

**THE CORPORATION OF THE TOWNSHIP OF ESSA
VIRTUAL REGULAR COUNCIL MEETING
WEDNESDAY, APRIL 6, 2022**

(To follow Committee of the Whole)

To view our live stream visit the Township of [Essa's YouTube Channel](#)

AGENDA

- 1. OPENING OF MEETING BY THE MAYOR**
- 2. DISCLOSURE OF PECUNIARY INTEREST**
- 3. ADOPTION OF PREVIOUS MINUTES AND MOTIONS**
 - p. 1 **Recommendation:** *Be it resolved that the motions duly passed and approved at the Committee of the Whole meeting of this date be approved; and That the minutes of the Committee of the Whole and Regular Council meetings held on the 23rd day of March, 2022 be adopted as circulated.*
- 4. CONSENT AGENDA**

Recommendation: *Be it resolved that the items listed in the Consent Agenda dated April 6, 2022 be received for information, and that the necessary actions be taken.*
- 5. COMMITTEE REPORTS**
 - p. 10 **a. Essa Public Library Board**

Recommendation: *Be it resolved that the minutes of the Essa Public Library Board from their meeting of February 28, 2022 be received.*
- 6. PETITIONS**
- 7. MOTIONS AND NOTICES OF MOTIONS**
- 8. UNFINISHED BUSINESS**
- 9. BY-LAWS**
 - p. 13 **a. By-law 2022-15**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2022-15, that being a By-law to amend the Township's Comprehensive Zoning By-law 2003-50, as amended; and, that said By-law be read a first, and taken as read a second and third time and finally passed.*

p. 15 **b. By-law 2022-20**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2022-20, that being a By-law to repeal By-law 2018-34 and to regulate the number, location and size of Election Signs within the Township of Essa; and, that said By-law be read a first, and taken as read a second and third time and finally passed.*

p. 23 **c. By-law 2022-21**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2022-21, that being a By-law to appoint a Municipal Law Enforcement Officer; and also a Tobacco Enforcement Officer, Weed Inspector and Zoning By-law Enforcement Officer; and, that said By-law be read a first, and taken as read a second and third time and finally passed.*

10. QUESTIONS

11. CLOSED SESSION

Recommendation: *Be it resolved that Council proceed to a Closed Session in order to address matters pertaining to:*

- *Personal Matters About an Identifiable Individual [Municipal Act, s.239(2)(b)]*
- *Litigation or Potential Litigation [Municipal Act, s.239(2)(e)]*
- *Advice Subject to Solicitor-Client Privilege [Municipal Act, s.239(2)(f)]*

Note: Livestream does not run during Closed Session Deliberations.

Motion to Rise and Report from Closed Session Meeting of April 6 2022.

Recommendation: *Be it resolved that Council rise and report from the Closed Session Meeting at _____ p.m.*

12. CONFIRMATION BY-LAW

p. 25 **By-law 2022-22**

Recommendation: *Be it resolved that leave be granted to introduce By-law 2022-22, that being a By-law to confirm the proceedings of the Council and Committee of the Whole meetings held on this 6th day of April, 2022; and that said By-law be read a first, and taken as read a second and third time and finally passed.*

13. 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 20th day of April, 2022 at 6:00 p.m.*

**THE CORPORATION OF THE TOWNSHIP OF ESSA
VIRTUAL COMMITTEE OF THE WHOLE MEETING
WEDNESDAY, MARCH 23, 2022**

MINUTES

A Committee of the Whole meeting was held virtually on Wednesday, March 23, 2022 and was livestreamed to the public on the Township of Essa's YouTube Channel.

In attendance: Mayor Sandie Macdonald
Deputy Mayor, Michael Smith
Councillor Pieter Kiezebrink
Councillor Henry Sander
Councillor Ron Henderson

Staff in attendance: C. Healey-Dowdall, Chief Administrative Officer
A. Powell, Manager of Planning and Development
D. Burgin, Fire Chief
J. Coleman, Manager of Parks and Recreation
K. Pascoe, Deputy Clerk
L. Lehr, Manager of Legislative Services

Guests: Sean Olgivie, Forbes Bros.
Wes Crown, MHBC Planning

1. OPENING OF MEETING BY THE MAYOR

Mayor Macdonald opened the meeting at 6:04 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST

Councillor Kiezebrink declared a direct interest on item 4(b). The general nature of the conflict is that Councillor Kiezebrink owns property in Essa Township that currently has a built-in ARU that is not presently occupied at this time.

3. DELEGATIONS / PRESENTATIONS / PUBLIC MEETINGS

a. Council Presentation –Recognition of Staff Certifications

re: Ryan Winder, Deputy Chief Building Official
Domenic Malatesta, Building Inspector
Audra Marshall, Administrative Assistant – Building Department

Council commended Building Department staff on the successful completion of the following extra-curricular studies:

- Audra Marshall – Introduction to Permit Administration
- Ryan Winder – HVAC House Exam
- Domenic Malatesta – Plumbing-All Buildings Exam

- b. Delegation – Sean Ogilvie, Forbes Bros.**
re: Telecommunications Tower
Proposed Xplornet Site - 6671 County Road 15 (Essa)

Sean Ogilvie from Forbes Bros. Ltd (agent to Xplornet Broadband) was in attendance to provide Council with a brief description of the new, proposed location for a self-support telecommunications tower.

STAFF REPORTS

4. PLANNING AND DEVELOPMENT

- a. Staff Report PD008-22 submitted by the Manager of Planning and Development, re: 28 Brentwood Road – Zoning By-law Amendment Z2-21.**

Resolution No: CW040-2022 Moved by: Sander Seconded by: Kiezebrink

Be it resolved that Council's consideration of Report PD008-22 be deferred to their meeting scheduled on April 6, 2022.

----Carried----

Councillor Kiezebrink declared a direct interest on Item 4b. He did not participate or vote on this Item.

- b. Staff Report PD009-22 submitted by the Manager of Planning and Development, re: Zoning By-law Amendment Z2/22 – Additional Residential Units.**

****Correction to Staff Report**** - The Planning Consultant, Wes Crown (MHBC Planning), advised of a correction in the Staff Report. Provincial legislation is clear that the owner does NOT need to reside in one of the units. He further clarified that legislation makes it clear that municipalities cannot prohibit the approval of ARUs on the basis of owner occupancy.

Council instructed staff to include the following in the final By-law:

- No detached ARUs are to be permitted in urban centres/settings
- Detached ARUs shall only permitted in agricultural and rural areas as long as they meet the criteria
 - Detached ARUs shall not be permitted to be built in front of a primary house or on front yards.
 - Detached ARUs shall be limited to the following:
 - One storey high only
 - 4.5 metres in height,
 - a 1.2 metre walkway (to allow for emergency purposes)
 - No basements
- Secondary suites in primary dwellings shall be permitted

- Third suites are not permitted at this time
- All ARUs require a minimum of 2 outdoor parking spaces per unit
 - Tandem parking should accommodate for larger vehicles

Council advised that public comments will be accepted until 4:30 p.m. on March 28, 2022. All comments are to be forwarded to Aimee Powell, Manager of Planning and Development, by emailing apowell@essatownship.on.ca. After this time, Staff will prepare a further report for Council's consideration at their meeting on April 6, 2022. It is expected that a By-law will be presented to Council on April 20, 2022.

Resolution No: CW041-2022 Moved by: Henderson Seconded by: Smith

Be it resolved that Staff Report PD009-22 be received: and That Council consider adopting a Zoning By-law Amendment to amend the Township's Zoning By-law to permit Additional Residential Units; and That the Planning Department and MHBC Planning, as required, immediately finalize the required implementing components of the Additional Residential Units Program, taking into consideration comments received from the public, staff and Council, subject to Council's approval of the Zoning By-law Amendment.

----Carried----

Councillor Kiezebrink returned to the meeting and resumed his seat for the remainder of the meeting.

5. PARKS AND RECREATION / COMMUNITY SERVICES

- a. **Staff Report PR007-22 submitted by the Manager of Parks and Recreation, re: Ivy Minor Baseball Request.**

Resolution No: CW042-2022 Moved by: Henderson Seconded by: Sander

Be it resolved that Staff Report PR007-22 be received: and That Council approve the request of Ivy Minor Baseball to waive the applicable fees in respect of Challenger baseball rentals for the 2022 season; and That Council deny the request of Ivy Minor Baseball to waive fees for groups U5 (T Ball) and U7 (Jr Rookie) for the 2022 season.

----Carried----

- b. **Staff Report PR008-22 submitted by the Manager of Parks and Recreation, re: Proposed South Simcoe Streams Network – Tree Planting at Stonemount Park, Gold Park Gate.**

Resolution No: CW043-2022 Moved by: Kiezebrink Seconded by: Smith

Be it resolved that Staff Report PR008-22 be received: and That Council approve a community tree planting event at Stonemount Park on May 28th as organized by the South Simcoe Streams Network (SSSN).

----Carried----

6. FIRE AND EMERGENCY SERVICES

- a. **Staff Report FD003-22 submitted by the Fire Chief, re: Updates to Essa's Establishing and Regulating By-law for Fire Department.**

Fire Chief Burgin briefly reviewed the requirements for of the municipality to provide for a By-law to establish and regulate a Fire Department. He also reviewed the new legislated requirements for municipalities to provide mandatory certification and training to firefighters. He explained that this new mandatory requirement that was imposed by the Province will have an impact on future budgets.

Resolution No: CW044-2022 Moved by: Kiezebrink Seconded by: Sander

*Be it resolved that Staff Report FD003-22 be received; and
That Council approve the Draft By-law, to establish and regulate a Fire Department in the Township of Essa; and
That the By-law as attached be presented to Council for consideration of adoption during its regular Council meeting of this date.*

----Carried----

7. PUBLIC WORKS**8. FINANCE****9. CLERKS / BY-LAW ENFORCEMENT / IT**

- a. **Staff Report C005-22 submitted by the Manager of Legislative Services, re: Election Sign By-law Review – Draft No. 2.**

Resolution No: CW045-2022 Moved by: Sander Seconded by: Kiezebrink

*Be it resolved that Staff Report C005-22 be received: and
That Council approve Draft No. 2 of the Election Sign By-law; and
That the By-law as attached be presented to Council for consideration of adoption at a future meeting.*

----Carried----

- b. **Staff Report C006-22 submitted by the Manager of Legislative Services, re: 2022 County of Simcoe Bursary Program.**

MOTION AS AMENDED

Resolution No: CW046-2022 Moved by: Sander Seconded by: Smith

*Be it resolved that Staff Report C006-22 be received: and
That Council opt-in to participate in the 2022 County of Simcoe Bursary Program with a donation of \$1,000.00; and
That Council direct Staff to confirm its participation with the County of Simcoe prior to the deadline of March 25, 2022; and* 4

That Staff request the County of Simcoe to notify Essa Council of Essa recipients that are awarded the bursary.

----Carried----

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

- a. Staff Report CAO010-22 submitted by the Chief Administrative Officer, re: 2022 Essa Challenge Golf Tournament "Swing for Healthcare"**

MOTION AS AMENDED

Resolution No: CW047-2022 Moved by: Smith Seconded by: Sander

Be it resolved that Staff Report CAO010-22 be received: and That Council authorize staff to hire three temporary part-time employees to work an average of ten hours per week between April 1 and June 21, 2022 for the purpose of helping to organize the Township Golf Tournament, with the expense to be paid from the proceeds of the Golf Tournament, at a maximum cost of no more than \$5,760.00.

----Carried----

11. OTHER BUSINESS

- a. Request of Essa and District Agricultural Society**

Council relayed the request of the Essa and District Agricultural Society to utilize Township picnic tables for two of their events. The Manager of Parks and Recreation will contact the Society for more details.

- b. Request of Council to Include Update Zoning By-law, re: Parking Spaces for ARUs**

Council requested that the Manager of Planning and Development update the Zoning By-law to include a provision requiring a minimum of 2 outdoor parking spaces per ARU.

12. ADJOURNMENT

Resolution No: CW048-2022 Moved by: Smith Seconded by: Henderson

Be it resolved that this meeting of Committee of the Whole of the Township of Essa adjourn at 7:04 p.m., to meet again on the 6th day of April, 2022 at 6:00 p.m.

----Carried-----

Sandie Macdonald, Mayor

Lisa Lehr, Manager of Legislative Services

THE CORPORATION OF THE TOWNSHIP OF ESSA
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Deputy Mayor, Michael Smith
Councillor Pieter Kiezebrink
Councillor Henry Sander
Councillor Ron Henderson

Staff in attendance: C. Healey-Dowdall, Chief Administrative Officer
A. Powell, Manager of Planning and Development
D. Burgin, Fire Chief
J. Coleman, Manager of Parks and Recreation
K. Pascoe, Deputy Clerk
L. Lehr, Manager of Legislative Services

1. OPENING OF MEETING BY THE MAYOR

Mayor Macdonald opened the meeting at 7:04 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST

None.

3. ADOPTION OF PREVIOUS MINUTES AND MOTIONS

Resolution No: CR046-2022 Moved by: Henderson Seconded by: Sander

*Be it resolved that the motions duly passed and approved at the Committee of the Whole meeting of this date be approved; and
That the minutes of the Public, Committee of the Whole and Regular Council meetings held on the 9th day of March, 2022 be adopted as circulated.*

----Carried----

4. CONSENT AGENDA

Resolution No: CR047-2022 Moved by: Kiezebrink Seconded by: Sander

*Be it resolved that the items listed in the Consent Agenda dated March 23, 2022 be received for information; and
That Item A5 be referred to section C of the Consent Agenda for a Staff Report to come forward for Council's consideration at a future meeting; and
That Item A5 be referred to section B of the Consent Agenda for a letter of support to be drafted.*

----Carried----

5. COMMITTEE REPORTS

6. PETITIONS

7. MOTIONS AND NOTICES OF MOTIONS

- a. **Proclamation – World Autism Awareness Day April 2, 2022
(Flag Raising Ceremony – April 1, 2022 at 9:00 a.m. at Administration Centre)**

Resolution No: CR048-2022 Moved by: Kiezebrink Seconded by: Sander

WHEREAS World Autism Awareness Day will be recognized on April 2, 2022 in Canada, thanks to Liberal Senator Jim Munson’s Bill S-206, An Act Respecting World Autism Awareness Day; and
WHEREAS Autism Spectrum Disorder (ASD) affects more than 135,000 Ontarians, and is now recognized as the most common neurological disorder affecting 1 in every 94 children, as well as their friends, family and community; and
WHEREAS ASD not only manifests itself differently in every individual in whom it appears, but its characteristics will change over the life of each individual as well. A child with ASD will become an adult with ASD; and
WHEREAS Autism Ontario (formerly Autism Society Ontario) is the leading source of information and referral on autism and one of the largest collective voices representing the autism community, and has been providing support, information and opportunities for thousands of families across the Province since 1973; and
WHEREAS Autism Ontario is dedicated to increasing public awareness about autism and the day-to-day issues faced by individuals with autism, their families, and the professionals with whom they interact, as well as sharing between the Association and its Chapters, the common goals of providing information and education, supporting research, and advocating for programs and services for the autism community;
NOW THEREFORE BE IT RESOLVED THAT Council of the Corporation of the Township of Essa hereby proclaims April 2, 2022 as World Autism Awareness Day.

----Carried-----

- b. **Request for County of Simcoe to Assist S.H.I.F.T. (Support and Hope for Individuals and Families Today)**

Resolution No: CR049-2022 Moved by: Kiezebrink Seconded by: Smith

WHEREAS homelessness in Ontario has been worsening over time, has been affecting younger cohorts, and has shifted geographically to smaller but rapidly growing municipalities; and
WHEREAS the 2020 Homeless Enumeration (‘Everyone Counts’) coordinated by the County of Simcoe, on November 17th, 2020, indicated that a minimum of 563 individuals were experiencing homelessness in Simcoe County, which represents a rate of 10.5 people for every 10,000; and

WHEREAS the Affordable Housing Task Force of the Simcoe County Alliance to End Homelessness (SCATEH) – South Simcoe Chapter is working diligently with community partners, including municipalities and the County of Simcoe to address the immediate, intermediate, and long-term affordable housing needs of our community; and WHEREAS S.H.I.F.T (Support and Hope for Individuals and Families Today), formally Alliston Out of the Cold, provides safe, respectful, and welcoming overnight accommodation, meals and support to those experiencing or at-risk of experiencing homelessness and/or food insecurity in all of South Simcoe; and WHEREAS S.H.I.F.T recognizes no municipal borders, and serves all of South Simcoe with services that are an integral part of a healthy, thriving, supportive community; and WHEREAS S.H.I.F.T is no longer able to operate from its existing location and therefore, requires a new space within the next year to continue to provide their programing; and WHEREAS the County of Simcoe is responsible for providing social housing throughout the County; NOW THEREFORE BE IT RESOLVED THAT the Township of Essa respectfully requests that the County of Simcoe provide physical space or financial assistance to S.H.I.F.T to secure new locations in both the east and west areas of South Simcoe to ensure that they can continue to provide this critical service.

----Carried----

8. UNFINISHED BUSINESS

9. BY-LAWS

a. By-law 2022-15 – DEFERRED

b. By-law 2022-16

Resolution No: CR050-2022 Moved by: Smith Seconded by: Sander

Be it resolved that leave be granted to introduce By-law 2022-16, that being a By-law to establish and regulate a Fire Department in the Township of Essa and to repeal By-law 2014-27; and, that said By-law be read a first, and taken as read a second and third time and finally passed.

----Carried----

c. By-law 2022-17

Resolution No: CR051-2022 Moved by: Kiezebrink Seconded by: Smith

Be it resolved that leave be granted to introduce By-law 2022-17, that being a By-law to assume for public highway purposes all or portions of Brownley Lane, Greenwood Drive, Hutton Crescent, Wagner Crescent, Plan 51M-1102; and, that said By-law be read a first, and taken as read a second and third time and finally passed.

----Carried----

d. By-law 2022-18

Resolution No: CR052-2022 Moved by: Kiezebrink Seconded by: Smith

Be it resolved that leave be granted to introduce By-law 2022-18, that being a By-law to assume for public highway purposes all or portions of Sasco Way Plan 51M-1097, .3 Reserve Block 147 Plan 51M-732, Part of Block 125 Plan 51M-844; and, that said By-law be read a first, and taken as read a second and third time and finally passed.

----Carried-----

10. QUESTIONS

11. CLOSED SESSION

12. CONFIRMATION BY-LAW

By-law 2022-19

Resolution No: CR053-2022 Moved by: Sander Seconded by: Kiezebrink

Be it resolved that leave be granted to introduce By-law 2022-19, that being a By-law to confirm the proceedings of the Council and Committee of the Whole meetings held on this 23rd day of March, 2022; and that said By-law be read a first, and taken as read a second and third time and finally passed.

----Carried-----

13. ADJOURNMENT

Resolution No: CR054-2022 Moved by: Smith Seconded by: Sander

Be it resolved that this meeting of Committee of the Whole of the Township of Essa adjourn at 7:17 p.m. to meet again on the 6th day of April, 2022 at 6:00 p.m.

----Carried-----

Sandie Macdonald, Mayor

Lisa Lehr, Manager of Legislative Services

15. Other Business: None

16. Next Virtual Meeting: Monday, March 28th, 2022 at 7pm.

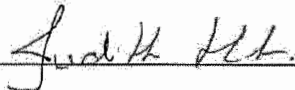
17. Adjournment

2022:017 Moved: CC

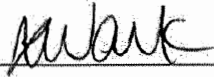
THAT the Meeting be adjourned at 8:23pm.

Carried

APPROVED March 28, 2022:



Chair: Judith Hunter



CEO: Laura Wark

9a

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NUMBER 2022 – 15

A By-law to amend the Township’s Comprehensive Zoning By-law 2003-50, as amended.

WHEREAS pursuant to Section 34 of the *Planning Act*, R.S.O., 1990, c.P.13, as amended, the Council of the Township of Essa has passed a comprehensive Zoning By-Law No. 2003-50 for the Township of Essa; and

WHEREAS, an application to amend By-Law No. 2003-50 has been received with respect to lands known legally as Part of Lot 20, Concession 1, Lots 14 and 15, Registered Plan 1425, also described as 28 Brentwood Road, Township of Essa, County of Simcoe; and

WHEREAS the provisions of this By-law conform to the Official Plan of the Township of Essa; and

WHEREAS, Council deems it advisable and expedient to amend Zoning By-Law No. 2003-50;

NOW THEREFORE, the Council of The Corporation of the Township of Essa HEREBY ENACTS as follows:

- 1) THAT Zoning By-Law No. 2003-50, as amended, is hereby amended as follows:
 - a) That Schedule “B”, as amended, is hereby further amended by changing the zoning of a portion of the subject property from the “Residential, Low Density, Detached (R1)” to ‘Residential, Medium Density, Townhome Exception (R3-10)”, as depicted on Schedule 1 attached hereto, forming part of this By-Law.
 - b) That Section 11: Residential, Medium Density, Townhome (R3), as amended, is hereby further amended as follows:
 - i) by the addition of a new subsection 11.4.10 entitled, “R3-10: Part of Lot 20, Concession 1, Lots 14 and 15, Registered Plan 1425 (2022- _____)”,
 - ii) by numbering the existing R3-11.4 special zoning provision as subsection 11.4.10, and
 - iii) by the addition of a new subsection 11.4.10 as follows
R3-10: Part of Lot 20, Concession 1, Lots 14 and 15, Registered Plan 1425 (2022- ____)

9a

Notwithstanding any provisions of this Zoning By-Law No. 2003-50 to the contrary on those lands zoned "R3-10" on Schedule "A" of this By-law, residential uses on lands zoned "Residential, Medium Density, Townhome Exception (R3-10)" shall be permitted the following provisions on those lands zones "R3-10" the following special zoning regulations shall apply:

- Minimum Corner Lot Area with Full Municipal Services: 250m²
 - Minimum Corner Lot Frontage with Full Municipal Services: 9.7m
 - Minimum Front Yard Setback: 6.6m
 - Minimum Exterior Side Yard Setback: 1.7m
 - Maximum Corner Lot Coverage: 36%
- 2) That all other respective provisions of the Zoning By-law 2003-50, as amended, shall apply.
- 3) That this By-law shall come into force and take effect on the date of passing thereof, subject to the provisions of Section 34 of the *Planning Act*, R.S.O., 1990, c.P.13 as amended.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 6th day of April, 2022.

Mayor – Sandie Macdonald

Manager of Legislative Services – Lisa Lehr

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW NO. 2022 – 20

Being a By-law to repeal By-law 2018-34 and to regulate the number, location and size of Election Signs within the Township of Essa.

WHEREAS section 8 of the Municipal Act, 2001, S.O., c.25 (the "Act") provides that the Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS section 9 of the Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising authority under this or any other Act; and

WHEREAS section 11 of the Act provides that a lower tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4); and

WHEREAS subsection 11(93) of the Act provides that a lower-tier municipality may pass by-laws, subject to the rules set out in subsection (4) respecting matters of structures, including signs; and

WHEREAS Council of the Township of Essa deems it advisable to have a By-law to regulate the number, location and erection of election signs;

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

1. DEFINITIONS

- 1.1 "Boulevard" means that part of a road from the edge of the road to the nearest lateral property line of the road.
- 1.2 "Candidate" means a person who has been nominated under the *Canada Elections Act*, the *Election Act*, or the *Municipal Elections Act*.
- 1.3 "Election Sign" includes any surface or structure, and their component parts, which are used or are capable of being used as a visual medium to attract attention to a specific subject matter, or to create a design or convey a message:
 - a) To advertise or promote a candidate in a federal, provincial or municipal election, including an election of local board or commission; or
 - b) Intended to influence persons to vote for or against any candidate or any question, law or by-law submitted to electors.
- 1.4 "Highway" means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct, trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property line thereof

- 1.5 "Recurring Offenders" means any candidate or registered third party advertiser who has had an election sign removed on three or more separate occasions by the Township of Essa as a result of violations of this By-law.
- 1.6 "Registered Third Party Advertiser" means one of the following and whose notice of registration has been certified by the Clerk of the Township of Essa pursuant to section 88.6 of the Municipal Elections Act:
 - a) An individual who is normally a resident in Ontario;
 - b) A corporation that carries on business in Ontario; or
 - c) A trade union that holds bargaining rights for employees in Ontario.
- 1.7 "Roadway" means that part of the highway that is improved, designed or ordinarily used for vehicular traffic.
 - a) In an urban area, a roadway is the portion of the street between the curbs.
 - b) In a rural area, the roadway is situated from the top edge of the shoulder on one side of the road to the top edge of the shoulder on the opposite side of the roadway.
- 1.8 "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 or gravel) and beyond the driving surface over the land for transportation purposes.
- 1.9 "Sidewalk / Pathway" means that portion of the highway as is set aside by the Township of Essa for the use of pedestrians.
- 1.10 "Voting Location" means a location where voters cast their ballots in accordance with the Municipal Elections Act, the Election Act, or the Canada Elections Act, and shall include the entire property and all boundaries associated with it when such voting location is within a public premises and shall mean the common elements when the voting place is located on private property.
 - a) Notwithstanding the above, individual units, and their doors, windows, balconies, etc. shall not be deemed to be common elements on private premises.

2. ADMINISTRATION

- 2.1 This By-law shall be administered by the Clerk or his/her designate.
- 2.2 The Clerk and his/her designate has the delegated authority to review any issue(s) regarding an election sign and decide if any action is needed to uphold the general integrity of this By-law. The Clerk's decision shall be final.

3. SIGN DEPOSIT AND REFUND

- 3.1 Prior to any election sign being affixed, displayed or otherwise erected within the Township of Essa, candidates and registered third party advertisers shall file a deposit fee in the amount of \$300.00.

- 3.2 Deposits shall be submitted to the Clerk and may be paid in the form of cash, debit card or cheque payable to the Township of Essa.
- 3.3 Election sign deposits are due and payable at the time of the filing of candidate nomination/third party registration papers, and prior to the erection of any election signs for any municipal or school board candidates.
- 3.4 The election sign deposit shall be refunded upon the following conditions having been met:
- a) satisfactory removal of all election signs prior to the expiry timeframe outlined in section 6.4.
 - b) satisfactory adherence to the provisions of this By-law throughout the duration of the campaign period.

All candidates and registered third party advertisers will be advised of this By-law upon the filing of their nomination papers with the Clerk and/or designate.

- 3.5 Election signs shall be removed from all public and private properties in accordance with section 6.4 of this By-law. If not removed within this timeframe, the Clerk shall direct that the signs be removed by staff and the deposit shall be retained by the municipality.
- 3.6 The Clerk's decision to retain the deposit shall be final and not subject to review.
- 3.7 In the event that the deposit is not retained, the Clerk shall direct the Manager of Finance to refund the deposit paid under this By-law to candidates and registered third party advertisers that have adhered to the conditions outlined in section 3.4.
- 3.8 Sign deposits shall be retained by the municipality where candidates or registered third party advertisers are deemed to be "recurring offenders" as a result of non-compliance with provisions of this By-law.

4. GENERAL PROVISIONS

- 4.1 Election signs shall not be affixed, displayed or otherwise erected prior to 45 days from Voting Day in the year of a regular municipal election, or prior to the writ of the election in a federal or provincial election.
- 4.1.1 In the case of a By-Election, if Nomination Day is less than 45 days prior to Voting Day, no election signs shall be affixed, displayed or otherwise erected prior to Nomination Day.
- 4.2
- a) The candidate to whom the sign relates shall be responsible for the erection, maintenance and display of the election sign, and shall ensure that all requirements of this By-law are met.
 - b) Registered third party advertisers are required to:
 - i. identify themselves on election signs so that it is clear who is responsible for each election sign;
 - ii. shall comply with all provisions in this By-law; and
 - iii. shall ensure that all election signs contain the mandatory information as outlined in the *Municipal Elections Act*, 1996.

- 4.3 The number of municipal election signs that may be erected on public property are limited to:
 - a) Candidates running for Mayor and Deputy Mayor in the Township of Essa are permitted to erect a maximum of 150 election signs on public property throughout the whole of the Township within its municipal boundaries.
 - b) Candidates running for Ward Councillor in the Township of Essa are permitted to erect a maximum of 50 election signs on public property, which shall be placed only within the ward in which the candidate is running.
 - c) Registered Third Party Advertisers are permitted to erect:
 - i. a maximum of 25 signs on public property per Ward - if opposing Mayoral or Deputy Mayoral Candidate, or opposing a question on the ballot
 - ii. a maximum of 25 signs on public property only in the Ward of which the candidate is running that the Registered Third Party Advertiser is supporting/opposing. Third Party Advertisers are required to comply with all provisions within the *Municipal Elections Act* and/or *Canada Elections Act* and/or *Election Act*, and shall be placed in accordance with all provisions outlined in this By-law.
- 4.4 The number of election signs per candidate or registered third party permitted to be placed on private property or in front of private property is limited to the number of street lines abutting the private property.
- 4.5
 - a) In a municipal election, no person shall display, affix or erect, or cause to display, affix or erect an election sign except within the ward boundary for which the candidate is running.
 - b) In a provincial or federal election, no person shall display, affix or erect, or cause to display, affix or erect a provincial or federal election sign except within the candidate's riding boundary.
- 4.6 Election signs shall not be affixed, displayed or otherwise erected on private property without the express consent of the owner and/or occupant.
- 4.7 No candidate, registered third party or any other person shall affix, erect or otherwise display an election sign except as permitted by this By-law.

5. RESTRICTIONS AND ENFORCEMENT

- 5.1 No election sign face shall be larger than 1.2m x 1.2m (4ft. x 4ft.).
- 5.2 The maximum election sign height shall be no higher than 1.524 m (5 feet) above grade and shall not interfere with intersection sightline triangles as per Figure 1 (Schedule A).
- 5.3 No candidate, registered third party, or any other person shall affix, erect or display an election sign, or permit an election sign to be affixed, erected or displayed:
 - a) At any Voting location;
 - b) Within 45.72 m (150 ft) of any voting location including the parking lot and road allowance leading into any voting location unless the express consent of the Clerk has been granted; or

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- c) On or within a vehicle or trailer parked within 45.72 m (150 ft) of a Voting location.
- 5.4 Illuminated election signs are prohibited.
- 5.5 Election signs erected on private property shall be placed in a location that is not visible from a voting location.
- 5.6 No election sign shall be located within 45.72 m (150 ft) in either direction from the driveway across the frontage of the Essa Administration Centre.
- 5.7 No election sign shall be erected at any designated voting location, including the property and split island facing the Angus Recreation Centre from the road right-of-way at the Mill Street (County Road 90) and County Road 10 intersection, extending to the boundary limits of the Angus Recreation Centre and Nottawasaga Pines Secondary School.
- 5.8 No person shall at any time place an election sign, or cause an election sign to be placed, in any public park or on any property owned or occupied by the Township of Essa or any local board except as permitted by this By-law.
- 5.9 No election signs shall be displayed, affixed or erected:
- a) on a boulevard area or road allowance fronting private property without the express consent of the property owner and/or occupant.
 - b) closer than 1.524 m (5 ft.) from the edge of a roadway.
- 5.10 Regardless of consent having been received by a property owner for the sign location, sight lines shall always be maintained at intersections for all traffic movement directions.
- 5.11 Where a highway or roadway includes a centre median, no election sign shall be affixed, displayed or erected on the centre median between the highway.
- 5.12 Where the road allowance includes a roadside ditch, no election sign shall be erected within 1.524 m (5 ft.) from the edge of the roadway.
- 5.13 No more than two (2) election signs per certified candidate shall be permitted at any one intersection, and no more than one (1) election sign per candidate shall be permitted on any one (1) corner of an intersection.
- 5.14 Notwithstanding any other provisions of this By-law, where a road serves as a boundary between wards, no person shall display an election sign except on the side of the road within the boundaries of the Ward/Riding to which the election sign relates.
- 5.15 No election sign shall be placed on any of the following items located on municipal property or road allowances:
- a) Tree;
 - b) Post;
 - c) Utility pole;
 - d) Fence;
 - e) Attenuation wall; or
 - f) Any other natural or artificial feature that rests on Township property.

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- 5.16 No election sign shall:
- a) Obstruct the visibility of any pedestrian or driver, or obstruct the visibility of any traffic sign or device, or interfere with vehicular traffic in any manner;
 - b) Obstruct openings required for light, ventilation, ingress, egress, or firefighting;
 - c) Constitute a danger or hazard to the general public.
- 5.17 No candidate or registered third party advertiser shall affix or erect election signs where the placement of the sign may cause injury or danger to pedestrians or persons utilizing the municipal road system.

6. REMOVAL OF SIGNS

- 6.1 The Clerk and/or designate is hereby authorized to remove signs that portray profanity or unlawful activity, as well as signs that may be offensive or discriminatory as defined in the *Ontario Human Rights Code*.
- 6.2 Where election signs have been erected or affixed in contravention of this By-law, the Township shall:
- a) Notify the candidate or registered third party to repair or remove the sign, or take the necessary action to ensure the election sign complies with the provisions of this By-law within 24 hours; or
 - b) If necessary, remove the election sign after 24 hours of non-compliance and notify the candidate or registered third party advertiser, and maintain a record of the compliance enforcement action.
- 6.3 Election signs removed by municipal staff will be available for retrieval by candidates and registered third party advertisers after Voting Day.
- 6.4 Election signs must be removed within five (5) calendar days following the election. If they are not removed within this timeframe, Township staff will remove the sign(s) and the deposit will be retained by the municipality.
- 6.5 The Township of Essa shall not be liable for any damage or loss of an election sign that was displayed in accordance with this By-law, or that was removed by municipal staff.

7. NOTIFICATION

The Township may notify candidates and registered third party advertisers of infractions and compliance enforcement actions by email.

8. ENFORCEMENT

- 8.1 The provisions of this By-law shall be enforceable by a Municipal Law Enforcement Officer or other such persons appointed by the municipality.
- 8.2 No person shall hinder or obstruct or attempt to hinder or obstruct any person who is exercising a power or performing a duty under this By-law.
- 8.3 Every person who contravenes this By-law is, upon conviction in a court of competent jurisdiction, therefore guilty of an offence and shall be liable to a fine as provided under the Municipal Act, 2001, as amended.

9. SEVERABILITY

If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

10. FORCE AND EFFECT

10.1 By-law 2018-34 be and is hereby repealed.

10.2 That this By-law shall be cited as the "Election Sign By-law".

10.3 That this By-law shall come into force and take effect on the date of passing thereof.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 6th day of April, 2022.

Sandie Macdonald, Mayor

Lisa Lehr, Manager of Legislative Services

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TOWNSHIP OF ESSA

By-law 2022 – 20

ELECTION SIGN BY-LAW
Schedule 1

A. Intersection Sightlines

Figure 1

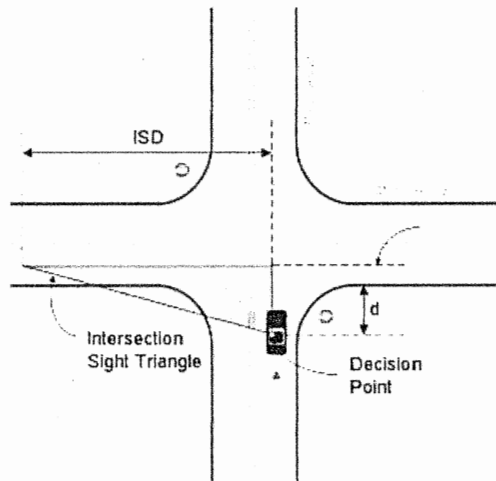


Figure 1. Left turners looking left

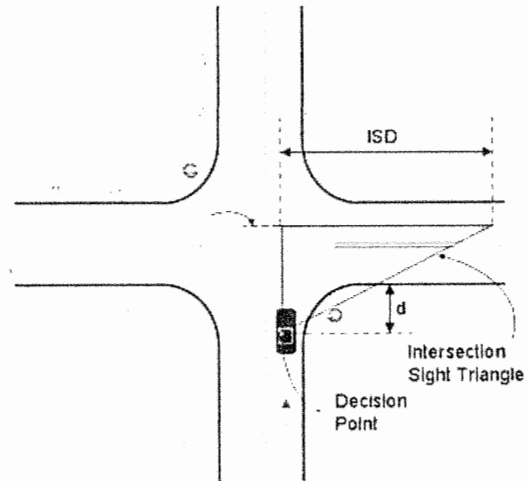


Figure 2. Left turners looking right

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2022 - 21

A By-law to appoint a Municipal Law Enforcement Officer; and also a Tobacco Enforcement Officer, Weed Inspector and Zoning By-law Enforcement Officer.

WHEREAS section 8 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act; and

WHEREAS Section 11 of the *Municipal Act*, 2001, provides that a lower-tier municipality may pass By-laws respecting matters within the spheres of jurisdiction set out therein, and is responsible for the enforcement of the By-laws pertaining to those sections; and

WHEREAS Section 227 of the *Municipal Act*, 2001, authorizes Councils to pass By-laws for appointing such officers and employees as may be necessary for the purposes of the Corporation, for carrying into effect the provisions of any By-law of the Council; and

WHEREAS provisions contained in Section 1.1 of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, include a Provincial Offences Officer as an officer, employee or agent of any municipality or of any local board of any municipality whose responsibilities include the enforcement of a By-law, an Act or a regulation under an Act, while in the discharge of his or her duties; and

WHEREAS provisions are included under the *Provincial Offences Act*, the *Weed Control Act*, the *Pounds Act*, the County of Simcoe and Township of Essa prohibitive smoking By-laws, and the Township of Essa Zoning By-law to provide for municipal enforcement; and

WHEREAS Section 15 of the *Police Services Act*, R.S.O. 1990 c. P.15, as amended, authorizes a Municipal Council to appoint persons who shall be peace officers for the purposes of enforcing municipal By-laws; and

WHEREAS Council of the Township of Essa deems it advisable to appoint a Municipal Law Enforcement Officer and any inspectors and administrators as are necessary for the purposes of the enforcement of said Acts and By-laws;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESSA ENACTS AS FOLLOWS:

1. That Nicholas Gottardo be and is hereby appointed to the position of Municipal Law Enforcement Officer in accordance with the *Police Services Act*, R.S.O. 1990, c. P. 15, as amended, for the Township of Essa for the term of his

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employment with the municipality, to carry out the duties and responsibilities as set out in the job description for the period during which he is an employee of the municipality.

2. That Nicholas Gottardo be and is hereby appointed as Tobacco Enforcement Officer, Weed Inspector, Canine Control and Zoning Enforcement Officer; and shall perform all the duties required to be performed by the said titles under statutory authority and other duties that may be imposed by the Council of The Township of Essa for the period during which she is an employee of the municipality.
3. That Nicholas Gottardo does hereby agree and acknowledge to abide by the Township of Essa's policies and procedures, including the Acceptable Computer Usage Policy, the Employee Code of Conduct, the Corporation's Health and Safety Program, and other policies as provided.
4. That the said appointment shall become effective as of April 4, 2022.
5. This By-law shall come into force and effect on the day it is finally passed.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 6th day of April, 2022.

Sandie Macdonald, Mayor

Lisa Lehr, Manager of Legislative Services

THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2022 – 22

Being a By-law to confirm the proceedings of the Council meeting held on the 6th day of April, 2022.

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESSA
HEREBY ENACTS AS FOLLOWS:

THAT the action of the Council at its meeting held on the 6th day of April, 2022 and, in respect of each recommendation contained in the Minutes of the Regular Council meeting held on the 23rd day of March, 2022 and the Committee of the Whole meeting held on the 23rd day of March, 2022; and, in respect of each motion, resolution and other action passed and taken by Council at the said meetings, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

THAT the Mayor and the proper officials of the Township of Essa are hereby authorized and directed to do all things necessary to give effect to the said actions or to obtain approvals where required, and to execute all documents as may be necessary in that behalf and the Clerk is hereby authorized and directed to affix the Corporate Seal to all such documents.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND
FINALLY PASSED on this the 6th day of April, 2022.

Sandie Macdonald, Mayor

Lisa Lehr, Manager of Legislative Services