except the property described in Section 1.2 xviii.
2. Where an owner or occupant of property has posted signs:
 - (a) stating conditions on which a vehicle may be parked or left on the property; or,
 - (b) prohibiting the parking or leaving of a vehicle on the property.

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Any vehicle left in contravention of the conditions posted shall be deemed to be left without consent.

3. No person shall park or leave a vehicle:
 - (a) on private property without first having obtained written permission from the owner or occupant of the property;
 - (b) on property owned or occupied by the Township or any local board thereof without first having obtained written consent from the Township or the local board.
4. No person shall be charged under Section 12.3(a) of this By-law except where a signed request from the property owner or occupant has been received.
5. No person shall park or leave a vehicle on private property without consent of an owner, occupant or any adult resident of the property.
6. Where a driver of a vehicle who is not the owner has been charged under Section 12.3 of this By-law and is liable to a penalty, the owner of the vehicle is also liable to such penalty unless, at the time of the offence, the vehicle was being used without the owner's consent.
7. No person shall park a vehicle or permit a vehicle to remain parked on property owned by the Township or any local board thereof:
 - (a) in or at an area that is designated by sign as reserved, unless the area is reserved for such person; and,
 - (b) in or at an area designated by sign as an area where parking is prohibited.
8. The provisions in Section 12.3(b) shall not apply where authorized signs have been posted indicating parking is permitted.

12. DISABLED PARKING SPACES - PROHIBITED PARKING WITH SIGNS

1. In accordance with Township of Essa By-law 2004-22, no person or organization shall park a vehicle in a designated disabled parking space unless a currently valid permit has been issued to such person or organization, or to a passenger being picked up or transported in such vehicle, and such permit is displayed on or in such vehicle in accordance with the requirements of the *Highway Traffic Act*, the regulations therein.
2. Upon discovery of any vehicle parked or left in contravention of By-law 2004-22, a Police Officer, Municipal By-law Enforcement Officer or an officer appointed for carrying out provisions of the *Highway Traffic Act*, may cause it to be moved or taken to and placed or stored in a suitable place, and all costs and charges for removal, care and storage thereof, if any, shall be at the expense of the owner.
3. When authorized signs have been erected no person shall park or stop a vehicle or allow a vehicle to remain parked or stopped in a public parking area in a parking space reserved for physically disabled persons unless a valid permit is openly displayed on the dashboard of the vehicle or license plates issued for the physically disabled are properly attached to the front and rear of the vehicle.

7a

4. Enforcement of this Section on property other than municipal property will only be carried out upon written consent by the owner.

13. COMMERCIAL, LARGE MOTOR VEHICLE, HEAVY MOTOR VEHICLE AND TRAILERS – PARKING PROHIBITED WITHIN ROAD RIGHT-OF-WAY, LOCAL AND COLLECTOR ROADS REGARDLESS OF SIGNAGE

13.1 For the purposes of this section, the following definitions apply:

a. *“Commercial Motor Vehicle” means a motor vehicle, used or intended to be used for commercial purposes, having permanently attached thereto a truck or delivery body licensed as such by the Ministry of Transportation and without limiting the generality of the foregoing includes ambulance, hearses, casket wagons, fire apparatus, police patrols, motor buses, and tractors used for hauling purposes on the highways. Includes the following even if it does not have a truck or delivery body attached to it:*

- i. a motor vehicle commonly known as a tow truck;
- ii. a mobile equipment vehicle (ie: Road Building Machines as outlined in O. Regulation 398/16); and
- iii. a vehicle built on a truck chassis.

b. *“Heavy Motor Vehicle” means a commercial vehicle having a weight when unloaded of 3 tonnes or more, or a weight when loaded of 4.5 tonnes, but does not include an ambulance, police, fire, emergency or utility vehicle.*

c. *“Large Motor Vehicle” means any motor vehicle having an overall height greater than 3.2 metres or overall length greater than 7.5 metres, and includes recreational vehicles such as RVs, campers, trailers, etc.*

d. *“Trailer” shall mean any a vehicle that is, at any time, drawn upon a highway by a motor vehicle, except an implement of husbandry, mobile home, another motor vehicle or any device or apparatus not designated to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn, regardless of being loaded or unloaded.*

13.2 No person shall park or stop, or permit to remain parked or stopped, any commercial motor vehicle, large motor vehicle or heavy motor vehicle on any local road or collector road as outlined in Schedule B of By-law 2005-96.

13.2.1 EXCEPTIONS

Section 13.2 does not apply where:

- a. a Road Occupancy Permit has been applied for and obtained from the municipality.
- b. The commercial, large or heavy vehicle is engaged in works undertaken for, or on behalf of the municipality, with permission having been granted by the municipality.
- c. the commercial, large or heavy motor vehicle or trailer is engaged in making a delivery to, or a collection from, a premises which cannot be

7a

reached except by way of a highway or a portion of highway referred to in the said section, or to prohibit the use of such vehicles for such purpose, provided that in making such delivery or collection, the said highway or portion of a highway is travelled only insofar as is unavoidable in getting to and from such premises. Not to exceed five (5) hours on any road.

13.3 No person shall park or stop, or permit to remain parked or stopped, any trailer on any local road or collector road, at any time, as outlined in Schedule B of By-law 2005-96.

13.3.1 EXCEPTIONS

Section 13.3 does not apply where:

- a. A Road Occupancy Permit has been applied for and obtained from the municipality.
- b. The trailer is engaged in works undertaken for, or on behalf of the municipality, with permission having been granted by the municipality.

14. DEFACING SIGNS - TRAFFIC SIGNALS

No person shall move, remove, deface or in any manner interfere with any sign, traffic control signal, marking, or other traffic control device placed, erected or maintained under this By-law.

15. FRESHLY PAINTED LINES ON ROADWAY

No person shall drive any vehicle over any marking on the roadway where markers are in place to indicate that the marking material has been freshly painted.

16. PARKING & STOPPING PROHIBITED IN A FIRE ROUTE WITH SIGNS

When authorized signs have been erected, no person shall park or stop a vehicle or permit a vehicle to be stopped or parked in a designated fire route.

17. DEPOSIT OF ICE OR SNOW

- 1. No person shall deposit any snow or ice on any roadway or sidewalk situated on a highway.
- 2. No person shall obstruct any roadway or sidewalk situated on a highway with any snow or ice.
- 3. No person shall deposit or cause to be deposited any amount of snow or ice on private property without the consent of the owner.

18. ENFORCEMENT AND ADMINISTRATION

This By-law shall be enforced and administered by:

- (a) Municipal Law Enforcement Officers of the Township; and,

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- (b) The Ontario Provincial Police; and,
 - (c) Enforcement Officers of the Nottawasaga Valley Conservation Authority (NVCA), only on properties owned and/or leased by the NVCA; and
 - (d) The Roads Supervisor, Assistant Roads Supervisor, Winter Night Patrol Person and Weekend Patrol Person.
 - (e) the Building Inspector and Chief Building Official

19. PENALTIES

Any person who contravenes any provision of this By-law is guilty of an offence and **upon conviction** is subject to a penalty pursuant to the Provincial Offences Act, R.S.O. 1990.

20. VOLUNTARY PAYMENT

Notwithstanding the provisions of Section 20 of this By-law, any person may, upon presentation of a Certificate of Parking Infraction indicating the commission of an offence as set out in Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17 and 18 of this By-law and, showing a set fine as set out in the attached schedule, may make early payment in the manner shown on the reverse side of the Certificate of Parking Infraction.

21. TOWING AND IMPOUNDING

- 1. Notwithstanding any other penalty imposed by this By-law, the Officer or Constable issuing the Certificate of Parking Infraction may have the vehicle towed and impounded at the owner's expense.
- 2. All towing and impounding charges incurred under Section 22 shall become a lien against the vehicle and are collectable under the *Mechanic's Lien Act*, R.S.O. 1990, as amended.

22. EFFECT

This By-law shall take effect on the day of passing and upon approval of the Set Fine Schedule.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the Twenty First day of December, 2005.

Original signature on file

David Guergis, Mayor

Original signature on file

Carol O. Trainor, Clerk / Deputy Treasurer

7a

OFFICE CONSOLIDATION

By-law No. 2005 – 96,

as amended BY 2008-21, 2013-22, 2013-46, 2017-07, 2018-87, 2018-102, 2021-38 and 2022-54

Page 14 of 20

SCHEDULE "A" Consolidated
As amended by: 2008-21,

Column 1 (Highway)	Column 2 (Side[s])	Column 3 (Limits)	Column 4 (Period)
8 th Line (Road Allowance between Concessions 7 and 8)	Both sides	From the North Limit of Lot 26, to a point 468 metres north thereof	At any time
9 th Line (Road Allowance between Concessions 8 and 9)	Both sides	From a point 170 metres north of the south boundary of Lot 11 to a point 445 metres north of this boundary	At any time
6th Line (Road Allowance between Concessions 5 & 6)	Both sides	From the south boundary of Lot 6 to the North limit of Lot 6	At any time
6 th Line (Road Allowance between Concessions 5 & 6)	Both sides	From North limit of Lot 30 to South limit of Lot 29	At any time
6 th Line	Both sides	300 m north of the northern boundary of the 19 th Sideroad, to a point 350 m north of the said boundary	At any time
Fraser Street, Plan 160A	Both sides	From Curtis Street, a distance of 133 metres West on Fraser Street	At any time
Jonas Street, Plan 160A	Both sides	From Elm Street, a distance of 81 metres West on Jonas Street	At any time
10 th Line (Road Allowance between Concessions 9 & 10)	Both sides	From the south limit of Lot 16 to a point 300 metres north thereof	At any time
Curtis Street, Plan 160A	Both sides	From Queen Street to Jonas Street	no more than 30 minutes
Roth Street	North side	From Highway #90 (Mill Street) easterly to North Street	At any time
Cecil Street	North side	From Highway #90 (Mill Street) westerly to Mansonic Way	At any time
McCarthy Crescent Plan 51M-428	South side	From Darren Drive easterly to Mansonic Way	At any time

60

7a

OFFICE CONSOLIDATION

By-law No. 2005 – 96,
as amended BY 2008-21, 2013-22, 2013-46, 2017-07, 2018-87, 2018-102, 2021-38 and 2022-54
Page 15 of 20

Column 1 (Highway)	Column 2 (Side[s])	Column 3 (Limits)	Column 4 (Period)
Summerset Place	Both sides	From Mill Street (County Road 90) easterly a distance of 100 metres	At any time
5 th Line	West side	From driveway at 5122 - 5 th Line southerly a distance of 75 metres	At any time
Centre Street	South side	From Duckworth Street west to the west limits of 196 Centre Street	At any time
5 th Line	Both sides	From the single lane bridge over the Nottawasaga River located at Part Lot 3, southerly to a distance of 750 metres	At any time
Brian Avenue	South Side	From Coulson Avenue to Lee Avenue	At any time
Bushey Avenue	West Side	From Brian Avenue to Cecil Street	At any time
Tarbush Avenue	East Side	From Brian Avenue to Cecil Street	At any time
Sydenham Street	North Side	From Auburn Street to Raglan Street	At any time
Vernon Street	Both Sides	From Sydenham Street to Centre Street	At any time
Raglan Street	West Side	From Simcoe Street to Centre Street	At any time
Auburn Street	East Side	From Simcoe Street to Centre Street	At any time
Simcoe Street	South Side	From Raglan Street to Auburn Street	At any time

61

7a

Schedule "B" of By-law 2005-96

Bus Loading and Unloading – Restricted Highways

Column 1 (Highway)	Column 2 (Sides)	Column 3 (Limits)	Column 4 (Period)
Centre Street	Both sides	From 5 th Line to Elizabeth Street	At anytime

62

7a

Township of Essa
 By-law No. 2005 – 96 as amended
 Title: Vehicle Parking, Standing & Stopping By-law
 Part II Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Early Voluntary Payment payable within 7 days	Column 4 Set Fine
1.	Improperly parked or stopped on the right side of a roadway with its right wheels parallel to and not more than 15 cm from a raised or rolled curb	Section 3 1(a)	\$25.00	\$35.00
2.	Improperly parked or stopped with the right wheels parallel to the right hand limit of the highway, where there is no curb, without stopping on any portion not intended for vehicles	Section 3 1(b)	\$25.00	\$35.00
3.	Improperly parked, with signs, within 9m of a lot containing a fire hall	Section 4.1	\$25.00	\$35.00
4.	Improperly parked, with signs, opposite a fire hall and within 30m of the fire hall lot lines	Section 4.2	\$25.00	\$35.00
5.	Improperly parked, with signs, within 20m of an intersection	Section 4.3	\$25.00	\$35.00
6.	Improperly parked, with signs, within 30m of an intersection controlled by traffic signals	Section 4.4	\$25.00	\$35.00
7.	Improperly parked, with signs, in front of any building or enclosed space where persons may congregate in large numbers	Section 4.5	\$25.00	\$35.00
8.	Improperly parked, with signs, within 30m of the approach of a crosswalk not at an intersection	Section 4.6	\$25.00	\$35.00
9.	Improperly parked, with signs, within 15m of the departure side of a crosswalk not at an intersection	Section 4.7	\$25.00	\$35.00
10.	Improperly parked, with signs, interfering with the formation of a funeral procession	Section 4.8	\$25.00	\$35.00
11.	Parked within 9 metres of an intersection	Section 5.1	\$25.00	\$35.00
12.	Parked within 9 metres of a fire hydrant	Section 5.2	\$25.00	\$35.00
13.	Parked within 30 metres fronting a Cenotaph	Section 5.3	\$25.00	\$35.00
14.	Parked within 1.5 metres of a driveway or laneway	Section 5.4	\$25.00	\$35.00
15.	Parked so as to obstruct a driveway or laneway	Section 5.5	\$25.00	\$35.00
16.	Parked so as to prevent removal of any other parked vehicle	Section 5.6	\$25.00	\$35.00
17.	Parked for the purposes of display or sale	Section 5.7	\$25.00	\$35.00
18.	Parked for the purposes of repair.	Section 5.8	\$25.00	\$35.00
19.	Parked on a roadway less than 6 metres wide.	Section 5.9	\$25.00	\$35.00
20.	Parked on a driveway within 1 meter of a sidewalk	Section 5.10	\$25.00	\$35.00
21.	Parked on a driveway within 3 meters of a roadway with no sidewalk	Section 5.10	\$25.00	\$35.00
22.	Parked so as to impede the flow of traffic	Section 5.11	\$25.00	\$35.00
23.	Parked on a boulevard	Section 5.12	\$25.00	\$35.00
24.	Parked on a highway between 2:00 a.m. and 8:00 a.m. from November 1 to May 1	Section 5.13	\$25.00	\$35.00
25.	Stopped on a sidewalk/footpath	Section 6.1	\$25.00	\$35.00
26.	Stopped within an intersection or crosswalk	Section 6.2	\$25.00	\$35.00
27.	Stopped within 30 m of the approach of a sidewalk	Section 6.3	\$25.00	\$35.00

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Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Early Voluntary Payment payable within 7 days	Column 4 Set Fine
28.	Being the owner of a vehicle stopped within 15 m of the departure of a crosswalk	Section 6.4	\$25.00	\$35.00
29.	Stopped proximate to road excavation so as to obstruct traffic flow	Section 6.5	\$25.00	\$35.00
30.	Stopped on the road side of a parked vehicle	Section 6.6	\$25.00	\$35.00
31.	Stopped upon a bridge or elevated structure	Section 6.7	\$25.00	\$35.00
32.	Stopped within 30 m of a bridge	Section 6.8	\$25.00	\$35.00
33.	Stopped within 30 m of the approach to a level crossing	Section 6.9	\$25.00	\$35.00
34.	Stopped within 15 m of the departure from a level crossing	Section 6.10	\$25.00	\$35.00
35.	Stopped in an area prohibited by signs adjacent to a school, park or playground between 7:30 a.m. and 7:00 p.m.	Section 7.1	\$25.00	\$35.00
36.	Parked in an area prohibited by signs adjacent to a school, park or playground between 7:30 a.m. and 7:00 p.m.	Section 7.1	\$25.00	\$35.00
37.	Stopped or parked in an area prohibited by signs in a cul-de-sac	Section 7.2	\$25.00	\$35.00
38.	Parked on a highway so as to interfere with the clearing or removing of snow	Section 8.1	\$25.00	\$35.00
39.	Vending vehicle parked or stopped so as to obstruct traffic	Section 10.1	\$30.00	\$40.00
40.	Vending vehicle stopped on a highway and carrying on business in excess of 10 minutes	Section 10.3	\$30.00	\$40.00
41.	Parked on private property without permission	Section 11.3(a)	\$30.00	\$40.00
42.	Parked on municipal property without permission	Section 11.3(b)	\$30.00	\$40.00
43.	Parked in a physically disabled parking space prohibited with signs	Section 12.1	N/A	\$300.00
44.	Parked commercial, large or heavy vehicle on a local or collector road	Section 13.2	\$30.00	\$40.00
45.	Parked trailer on a local or collector road	Section 13.3	\$30.00	\$40.00
46.	Parked in a designated fire route with signs	Section 16	\$50.00	\$75.00

The penalty provision for offences indicated above is Clause 19 of By-law 2005-96, as amended, a certified copy of which has been filed.

64

7a

Township of Essa
By-law No. 2005 – 96 as amended
Title: Vehicle Parking, Standing & Stopping By-law
Part I Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Interfere with traffic control device	Section 14	\$50.00
2.	Deposit of snow on roadway	Section 17(1)	\$50.00
3.	Deposit of snow on sidewalk	Section 17(1)	\$50.00
4.	Obstruction of roadway with snow	Section 17(2)	\$50.00
5.	Obstruction of sidewalk with snow	Section 17(2)	\$50.00
6.	Deposit of snow or ice on private property	Section 17(3)	\$50.00
7.	Vending Vehicle from which goods are sold other than from the boulevard side	Section 10(2)	\$50.00

The penalty provision for offences indicated above is Clause 19 of By-law 2005-96, as amended; a certified copy of which has been filed.

65



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PW002-24

DATE: February 7th, 2024

TO: Committee of the Whole

FROM: Michael Mikael – Interim Chief Administrative Officer / Manager of Public Works

SUBJECT: Award of Tender – Thornton Pressure Relief Valve (PVR) Supply and Installation

RECOMMENDATION

That Staff Report PW002-24 be received; and

That the quotation as received from **CC Underground** be accepted in the amount of **\$536,652 (excluding HST)**, to supply and install the Pressure Relief Valves in the Village of Thornton, contingent upon a WSIB Clearance Certificate and a copy of Insurance being provided to the Township, to the Township’s satisfaction.

BACKGROUND

Historically a pressure issues occurred in the Thornton water system back in 2021 and 2022 at regular intervals. In 2023 water modeling was completed for the Thornton water system utilizing (WaterGEMS) software. The modeling recommended the installation of 2 Pressure Relief Valves on Davis Trail in Thornton to solve the periodic pressure issues and to enhance the level of service.

The Request for Bid (RFB) was issued on Ontario Tenders Portal on November 1st, 2023. A mandatory site visit for bidders was held on November 15th, 2023. Two (2) different firms attended the meeting. Tender Closed at 2:00 pm. On September 29th, 2023, with one submission received.

The Tender submission was valid and contained the required Agreement to Bond and other mandatory requirements as summarized below in Table 1:

Table 1: Summary of Tender Results

NAME OF TENDERER	BASE SUBMISSION		EXTRA TO EXTEND THE PERIOD OF VALIDITY FROM 45 TO 60 DAYS
	TOTAL TENDER PRICE (DOES NOT INCLUDE \$50,000 CONTINGENCY)	TIME FOR COMPLETION	
CC Underground	\$ 536,652	20 days	\$ 1

CC underground was the only bid and has estimated a completion time of 20 calendar days (1 month) which is reasonable for this scale of project.

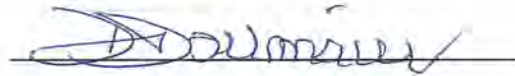
COMMENTS AND CONSIDERATIONS

The work covered under this tender is the supply and install of 2 pressure relief chambers on an existing 6 " watermain. The Chambers include pressure relief valves and isolation valves on the Davis Trail in Thornton.

FINANCIAL IMPACT

Council approved \$650,000 for the Thornton Pressure Relief Valves project (\$311,296 Development Charges - \$338,704 Water User Fee) in the 2024 Water and Wastewater prioritized Capital Budget.

CC underground's total fee structure (including the supply of the 2 pressure relief chambers – excluding HST) is \$536,652.00 which is \$113,348.00 less than the approved capital budget.



Manager of Finance

SUMMARY/OPTIONS

Council may:

1. Take no action.
2. Award the quotation as received from **CC underground** in the amount of **\$536,652 (excluding HST)** to supply and install the pressure Relief Valves in the Village of Thornton
3. Direct Staff in another course of action

CONCLUSION

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

Respectfully submitted / Reviewed by,



Michael Mikael, P.Eng
CAO (Interim) / Manager of Public Works

8b



AECOM
55 Cedar Pointe Drive, Suite 620
Barrie, ON, Canada L4N 5R7
www.aecom.com

705 721 9222 tel
705 734 0764 fax

January 10, 2024

By Email & Mail

Mrs. C. Healey-Dowdall
Chief Administrative Officer
Township of Essa
5786 County Road 21
Utopia ON L0M 1T0

Dear Mrs. Healey-Dowdall:

Project No: 60118290
Regarding: Township of Essa
San Diego Homes Subdivision -Phases 1 & 2
Security Reduction # 1 for San Diego Homes

Further to the request of the Developer's Engineer, we herein provide our recommendation for the reduction in Securities for San Diego Homes Subdivision – Phases 1 & 2.

• **Security Reduction San Diego Homes**
[PHASE 1 (51M-1129) and PHASE 2 (51M-1130)]

The total value of work for San Diego Homes is \$3,262,070.14. The current securities posted for the San Diego Homes Subdivision are **\$1,634,714.51** [\$1,160,221.49 for PHASE 1, and \$474,493.02 for PHASE 2]. Based on our review, in accordance with Section 2.7, Reduction of Securities; we herein provide a breakdown of our recommendations for the securities to be retained by the Township.

PHASE 1

2.7.2.1	Installed works to date	\$2,298,523.43
	Less the sum of:	
2.7.2.2.1	10% of total estimated Cost of Underground Works as Maintenance Holdback	\$149,369.19
2.7.2.2.2	10% of total estimated Cost of Aboveground Works as Maintenance Holdback	\$94,775.09
2.7.2.2.3	05% of total installed Underground Works to date as Security Holdback	\$73,805.90
2.7.2.2.4	15% of total installed Aboveground Works to date as Security Holdback	\$123,360.83
2.7.2.2.5	Sum of Previous Reduction in Securities	\$0.00
2.7.2.2.6	Any Increase in Estimated Cost to Complete Works	\$0.00
	Amount of Discharge from Total Value of Work	<u>\$1,857,212.44</u>
	Security to be Retained	\$584,230.30 *

79

PHASE 2

2.7.2.1	Installed works to date	\$596,496.09
	Less the sum of:	
2.7.2.2.1	10% of total estimated Cost of Underground Works as Maintenance Holdback	\$41,187.12
2.7.2.2.2	10% of total estimated Cost of Aboveground Works as Maintenance Holdback	\$40,875.62
2.7.2.2.3	05% of total installed Underground Works to date as Security Holdback	\$61,780.68
2.7.2.2.4	15% of total installed Aboveground Works to date as Security Holdback	\$27,693.73
2.7.2.2.5	Sum of Previous Reduction in Securities	\$0.00
2.7.2.2.6	Any Increase in Estimated Cost to Complete Works	\$0.00
	Amount of Discharge from Total Value of Work	<u>\$424,958.93</u>
	Security to be Retained	\$395,668.47 *

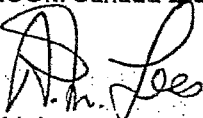
We have attached a copy of our Summary Sheet and Detailed Breakdown Sheets, which provides a breakdown of the Completed and Uncompleted Works for San Diego Homes – PHASE1 and 2.

In our opinion, the Developer is entitled to a reduction and therefore the Township should retain **\$584,230.30** for PHASE 1, and **\$395,668.47** for PHASE 2.

Reductions require the receipt of a Statutory Declaration, and that all legal and engineering invoices are paid as per Section 2.7.3. The Developer has provided the attached **STATUTORY DECLARATION** for San Diego Homes.

We trust that you will find the above in order. We would appreciate confirmation of the reduction in securities for our records.

Sincerely,
AECOM Canada Ltd.


 A. M. Lees

AML: wh

Encl.(3)

Province of Ontario
TOWNSHIP OF ESSA

) IN THE MATTER OF PT LT 31 CON 3
) ESSA, PT LT 32 CON 3 ESSA AS IN
) R01406610 EXCEPT PT 1 ON PL
) 51R33704, T/W R01406610; ESSA
)
)

) IN THE MATTER OF Works pursuant to
) the Agreement between the Township of
) Essa and SANDIEGO HOMES INC.
)

AND IN THE MATTER OF the release
of securities.

1. I, Sandra Rizzardo, of the Town of Innisfil, in the County of Simcoe, in the Province of Ontario, SOLEMNLY DECLARE THAT:
2. I am the President of SANDIEGO HOMES INC. and as such have knowledge of the matters hereinafter deposed to.
3. All works required to be installed and completed on public property pursuant to the above- noted agreement in connection with the development at Phase 1 for PLAN 51M-1129 have been completed and fully paid for and no one is entitled to a claim or lien in respect of labour or materials supplied in respect of such work.
4. That there are no judgments or executions filed against SANDIEGO HOMES INC.
5. All monies, assessments and withholdings required pursuant to the provisions of the Income Tax Act of Canada, the Employment Insurance Act of Canada and the Workplace Safety and Insurance Act of Ontario or any other applicable statutes, or any other regulations there under, have been properly deducted and remitted as required by law.
6. That SANDIEGO HOMES INC. has not made any assignment for the benefit of creditors, nor has any receiving order been made against it under The Bankruptcy Act, nor has any petition for such an order been serviced upon.

AND I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME

at the Town of Innisfil,
in the County of Simcoe,
this 13th day of November, 2023.

Marvin Geist Professional Corporation
Barrister and Solicitor
3300 Hwy No. 7, Suite 800
Vaughan, Ontario L4K 4M3


Sandra Rizzardo



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C001-24

DATE: February 7, 2024

TO: Committee of the Whole

FROM: Lisa Lehr, Manager of Legislative Services / Clerk

SUBJECT: Amendment to Essa's Business Licensing By-law 2011-21, re: Schedule 9 "Tow Truck Licensing"

RECOMMENDATION

That Staff Report C001-24 be received; and
That Council approve an amendment to Essa's Business Licensing By-law 2011-20, to repeal Schedule 9 specific to Essa's licensing regime surrounding the Tow Truck Industry.

BACKGROUND

Essa's Business Licensing By-law 2011-20 was amended on April 16, 2014 to provide for a licensing regime for the towing industry specific to collision towing (refer to Attachment No. 1). The Township of Essa, the Town of New Tecumseth and the Ontario Provincial Police (Nottawasaga Detachment) worked together collaboratively to implement provisions for the roll-out of a successful licensing regime that required tow trucks companies participating in collision towing to register and license their company (and associated vehicle storage compound), tow trucks and drivers with the municipality on an annual basis.

In June of 2020, the Province of Ontario formed the Towing Task Force with the goal of improving provincial oversight in the towing industry. The Task Force consulted with various municipalities, all of whom had implemented a licensing regime for the industry. The Township of Essa was contacted and participated in the consultation session(s).

In the spring of 2021, new legislation was passed by the province entitled the "*Towing and Storage Safety and Enforcement Act*" (TSSEA). The TSSEA regulates Tow Truck Operators, Tow Truck Drivers, and Vehicle Storage Operators, and requires them to obtain a TSSEA Certificate in order to operate in Ontario. With the adoption of the TSSEA, staff have continued to participate in consultation workshops with the province.

With the passage of the TSSEA, the province initiated a multi-phase roll-out plan to transition the regulation of the tow industry from lower-tier municipalities to the province. The first phase began in January 2023 whereby CVOR exemptions were removed for all Tow Truck Operators and Drivers. The second phase began in July of 2023 when the

9a

TSSEA Certificate application window opened for Tow Truck Operators, Tow Truck Drivers and Vehicle Storage Operators. The third phase began on January 1, 2024 when all TSSEA provisions came into effect, thereby removing the authority of municipalities to regulate the tow truck industry under the *Municipal Act*, and transferred full responsibility and authority for regulating the tow truck industry to the province. The fourth and final phase of the provincial licensing regime begins on July 1, 2024.

As was previously presented to Council at their meeting of September 6, 2023, a copy of Staff Report C016-23 has been attached (refer to Attachment No. 2) in an effort to provide Council with a more in-depth breakdown of the different phases of the province's regime.

COMMENTS AND CONSIDERATIONS

As a response to the province's implementation of the TSSEA, the Township of Essa is required to repeal Schedule 9 of its Business Licensing By-law (specific to "Tow Truck Licenses"), as municipalities no longer have authority to provide for a licensing regime for the Towing Industry under the *Municipal Act*. Should Schedule 9 of By-law 2011-20 not be repealed, the TSSEA would supersede it thereby causing the Schedule to have no validity.

Effective January 1, 2024, complaints or concerns that residents and/or municipalities have regarding a tow truck company will be investigated by the Province. The Township's website has been updated to provide residents with directions on how to escalate their concerns to the province. Additionally, the province and this municipality have provided communications to tow truck operators, drivers and vehicle storage operators surrounding the new provincial licensing/certification requirements.

FINANCIAL IMPACT

Revenue lost (\$8,000 - \$11,000.00) as a result of new provincial oversight of the tow truck industry has been reflected in the By-law Department's 2024 Operating Budget.


Manager of Finance

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. **Approve an amendment to Essa's Business Licensing By-law 2011-20, to repeal Schedule 9 specific to Essa's licensing regime surrounding the Tow Truck Industry.**
3. Direct staff in another manner.

92

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CONCLUSION

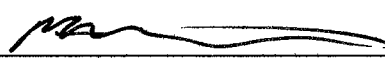
Option #2 is recommended.

Respectfully submitted by:



Lisa Lehr
Manager of Legislative Services /
Clerk

Reviewed by:



Michael Mikael
Chief Administrative Officer (Acting)

Attachments:

- 1 – Schedule 9 of Business Licensing By-law 2011-20, re: "Tow Truck Licensing Provisions"
- 2 – Copy of Staff Report C016-23, re: Impact of TSSEA on Municipalities
- 3 – DRAFT By-law to repeal Schedule 9 of By-law 2011-20

93

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Attachment No 1.

By-law 2011-20

SCHEDULE "9"

TOW TRUCK LICENSING PROVISIONS

1. DEFINITIONS

For the purposes of this By-law:

"absorbent material" means material to be used that absorbs fluids that could have been leaked onto a highway and/or ground surface from a motor vehicle but does not include dirt, gravel, grass or soil;

"applicant" means an individual, sole proprietorship, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate, and a natural person in his capacity as trustee, executor, administrator, or other legal representative applying for a Licence under this By-law;

"clerk" means the Clerk appointed by the Township of Essa under the authority of the *Municipal Act, 2001*;

"collision" means the contact resulting from the motion of a motor vehicle or its load that produces property damage, injury or death;

"collision towing" means the towing of a vehicle disabled as the result of a reportable collision as defined in the Highway Traffic Act. The presence of a police officer at the scene of a tow does not define or classify the towing as "collision towing";

"Council" means the elected Council of The Corporation of the Township of Essa;

"Council Hearing Committee" means a committee comprised of members of Council of the municipality, appointed by Council to conduct hearings under this By-law;

"CVOR certificate" means a Commercial Vehicle Operator's Registration Certificate issued under Section 17 of *The Ontario Highway Traffic Act, R.S.O. 1990, Chapter H.8*;

"defect" means a vehicle or Tow Truck that is in an unsafe or dangerous condition to be operated;

"devices" includes equipment attached to the vehicle and personal protective equipment;

"dolly" means a four-wheeled carriage used in towing to support the trailing end of the towed vehicle;

"driver" means any person who is licenced by the municipality to drive or operate a Tow Truck for the purpose of collision towing, towing for the Vehicle Impoundment Program or towing services;

"drop fee" means a fee or commission paid to the Owner or Driver of a Tow Truck in return for the towing or otherwise conveying of a vehicle to a particular place;

"fire service" means the municipal fire department;

"flatbed carrier" means a platform body with a winch for loading;

"gross vehicle axle rating (GVAR)" means the maximum weight that the axle of the vehicle was designed to carry by the chassis manufacturer;

9a

“gross vehicle weight rating (GVWR)” means the maximum total vehicle rated capacity, measured at the tire ground interface, as rated by the chassis manufacturer;

“heavy towing” means any vehicle with a registered gross vehicle weight rating (GVWR) of at least 15,000 kilograms (33,000 pounds) or greater;

“highway” means a common and public highway which is intended for or used by the general public for the passage of vehicles as defined in the *Ontario Highway Traffic Act*, R.S.O. 1990, Chapter H.8;

“Highway Traffic Act” means *The Ontario Highway Traffic Act*, R.S.O. 1990, Chapter H.8, as amended and any successor legislation thereto;

“hirer” means the registered owner of a vehicle to be towed or being towed, his/her agent or any person lawfully in the care and control of the vehicle to be towed or being towed;

“incident scene” means the general location or place where an incident occurred and includes a two hundred (200) metre (approximately 656 foot) radius of the location or place of the incident;

“incompetence” means the inability to do something successfully;

“inefficiency” means the state of not achieving maximum productivity; failure to make the best use of time or resources;

“incident commander” means the person responsible for all aspects of an emergency response, including quickly developing incident objectives, managing all incident operations, application of resources as well as responsibility for all persons involved;

“inspection” means an Officer conducts a process that ensures the Tow Truck and/or vehicle storage compound meets the requirements set out by this By-law;

“licence” means a licence issued under this By-law;

“licencee” means any person licensed under this By-law;

“licence issuer” means the person(s) authorized to issue licences by the municipality;

“Manufacturers Label” means a printed notice or sign for display which carries information regarding the vehicle or Tow Truck as per the manufacture of that vehicle;

“municipal law enforcement officer” means a member of the Ontario Provincial Police, and an employee of the municipality appointed with the enforcement of non-criminal municipal by-laws, and regulations enacted by the municipality;

“municipal tow licence” means the tow licence issued by the municipality to the owner as proof of licensing under this By-law;

“municipality” means The Corporation of the Township of Essa;

“nuisance” means any activity or action which disturbs or is likely to disturb any individual;

“Occupational Health and Safety Act” means *The Occupational Health and Safety Act*, R.S.O. 1990, Chapter O.1 as amended and any successor legislation thereto;

95

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"officer" means a Police Officer, Municipal Law Enforcement Officer, an Officer of the Ontario Ministry of Transportation and a Tobacco Enforcement Officer;

"owner" means the owner of a Tow Truck used for the purpose of collision towing, towing for the Vehicle Impoundment Program or towing services on public property and the holder of the plate portion of the permit for the Tow Truck issued by the Ministry of Transportation pursuant to the *Highway Traffic Act*;

"park" or "parking" when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers, as per *The Ontario Highway Traffic Act*, R.S.O. 1990, Chapter H.8;

"police" or "police officer" means a sworn member of the Ontario Provincial Police;

"private property" means land owned by a person or group and kept for their exclusive use and includes property where an open invitation is expressed;

"public property" means roads, streets and highways or other public properties as defined under the Criminal Code of Canada;

"service area" means the area serviced by the Nottawasaga Detachment of the Ontario Provincial Police being the municipalities of the Township of Adjala-Tosorontio, Township of Essa and Town of New Tecumseth and its bordering highways;

"solicit" means when a person attempts to obtain business by offering their services without an individual willing seeking such services on their own accord;

"stop" or "stopping" when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or of a traffic control sign or signal, as per *The Ontario Highway Traffic Act*, R.S.O. 1990, Chapter H.8;

"tow truck" means a vehicle: (a) that is equipped to remove from the highway, a vehicle that is damaged, disabled or inoperative, whether by hoisting it, towing it, or by loading it and carrying it away; (b) provide service or minor repairs on a highway to a motor vehicle that is damaged, disabled or inoperative;

"tows" includes the towing of a vehicle as a result of a collision, mechanical failure, road side assistance, a police involvement, a vehicle fire not involving a collision, or other similar cause which originate on public property. Tows originating from private property do not qualify under this By-law;

"underlift/wheel lift/sling" means a device affixed to a motor vehicle used for towing vehicles by lifting one end of the towed vehicle from under the axle or structural member of the towed vehicle;

"vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle, and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car as per *The Ontario Highway Traffic Act*, R.S.O. 1990, Chapter H.8;

"Vehicle Impoundment Program (V.I.P.)" means a program managed by the Ministry of Transportation which requires police to impound a vehicle found in contravention of an Act on private and/or on public property;

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“vehicle storage compound” means a secure lot or portion thereof used for the temporary storage and impounding of vehicles taken from a collision scene or towed as part of the Vehicle Impoundment Program.

2. GENERAL TOW TRUCK LICENSING PROVISIONS

- 2.1 A word interpreted in the singular has a corresponding meaning when used in the plural.
- 2.2 A reference in this By-law to “he” and “she” or “his” and “her” or “they” shall be interpreted to be gender neutral and the provisions of this By-law shall be interpreted to apply equally to both male and female persons.
- 2.3 For the purposes of this By-law a person shall be acting as the Owner or Driver of a Tow Truck and subject to the provisions of this By-law if that person conveys or seeks to convey for hire, or holds himself out, by his actions or words, as being available to convey for hire, a vehicle from a point within the Service Area to either a point also within the Service Area or to any point beyond its limits for the purpose of collision towing, towing required for the Vehicle Impoundment Program or towing services on public property.
- 2.4 In the absence of any evidence to the contrary, collision towing, towing required for the Vehicle Impoundment Program, or towing services on public property will be deemed to have originated within the Municipality.

3. LICENCE REQUIREMENTS FOR OWNERS

- 3.1 No person shall own a Tow Truck used for collision towing, towing for the Vehicle Impoundment Program, or for towing services on public property within the Service Area without a Licence to do so issued by the Township of Essa, subject to the exemption set out in Section 5.
- 3.2 Prior to being licensed as an Owner, every Applicant shall:
- (1) complete and submit to the Licence Issuer an application in the form provided, along with the appropriate documentation and an annual fee as set out in the Fees & Charges By-law;
 - (2) provide the Licence Issuer a copy of the certificate of insurance for the Tow Truck for which the Applicant is the Owner including but not necessarily restricted to the following coverages and naming the Municipality as a co-insured where applicable:
 - (a) in respect to any one claim, in the amount of at least \$2,000,000 exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss or damage to property;
 - (b) in respect of any one claim, in the amount of at least \$100,000 against liability for damage to a customer’s motor vehicle while in his/her care, custody or control and caused by collision, upset, fire, lightning, theft or attempt theft, malicious mischief, windstorm, hail, explosion, riot, civil commotion or rising water; and
 - (c) in respect of any one claim, cargo liability insurance in the amount of at least \$50,000 to indemnify the applicant against loss by reason of his/her legal liability indirect physical loss or damage to vehicles and other items of property accepted by the applicant for towing or conveyance.

97



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C016-23
DATE: September 6, 2023
TO: Committee of the Whole
FROM: Lisa Lehr, Manager of Legislative Services
SUBJECT: Impact on Essa Business Licensing - Towing and Storage Safety and Enforcement Act

RECOMMENDATION

That Staff Report C016-23 be received for information.

BACKGROUND

Section 151 of the *Municipal Act*, 2001, grants permissive authority to municipalities to provide for a system of licenses with respect to the regulation of certain businesses within the boundaries of a municipality. As a result of the aforementioned authority, the Township of Essa implemented a system of licenses requiring the following business categories to obtain a business license in order to operate in the Township of Essa:

- Kennels
- Exotic Animals
- Adult Entertainment Industry
- Seasonal Campgrounds
- Catering Trucks
- Salvage Yards
- Taxis
- Recreational Facilities
- Tow Trucks (for collision towing only)

In June 2021, the province passed the *Towing and Storage Safety and Enforcement Act* (TSSEA) (Attachment No. 1) which provides for provincial oversight of the towing and vehicle storage sectors (thereby taking authority away from municipalities to issue business licenses for the towing industry). The intent of the legislation is to provide for tighter restrictions on the industry which will assist with mitigating the element of criminality in the sector. The TSSEA has resulted in the implementation of a provincial oversight framework specific to licensing under the Ministry of Transportation (MTO) for the towing and vehicle storage sector.

In 2023, the province commenced consultation sessions with key stakeholders (OPP, municipalities) to provide oversight into their new licensing regime. The most recent consultation session held on July 14, 2023, was conducted with the Operations Division of the Ministry of Transportation (see Attachment No. 2 for presentation material).

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COMMENTS AND CONSIDERATIONS

The provincial licensing regime is currently in the process a multi-year phase, with each phase highlighted below:

- January 1, 2023
 - new *Highway Traffic Act* requirements that apply to other commercial motor vehicles and establish vehicle requirements for tow trucks (ie: daily and annual inspections and use of a safety vest).
 - Tow operators and drivers are no longer exempt from CVOR requirements. They must now:
 - Conduct daily vehicle inspections
 - Conduct annual safety inspections
 - Equip tow trucks with amber lights
 - Ensure visibility when stopped on the highway
 - Ensure all to truck components are in good working order and do not exceed load limits
 - Ensure towed vehicles are secured
- July 1, 2023
 - online portal application launched and the industry can now apply for a certificate at no cost (until July 2024)
 - introduction of three certificate types:
 - Tow Operator
 - Tow Truck Driver
 - Vehicle Storage Operator
 - Part of TSSEA came into effect to set out requirements to apply for a certificate:
 - Certificate fees
 - Renewal periods
 - Director of Towing and Vehicle Storage Standard's authority to issue, refuse, suspend or add conditions to the TSSEA certificates
 - Violations of the TSSEA will now be reflected in CVOR records
- January 1, 2024
 - New TSSEA requirements including customer protection and standards of practice to professionalize the industry
 - Municipal oversight ends
 - All operators are required to have a TSSEA certificate to continue operating
 - an online portal will be live for law enforcement and municipalities to share intelligence and file complaints regarding TSSEA certificate holders
 - Tow truck operators and vehicle storage operators must have a certificate to operate and TSSEA enforcement begins
- July 1, 2024
 - Tow truck drivers must hold a TSSEA certificate to continue operating in Ontario
 - Tow drivers applying after this date must complete training requirements prior to receiving a certificate
 - Certificate fees (provincial) come into effect

As a result of the new provincial framework, municipalities no longer have authority to provide for a system of licensing tow truck companies or other components of the

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industry. In accordance with the TSSEA, municipal oversight programs must end by January 1, 2024.

The administrative effect of the TSSEA on municipalities is as follows during the transitory period:

Moving to Provincial Oversight	Remaining with municipalities
Sector licensing and oversight, including: <ul style="list-style-type: none"> o Customer protection and industry standards established through new provincial legislation including: <ul style="list-style-type: none"> o certificate eligibility criteria; o prohibited industry practices; and, o robust Director authority to cancel certificates o Online portal o Responsibility for compliance in newly established office and staff 	Amendments do NOT prevent municipalities from: <ul style="list-style-type: none"> o Establishing and maintaining a tow rotation (for OPP collision towing programs) o Developing and administering by-laws related to parking and towing from a parking lot o Developing and administering by-laws related to fencing, signage or other physical requirements of a premises.

Future Actions for Consideration:

- o Council will be required to repeal Schedule 9 "Tow Truck Licensing" of Essa's Business Licensing By-law 2011-20, as effective January 1, 2024, there is no authority for municipalities to license the towing industry
- o Staff should work with the Nottawasaga Detachment of the OPP to determine the rotation of Essa Tow Companies used for the Nottawasaga Detachment's Collision Towing Program (only those certified by MTO will be permitted)
- o Council should consider implementing a by-law to require towing compounds to erect permanent fencing and signage on the property that serves as the tow compound.

Please Note: Correspondence from MTO has been emailed to tow truck companies in Essa informing them of the new provincial licensing framework (Attachment No. 3) and the key dates for implementation of the different phases.

FINANCIAL IMPACT

2023 Business Licensing Fees for Tow Companies are as follows:

- Company Licensing Fee - \$200.00
- Vehicle Licensing Fee - \$200.00
- Driver Licensing Fee - \$50.00

The following is a summary of business licensing fees collected for Tow Companies:

- 2022 (paid to municipality in 2021 for the 2022 licensing year)
 - o \$ 9,800.00 (6 tow companies, 32 tow drivers, 35 tow trucks licensed)
- 2023 (paid to the municipality in 2022 for the 2023 licensing year)
 - o \$ 11,200.00 (6 tow companies, 40 tow drivers, 40 tow trucks licensed)

As a result of the new provincial licensing regime, the municipality will suffer a loss of revenue to its Business Licensing G/L in 2024.

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Please Note: During the July 14th consultation, this Manager did request the province to consider splitting revenue collections with municipalities during the transitory periods to assist with revenue loss. It was stated that split revenue would also provide for recovery of municipal support provided to the province leading up to the passage of the TSSEA and during the transition period to the provincial regime. Representatives from the Operations Division of MTO advised that they will present this proposal to the Minister and provide feedback once received.

SUMMARY/OPTIONS

Council may:

1. Do nothing, thereby receiving the Staff Report only.
2. Direct Staff with some other action as deemed appropriate by Council.

CONCLUSION

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

Respectfully submitted:



Lisa Lehr
Manager of Legislative Services

Reviewed by:



Colleen Healey-Dowdall
Chief Administrative Officer

Attachments: (Not Attached)

1. *Towing and Safety Storage and Enforcement Act, 2023 (TSSEA).*
2. Copy of MTO presentation materials from July 14, 2023 Consultation Session
3. Copy of MTO communication to Tow Companies

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THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2024 – xx

A By-law of the Corporation of the Township of Essa to amend Essa's Business Licensing By-law 2011-20, to repeal Schedule 9 specific to provisions surrounding the licensing of Tow Truck Companies, Tow Truck Drivers and Tow Trucks participating in Collision VIP Towing.

WHEREAS the *Towing and Storage Safety and Enforcement Act*, 2021, S.O.2021, c.26, Sched. 3, as amended ("TSSEA"), provides for oversight of the towing and vehicle storage sectors by the Province of Ontario, and ends municipal authority to license and regulate this sector as of January 1, 2024; and

WHEREAS section 155 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, was amended on January 1, 2024, to remove municipal authority to license tow truck owners and establish rates to be charged for towing; and

WHEREAS Essa's Business Licensing By-law 2011-20, as amended, implemented Schedule 9 specific to the addition of "Tow Truck Licensing" provisions, the schedule of which came into force and effect on December 21, 2016; and

WHEREAS Council of the Township of Essa is desirous of amending its Business Licensing By-law 2011-20 to repeal Schedule 9 specific to the licensing of tow truck companies, tow trucks and tow truck drivers;

NOW THEREFORE Council of the Corporation of the Township of Essa hereby enacts as follows:

1. THAT By-laws 2016-83 and 2018-17 be and are hereby repealed.
2. THAT Schedule 9 of Essa's Business Licensing By-law be and is hereby repealed.
3. THAT all other provisions of Essa's Business Licensing By-law 2011-20 remain in force and effect.
4. THAT Essa's Schedule of Fees be and is hereby amended to remove fees associated with the licensing of tow truck companies, tow trucks and its associated drivers.
5. THAT this By-law comes into force and effect immediately upon passage thereof.

READ A FIRST TIME AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED this 7th day of February, 2024.

Sandie Macdonald
Mayor

Lisa Lehr
Manager of Legislative Services



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C002-24

DATE: February 7, 2024

TO: Committee of the Whole

FROM: Sarah Corbett, Deputy Clerk

SUBJECT: Request for Sponsorship - Canadian Armed Forces Day & Air Show-June 15 & 16, 2024

RECOMMENDATION

That Staff Report C002-24 be received; and
 That Council approve a sponsorship in the amount of \$5,000 for the 2024 Canadian Armed Forces Day and Air Show.

BACKGROUND

The Township of Essa has always been exceptionally supportive and proud of our Canadian Armed Forces members and heritage. As such, we have been honoured to sponsor the Canadian Armed Forces Day and Air Show in previous years.

In 2018 and 2022 Essa Township supported the Canadian Armed Forces Day and Air Show sponsorship in the amount of \$4,000. In 2022 the Canadian Armed Forces Day and Air Show welcomed over 58,000 visitors and was praised as the most successful Air Show CFB Borden has ever hosted. It is expected that 2024 will welcome several thousand visitors over the course of the two-day event. This years' event is exceptionally significant and will celebrate the 100th anniversary of the Royal Canadian Air Force whose birthplace is CFB Borden.

As in previous years, the Canadian Armed Forces Day and Air Show is seeking a Sponsorship from the Township of Essa for the upcoming Canadian Armed Forces Day and Air Show (June 15 & 16).

In 2022 the Canadian Armed Forces Day and Air Show honoured the price paid in 2018 (\$4,000) and provided the same deliverables for their \$5,000 sponsorship. In 2024 the level 2 sponsorship is \$5,000. Staff are recommending that we continue with our level 2 sponsorship in the amount of \$5,000.

As in the past, the 2024 Canadian Armed Forces Day and Air Show is expected to host an extensive number of military ground displays, army vehicles and specialty events. As well, the Air Show will feature the Canadian Forces Snowbirds, the CF-18 Hornet Fighter Jet, and other not yet announced celebrations that are sure make this an event of the century.

COMMENTS AND CONSIDERATIONS

2024 Canadian Armed Forces Day and Air Show Sponsorship Benefits as outlined in Attachment No. 1:

Sponsorship Benefits	\$2000	\$5000
10x10 Display area at event	Yes	Yes
Public Recognition at Event	No	Yes
Logo in 100 th Anniversary Souvenir Calendar	Yes	Yes
Logo in Borden Citizen Newsletter Event Guide	Yes	Yes
Hyperlinked Logo on event website	Yes	Yes
Social Media posts on Borden Citizen Facebook page	Group Thank You	Group Thank You
General Admission Passes	10	20
Recognition in post-event thank you in the Borden Citizen e-newsletter	Yes	Yes
Other Promotional Opportunities to be Negotiated	Yes	Yes

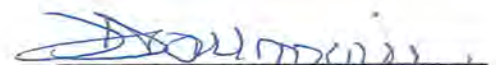
Staff have had the opportunity to customize the 2024 sponsorship benefit at the \$5,000 sponsorship level to exclude the 10x10 display area at the event and include the display of a large banner on the flight line in a high traffic area as supplied by the Canadian Armed Forces Day and Air Show. It is the opinion of Staff that as many of the visitors are not residents of the Township of Essa, having a display area is ineffective for the promotion of our services and that a banner is a valuable sponsorship benefit.

FINANCIAL IMPACT

Council included \$20,910 in the 2024 Council Community Donations Budget G/L 03-030-514-6300.

\$9,000 is allocated to be used as Community Assistance Grants.

The remaining \$11,910 is earmarked for fundraising events such as golf tournaments, community fundraisers, the County of Simcoe Bursary Program and includes a budgeted amount of \$5,000 to sponsoring the Canadian Armed Forces Day and Air Show.


Manager of Finance

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. Sponsor the Canadian Armed Forces Day and Air Show in the amount of \$5000.
3. Direct staff in another manner.

CONCLUSION

Option #2 is recommended.

Respectfully submitted Reviewed by:
by:

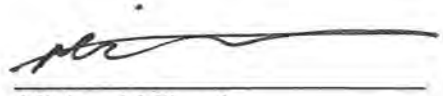
Reviewed by:



Sarah Corbett
Deputy Clerk



Lisa Lehr
Manager of Legislative
Services / Clerk



Michael Mikael
Interim Chief Administrative
Officer

Attachments:

1 – 2024 Borden Canadian Armed Forces Day and Air Show Sponsorship Guide.

BOORDDEN

COME CELEBRATE 100 YEARS WITH US



Canadian Armed
Forces Day
&

Air Show
15-16 June 2024

Journée des Forces armées
canadiennes
&

Spectacle aérien
15-16 juin 2024

2024 Sponsorship Guide

96

96



Message from the Base Commander

Welcome to Canadian Forces Base Borden! With a long and storied history within the Canadian Armed Forces – one which stretches back all the way to the First World War – Borden consistently sees tens of thousands of individuals arrive to receive training from our diverse team of staff and instructors. We encourage all members and their families to enjoy the rich offerings that can be found here and surrounding Borden. Whether that be exploring the local municipalities in Simcoe County or taking advantage of a variety of programs found here on the base, there is plenty to find and discover.

- Colonel Jonathan Michaud, Commander CFB Borden

June 2022 we welcomed our most-attended event on record

58,000

Attendees in two days

This was made possible thanks to our sponsor's generous support

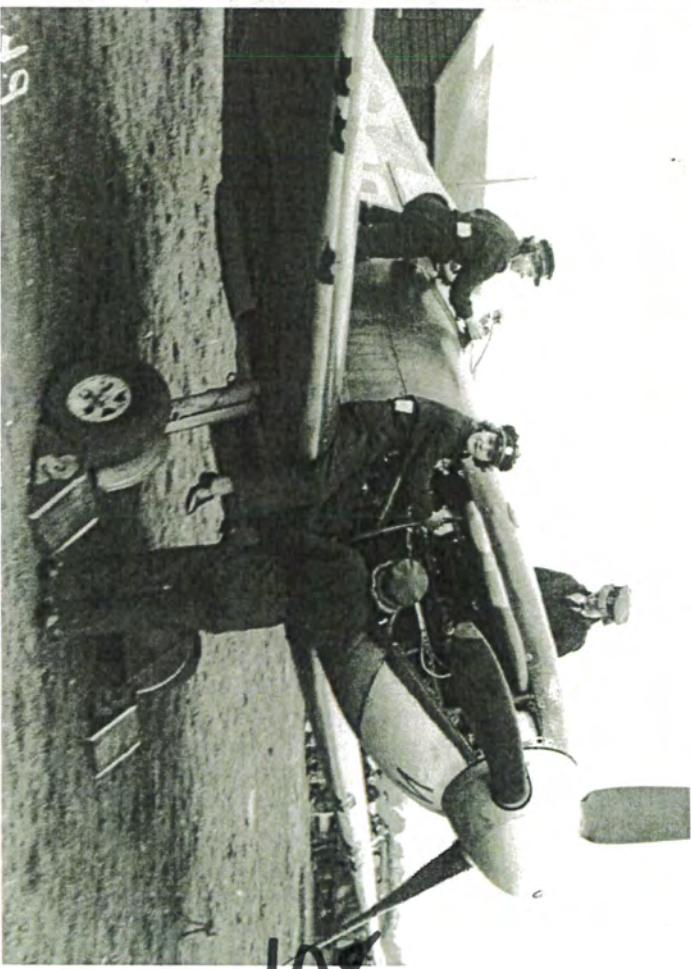
107

Come Celebrate 100 Years With Us

The Royal Canadian Air Force was born 100 years ago to protect and preserve the freedoms of all Canadians, to contribute to global peace and security, and to help those in need in Canada and abroad.

The RCAF Centennial is a **once in a generation opportunity** to honour, celebrate, and inspire Canadians to take ownership of their Air Force.

Make sure you're a part of it!



9/10

96

First Class Experience



Weekend Corporate Cabanas and a VIP Experience

Provide an unforgettable VIP experience for the people who support your business! Corporate Cabanas offer a front-row view of the Air Show and private seating for up to 25 guests each day.



109

Offer Your Guests

Prime Location



Catered Buffet & Beverage Service



VIP Parking Passes



Sponsorship Packages

Presenting Sponsor

\$30,000

| 1 Available

1. Recognition as the Official presenting sponsor for the Canadian Armed Forces Day & Air Show, in celebration of the 100th Anniversary of the Royal Canadian Air Force
2. 10 x 20 Corporate Cabana for 25 guests per day including food, beverages, and VIP access to entrances of the event space
3. Base Commanders reception, brought to you by Presenting Sponsor
4. 10 Invitations to Base Commander's reception on Friday June 14th 2024
5. Corporate banner displayed inside event space
6. Guest passes to Media Day at Lake Simcoe Regional Airport (6 passes)
7. Display area at the event 30 x 30
8. 10 public recognitions from event speaker throughout each show day
9. Logo included on event's looped aerial footage video inside Hangar at the event
10. Banner displayed in the museum during the event
11. Corporate Logo included on event photo ops, includes backdrop and aircraft cut-outs for attendees to use
12. Logo included on our live stream of the event on our social media platforms
13. Charging stations at the event brought to you by presenting sponsor
14. One minute interview with the event announcer prior to the Air Show commencing
15. Corporate logo included on all VIP guest's lanyards
16. Official sponsor of the Family Fun area (such as bouncy castles, logo included on life size games including Jenga, Chess, etc.)
17. Corporate logo included on all print, social media and media coverage which includes the following:

AIR SHOW SOUVENIR CALENDAR/ PRINTED ITEMS

- Souvenir calendar, 3,500 printed copies distributed at the event
- One-page advertisement, full page, colour, back cover ad in
- Recognition as presenting sponsor in program masthead
- Corporate logo included on all VIP printed tickets
- Corporate logo included on event website
- Corporate logo included on event map showcased at all event checkpoints

SOCIAL MEDIA

- Recognized as presenting sponsor on social media posts before, during and after the 2-day event on both the CAF & Air Show and Borden Citizen social media platforms.
- Corporate Logo included on social media posts at minimum: 3

MEDIA COVERAGE

- Borden Citizen – 3 articles prior to event, included in post-event coverage and announcement of Food Drive donation to Barrie Food Bank
- CTV Barrie promotional segments during 6 a.m. and 6 p.m. news for two weeks prior to the event
- Promotional radio spots on our selected local media partners

LED BILLBOARDS

- Logo included on LED signs on the event weekend, digital billboards located at all entrance and exit gates to Base Borden



110

96

96 Sponsorship Packages

Sponsorship Benefits

	Platinum \$20k	Premier \$15k	Associate \$10k	Contributing \$5k	Supporting \$2k
Logo included on event map showcased at all event checkpoints					
10' x 20' Corporate Cabana for 25 guests/day including food, beverage service and VIP parking					
Invitations to Base Commander's reception on Friday, June 14th, 2024	6	4	2		
Corporate banner (supplied) inside event gates	3	2	1		
Logo on event poster displayed throughout Simcoe County					
Display area at event	20'x20'	15'x15'	10'x15'	10'x10'	10 x 10
Public recognition at event					
Advertisement in 100th Anniversary souvenir calendar (3500 copies)	Full Page	1/2 Page	1/3 Page		
Logo in 100th Anniversary souvenir calendar (3500 copies)					
Logo in Borden Citizen Newsletter event guide					
Hyperlinked logo on event website					
Social media posts on Borden Citizen Facebook page	6	4	2	Group Thank You	Group Thank You
General admission passes	Ref: Corp Cabana	Ref: Corp Cabana	75	20	10
Recognition in post-event thank you in Borden Citizen e-Newsletter					
Logo included on event's looped aerial footage video inside hangar at the event					
Guest passes to Media Day at Lake Simcoe Regional Airport	4 passes	2 passes			
Banner displayed in the museum during the event					
Sponsor "Jaws of Life" experience					
Other promotional opportunities as negotiated with our sponsorship team					





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TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C003-24
DATE: February 7, 2024
TO: Committee of the Whole
FROM: Lisa Lehr, Manager of Legislative Services / Clerk
SUBJECT: Amendment to Essa Procedural By-law 2017-77, re: Section 15 "By-laws"

RECOMMENDATION

*That Staff Report C003-24 be received; and
That Council approve the proposed amendment to section 15 of Essa's Procedural By-law 2017-77.*

BACKGROUND

Section 238 of the *Municipal Act*, 2001, S.O.2001, c.25, requires that every municipality pass a procedure by-law for governing the calling, place and proceedings of meetings. Essa's current Procedural By-law 2017-77 was passed by Council at its meeting of December 20, 2017, with amendments having been passed by Council in 2019, 2020 and 2021 (see Attachment No. 1 for a copy of Essa's consolidated Procedural By-law 2017-77). It applies to Council, Committees and Local Boards, and provides members and the public with rules surrounding conduct during meetings.

COMMENTS AND CONSIDERATIONS

In an effort to provide for efficiency during Council meetings, Council requested an amendment to its Procedural By-law to allow for streamlining the adoption of individual By-laws through one resolution presented during each meeting.

Staff conducted research and found that the County of Simcoe's Procedural By-law contains parameters that would best meet this request of Council. As such, it is proposed that Council consider amending its Procedural By-law to replace subsections 15.1 to 15.9 of By-law 2017-77 with the following provisions:

- 15.1 *By-laws for the Township of Essa shall be presented in draft form until they have been adopted by Council.*
- 15.2 *The adoption of multiple By-laws presented to Council, with the exception of the Confirmatory By-law, may be the subject of one motion, the resolution reading as:
BE IT RESOLVED THAT By-law Nos . x,xx,xxx,xxx be read a first, and taken as read a second and third time and finally passed.*

- 15.3 *At the request of any member, prior to the vote for adoption, By-laws may be discussed or voted on individually.*
- 15.4 *No By-law may be defeated on the floor of Council without reconsideration of the original matter/motion which gave rise to consideration of the By-law.*
- 15.5 *The proceedings at every meeting of Council shall be confirmed by By-law so that every decision of Council at that meeting, and every resolution thereof, shall have the same force and effect as if each and every one of them had been the subject matter of a separate By-law duly enacted.*
- 15.6 *The Clerk is authorized to make such minor deletions, additions or other grammatical and clerical errors or changes in form to any By-law before same is signed and sealed, for the purpose of ensuring correct and complete implementation of the actions of Council forming the subject matter of the By-law.*
- 15.7 *Amendments to By-laws approved by Council shall be deemed to be incorporated into the By-law upon passage of the amending By-law, of which the amendments shall be inserted by the Clerk.*
- 15.8 *Every By-law enacted by Council shall be signed by the Mayor or the member who presided as Chair at the meeting, and the Clerk or his/her designate. The Corporate Seal shall be affixed to the By-law, and the By-law shall be numbered, dated and retained in the Clerk's Office.*

FINANCIAL IMPACT

There is no financial impact.



 Manager of Finance

SUMMARY/OPTIONS

Council may:

- 1. Take no further action.
- 2. **Approve the proposed amendment to section 15 of Essa's Procedural By-law 2017-77.**
- 3. Direct staff in another manner.

CONCLUSION

It is recommended that Council proceed with Option #2 in an effort to provide for procedural efficiency, thereby striking subsections 15.1 to 15.9 from By-law 2017-77 and replacing with the proposed provisions contained in this Report.

Respectfully submitted by:

Reviewed by:



 Lisa Lehr
 Manager of Legislative Services /
 Clerk



 Michael Mikael
 Interim Chief Administrative Officer

THE CORPORATION OF THE TOWNSHIP OF ESSA CONSOLIDATED VERSION OF BY-LAW 2017-77

Township of Essa

AMENDING BY-LAWS

2019-09, 2020-21, 2020-34, 2021-49

Disclaimer: The following consolidation is an electronic reproduction made available for information only. It is not an official version of the By-law. The format may be different, and plans, pictures, other graphics or text may be missing or altered. The Township of Essa does not warrant the accuracy of this electronic version.

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**THE CORPORATION OF THE TOWNSHIP OF ESSA
SCHEDULE "A" TO
BY-LAW 2017 – 77
PROCEDURAL BY-LAW**

The Council of the Corporation of the Township of Essa enacts as follows:

1 DEFINITIONS

- 1.1 "Act" means the Municipal Act, 2001, as amended from time to time.
- 1.2 "Ad Hoc Committee" means a special purpose Committee of limited duration, appointed by Council to consider a specific matter and which is dissolved automatically upon submitting its final report to the Council, unless otherwise directed by the Council.
- 1.3 "Agenda" means a list of all items prepared by the Clerk or Recording Secretary to be considered by Council, Committee or at a local board meeting.
- 1.4 "Adjourn" means to end the meeting. This motion requires a second, is not debatable, is not amendable, requires a majority vote for adoption and cannot be reconsidered.
- 1.5 "Advisory Committee" means a committee established by Council to advise on matters which Council has deemed appropriate for the Committee to consider.
- 1.6 "CAO" refers to the Chief Administrative Officer of the Township of Essa.
- 1.7 "Chair" shall mean the Mayor, Acting/Deputy Mayor, or other person appointed by a Committee or local board to preside over the meetings.
- 1.8 "Clerk" means the Clerk or Deputy Clerk of the Township of Essa or such person designated by the Clerk under Section 228(4) of the *Municipal Act*, or a person appointed by Council to perform the duties of the Clerk.
- 1.9 "Closed Session" shall mean a meeting or part of a meeting which is closed to the public when the subject matter being discussed complies with Section 239 of the *Municipal Act*, 2001.
- 1.10 "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards.
- 1.11 "Confirmatory By-law" means a By-law of the Council that adopts all resolutions passed at a Council meeting.
- 1.12 "Consent Agenda" means a list of items or category of items on the Agenda containing recommendations from the Clerk or Recording Secretary as to their disposition, all of which may be adopted by one motion of the Council, committee

or board, but any of which may be removed for a separate vote upon the request of a member.

- 1.13 "Council" means the Council of the Corporation of The Township of Essa.
- 1.14 "Councillor" means a person elected or appointed as a Member of Council of the Corporation of the Township of Essa.
- 1.15 "Defer" means to postpone all discussion on the matter until later in the same meeting or to a future date which is established as part of the motion.
- 1.16 "Delegation" means a person or group of persons who address Council on behalf of an individual or a group for the purpose of making a presentation to Council.
- 1.17 "Deputy Mayor" means the member of Council who has been elected by general vote as Deputy Mayor, and who, along with the Head of Council, also represents the Township of Essa at Simcoe County Council, and in the absence of the Head of Council, the Deputy Mayor shall Chair the Council meetings.
- 1.18 "Emergency" means situations or the threat of impending situations caused by forces of nature, accidents or an intentional act that constitutes a danger of major proportions to life and property that affect public safety; meaning health, welfare and property, as well as, the environment and economic health of the Township of Essa, as defined in the municipality's Emergency Response Plan.
- 1.19 "Head of Council" refers to the Mayor, whose role is to act as the Chief Executive Officer of the municipality, and to preside over council meetings.
- 1.20 "Local Board" means any local board as defined in the Municipal Act, 2001, as amended; or any subcommittee approved and appointed by Council, but does not include a Public Library Board or Police Services Board.
- 1.21 "Materially Advance" means to measurably or identifiably advance a matter.
- 1.22 "Mayor" means a member of Council who has been elected by a general vote as Mayor and in accordance with Section 225 of the Municipal Act, 2001 acts as Head of Council and the Chief Executive Officer of the Township of Essa; and, who, along with the Deputy Mayor, represents the Township of Essa at Simcoe County Council.
- 1.23 "Meeting" means any regular, special or other meeting of a council, local board, or of a committee of either of them, where a quorum of members is present; and, members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the Council, local board or committee.
- 1.24 "Member" shall mean a person who is either elected as a member of Council or appointed by Council to act on a Committee or Local Board.
- 1.25 "Minutes" mean a record of the proceedings of Council or Committee that includes the place, date, time, name of Presiding Officer, list of members in

attendance, evidence of quorum. Minutes will record the actions taken and decisions made by members of Council at the meeting, and shall be recorded without note or comment, in accordance with Section 239(7) of the *Municipal Act*, 2001.

- 1.26 "Motion" shall mean a resolution of Council, Committee or a Local Board.
- 1.27 "Municipal Act" shall mean the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended.
- 1.28 "Pecuniary Interest" includes a direct or indirect financial interest of a member, and the financial interest deemed to be that of a member, in accordance with the *Municipal Conflict of Interest Act*, 1990.
- 1.29 "Presiding Officer" means the person designated to Chair a Council or Committee meeting.
- 1.30 "Quorum" means the minimum number of required members required for the legal conduct of the business of Council or a Committee. In the case of Meetings of Council and Committee of the Whole, quorum is three (3) members physically being present.
- 1.31 "Recorded Vote" means the recording of the name and vote of every member on any matter or question, as requested by a voting member of Council or a Committee.
- 1.32 "Resolution" means a formal state of opinion adopted by the Council in accordance with these rules.
- 1.33 "Secretary" shall refer to the Clerk or Recording Secretary of any Committee other than Council and Committee of the Whole who is designated to prepare the agendas, resolutions and minutes.
- 1.34 "Special Meeting" means a meeting not scheduled in accordance with the approved schedule of meetings.
- 1.35 "Standing Committee" refers to the Finance and Administration, Planning and Development and Public Works Committees of Council which shall sit as Committee of the Whole.
- 1.36 "Subcommittee" means any advisory or other committee, subcommittee or similar entity of which at least 50 percent of the members are also members of one or more Councils, and who are appointed by Council.
- 1.37 "Township" means the Corporation of The Township of Essa.

2. TOWNSHIP RULES AND REGULATIONS

- 2.1 The rules and regulations contained herein shall be observed in all proceedings of Council and Committee of the Whole, and shall be the rules and regulations for the order and dispatch of business by Council, Committee of the Whole, its subcommittees and its local boards, with the exception of the Essa Public Library Board, the Nottawasaga Police Services Board, local school boards and the Nottawasaga Valley Conservation Authority.
- 2.2 Any procedures contained in this by-law that are discretionary and not mandatory under statute may be suspended with the consent of a majority of the members present at the meeting, with the exception of the procedures set out for Closed Session, Conflict of Interest, or any other provision governed by the Municipal Act
- 2.3 No meeting of Council or Committee of the Whole shall be held in the absence of the Clerk or designate.
- 2.4 Except as provided in Sec. 18 herein, all meetings shall be open to the public.
- 2.5 Procedures contained in this by-law may be suspended by a majority vote of Council, Committee or a local board with the exception of the procedures set out for Closed session, Conflict of Interest, or any other provision governed by the *Municipal Act*.
- 2.6 Where a member has any declaration of pecuniary interest, direct or indirect in any matter, and is present at a meeting of Council at which the matter is the subject of consideration, the member shall act in accordance with the *Municipal Conflict of Interest Act, 1990*, and shall declare a conflict of interest. The member declaring the conflict shall comply with Section 9 of this By-law.
- 2.5 A Confirmation By-law shall be passed at the end of each regular meeting of Council to confirm the proceedings of the Council meeting, including the adoption of the minutes of the previous Council and Committee of the Whole meetings as presented, including their contents, motions and resolutions; and any reports approved by Committee of the Whole of the same date.
- 2.6 No other business of Council shall be dealt with at a meeting after the Confirmation By-law has been passed.
- 2.7 Where a procedure has not been established in this By-law, Council or a Committee or a Local Board shall refer to Roberts Rules of Order for guidance.
- 2.8 There shall be no electronic participation permitted in Council or Committee meetings.

Meetings During a Declared Emergency

- 2.8.1 While every effort shall be made by members of Council, Committees and local boards to attend meetings physically in person, in the event that an emergency has been declared to exist in all or part of the Township of

Essa, or in accordance with provisions contained in Sections 4 or 7.0.1 of the Emergency Management and Civil Protection Act, a member of Council or a Committee or a local board may participate fully in a meeting by electronic means (via teleconference or video conference). This applies to members of Council, Committees and Local Boards and to their participation.

- 2.8.1.1 Electronic participation shall mean participation by teleconference or video conference.
- 2.8.1.2 Any member of Council participating by electronic means shall notify the Clerk at a minimum four (4) hours in advance of the meeting.
- 2.8.1.3 Where a State of Emergency has been declared as outlined in Section 2.8.1 above, electronic participation shall count towards quorum in accordance with section 238(3.3) of the Municipal Act, 2001, as amended by Bill 187.
- 2.8.1.4 Votes cast by members electronically shall be counted towards the overall decision of Council.
- 2.8.1.5 In the event of technical failure during the meeting, Council/Committee may take a recess of not more than ten (10) minutes to allow staff to reinstate the electronic participation. If a member can no longer participate by electronic means, it will not affect the validity of the meeting or decisions made.

- 2.9 Where a request has been made to provide a document or information to a person with a disability, the Township will take into consideration the communication needs of the person making the request, and shall endeavor to provide the information to the person in a format that takes into account the person's disability.

3. NOTIFICATION, TIME, LOCATION AND CALLING OF MEETINGS

3.1 Public Notice of Meetings

- 3.1.1 Prior to the first meeting in each calendar year, Council shall establish a schedule of all regular Council meeting dates for such calendar year. The schedule shall include the date, time and location of the meetings, and shall be posted on the Township of Essa's website (www.essatownship.on.ca) at the beginning of each year. The meeting schedule is subject to change as necessary.
- 3.1.2 Notice of the Council meeting schedule, including the date, time and location of the meetings may be given in one or more of the following ways as deemed appropriate by the Clerk:
 - i. a resolution passed at a meeting open to the public (ie: Staff Report); or
 - ii. posting on the Township website (www.essatownship.on.ca); or,
 - iii. such other manner as deemed appropriate by the Recording Secretary.

3.1.3 Notice of changes to the meeting schedule, including the revised date, time and location shall be given at least 24 hours prior to the regularly scheduled meeting in at least one of the methods outlined in Sec. 3.1.2, as deemed appropriate by the Clerk.

3.1.4 Notice of a Special Meeting, including the date, time, location and in general terms the topic of the meeting shall be given at least 48 hours prior to the Special Meeting in at least one of the methods in Sec. 3.1.2, as deemed appropriate by the Clerk.

3.1.5 Notice of a Cancelled Meeting shall be given including the date, time and location of the cancelled meeting and, if applicable, the date, time and location of the re-scheduled meeting prior to the regularly scheduled time of the meeting in at least one of the methods listed in sec. 3.1.2, as deemed appropriate by the Clerk.

3.1.6 No Public Notice is required for an Emergency Meeting.

3.2 Time and Date

3.2.1 Regular meetings of Council shall be held on the first and third Wednesday of each month following Committee of the Whole, which shall begin at 6:00 p.m. unless otherwise specified by Resolution of Council; and except when Wednesday is a statutory holiday, in which case the Council shall meet at the call of the Chair on a date which is not a public or civic holiday.

3.2.2 Every Committee of Council shall attempt to set a schedule of meetings in advance in order to allow and encourage public participation.

3.3 Location

3.3.1 All meetings of Council and Committee of the Whole shall be held in Council Chambers at the Essa Administration Centre located at 5786 County Road 21, or other location which may, from time to time, be agreed upon in advance by the majority of Council.

3.3.2 Any regular meeting of Council may be rescheduled by a motion passed at a previous meeting.

3.3.3 Council may establish a summer or holiday meeting schedule outlining dates and/or times other than the regular meeting schedule by passing a motion to this effect at a meeting preceding the commencement of such schedule.

3.4 Call to Order

3.4.1 The Mayor or Presiding Officer shall take the Chair and call the members to order within fifteen (15) minutes after the designated starting time of the meeting, provided that a quorum is present.

3.4.2 Subject to the provisions of the *Municipal Act*, 2001 where no presiding officer has been appointed under paragraph 4.4 of this By-law, in case the Head of Council does not attend within fifteen (15) minutes after the time appointed for a meeting of Council, the Clerk or Recording Secretary shall call the members to order and an acting Head of Council or Chair shall be appointed from among the members present and he or she shall preside until the arrival of the Head of Council or Chair and, while so presiding, the acting Head of Council or Chair shall have all the powers of the Head of Council or Chair.

3.5 Quorum

3.5.1 Three members of Council or Committee of the Whole being present, that is a simple majority of five, shall constitute a quorum.

3.5.2 A simple majority of the quorum is needed to pass any motion.

3.5.3 If the number of members who, by reason of the *Municipal Conflict of Interest Act*, R.S.O. 1990, Ch. M.50, are prohibited from participating in a meeting so that there is no quorum, despite any other Act, any number that is not less than one third of the total number of members of the Council or Board shall be deemed to constitute a quorum, but the number shall not be less than two.

3.5.6 When the remaining number of members under the paragraph above is two, the concurrent votes of both are necessary to carry any resolution, By-law or other measure.

3.5.7 If a quorum is not present within thirty (30) minutes after the time fixed for a regular meeting or special meeting, the Clerk or Secretary shall record the names of the Members present, and the Council or Committee shall stand adjourned until the next regular meeting, or special meeting, as the case may be.

3.5.8 If the Clerk becomes aware that a quorum of the members will not be available for a scheduled meeting, the Clerk shall notify the Mayor and make arrangements to cancel and/or reschedule the meeting to an alternate time, date and/or location.

3.5.9 The Mayor may cancel any meeting if s/he is of the opinion that weather conditions and/or an emergency situation warrants such cancellation for public safety or other similar reasons.

3.6 Inaugural Meeting

3.6.1 The Inaugural meeting of a newly elected Council shall take place no earlier than the first Wednesday following November 15th, but not later than 31 days after the new term commences.

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- 3.6.2 The Mayor-elect and the Clerk shall decide on the date time and location, and shall be responsible for the content of the Agenda and the arrangements for the Inaugural Proceedings.
- 3.6.2 The first meeting of a newly elected Council after a regular election shall be held on the first Wednesday in December at 6:00 p.m.

3.7 Special Council Meetings

- 3.7.1 The Mayor may, at any time, summon a special meeting of the Council and it shall be the Mayor's duty to summon a special meeting whenever so requested in writing by a majority of the members of Council.
- 3.7.2 Upon receipt of a petition of the majority of the members of Council, the Clerk shall call a special meeting for the purpose and at the time mentioned in the petition.
- 3.7.3 Notwithstanding the fact that every effort is made to provide a full account of matters to be discussed at a meeting and circulated in advance, the consideration of a matter not set out in the Notice of Special Meeting may be considered by a weighted vote of two-thirds of the whole Council in order to consider a matter of which notice has not been given.
- 3.7.4 Except in the case of a disaster or emergency, forty-eight (48) hours notice shall be given for all special meetings of Council. The notice calling a special meeting of the Council shall state the business to be considered at the special meeting and no business other than that stated in the notice shall be considered at such meeting.
- 3.7.5 It shall be the responsibility of the Clerk or designate to forward all notices and agendas for Council, Standing and Committee meetings and to post such Notice on the Township website.
- 3.7.6 Notwithstanding the above, if either the Mayor or the Clerk is satisfied that circumstances will not enable meetings of the Standing Committee to be duly held at the dates and times determined pursuant to the appropriate section of this By-law, either the Mayor or the Clerk may summon a special meeting of the Council, for which at least forty-eight hours' notice shall be given and which notice shall:
 - i. state that the special meeting is being called to enable Council, in Committee of the Whole, to consider and report on current matters which would otherwise have come before the Standing Committee; and
 - ii. have attached details of such matters in substantially the same form and content as normally presented to the Standing Committee.

3.8 Adjournment

- a. The motion to adjourn a Council meeting shall include the time of adjournment along with the date and time of the next scheduled meeting.

122

- b. The hour for adjournment for a day meeting shall be no later than 5:00 p.m., and the hour of adjournment for evening meetings shall be no later than 11:00 p.m. The Council or Committee shall always be adjourned at these hours unless this rule is temporarily suspended by Resolution of the members present.
- c. A Resolution of Council is required to suspend these rules extending a meeting beyond 11:00 p.m.

4. ROLES AND RESPONSIBILITIES

4.1 Role of Council

In accordance with Section 224 of the Municipal Act, 2001, as amended, it is the role of Council to:

- a. Represent the public and to consider the wellbeing and interests of the municipality;
- b. Develop and evaluate the policies and programs of the municipality;
- c. Determine which services the municipality provides;
- d. Ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;
- e. Maintain the financial integrity of the municipality; and
- f. Carry out the duties of Council under the *Municipal Act*, S.O. 2001 as may be amended from time to time or any other Act.

4.2 Role of Head of Council

4.2.1 In accordance with Section 225 of the Municipal Act, 2001, as amended, it is the role of the Head of Council to:

- a. Act as Chief Executive Officer of the municipality;
- b. Preside over Council meetings so that its business can be carried out efficiently and effectively;
- c. Provide leadership to Council;
- d. Without limiting clause (c), to provide information and recommendations to Council with respect to the role of Council as described in Section 4.1 of this By-law, and Section 224 of the *Municipal Act*, 2001, as amended.
- e. Represent the municipality at official functions;
- f. Carry out the duties of the Head of Council under the *Municipal Act* or any other Act.

4.2.2 Head of Council as Chief Executive Officer

In accordance with Section 226.1 of the Municipal Act, 2001, as amended, it is the role of the Head of Council as the Chief Executive Officer to:

- a. Uphold and promote the purposes of the municipality;
- b. Promote public involvement in the municipality's activities;

- c. Act as the representative of the municipality both within and outside the Township, and promote the municipality locally, nationally and internationally; and
- d. Participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

4.2.3 Duties of the Head of Council or Committee Chair

- a. To open the meeting of Council or Committee by taking the Chair and calling the members to order at the time specified on the agenda
- b. To announce the business before Council or Committee in the order in which it is to be acted upon.
- c. To receive and submit, in the proper manner, all motions presented by the Members of Council or the Committee.
- d. To put to vote all questions which are regularly moved and seconded or necessarily arise in the course of proceedings, and to announce the results.
- e. To decline to put to vote any motion which infringes on the Rules of Procedure.
- f. To restrain Members, within the Rules of Order, when engaged in debate..
- g. To enforce, on all occasions, the observance of order and decorum among Members.
- h. To call by name any Member persisting in breach of the Rules of Order of Council or the Committee, thereby ordering him/her to vacate the Council Chamber or meeting room.
- i. To maintain order and decorum by any and all persons present during the proceedings.
- j. To receive all messages and other communications and announce them to Council or the Committee.
- k. To authenticate by his/her signature all By-laws, Resolutions and Minutes of Council or the Committee.
- l. To represent and support Council or Committee, declaring its decisions in all things.
- m. To ensure that the decisions or recommendations of Council or Committee are in conformity with the laws and By-laws governing activities of Council or Committee.
- n. To adjourn the meeting without question in the case of grave disorder arising in the Council Chamber or meeting room.
- o. The Head of Council or other presiding officer may expel any person for improper conduct at a meeting.
- p. To wear the Chain of Office, at the Mayor's discretion.

4.3 Duties of the Clerk or Recording Secretary

4.3.1 In accordance with Section 228(1) of the *Municipal Act*, 2001, as amended, a municipality shall appoint a Clerk whose duty it is to:

- a. Record, without note or comment, all resolutions, decisions and other proceedings of Council, Committee or Local Board;
- b. if required by any member present at a vote, to record the name and

- vote of every member voting on any matter or question;
- c. to keep the originals or copies of all By-laws and of all minutes of the proceedings of the Council, Committee or Local Board;
- d. to perform the other duties required under the *Municipal Act*, S.O.2001, as may be amended from time to time, or under any other Act; and
- e. to perform other duties as are assigned by the Township or Local Board, including but not limited to:
 - i. preparation of the agenda, including recommendations on any Consent agenda
 - ii. preparation of Resolutions for Council, Committee or Local Board consideration
 - iii. recording of the names of the members, staff, consultants and the public in attendance at the meeting.

4.4 Presiding Officer

- 4.4.1 In accordance with Section 241 (1) of the *Municipal Act*, the Mayor shall preside at all meetings of Council.
- 4.4.2 In the absence of the Mayor, or if the office is vacant, the Deputy Mayor shall take the Chair and preside during the absence or vacancy. In the absence of the Deputy Mayor, or if the office is vacant, the Council may appoint a Chair from among the members present who, during the absence or vacancy, shall have all the powers of the Head of Council.
- 4.4.3 The Chair will preside at Committee meetings and the Acting or Deputy Chair in his or her absence. In the absence of the Acting Chair, the Committee members will appoint a person from among those present, provided there is a quorum.

4.5 Council Vacancies

- 4.5.1 In accordance with Section 259 of the *Municipal Act*, the office of a member of municipal council becomes vacant if the member:
 - a. becomes disqualified from holding the office of a member of Council under Section 256, 257 or 258 of the *Municipal Act*, 2001
 - b. fails to make the declaration of office before the deadline in Section 232
 - c. is absent from the meetings of Council for three successive months without being authorized to do so by a resolution of Council
 - d. resigns from his or her office, and the resignation is effective under Section 260
 - e. is appointed or elected to fill any vacancy in any other office on the same Council
 - f. has his or her office declared vacant in any judicial proceedings
 - g. forfeits his or her office under this or any other Act, or
 - h. dies, whether before or after accepting office and making the prescribed declarations.

9c

- 4.5.2 In accordance with Section 259(1.1) of the *Municipal Act*, clause 4.5.1 (c) above does not apply to vacate the office of a member of council of a municipality who is absent for 20 consecutive weeks or less if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.
- 4.5.3 In accordance with Section 260 of the *Municipal Act*, a member of municipal council may resign from office by providing notice in writing, to be filed with the Clerk of the municipality, however, a resignation is not effective if it would reduce the number of members of the council to less than a quorum, and if the member resigning from office is a member of the upper tier council, the resignation is not effective if it would reduce the number of members of either council to less than quorum.

5 DELEGATIONS AND PRESENTATIONS

5.1 Request for Delegation

- a. Delegations and Presentations shall be made in Committee of the Whole, unless otherwise approved by the Head of Council. Except as provided by law, a person who is not a member of Council shall be permitted to make a delegation to Committee of the Whole in accordance with this By-law.
- b. Any person requesting a delegation or presentation shall submit the request in writing to the Clerk no later than 4:00 p.m. on the Wednesday prior to the meeting at which they wish to be heard. The written request shall state the nature of the business to be discussed and the person(s) named to make the delegation. Persons addressing Committee shall confine their remarks to the stated business. The letter of request for delegation shall be circulated with the Committee of the Whole agenda.
- c. No member of the public shall be permitted to address Committee on any subject without the prior approval of the Clerk through the process of a written request, or unless they are directly invited to do so by the Mayor.
- d. No delegation may be scheduled for a closed session, nor shall delegations be permitted regarding any specific personnel matters where an individual may be identified.
- e. All delegations shall take place during Committee of the Whole. Only a delegation which is in opposition to a Committee recommendation shall be permitted in Council. A person wishing to address Committee may speak, with the leave of Committee, for up to ten (10) minutes, and successive extensions of ten minutes may be granted by the Mayor or designate.
- f. The Clerk shall be empowered to refer requests made of Council by deputation to appropriate Committees as deemed necessary.
- g. A delegation of more than five persons shall be limited to two speakers, and each speaker limited to no more than ten minutes each.

126

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- h. When a request to appear is received after the agenda has been printed and distributed, or when the agenda already includes a total of three delegations or presentations, or when a previously scheduled delegation or presentation will take an inordinate amount of time, the Clerk may schedule the delegation for a future meeting. In the event that the matter is of a time sensitive nature, the Clerk shall refer the request to the Mayor and a delegation may be scheduled at a Special Meeting at the discretion of the Mayor.
- i. In the case of an emergency, a person wishing to address Council concerning an item on the agenda may request a delegation through the Clerk before the Council meeting begins. The Clerk will advise the Mayor of the request and the Mayor will call for a vote of the Council to waive the rules for delegations to allow the person to speak and upon a majority vote in the affirmative, the person will be permitted to address Council.
- j. Delegations by any member of the public relating to specific personnel matters shall not be permitted at a meeting open to the public.
- k. No delegation by a member of the public may be scheduled during a closed session.

5.2 Previous Delegations

- a. Requests from persons who have previously addressed Council or Committee at a regular or public meeting within the last six months on a particular item shall not be granted unless there is new information to present, in addition to what they have previously presented. Such proof shall be submitted to the Clerk, in writing, no later than 4:00 pm on the Wednesday preceding the scheduled meeting. If, in the opinion of the Clerk, the written submission does not provide any new information, the request shall be denied.
- b. The Clerk may, at their discretion, forward the request for a second delegation to the Mayor for review to determine whether the delegation may be allowed. If the Mayor does not believe the written submission provides new information, the submission shall be provided to Council as an information item.

5.3 Planning Issues

When a request for delegation pertains to an application under the *Planning Act* that has been or will be recommended to Committee through a staff report, the delegation shall be scheduled for the meeting where Committee will receive the recommendation of the Planner, subject to the limitations indicated above.

5.4 Presentations

- a. A person may appear before Council for the purpose of presenting or receiving a gift or recognition provided that the person or their

representative submits a request in writing to the Clerk describing the nature and purpose of the presentation.

- b. Notwithstanding item 5.4 (a) above, Council may, at its discretion, refuse to permit a presentation.

5.5 Request to Local Boards

Any person wishing to appear as a delegation before a subcommittee or local board must give notice in writing, including the subject matter of the delegation, to the Secretary not later than 12 noon, one week (7 days) prior to the regular local board meeting so that notice of such delegation can be shown on the agenda.

5.6 Conduct during Delegations

- a. No member of Council shall interrupt the person making a delegation while they are addressing Committee, except on a point of order, or if the Mayor deems it necessary to advise them of the time limitation.
- b. Members of Council may ask questions of the person(s) making the delegation following completion of the delegation, but shall not enter into debate with the person(s).
- c. Upon completion of the delegation, Committee shall consider any report for discussion pertaining to the matter and determine, by resolution, an appropriate course of action.
- d. Any individual or group making delegations before Committee or a local board shall conduct themselves with decorum at all times and shall refrain from using any slanderous or abusive statements or behaviour.
- e. If the Mayor determines that decorum has been breached, the delegation will be immediately stopped and the offender provided an opportunity to retract their statements and apologize to Committee.
- f. Any member of the public who repeatedly interrupts Committee or Council proceedings and/or interjects without being invited to do so, who breaches decorum, or refuses to apologize or retract statements found to be offensive, shall be requested by the Mayor to cease and desist. If the person(s) does not comply after being warned, the Mayor shall recess the meeting until the individual(s) leaves the Chambers, or until a peace officer removes the offender from the Council Chambers, after which time the meeting may be reconvened.

6. COMMITTEE OF THE WHOLE

- 6.1 Council hereby delegates the duties and responsibilities of the Standing Committees to Committee of the Whole, to be comprised of all the members of Council and Chaired by the Mayor. Committee of the Whole encompasses the duties and responsibilities of the Planning, Finance and Administration, and Public Works Committees.
- 6.2 In delegating the duties of the Planning Committee to Committee of the Whole, Council delegates the authority to approve matters dealt with under the *Planning Act*.

- 6.3 Notwithstanding the above statement, Council may continue to exercise the delegated powers and duties despite the delegation.
- 6.4 Any motions concerning matters within the delegated powers under this section shall be deemed to be the proceedings of Council and shall take force and effect upon their approval.
- 6.5 Any motions concerning matters not within the delegated powers shall take the form of a recommendation to Council and shall not take force and effect until approved by Council.
- 6.6 Council is not authorized to delegate any of the following powers and duties to any Committee or Local Board, or to any individual or group:
- a. To appoint or remove statutory officers of the municipality from office;
 - b. To pass a by-law and deal with issues regarding taxes;
 - c. To incorporate corporations;
 - d. To adopt an official plan or an amendment to an official plan under the *Planning Act*;
 - e. To pass a zoning by-law under the *Planning Act*;
 - f. To pass a by-law related to small business counseling and municipal capital facilities;
 - g. To adopt a community improvement plan;
 - h. To adopt or amend the municipal budget;
 - i. Any other power that may be prescribed.

The Province restricts the right to revoke any delegated powers at any time.

- 6.7 When it appears that any matter may be more conveniently considered in Committee of the Whole, Council may, by Resolution, dissolve into Committee of the Whole. The proceedings taken in Committee, when adopted by Council, shall be deemed to be proceedings of Council.
- 6.8 The Head of Council shall preside over Committee of the Whole or may designate another member to preside.
- 6.9 All resolutions and decisions approved as presented by Committee of the Whole shall be ratified by the passing of the Confirmation By-law at the end of each Council meeting.
- 6.10 Standing Committees
- The Standing Committees of Finance, Planning and Development and Public Works are hereby established and all members of Council shall be members of the committee. Standing Committees shall meet as Committee of the Whole.
- 6.11 Advisory Committees
- 6.11.1 Council may, from time to time, establish by by-law an Advisory or Ad Hoc Committee under the *Municipal Act* or any other Act. The Advisory Committee shall advise Council on the specific matters set out in the

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appointment by-law and to make recommendations to Council for this purpose.

- 6.11.2 The appointment by-law shall include the names of the members of Council and any members of the public appointed to the Advisory Committee.
- 6.11.3 The term of the Advisory Committee shall coincide with, and shall not exceed, the term of Council.
- 6.11.4 The Chair for each Special Committee shall be as designated by Council. An Ad Hoc Committee may make a written report to Council on their findings, and may make recommendations for Council's approval.
- 6.11.5 Despite the above provisions, the Mayor may, at their discretion, assume the Chair at any meeting of an advisory committee, for the purpose of conducting that particular meeting.
- 6.11.6 When specifically delegated by Council, an Advisory Committee may oversee Township operations or projects within an approved budget and/or Township policy.
- 6.11.7 Advisory Committees shall not have the power to waive Township policy, expend any funds not approved in the budget, establish any fees, or bind Council or the Corporation.

7. APPOINTMENTS

- 7.1 Before December 31 of an election year, the Mayor shall appoint members of Council to the various Standing and Subcommittees, Boards and Special Purpose Bodies after consulting with the members.
- 7.2 The Clerk shall advertise for members of the public to serve on the Committees and Boards appointed by Council. Said advertisement shall take the form of a notice including the name of the Committee or Board, and the number of members of the public to be appointed. This notice shall be advertised in one or more local newspapers, on the Township website, and posted at all Township facilities, or any other means deemed appropriate by the Clerk.
- 7.3 Application to sit on a subcommittee or advisory committee of Council shall be made on the form provided by the Clerk at various locations and on the Township website. Completed forms must be returned to the Clerk by the specified deadline in order to be considered for appointment and to ensure the equity and objectivity of each appointment.
- 7.4 The incoming Council will review the application forms at their first regular meeting and make recommendations and appointments accordingly.

8. RULES OF CONDUCT AND DEBATE

- 8.1 Role of the Chair

The Chair of a Committee of Board shall, in directing the course of the debate:

- a. Designate the member who has the floor when two or more members wish to speak;
- b. Preserve order and decide questions of order;
- c. Receive all motions presented in writing before permitting debate on the question except when otherwise provided for in this By-law.

8.2 Conduct

Members of Council, Committees or a Local Board shall adhere to the Council Code of Conduct, and shall not:

- a. Speak disrespectfully of the Reigning Sovereign or of any of the Royal Family, or of the Governor General, the Lieutenant-Governor of any Province, or any person administering the Government of Canada or the Province of Ontario;
- b. Use offensive, insulting or indecent words or unparliamentary language in or against the Council or Committee or against any member;
- c. Speak or address the subject in debate without first requesting to speak and then being recognized by the Mayor or Chair and given permission to speak;
- d. Speak on any subject other than the subject in debate without the permission of the Mayor or Chair;
- e. Address another member of Council, a member of Township staff, or a person making a delegation or member of the gallery directly without first being recognized by the Mayor, then addressing that person through the Mayor;
- f. Speak more than once to the same question, except:
 - i. upon consideration of a report from a Committee to which it was referred by Council after being properly introduced and debated, but not determined;
 - ii. in explanation of a material part of his or her speech which may have been interpreted incorrectly; or
 - iii. with leave of Council, after all other members so desiring have spoken; or
 - iv. a reply may be allowed by leave of the Council to the member who presented the motion; in which case s/he shall speak for no longer than a five minutes period without leave of Council;
- g. Ask a question except of the previous speaker and in relation to that speaker's remarks;
- h. Interrupt the Member who has the floor except to raise a point of order
- i. Criticize any decision of the Council except for the purpose of moving in accordance with provisions wherein a question may be reconsidered;
- j. Disobey the Rules of Council, or a decision of the Mayor or of the Council on questions of order or practice or upon the interpretation of the rules of the Council; and in the case where a member persists in any such disobedience after having been called to order by the Mayor, the Mayor shall forthwith put the question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave his/her seat for the duration of the meeting of Council", but if the member apologized he/she may, by vote of the Council, be permitted to retake his/her seat.

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- k. Leave their seat or make any noise or disturbance while the presiding officer is putting a question, and shall occupy his/her seat while a vote is being taken and shall remain seated until the results of said vote are declared.
- l. Reveal publicly the substance of any matter dealt with in closed session.

8.3 Any Member of Council:

- a. May request the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking;
- b. May appeal the decision of the Presiding Officer on a point of order to the Council, which shall decide the question without debate upon a majority vote of the Members present;
- c. Shall restrict debate to each proposal in its turn when a question has been divided upon leave of Council.

8.4 Oral Motions

The following matters and motions with respect thereto may be introduced verbally without written notice and without leave, except as otherwise provided by these Rules of Procedure:

- a. a point of order or personal privilege
- b. presentation of petitions
- c. to lay on the table
- d. to postpone indefinitely or to a particular day
- e. to move the previous question.

8.5 Motion to Suspend the Rules

A motion to suspend the Rules of Procedure may be introduced without notice and without leave, but such motions shall be in writing and signed by a mover and seconder.

8.6 Sole Arbiter

The Head of Council or Chair is the sole arbiter of all points of procedure, subject to an appeal to the complete Council or Committee.

9. DISCLOSURE OF PECUNIARY INTEREST

9.1 Compliance with the *Municipal Conflict of Interest Act*

Every member of Council, Committee or a Local Board as defined by the *Municipal Conflict of Interest Act*, as may be amended from time to time, shall comply with the provisions of the *Municipal Conflict of Interest Act* including the declaration of any pecuniary interest as prescribed by the Act.

9.2 Declaration of Pecuniary Interest & General Nature thereof

Where a member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of Council, Committee or a Local Board at which the matter is the subject of consideration, the member shall:

- a. at the beginning of each meeting and prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- b. not take part in the discussion of, or vote on any question in respect of the matter; and
- c. not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

9.3 Member may leave Open Meeting

Any member declaring a pecuniary interest may, at his or her discretion, leave the meeting until Council, Committee or the Local Board has dealt with the matter in relation to which the interest has been declared.

9.4 Member required to leave Closed Meeting

Notwithstanding Section 9.3 above, when the meeting is in Closed Session, a member who has declared a Conflict of Interest shall forthwith leave the meeting or part of the meeting during which the matter in relation to which the interest has been declared is under consideration by Council, Committee or the Local Board. The Clerk shall record in the Minutes the time the member left and returned to closed session.

9.5 Declaration by Member absent from Prior Meeting

Where the interest of a member has not been disclosed by reason of the member's absence from the meeting, the member shall disclose the interest at the first meeting of the Council, Committee or the Local Board as the case may be, attended by the member after the meeting at which the matter was considered.

9.6 Recording

In accordance with Section 6 of the *Conflict of Interest Act*, any declarations of pecuniary interest including the general nature thereof, shall be recorded in the minutes by the Clerk or Recording Secretary. In the event that a member declares an interest during closed session, the member shall affirm their declaration of interest immediately after the motion to arise and the Clerk or Recording Secretary shall record the declaration in the minutes.

10. CONDUCT OF ATTENDEES AND GUESTS

- 10.1 No person shall be permitted within the enclosure occupied by the Council except a member of the Council or staff, unless by permission or by invitation of the Mayor.
- 10.2 At meetings of Council and Committee of the Whole, the use of cameras, electric lighting equipment, television cameras and any other device of mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by accredited and other representatives of any news media is permitted.

- 10.3 Upon the approval of the Head of Council, members of the public may be permitted to use cameras, flash bulbs, recording equipment, cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings. Use of such equipment without the express consent of the Head of Council may result in a suspension of the proceedings, or a request for removal from the Chambers.

11. AGENDAS

- 11.1 The Clerk shall prepare and print for the use of members of Committee of the Whole an agenda under the following headings:

1. Opening of the Meeting by the Mayor / Chair
2. Declaration of Pecuniary Interest
3. Delegations / Presentations / Public Meetings - specifying the time of each
Staff Reports shall follow in the following sequence:
4. Planning and Development / Building Department
5. Parks and Recreation / Community Services
6. Fire and Emergency Services
7. Finance
8. Public Works
9. Clerks / By-law Enforcement / IT
10. Chief Administrative Officer
11. Other Business
12. Adjournment

- 11.2 In the event that any agenda item is also the subject of a delegation or presentation, the item may be brought forward to the beginning of the agenda in order that Committee may receive the delegation and discuss the matter immediately following the delegation or presentation, at the discretion of the Chair.

- 11.3 The Clerk shall have prepared and printed for the use of the Members at Regular Council meetings an agenda under the following headings:

1. Opening of the Meeting by the Mayor
2. Disclosure of Pecuniary Interest
3. Adoption of Minutes of Previous Meeting
4. Consent Agenda
5. Committee Reports
6. Petitions
7. Motions and Notices of Motion
8. Unfinished Business
9. By-laws
10. Questions
11. Closed Session
12. Confirmation By-law
13. Adjournment

- 11.4 Addendum

11.4.1 Any item which is not on the agenda as printed, but has been determined by the Clerk to be of a nature which requires Council's attention prior to the next scheduled meeting, may be added by addendum at the discretion of the Clerk.

11.4.2 Any addendum shall be posted on the Township website at the earliest opportunity prior to the meeting in order to provide public notification of items to be discussed.

11.4.3 Any items brought forward by other means shall require a majority vote of the members present to be added to the agenda.

11.5 Order of Business

The order of business as stated above may be taken out of order at the discretion of the Clerk when preparing the Council agenda. Items on the Council agenda may be taken out of order at the meeting at the discretion of the Mayor.

12. CORRESPONDENCE CONSENT AGENDA

12.1 The Clerk shall determine whether items of correspondence addressed to Council received prior to the preparation of the agenda will be included as Information Items or Correspondence on the Agenda.

12.2 The Clerk shall provide a recommendation for the disposition of all correspondence or authorize such action as recommended by staff in the draft response. The Clerk's recommendations for the disposition of the correspondence and/or response shall be received and approved under one motion.

12.3 Upon the presentation of the motion and prior to its approval, any item of correspondence may be the subject of limited discussion. If any member of Council disagrees with the Clerk's recommendation, Council may briefly discuss the matter and if a consensus is reached, may revise the wording of the recommendation. If a consensus of Council does not agree to revise the recommendation, an individual member may request that the correspondence motion be brought forward with the exception of that item in order that a separate vote may be held.

12.4 In the event that a correspondence item is pulled for a separate vote, a motion based on the clerk's recommendation shall come forward immediately following the passage of the correspondence motion. The separate motion may be debated, amended, referred, deferred or recorded in accordance with the provisions set out herein.

12.5 Prior to Council consideration, resolutions for endorsement shall be referred to in the appropriate senior staff member who shall determine whether the matter warrants a report and recommendation to Council. It shall be a policy of the Township not to consider proclamations or resolutions dealing with matters outside the municipal jurisdiction.

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13 MINUTES

- 13.1 The Minutes of Council, Committee or a Local Board shall record:
 - a. The place, date and time of meeting;
 - b. The name of the Presiding Officer or officers, and record the attendance of the members and the staff and any invited guests present;
 - c. The reading, if requested, correction and adoption of the minutes of prior meetings; and
 - d. All other proceedings of the meeting without note or comment.

14 PETITIONS AND COMMUNICATIONS

- 14.1 Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person, including address and telephone number, and filed with the Clerk.
- 14.2 Persons desiring to present information verbally on matters of fact or make a request of Council shall give notice in writing to the Clerk no later than the Wednesday preceding the commencement of the regular meetings of Council/Committee of the Whole, and may be heard by leave of the Presiding Officer of Council or Committee, but shall be limited in speaking to not more than ten (10) minutes; except that a delegation consisting of more than five (5) persons shall be limited to two speakers, each limited to speaking not more than ten (10) minutes each. The Clerk shall be advised in writing as to the topic to be discussed. The Clerk shall be empowered to refer requests made of Council by delegation to appropriate committees as deemed necessary.

15 BY-LAWS

- 15.1 Every By-law shall be introduced upon motion by a Member of the Council specifying the title of the By-law.
- 15.2 Every By-law, when introduced, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure, or to comply with provisions of any Act, and shall be complete with the exception of the number and date thereof.
- 15.3 Every By-law shall be given three readings prior to being passed, and the following statement affixed to each by-law:

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED this (date) day of (month), (year).

- 15.4 If Council determines that the By-law is to be considered in Committee of the Whole, it shall be so referred to Committee prior to the third and final reading, but shall only be passed in Regular Council.
- 15.5 If Council so determines, a By-law may be taken as read.

136

- 15.6 The Clerk shall set out on all By-laws enacted by Council the date of the several readings thereof.
- 15.7 Every By-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Mayor or Presiding Officer and the Clerk or Deputy Clerk and shall be deposited by the Clerk in his/her office.
- 15.8 The By-laws as enacted shall be available for public inspection in the clerk's office during regular business hours. The Clerk's office may provide public access to the by-laws in electronic format, including posting on the Township website or such other method as may be determined by the Clerk from time to time for this purpose.
- 15.9 A Confirmation By-law shall be passed at each meeting to confirm the decisions of Council or any decisions of a Committee delegated by Council. A confirmation by-law shall be listed on the Regular Council Agenda as the last item for Council consideration prior to Adjournment.

16. MOTIONS AND RESOLUTIONS

- 16.1 A member may introduce a motion regarding a matter that would not otherwise be considered by Council by delivering a written copy of the draft resolution signed by the Mover and Seconder to the clerk no later than 12:00 noon on the Wednesday preceding a Regular Council meeting, or by presenting the draft Resolution to the Clerk at a Regular Council meeting under the Notice of Motion section.
- 16.2 Upon receipt of a Notice of Motion, the Clerk shall print the draft Resolution in full on the agenda for the next Regular Council meeting.
- 16.3 No motion shall be debated upon or put forward unless it has been written, moved and seconded.
- 16.4 After a resolution has been received and/or read by the Mayor or Presiding Officer, it shall be deemed to be in the possession of the Council but may, with the majority consent of members present, be withdrawn by the mover prior to discussion or amendment or prior to voting.
- 16.5 A motion to amend:
 - a) Shall be presented in writing;
 - b) shall receive disposition of Council before a previous amendment or the question;
 - c) shall be relevant to the question to be received;
 - d) may propose a separate and distinct disposition of a question;
 - e) shall be put in the reverse order to that in which it is moved.
- 16.6 All motions must be moved and seconded with the exception of a motion to adjourn, which does not require a seconder.

- 16.7 Each member of Council or a committee may address the subject matter of the motion. Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt any other member while speaking. Only members may speak during the time between the call for discussion by the Chair, and the conclusion of the vote on the motion. The clerk, CAO or other staff member may address Council or a committee to clarify the issues pertaining to the subject matter of the motion, or to provide additional information pertaining thereto.
- 16.8 After discussion, a motion on the floor may be altered by a Friendly Amendment with the approval of the mover and seconder, and with the agreement of the majority of members. If a majority do not indicate their support of a friendly amendment, a formal motion to amend may be brought forward.
- 16.9 A motion may be withdrawn by the mover with the agreement of the seconder. After a motion is read or stated by the Mayor or Chair, it shall be deemed to be in possession of Council or the committee but may, with the permission of the mover and seconder, be withdrawn at any time before decision or amendment.
- 16.10 In the event that the majority of Council or a committee determine they have inadequate information to be able to vote on a particular issue, the Chair may mark the motion "Tabled" and the said motion shall appear as an item of business on the agenda for the next and each subsequent regular meeting until a decision has been reached.
- 16.11 A motion to Reconsider may be introduced by any member and must duly seconded. A motion to Reconsider is not debatable and is subject to the following:
- a. If a motion to reconsider is brought forward at the same meeting when the original motion was considered, a two-thirds majority of the members is required to pass the motion to reconsider.
 - b. If a motion to reconsider is brought forward at a subsequent Council or Committee meeting, a majority of the members is required to pass the motion to reconsider.
 - c. The original motion cannot be brought forward for reconsideration more than once unless the substance of the motion has been materially changed.
 - d. A motion to reconsider is not subject to debate, amendment or reconsideration and cannot be tabled or referred.
 - e. Where a member of Council or a Committee has been named in any legal action related to a matter for reconsideration, no vote for reconsideration shall be taken until the action has been resolved.
 - f. No motion shall be reconsidered more than once during a period of twelve months following the date on which the question was decided.

- g. A motion to reconsider suspends action on the motion to which it applies until it has been decided.
 - h. If the action approved in the main motion cannot be reversed, the motion cannot be reconsidered.
 - i. The following motions cannot be reconsidered:
 - i. a motion to adjourn
 - ii. a motion to recess
 - iii. a motion to suspend the Rules
 - iv. a motion to reconsider
 - v. a motion to postpone indefinitely which has been lost
- 16.12 Immediately preceding the taking of the vote, the Mayor or Presiding Officer may state the question in the form introduced and shall do so if required by a member, except when a motion for the previous question has been resolved in the affirmative. He shall state the question in the precise form in which it will be recorded in the minutes.
- 16.13 After a question is finally put by the Mayor or Presiding Officer, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 16.14 The manner of determining the decision of the Council on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing, or otherwise.

17. VOTING

- 17.1 An affirmative vote by the majority of the members present is required to pass a motion.
- 17.2 When the Chair calls the vote, each member present will vote by raising their hand to indicate their agreement or disagreement with the motion on the table.
- 17.3 Except where disqualified to vote by reason of interest or otherwise, the Chair shall vote at the same time as the other members on all questions.
- 17.4 Upon completion of the vote the Chair shall declare whether the motion was carried or defeated.
- 17.5 A refusal to vote shall be taken as a vote in the negative. Abstentions are not permitted.
- 17.6 Any motion on which there is an equality of votes shall be deemed to be defeated.
- 17.7 Recorded Vote
- 17.7.1 When a member present requests a recorded vote immediately prior to or immediately subsequent to the taking of the vote, all Members present at

the Council or Committee meeting must vote in alphabetical order followed by the Deputy Mayor and Mayor unless otherwise prohibited by statute. The names of those who voted for, and who voted against, shall be noted in the minutes. The Clerk shall announce the results.

17.7.2 When a question is tabled and a recorded vote taken, any member who does not vote shall be deemed as voting in the negative, except where s/he is prohibited by statute from voting.

17.8 No Other Voting Methods

No vote shall be taken by ballot or by any other method of secret voting.

17.9 Motions introduced verbally

a. The following matters and motions with respect thereto may be introduced verbally without written notice and without leave, except as otherwise provided by these Rules of Procedure:

- i a point of order or personal privilege;
- ii presentations or petitions;
- iii to lay on the table;
- iv to postpone indefinitely or to a day certain;
- v to move the previous question.

17.10 Motions introduced in Writing

a. The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:

- i motion to refer
- ii to adjourn
- iii to amend
- iv to suspend the Rules of Procedure

b. Except as provided in Item 4 above, all motions shall be in writing and signed by the mover and seconder.

18. CLOSED SESSION

18.1 Except as provided in this section, all meetings shall be open to the public.

18.2 Council, Committee or a Local Board may go into Closed Session, referred to as In Camera, by the passing of a motion which shall state:

- a. the fact of holding the in camera session
- b. the general nature of the matters to be considered during the Closed Session as provided in the *Municipal Act*.

18.3 Upon passage of a motion as above, all members of the media and the public shall be required to leave the room. The Recording Secretary and any members of staff or consultants required for the purpose of the deliberations may be

requested to attend the closed session.

18.4 Reasons for Closed Session

18.4.1 In accordance with Section 239(2) of the Municipal Act, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:

- a. The security of the property of the Township or Local Board;
- b. Personal matters about an identifiable individual including Township or Local Board employees;
- c. A proposed or pending acquisition or disposition of land for Township or Local Board purposes;
- d. Labour relations or employee negotiations;
- e. Litigation or potential litigation, including matters before administrative tribunals affecting the municipality of local board;
- f. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g. A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- h. information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
- i. a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j. a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
- k. a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

18.4.2 Other Criteria

In accordance with Section 239(3) of the Municipal Act, a meeting or part of a meeting shall be closed to the public if the subject matter being considered is:

- a. a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
- b. an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) or the investigator referred to in subsection 239.2 (1) of the Municipal Act 2001, as amended.

In the event that an investigation has determined that a meeting or part of

a meeting that was the subject matter of an investigation appears to have been closed to the public contrary to Section 239 of the Municipal Act, 2001, as amended, or to a Procedure By-law under subsection 238 (2) of the Act, the municipality or the local board, as the case may be, shall pass a resolution stating how it intends to address the report.

18.4.3 Educational or Training Sessions

A meeting of Council, Local Board or Committee or of a Committee of either of them may be closed to the public if the following conditions are both satisfied:

- a. The meeting is held for the purpose of education or training the members; and
- b. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Local Board or Committee.

18.5 Recording

No minutes shall be recorded in Closed Session.

18.6 No Closed Vote

18.6.1 A meeting shall not be closed to the public during the taking of a vote.

18.6.2 Despite paragraph 15.6.1, no vote shall be taken in the closed session with the exception of a motion to extend the hour of adjournment, and any such motion passed In Camera shall be recorded in the minutes. Any matters considered during the in camera session, including directions to officer, employees or agents shall be brought forward and voted upon when Council rises from the closed session.

18.6.3 Notwithstanding 15.6.2, Council may vote during the closed session if such a vote is for a procedural matter or for giving direction or instructions to officers, employees or agents of the municipality, or persons retained by or under a contract with the municipality or local board, in accordance with Sec. 239(6) of the *Municipal Act*, 2001.

18.6.4 Subject to the *Municipal Freedom of Information and Protection of Privacy Act*, no member of the current Council, or a former Council, shall disclose any personal information or other information which reveals the substance of deliberations of Council in closed session. Any current or former member who discloses such information may be subject to the penalty provisions under the Act.

18.6.5 Any recommendation or direction arising from the closed session shall be in the form of motions and shall come forward immediately upon rising. Each motion shall identify the general nature of discussion and instructions without revealing any confidential security, personal, personnel or legal matters.

19. ADMINISTRATIVE AUTHORITY OF THE CLERK

19.1 The Clerk is authorized to amend by-laws, minutes and other Council and Committee documentation for technical, typographical or other administrative errors or omissions for the purpose of ensuring an accurate and complete record of the proceedings. This shall only be done where the intent of the By-law, minutes, and other Council and Committee documentation is not altered by the amendment, and the Clerk shall submit a report to Council to outline the housekeeping amendment.

20. INTERPRETATION

20.1 Words used in the singular shall have corresponding meanings when used in the plural.

20.2 "May" shall be construed as permissive.

20.3 "Shall" shall be construed as imperative.

20.4 Unless the contrary intention appears in this by-law, words importing the masculine gender only shall include females as well as males and the converse.

20.5 Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standard time, provided however, if what is known as "daylight saving time" has been generally adopted in the regional area for any period of the year such time shall be the time referred to during such period in any reference to time in this by-law.

20.6 This By-law shall be cited as the "Procedural By-law".

21. REPEALS

21.1 THAT this By-law shall take force effective January 1, 2018.

21.2 THAT By-law No. 2007-80 be and is hereby repealed effective January 1, 2018.

ROMA CONFERENCE – JANUARY 21 – 23, 2024

TORONTO, ONTARIO



Panel discussion - Access to Services in Rural Ontario: "Closer to Home"

Prepared by:

Liana Maltby, Ward 3

Pieter Kiezebrink, Ward 1

Highlights

The conference was attended by **1,880** participants from across the province.

Guest Political Speakers during the conference included:

Premier Doug Ford

Minister Lisa Thompson, Minister of Agriculture, Food and Rural Affairs

Minister Kinga Surma, Minister of Infrastructure

Paul Calandra, Minister of Municipal Affairs and Housing

Marit Stiles, Leader of the NDP party

Bonnie Crombie, Leader of the Liberal party

Mike Schreiner, Leader of the Green Party

Exploring Solutions to Increasing Housing in the Rural Context

A panel discussion with Clair Dodds, County of Bruce Planning & Development, Jeremy Tessier, CMCH, and Ellis Ziegler, Affordable Housing Corporation.

Topics covered were CMCH funding, the Tillsonburg Housing project, Prince Edward County Housing Plan (<https://www.pecahc.ca/the-county-housing-plan>), and York University Homeless Hub (www.housingfirst).

We learned about the data that is being collected by the Rural Ontario Institute in relation to the affordable housing crisis. (<https://www.ruralontarioinstitute.ca/RHIS>) Further information was shared on Wednesday morning.

Bruce County has an "Affordable Housing Development Toolkit" which may be a good resource when creating the Essa Toolkit (<https://www.brucecounty.on.ca/affordable-housing-development-toolkit>)

11a

Opening Keynote: Shane Feldman, Leadership Passport: Build Better Relationships with Anyone, Anywhere

Shane was a very inspirational speaker, who spoke about leadership and the relationships between Council and staff - "knowing to stay in your lane."

The Future of Feeding Ontario

Hosted by Jeyan Jeganathan – guests included Christine MacDonald, Bruce County; Sara Epp, University of Guelph; Drew Spoelstra, OFA, Carolyn Stewart, Feed Ontario.

Discussion on keeping agricultural land, feeding families, the culture created for dependence on Food Banks rather than creating a living wage, ODSP amounts, affordable housing, etc.

Risk Management and Reducing Liability

This panel included Dave Taylor, Director of Legal Services Chatham-Kent; Ryan Durrell, Principal Broker Axxima; and Shannon Devane, Municipal Risk Manager LAS.

Information on risk management, reduction, risk pooling and alternative risk transfer.

LAS Clear Risk claims software to track claims and risk. Formalize potential incident information, claims data, records and documentation.

\$2M/Year in insurance premium is the threshold for creating an in-house legal/insurance department.

Enbridge: new gas connection costs

IESO ruling puts the cost of new connection fully on the developer/owner and will increase the per-home cost of development.

Municipal Lessons Learned with Energy Projects

This panel included Jeff Agar, Mayor St. Clair Township; Michael Di Lullo, CAO Middlesex Centre; Tonja Leach, ED QUEST Canada; and Ian Angus, Chair Common Voice Northwest Energy Task Force.

An overview of BESS (Battery Energy Storage Systems) installations and the IESO's potentially flawed process of approving them without the agreement of hosting municipality or sufficient answers for various environmental, fire and decommissioning concerns

*Side note from other discussions: Clearview & Meaford have also been dealing with the issue of potential BESS projects in their municipalities.

Addressing Municipal Staff Retention and Recruitment Challenges

This panel included Sabine Matheson and Stacy Hushion, Strategy Corp; Ian McCormack, Strategic Steps, Inc; and Michael Di Lullo, CAO of Middlesex Centre.

Strategy Corp has completed a CAO survey. HR is the number one issue of concern for CAOs. Retention, recruitment, well-being, and the creation of a team.

(<https://strategycorp.com/2023/08/cao-survey-2023/>)

Ian McCormack has authored two books – *Who is driving the Grader* and *DNA of Great Leaders*. Both sound like interesting reads.

145

They highlighted that townships should be taking a deep look at what they have to offer and how prospective employees may see them. The municipalities reputation will have an impact of who the municipality will attract.

Ideas for advertising positions are through colleges, internships. Motivators include, compensation, benefits, stability, pension, and making a difference in the community, modern, progressive workplace, hybrid work (where possible, keeping service delivery in mind), flexibility, and diversity.

1. Salary
2. Effective Leadership
3. Knowing work is appreciated
4. Work life balance
5. Council/Staff relations

Municipal work was referred to as working in a fishbowl. Example, not being able to go to the grocery store without being recognized and with the potential to be harassed.

Council creates the culture.

Role clarity

Suggestions from Middlesex Centre:

- Create an environment of flexibility
- Let administration decide
- No one size fits all
- Work with county on services (shared services)
- Automated services

Succession planning

- Work plans
- Invest in staff (education policy)
- Look at leadership courses
- Training opportunity
- Ensure education budget is used

Enforce code of conduct – including code of conduct for the public when interacting with staff. Staff needs to know that council has their back.

Importance of an exit interview - what are the reasons.

Highlight jobs within the municipality in newsletters to attract interest in joining the municipality.

Legal Challenges to Ontario's *Drainage Act*: New Municipal Risks

Speakers included Dave Taylor, Legal Services, Chatham-Kent and Stephane Emard-Chabot, lawyer, Sicotte Guilbault LLP.

There have been recent challenges of the authority of the legislation by CN and CPR, whereby they will not pay for the drainage repairs that are required where a track is involved. The panel explained the legal challenge that is being prepared and the next steps for rural communities.

11a

ROMA, Chatham-Kent, and Sarnia are collecting data to take forward in a legal challenge to the *Draining Act*. The issues include engineering, cost sharing and appeal procedure.

The railways believe that due to their federal mandate, they are immune to provincial and municipal bylaws. There are other federally regulated groups that are under the same impression – Bell, Telus. FCM is also taking on litigation.

ROMA asked for information from municipalities to take forward within the next six months. The statute of limitations allows billings up to 2 years.

There is a need for the *Drainage Act* to change at the federal level. The Drainage Act is not Ontario specific, so it makes it difficult to get the attention of the federal government. Specifically, the MP for Transportation.

When a municipality receives a bill for a railway crossing, the general rule is 50% cost share which is agreed to before the work is done.

Rail trails – would depend on who owns the trail.

Information should be submitted to Lindsay at AMO.

There may have been a survey sent out.

Access to Services in Rural Ontario: “Closer to Home”

Hosted by Steve Paikin, TV with guests Dr. Savage, NOSM; Michael Nolan, Renfrew County; and Robin Johnes, ROMA Chair

Panel discussion on the challenges of recruitment in the north, and access to care and physicians. NOSM is looking at programs where students commit to a length of time in a northern community. Other options virtual appointments, nurse practitioners being able to do more, etc.

Provincial Ministers Forum Questions:

Kenora – Acts of violence by councillors.

Issue is being worked on. It must be constitutionally sound. Working with the Attorney General.

Long Term care inspections – spend the money on direct care

Government has spent 72 million over 3 years. Hiring 10 investigators that can lay criminal charges. 10 million – 58 redeveloped homes. 4.9 million to HR resources.

Burlington – Finance- many finances issues have been put to the municipalities. Rural want a new deal. Request a joint review.

Ontario Municipal partnership fund, Ontario Community Infrastructure fund – doubled for 5 years. 4 billion in broadband fund, Homelessness – 200 million, water – 200 million. Waived HST for purchase. Need Federal government to assist.

South Glengarry – closing of schools. Ensure school boards are partners. Concern with the closing of rural schools.

Building faster. Cut capital timelines in half. Former government closed 600. Bill 98 – Better schools. Must be a partnership.

147

Sault Ste. Marie – 62 lives lost to femicide in their area. 93 declared gender-based violence. Need offenders to know it is ending

Creating a plan, solution, and strategies. Created an action plan "Ontario STANDS". Signed with the federal government. 160 million over 4 years.

Mississippi Mills – Food banks

Will make life affordable, social assistance, review all discounts.

Red Lake – review of MPAC

Municipalities will have impact, property values, working on a process and time.

Oxford – Solicitor General – Community Safety, funding based on savings

Grants for safety

?? – primary care, emergency wait time, incentives to come to a community

Getting more health care workers trained. Legislation changing to allow a license for across Canada, no matter what province. Internationally trained are getting quicker licensing. Multiple disciplinary teams.

Saugeen – Conservation Authority. December 23, 2023 announcement of permit fees frozen again. Are fees being frozen for 2025. Would you like know prior to budgeting; Sep or Oct not the end of Dec.

Appreciate the question for 2025

Prince Edward County – Service Ontario being placed in US Staples, suggested using the library

Variety of business models, online model, retail, small business, Canadian Staples, Canadian Tire, IDA, Home Hardware.

Sudbury – Orange Transport – merger of health units, cost of wages benefit harmonization, cost into base budget fund

Means to have conversations 75%/25% cost sharing, voluntary mergers

North Grenville – RNS can prescribe, funding model not able to bill OHIP, look at billing practice

Scope of proactive, not fee for service, more coming

Leeds – OCIF funding – infrastructure

Continues to be fund, 2021 doubled, formula changed – reflective of core asset, can budget 15%, communicate as early as possible

Sault Ste. Marie – report by Deloitte, turn tide – OACD average

Housing, hospitals, roads, jobs, and opportunities

Getting it Right: Local Data for Rural Decision Making

Rural Ontario Institute (ROI) collect data for rural municipalities and is not-for-profit. CMHC only collects data for urban areas over 10,000.

11a

Rural Housing Information System (RHIS) is membership based, there are some reports that are free. They look at rural community wellbeing, rural Eco footprints and biocapacity (ref climate change), census data.

Experiences and Solutions for Rural, Northern and Remote Homelessness

Hosted by Steve Paikin – guests included Justin Marchand, Ontario Aboriginal Housing Services; Henry Wall, Kenora; Kelly-Anne Salerno, Waterloo; Terrilee Kelford, National Alliance to End Rural and Remote Homelessness; and Catherine Hardman CMHA Huron Perth Addition and mental Health Services.

Discussion on encampments create supportive communities. Homeless vs housed. Finland research had solutions. Housing is a human right. Look at Community Housing Plan. Rural areas send homeless to urban centres. Waterloo built 50 tiny homes in managed/supported encampment. Diverse types of solutions available.

Michael J Smither Question Box

Hosted by Jody Johnson – guests included Sid Vander Veen, RJ Burnside; Sandra Weber, Huron County; Shawn Everitt, CAO Town of Blue Mountains; Rob Walton, Brant; Andy Jones, Gravenhurst.

Building Codes

2,400 building code changes. Ensure training budget for staff. EV charges have been removed from building code. Changes came after 2 years of consultation. Harmonizing across the country. National Farm Building code changes as well. EV chargers – official plan changes, strategic across country, areas where spending time. No change to accessibility.

Bridges

Transportation Master Plan. Consider closing. Need for public consultation. Restorative way to keep bridges longer. Review Statutory obligations with municipal lawyer.

Stand Alone Wastewater

Operation costs over time. Look at examples. Speak to operators. Collaborate regionally. 25 year projections. Purchasing bylaw.

Budget Process

Market tax bill to residents to better understand. Tax bill is regulated. Insert in mail out. Business Plan. Refer to other websites.

Walkability Resources

Trails, biking – look to developers. Health Unit has suggestions. Include in budget for sidewalks, see Master plan, regional collaboration of trails. Consideration of maintenance, parking, trail heads, friends of “trail” group

Recruitment

Repeal of vaccine policy, look at policy process, engagement with staff.

Public Communication

How and where consultations are, online meetings, online surveys, support to staff, create safe environment, chair training, hiring professional facilitator, customer code of conduct, host a council meeting at the high school – to create interest in municipal jobs.

149

11a

Cigarette Butts in water ways

Advocacy and funds for stewardship. No smoking in parks, bylaws could be enforced, Orillia has a bylaw.

AMO's Social and Economic Prosperity Review

Call to pass municipal motions encouraging the Province to engage in a wider review.

Closing Keynote: Althia Raj, Impact of Polarization on Public Decision-Making

An excellent speaker – check out her podcast -

<https://open.spotify.com/show/5gmO4LTIH3AKfX45Dx8I5d>

Very interesting chat with 2 Meaford Councillors and the interim CAO regarding their previous court challenge to the Federal PILT rate for the Canadian Forces Base in their municipality and a MPAC reassessment of the values.