

**THE CORPORATION OF THE TOWNSHIP OF ESSA
COMMITTEE OF THE WHOLE MEETING
WEDNESDAY, MAY 3, 2023
6:00 p.m.**

AGENDA

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

1. OPENING OF MEETING BY THE MAYOR

In the absence of the Clerk, the powers and duties of the Clerk as assigned under the *Municipal Act*, 2001, have been delegated to the Chief Administrative Officer for all Council meeting(s) occurring on May 3, 2023, including Committee of the Whole, Closed Session and Regular Council meetings. (A written Delegation of Authority has been provided to the Chief Administrative Officer.)

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

2. DISCLOSURE OF PECUNIARY INTEREST

3. DELEGATIONS / PRESENTATIONS / PUBLIC MEETINGS

a. Public Meeting

Re: Proposed Amendment to Fees and Charges By-law

STAFF REPORTS

4. PLANNING AND DEVELOPMENT

- p. 1 **a. Staff Report PD013-23 submitted by the Manager of Planning, re: Proposed Personal Aerodrome at 5403 8th Line, Cookstown.**

Recommendation: *Be it resolved that Staff Report PD013-23 be received; and THAT Council direct Staff to prepare correspondence inclusive of comments to the applicant with regard to a proposed aerodrome at 5403 8th Line, Cookstown, as part of the required Canada Aviation Regulations (CAR) 307 Aerodrome Work Consultation Process.*

- p. 20 **b. Memorandum dated April 25, 2023 submitted by Township Consultant MHBC Planning, re: Proposed 2023 Provincial Planning Statement.**

Recommendation: *Be it resolved that the memorandum dated April 25, 2023 from the Township's Consultant, MHBC Planning, regarding the Proposed 2023 Provincial Planning Statement be received for information.*

5. PARKS AND RECREATION / COMMUNITY SERVICES

- p. 26 a. **Staff Report PR008-23 submitted by the Manager of Parks and Recreation, re: Award of Tender – 2023 Tennis Court Resurfacing.**

Recommendation: *Be it resolved that Staff Report PR008-23 be received; and THAT the quotation as received from Sport Court Specialists for the 2023 Tennis Court Resurfacing RFP be accepted in the amount of \$131,376.00 (excluding HST) as per Township specifications, contingent upon the WSIB Clearance Certificate and the Certificate of Insurance being provided to the municipality.*

- p. 28 b. **Staff Report PR009-23 submitted by the Manager of Parks and Recreation, re: Award of Tender – 2023 Administration Centre, Public Works, OPP Cleaning Tender.**

Recommendation: *Be it resolved that Staff Report PR009-23 be received; and THAT the quotation as received from Super Clean Building Maintenance Inc. for the 2023 Janitorial Quotation RFQ be accepted in the amount of \$27,545.40 (excluding HST) as per Township specifications, contingent upon the WSIB Clearance Certificate and the Certificate of Insurance being provided to the municipality.*

6. FIRE AND EMERGENCY SERVICES

7. PUBLIC WORKS

8. FINANCE

9. CLERKS / BY-LAW ENFORCEMENT / IT

- p. 31 a. **Staff Report C010-23 submitted by the Manager of Legislative Services, re: ATV / ORV By-law.**

Recommendation: *BE IT RESOLVED THAT Staff Report C010-23 be received; and THAT Council approve the allowance of ATVs / ORVs on the paved or unpaved vehicular driving surface of roads under municipal jurisdiction during the designated season of May 1st to November 1st each calendar year, on a permanent basis; and THAT Council approve the Draft By-law to amend Essa's ATV / ORV By-law 2021-16.*

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

11. OTHER BUSINESS

12. ADJOURNMENT

Recommendation: *Be it resolved that this meeting of Committee of the Whole of the Township of Essa adjourn at _____ p.m., to meet again on the 17th day of May, 2023 at 6:00 p.m.*



**PUBLIC MEETING OUTLINE
PROPOSED AMENDMENT TO BY-LAW 2013-28
FEES AND CHARGES
MAY 3, 2023**

MAYOR:

The purpose of this Public Meeting is to provide the public an opportunity to comment on proposed amendments to the Township of Essa's Fees and Charges By-law specifically in relation to the newly proposed fees as recommended in Staff Report C008-23, as well as the new administrative monetary penalty fees specific to automated speed enforcement.

DESCRIPTION OF THE PROPOSAL – CHIEF ADMINISTRATIVE OFFICER

Administrative enforcement fees are permitted to be set by Council, however these fees are not permitted to be deemed a penalty. As such, administrative enforcement fees are required to be reasonable in nature so as to allow the municipality the opportunity to recover cost(s) for enforcement of its own municipal by-laws where infractions have been found to exist.

In accordance with section 391 of the *Municipal Act*, 2001, as amended, a municipality is permitted to impose fees or charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided; and
- (c) for the use of its property including property under its control".

Subsection 391(3) of the Municipal Act, further permits that a fee or charge may include costs related to:

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

At its meeting of April 19, 2023, Council received Staff Report C008-23 which provided an overview of newly recommended fees to be included in Essa's Fees & Charges By-law. The new proposed fees are specific to administrative enforcement fees and are restricted to the recovery of costs for the enforcement of municipal by-laws where infractions have been found to exist. It is proposed that the administrative enforcement fees be implemented to assist this municipality in the recovery of costs for resources expended to achieve compliance of municipal by-laws. These administrative fees would be in addition to penalties that have been applied for the existing infraction in the form of a fine. Where infractions of municipal by-laws exist, the combination of administrative enforcement fees with the set fine penalty will work to achieve voluntary compliance by residents.

The proposed administrative enforcement fees where infractions of municipal by-law exist are as follows:

Name of Fee		Amount of Fee	Justification of Fee
Line Fence Dispute Application Fee		\$200.00	Recovery of costs for <i>Line Fences Act</i> dispute resolution
Municipal By-law	Name of Fee	Amount of Fee	Justification of Fee
CANINE CONTROL BY-LAW ENFORCEMENT FEES	Issuance of Dangerous Dog Declaration and/or Muzzle Order	\$200.00	Recovery of costs for investigation into dog bite/aggression (approximately 5-10 hours is involved where dog bites have occurred, per incident)
	Dangerous Dog Investigation Fee	\$50.00	<ul style="list-style-type: none"> - Per subsequent visit after infraction has been identified. - To ensure compliance with dangerous dog provisions in Canine Control By-law - To ensure compliance with provisions of Canine Control By-law
	Canine Control Investigation Fee	\$50.00	
SIGN BY-LAW ENFORCEMENT FEES	Issuance of Order/Notice	\$75.00	<ul style="list-style-type: none"> - Fee for enforcement where infraction exists - Cost recover for removal of up to 10 signs - To be administered where "owner" is found
	Sign Removal Fee	\$100.00	
	Sign Disposal Fee	Cost PLUS 25%	
UNTIDY LOT BY-LAW ENFORCEMENT FEES	Issuance of First Order/Notice	\$100.00	- Administration fee(s)
	Issuance of Second Order/Notice	\$150.00	
	Investigation Fee	\$50.00	- Per visit where infraction(s) exist, to ensure compliance has been achieved after Order(s) issued
	Clean-up Costs	Cost PLUS 25%	<ul style="list-style-type: none"> - Administrative fee - Covers municipality's out-of-pocket expenses in whole or in part - Coordination of contractor hired to perform works on behalf of municipality
	Officer Attendance	MLEO Rate of Pay per Hour	<ul style="list-style-type: none"> - MLEO is required to remain on the property for the duration while contractor performs the work(s) - This recovers the municipality's cost for compliance of municipal by-law
LITTERING / ILLEGAL DUMPING BY-LAW ENFORCEMENT FEES	Investigation Fee	\$50.00 / hr	<ul style="list-style-type: none"> - Administrative Fees - Recover staff costs for sifting through debris for personal information linking illegal dump to an individual - To assist in recovery of municipality's out-of-pocket expenses to clean-up - Can include staff time, transportation to/from transfer facility, mileage, disposal fee(s), rental of municipal vehicle
	Clean-up Costs	Cost PLUS 25%	

In respect to the proposed Automated Speed Enforcement Administrative Monetary Fees, Ontario Regulation 355/22 made under the *Highway Traffic Act*, 1990, sets the parameters for administrative monetary penalties and associated administrative monetary fees that can be collected as a result of infractions captured through an automated speed enforcement program. The recommended fees are as follows:

Name of Fee	Amount of Fee	Justification of Fee
Non-appearance Fee (Screening)	\$60.00	- To be administered for non-appearance where appeal has been requested
Non-appearance Fee (Hearing)	\$60.00	
MTO Plate Search Fee	\$8.25	- Recovery of municipality's out-of-pocket cost associated with pulling personal information from MTO database for speeding infraction
Plate Denial Fee	\$20.00	- Per MTO Agreement
Late Payment Fee	\$20.00	- Per O. Regulation 355/22 - Per Ministry of Attorney General Agreement

The recommended fees for the automated speed enforcement administrative monetary penalty system is in line with legislation.

COMMENTS FROM THE PUBLIC - MAYOR

Speakers must state their name and address so that proper records may be kept and notice of future decisions can be sent to those persons involved in the review process.

REPLY – MAYOR

Council may ask questions for clarification.

Public may respond to points clarified by Council and amendments suggested by Staff.

FINAL STATEMENT – MAYOR

If there are no further questions, Council wishes to thank all those in attendance for their participation. The Clerk's Department will be preparing a by-law to be presented to Council concerning this matter at the Regular Meeting scheduled on May 17, 2023.



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PD011-23

DATE: May 3rd, 2023

TO: Committee of the Whole

FROM: Samuel Haniff
Manager of Planning

SUBJECT: Proposed Personal Aerodrome
at 5403 8th Line, Cookstown

RECOMMENDATION

Staff Report PD013-23 be received; and

That Council direct Staff to prepare correspondence inclusive of comments to the applicant with regard to a proposed aerodrome at 5403 8th Line, Cookstown as part of the required Canada Aviation Regulations (CAR) 307 Aerodrome Work Consultation Process.

BACKGROUND

The Township has been notified by Adam Wachtel that a proposed new aerodrome proposal was submitted to Transport Canada for approval (Attachment A). The work being considered comprises one north-south grass runway 610m long and 23m wide. While fill is not required at this time, the applicant has been informed that if fill is required at any point in the future, all relevant Township permits must be acquired and the Site Alteration and Fill By-law (2019-84) adhered to (Attachment G).

The purpose of the aerodrome is for personal use by the proponent, a recreational pilot since 1994.

Under the Canada Aviation Regulations (CAR) 307 Aerodrome Work Consultation Process (Attachment B), Transport Canada requires aerodrome proponents to consult with interested parties before developing an aerodrome.

Transport Canada defines "Aerodrome" as *"any area of land, water (including ice surfaces) or other supporting surface used, designed, prepared, equipped or designated for the arrival and departure, movement or servicing of aircraft. Includes all associated buildings, installations and equipment."*

As required, the proponent circulated to relevant agencies and residents. (Attachments C, D & E)

COMMENTS AND CONSIDERATIONS

Transport Canada is the approving agency for this application and the Township of Essa is a commenting agency.

In February, the proponent had, in error, included the Nottawasaga Valley Conservation Authority (NVCA) as the local Planning Authority in his application. After being informed by Transport Canada that Essa Township is the local Planning Authority (not the NVCA), he was asked to reach out to the Township for comment. It is intended that Township comments will be forwarded to Transport Canada as part of their Canada Aviation Regulations (CAR) 307 Aerodrome Work Consultation Process

The municipality's concerns are taken into consideration, and the licensing process will be delayed for negotiations if the Municipality does not support the application.

Through the consultation process, the proponent must seek comment from the local municipality.

According to the Township's Zoning By-law (2003-50), the subject property is zoned as Agricultural (A). According to the Township's Official Plan, the subject property is designated as Aggregate Potential and Extractive Industrial.

The Township does not have jurisdiction over the location of aeronautical facilities. According to Transport Canada Advisory Circular (AC) No. 300-009 Section 4, "*The exclusive jurisdiction over the location of aeronautical facilities has been repeatedly affirmed by Canadian courts. The federal aeronautics jurisdiction encompasses not only the regulation of the operation of aircraft and aerodromes, but also the power to determine the location of aerodromes.*" (Source: [Advisory Circular \(AC\) No. 300-009 \(canada.ca\)](#))

When asked about resident concerns, the proponent insisted that there are no concerns (Attachment F)

Currently, Staff do not object to the proposed use and recommend Council to provide the attached comments (Attachment G) for the proposed aerodrome at 5403 8th Line, Cookstown as part of the required Canada Aviation Regulations (CAR) 307 Aerodrome Work Consultation Process.

FINANCIAL IMPACT

None.


Manager of Finance Approval

SUMMARY/OPTIONS

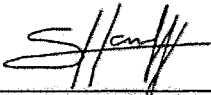
Council may:

1. Take no further action.
2. **Direct Staff to provide comments for the proposed aerodrome at 5403 8th Line, Cookstown.**
3. Direct Staff in another manner Council deems appropriate.

CONCLUSION

Option #2 is recommended.

Prepared and Submitted by:



Samuel Haniff, BURPI., MCIP, RPP
Manager of Planning

Reviewed by:



Colleen Healey-Dowdall
CAO

- Attachment A – Correspondence from Transport Canada
- Attachment B – Aerodrome Work Consultation Summary Report
- Attachment C – Consultation Circulation Spreadsheet
- Attachment D – Proposed Aerodrome Notice
- Attachment E – Signage of Proposed Aerodrome Notice
- Attachment F – Email from the Proponent about resident concerns
- Attachment G – Township comments to Proponent on the proposed aerodrome

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ATTACHMENT A

Adam Wachtel

From: ONT Aviation Services / Services aviation ONT (TC) <aviation.ont@tc.gc.ca>
Sent: February 9, 2023 8:41 AM
To: Adam Wachtel
Subject: Service Receipt for ATS-22-23-00051938

UNCLASSIFIED / NON CLASSIFIÉ

Thank you for submitting a service application to Transport Canada Civil Aviation. It has been captured in our workflow tracking system with the following details:

Request received on February 8, 2023

ATS Reference Number: ATS-22-23-00051938

Service Application: CAR 307 CONSULTATION for PROPOSED AERODROME, 5403 8TH LINE, COOKSTOWN, ON

Payment Required: NO FEE, NO PAYMENT REQUIRED.

Fees are payable in Canadian dollars before a service application can be processed. Please use the Online Payment System at <http://www.canada.ca/payments-air> to complete your payment. Forward the payment receipt by email to: aviation.ont@tc.gc.ca and be sure to include the ATS reference number as stated above.

Submitting a complete request /application with confirmation of payment can save processing time. To provide additional information related to your service application or for status inquiries, you may contact your Regional office by telephone at 1-800-305-2059 or by email at: aviation.ont@tc.gc.ca. Please have the ATS reference number available.

Objet : Vérification de votre demande de services — Paiement à effectuer

Nous vous remercions d'avoir présenté une demande de services à Transports Canada, Aviation civile. Votre demande a été consignée dans notre système de suivi du travail avec les détails suivants :

Date de réception de la demande : February 8, 2023

Numéro de référence du SSA : ATS-22-23-00051938

Demande de services : CAR 307 CONSULTATION FOR PROPOSED AERODROME, 5403 8TH LINE, COOKSTOWN, ON

Paiement à effectuer : AUCUN FRAIS, AUCUN PAIEMENT REQUIS

Vous devez payer ces frais en dollars canadiens avant que votre demande ne puisse être traitée. Veuillez utiliser le Système de paiement en ligne à l'adresse suivante pour effectuer votre paiement : Système de paiement en ligne — Canada.ca (tc.gc.ca). Envoyez le reçu de votre paiement à aviation.ont@tc.gc.ca et assurez-vous d'inscrire le numéro de référence du SSA indiqué ci-dessus.

En présentant une demande complète et une confirmation de votre paiement, vous pouvez réduire le délai de traitement de votre demande. Si vous souhaitez fournir des renseignements supplémentaires en lien avec votre demande de services ou connaître l'état de votre demande, vous pouvez communiquer avec votre bureau régional par téléphone (1-800-305-2059) ou par courriel (aviation.ont@tc.gc.ca). Assurez-vous d'avoir votre numéro de référence du SSA en main.

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Adam Wachtel

From: Land Use <LandUse@navcanada.ca>
Sent: February 24, 2023 11:25 AM
To: Aerodrome@platinumgroup.ca
Cc: Aerodrome@platinumgroup.ca; , Ontario Region, Transport Canada; Graham Kirby, Cookstown/Kirby Field CKF8; Bob Mackenzie, CNY4 - Alliston ON; Jim Cole, Cookstown/Tally-Ho Field - CTH8; John Belonzo, Alliston (Heli) - CPJ2; Bronwen Ainsworth, Air Navigation Data; chascorm; , IDS North America Ltd.; David Scott; Adam Wachtel
Subject: 23-0573: New Aerodrome ((CAR 307) Proposed Aerodrome 5403 8th Line Cookstown Ontario) - Cookstown, ON
Attachments: 23-0573 Coords.xlsx; 23-0573 Letter to proponent.pdf; Proposed Aerodrome Cookstown 20230209.pdf

Hello Adam,

Please find attached a letter from NAV CANADA regarding your new aerodrome ((CAR 307) Proposed Aerodrome 5403 8th Line Cookstown Ontario) submitted on 2023-02-10.

If you have any questions, please don't hesitate to contact me.

The subject proposal data have been distributed to External Design Organizations (EDOs) for their assessment of possible effects on procedures they maintain.

They will contact you directly if any concerns arise during their evaluation. If you have any questions or concerns pertaining to their assessment, please contact the EDO directly.

NAV CANADA's land use evaluation is based on information known as of the date of this letter and is valid for a period of 18 months, subject to any legislative changes impacting land use submissions. Our assessment is limited to the impact of the proposed physical structure on the air navigation system and installations; it neither constitutes nor replaces any approvals or permits required by Transport Canada, other Federal Government departments, Provincial or Municipal land use authorities or any other agency from which approval is required. Innovation, Science and Economic Development Canada addresses any spectrum management issues that may arise from your proposal and consults with NAV CANADA Engineering as deemed necessary.

Regards,

Simon Le Bon
 Supervisor, Land Use / Superviseur, Utilisation de terrains
 AERONAUTICAL INFORMATION MANAGEMENT (AIM)
 GESTION DE L'INFORMATION AÉRONAUTIQUE
Simon.LeBon@navcanada.ca | Group: landuse@navcanada.ca
 1601 Tom Roberts Avenue, Ottawa, ON K1V 1E5
 T. 613-248-4013



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February 24, 2023

(CAR 307) Proposed Aerodrome 5403 8th Line Cookstown Ontario
Your file
Our file
23-0573

Mr. Adam Wachtel
Private Aerodrome
5403 8th Line
Cookstown, ON
LOL 1L0

**RE: Airport Project: New Aerodrome - Cookstown, ON
(See attached document(s)) Circuit height 1000' AGL**

Mr. Wachtel,

NAV CANADA has evaluated the captioned proposal and has no objection to the project as submitted; however, please note the following:

- Should you decide to have this aerodrome registered or certified, a formal request must be made to Transport Canada. Once all information is approved by Transport Canada, a request will then be made to NAV CANADA Data Collections (AISData@navcanada.ca) for publication.

The subject proposal data have been distributed to External Design Organizations (EDOs) for their assessment of possible effects on procedures they maintain. They will contact you directly if any concerns arise during their evaluation. If you have any questions or concerns pertaining to their assessment, please contact the EDO directly.

NAV CANADA does not require notification of construction; however, if you should decide not to proceed with this project, please advise us accordingly so that we may formally close the file. If you have any questions, contact the Land Use Department by email at landuse@navcanada.ca.

NAV CANADA's land use evaluation is based on information known as of the date of this letter and is valid for a period of 18 months, subject to any legislative changes impacting land use submissions. Our assessment is limited to the impact of the proposed physical structure on the air navigation system and installations; it neither constitutes nor replaces any approvals or permits required by Transport Canada, other Federal Government departments, Provincial or Municipal land use authorities or any other agency from which approval is required. Innovation, Science and Economic Development Canada addresses any spectrum management issues that may arise from your proposal and consults with NAV CANADA Engineering as deemed necessary.

Our assessment does not constitute an approval and/or permit from other agencies. This document contains information proprietary to NAV CANADA. Any disclosure or use of this information or any reproduction of this document for other than the specific purpose for which it is intended is expressly prohibited except as NAV CANADA may otherwise agree in writing.

Regards,

Land Use Office
NAV CANADA

cc ONTR - Ontario Region, Transport Canada
CKF8 - KIRBY FIELD
CNY4 - ALLISTON
CTH8 - TALLY-HO FIELD
CPJ2 - ALLISTON(HELI)
Air Navigation Data
C. Cormier
IDS NA
JetPro
adam@platinumgroup.ca

b

Aerodrome Work Consultation Summary Report

New Aerodrome Proposal 5403 8th Line, Cookstown Ontario LOL 1L0

As per Transport Canada Aviation Regulations (CAR Part 307)

March 27 2023

Proponent:

Adam Wachtel

2134183 Ontario. Inc

5403 8th Line

Cookstown Ontario

LOL 1L0

Cell: 416 984 6510

E: aerodrome@platinumgroup.ca



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Introduction

The proponent of the new aerodrome (2134183 Ontario Inc.) is owned by a long time recreational pilot (since 1994) named Adam Wachtel. The proponent has an interest in operating his general aviation aircraft from his own private registered air field. Much like many others fellow pilots in the surrounding area.

General Description

The work being considered by the proponent comprises of one North South runway. The runway is planned to be grass and approximately 610m long and 23m wide.

The work is proposed to commence spring of 2023, and be completed before summer of 2023 subject to the outcome of the CAR 307 process as outlined in this Summary Report

Canadian Aviation Regulations (CAR) 307 Aerodrome Work Consultation Process

As of January 1, 2017, Transport Canada enacted regulations that require aerodrome proponents to consult with interested parties before developing an aerodrome.

Interested parties may include local citizens, municipalities, local aerodrome operators, air navigation service providers, and Transport Canada.

The work proposed meets the definition of building a new aerodrome. As a result, the CAR 307 consultation process applies and must be followed.

This Summary Report documents how the requirements of Canadian Aviation Regulations Aerodrome Work Consultations Part 307 have been met.

Requirement — Consultations

307.03 The proponent shall consult with the interested parties in accordance with the requirements of this Subpart.

Interested Parties

307.04 (1) For the purposes of this Subpart, the interested parties are the following:

(a) if a built-up area of a city or town is located within a radius of 4 000 m from the location of

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the proposed aerodrome work, **(WHICH THIS SUBJECT PROPERTY IS NOT WITHIN 4000m OF A BUILT UP AREA OF A TOWN OR CITY)**

- ☐ (i) the Minister,
- ☐ (ii) the providers of air navigation services,
- ☐ (iii) the operator of a certified or registered aerodrome located within a radius of 30 nautical miles from the location of the proposed aerodrome work,
- ☐ (iv) the authority responsible for a protected area located within the radius of 4 000 m from the location of the proposed aerodrome work,
- ☐ (v) any local land use authority where the proposed aerodrome work is to be carried out, and
- (vi) members of the public who are within the radius of 4 000 m from the location of the proposed aerodrome work; or

The Proponent acknowledges that it must consult with interested parties as defined by this regulation as defined under this section 307.04(1) (a).

(b) in any other case,

- ☐ (i) the Minister,
- ☐ (ii) the providers of air navigation services,
- ☐ (iii) the operator of a certified or registered aerodrome located within a radius of 30 nautical miles from the location of the proposed aerodrome work,
- (iv) the authority responsible for a protected area located within a radius of 4 000 m from the location of the proposed aerodrome work,
- ☐ (v) any local land use authority where the proposed aerodrome work is to be carried out, and
- ☐ (vi) the owner of any land bordering the land on which the proposed aerodrome work is to be carried out.

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Notice and Sign

307.05 The proponent shall, at least 75 days before the expected start date of the proposed aerodrome work,

- (a) provide a notice of the proposed aerodrome work to the interested parties referred to in subparagraphs 307.04(1)(a)(i) to (v) or paragraph 307.04(1)(b), as applicable; and
- (b) in the case referred to in paragraph 307.04(1)(a), place a sign, in plain view of the public, at the location where the proposed aerodrome work is to be carried out.

Content of Notice and Sign

307.06 The proponent shall include the following information on the notice and the sign:

- (a) a drawing showing the location of the proposed aerodrome work;
- (b) a description of the proposed aerodrome work and its purpose;
- (c) the expected start date and completion date of the proposed aerodrome work;
- (d) a statement that the interested parties may provide their comments or objections to the proponent with respect to the proposed aerodrome work;
- (e) contact information, including the mailing address, phone number and email address, for the contact persons to whom the interested parties may provide their comments or objections; and
- (f) the period, which shall be at least 45 days, during which the interested parties may provide their comments or objections.

In order to satisfy the consultation requirements laid out in CAR 307 the Proponent has sent a notice to all interested parties listed within CAR 307.04 through 307.06 the proponent has executed the following tasks;

- 1) Sent by registered mail (Feb 8th 2023) a notice of proposed aerodrome containing the required info as laid out in CAR 307.06 to all interested parties as laid out in CAR 307.04(1)(b)
- 2) Sent by registered mail (Feb 8th 2023) a notice of proposed aerodrome containing the required info as laid out in CAR 307.06 to all interested parties as laid out in CAR 307.04(1)(a)
- 3) Sent by email (Feb 8th 2023) a notice of proposed aerodrome containing the required info as laid out in CAR 307.06 to The Minister, The providers of air navigation services, all operators of certified or registered aerodromes located within 30NM from the perimeter of the subject property, the protected land use authority in this jurisdiction.
- 4) Even though the subject property is not within 4000m of a built up area the proponent followed the more stringent process and sent by mail a notice to the residences within the 4000m radius of the subject property. Furthering the effort to have a comprehensive consultation process

The notice of proposed aerodrome can be found attached as **Schedule A**

In order to satisfy the consultation requirements laid out in CAR 307 the Proponent has sent a notice to all interested parties listed within CAR 307.04 through 307.06 the proponent has erected a sign containing all required info as laid out in CAR 307.06.

The sign was erected in plain view of the public 3m from the road on February 6th 2023

The Sign contents and picture can be found attached as **Schedule B & C**

The list of Interested Parties notified of the proposed project can be found attached as **such in excel format.**

The excel attachment is a spreadsheet showing the interested parties that were engaged in the consultation process. It will show the method they were engaged by (Registered Mail, Mail, Email etc) and any correspondence between the proponent and the parties has been recorded on this spreadsheet as well.

THE MINISTER

In accordance with Regulation Section 307.04 (1)(a)(i), the Minister of Transport was informed using the Transport Canada Ontario Region Aviation Safety email address tc.aviationservicesont-servicesaviationont.tc@tc.gc.ca. A copy of the Email response, is attached in **Schedule E**. Dated February 9, 2023, confirming receipt of the initial notification, and issuing a file number.

AIR NAVIGATIONS SERVICES (NAV CANADA)

In accordance with Regulation Section 307.04 (1)(a)(ii), the provider of Air Navigation Services, NAV CANADA, was informed via registered letter and email on February 8 2023 including a copy of the notice (**Schedule A**). Copies of the email correspondence and NAV CANADA's "no objection" response are attached in **Schedule E**.

OPERATORS OF A CERTIFIED OR REGISTERED AERODROME

In accordance with Regulation Section 307.04 (1)(a)(iii), the following list of aerodrome operators within a radius of 30 nautical miles were sent the notice by registered mail and email where able on Feb 8 2023. The list of Aerodrome operators engaged is included with in **Schedule D**. Responses to this engagement are noted in **the spreadsheet**.

THE AUTHORITY RESPONSIBLE FOR PROTECTED AREAS AND LAND USE

In accordance with Regulation Section 307.04 (1)(a)(iv) & (v), **Schedule D** summarizes the local and federal agencies who were advised of the project via registered mailed and or emailed notices issued February 8 2023.

THE MEMBERS OF THE PUBLIC WITHIN 4000M OF THE SUBJECT PROPERTY

Despite the subject property **NOT** being within the 4000m radius the proponent has engaged the community via Canada Post mail service. In accordance with 307.04 (1)(a)(vi) a copy of the notice (found on Schedule A) was mailed out to the postal routes within the 4000m radius of the subject property. Any correspondence with public members is noted in **Schedule D**. The responses from the public have been withheld for privacy sake but are available upon request.

THE OWNER OF ANY LAND BORDERING THE LAND ON WHICH THE PROPOSED AERODROME WORK IS TO BE CARRIED OUT

All adjacent land owners received the notice **Schedule A 307.04 (1)(b)(vi)** via registered mail AND via Canada post Mail service

SUMMARY OF COMMENTS AND OBJECTIONS RECEIVED THROUGH AERODROME WORK CONSULTATION PROGRAM AND ACTIONS TO BE TAKEN

The public consultation undertaken by the Proponent in accordance with the CARS Regulation 307 resulted in the receipt of a total of 26 total responses over the forty-five (46) day period beginning Feb 8, 2023 and ending March 27 2023.

Of the 26 total responses those that were by email are contained within this summary report in **Schedule E**. Any responses that were not in written form are notarized on **Schedule D**

The responses from interested parties that contained concern or objection totalled 4. Responses from these interested parties were all met with an explanation by conversation and or email clarifying the intended use of the Aerodrome of the proposal and answers to any specific questions put forward. In all cases but one this mitigated the concern or objection and the proposal became well received by the respondent. The one remaining interested party who has not replied again since receiving the same explanation of the proposal simply has not responded again. That same person did not put forth their address.

In each of the cases explaining that this is not a "Buttonville or Pearson type" operation satisfied all parties that expressed concern. Explaining the nature of general aviation, my intentions, and the small size of my airplane removed the concern the responders had. These correspondences are notarized within **the spreadsheet**.

Please note that proof of registered mail receipts, and email correspondence with all public respondents is available upon request.

This summary report and any amendments will be available at the subject property for 5 years.

Attachment D

Proposed Aerodrome
5403 8th Line Cookstown Ontario

**Aerodrome Work Consultation Notification per Canadian Aviation Regulations Part III,
Subpart 307**

The proposed work includes:

One runway up to 2000' (610 meters) in length. For private general aviation use.

The work is proposed to commence at 5402 8th line Cookstown Ontario LOL 1LO in the Spring of 2023 and be completed in approximately 3 months.

Under Canadian Aviation Regulations Part III, Subpart 307, Transport Canada requires that any new aerodrome proposal include informing and consulting with the local community

Comments or objections are welcome with respect to the proposed new aerodrome and can be emailed to:

Aerodrome@platinumgroup.ca by phone at 416-984-6510 or mail to:

Private Aerodrome
c/o Adam Wachtel
5403 8th Line
Cookstown Ontario
LOL 1LO

Submissions are welcomed from February 8th 2023 until March 26th 2023

Additional information related to the Aerodrome Work Consultation process can be found at Transport Canada's website at: <https://tc.canada.ca/en/aviation/reference-centre/advisory-circulars/advisory-circular-ac-no-307-001>

PROPOSED AERODROME

5403 8TH LINE COOKSTOWN ONTARIO

Aerodrome Work Consultation Notification per Canadian Aviation Regulations Part III, Subpart 307

The proposed work includes:

One runway up to 2000' (610 meters) in length. For private general aviation use. The work is proposed to commence at 5402 8th Line Cookstown Ontario L0L 1L0 in the Spring of 2023 and be completed in approximately 3 months.

Under Canadian Aviation Regulations Part III, Subpart 307, Transport Canada requires that any new aerodrome proposal include informing and consulting with the local community.

Comments or objections are welcome with respect to the proposed new aerodrome and can be emailed to:

Aerodrome@platinumgroup.ca by phone at 416-984-6510 or mail to:

Private Aerodrome

c/o Adam Wachtel

5403 8th Line

Cookstown Ontario

L0L 1L0

Submissions are welcomed from February 8th 2023 until March 26th 2023

Additional information related to the Aerodrome Work Consultation process can be found at Transport Canada's website at: <https://tc.canada.ca/en/aviation/reference-centre/advisory-circulars/advisory-circular-lar-ac-no-307-001>

Attachment F

Samuel Haniff

From: Adam Wachtel <Adam@platinumgroup.ca>
Sent: April 21, 2023 12:28 PM
To: Samuel Haniff
Cc: Aerodrome@platinumgroup.ca
Subject: Re: 5403 8th Line

You don't often get email from adam@platinumgroup.ca. [Learn why this is important](#)

Sam

I have done a 4km radius mailer
I have circulated to all airports within 30Nm
All abutting landowners
And transport canada NAV canada nota wasaga conservation. Canada wildlife and more

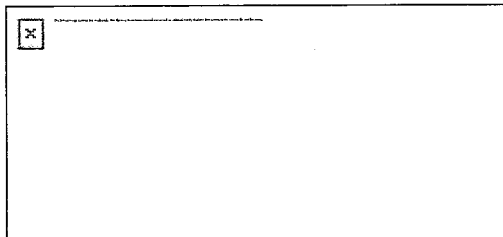
Much of the above done by registered mail

All of my correspondence with the public was positive. A handful showed some concern, but when I answered their questions explaining the purpose of the application and what my intended use was all seemed content with the explanation, and either wished me good luck going forward, or said they had no issue.

Toronto skydiving school over on the 10th line in Innisfil area has expressed concern re their airplane routes and jump areas and Joseph Chao the ops manager plans on meeting me this weekend to have a discussion about his operation in relation to my strip, I don't have any inclination that he opposes my strip just feels Some good conversation further enhances safety

I have a home that is closer to Toronto skydive than this property. I have been flying this area for 30 years and don't foresee any issue whatsoever

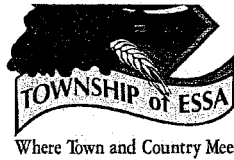
Sincerely
Adam Wachtel
President
Platinum Electrical Contractors Inc.
5403 8th Line
Cookstown Ontario
L0L 1L0



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Attachment G

Corporation of the Township of Essa
5786 Simcoe County Road #21
Utopia, Essa Township, Ontario
L0M 1T0



Telephone: (705) 424-9917
Fax: (705) 424-2367
Web: www.essatownship.on.ca
Email: shaniff@essatownship.on.ca

DRAFT

May 4, 2023

Private Aerodrome
c/o Adam Wachtel
5403 8th Line
Cookstown, ON,
L0L 1L0

Dear Sir,

**RE: Proposed Private Aerodrome
at 5403 8th Line, Roll #4321-010-002-07100-000
Township of Essa Comments**

Reference is made to the "Aerodrome Work Consultation Notification per Canadian Aviation Regulations Part III, Subpart 307" (Attachment A) that was circulated to Essa Township on April 18, 2023 in regard to ESSA CON 9 PT LOT 4, Township of Essa.

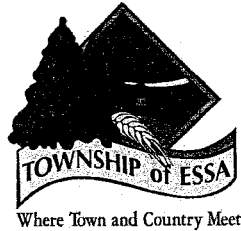
The Township has no objection to the proposed aerodrome at 5403 8th Line.

This letter is provided on condition that any site alteration conforms to the Township of Essa Site Alteration and Fill By-law (2019-84) and that all relevant Township permits are acquired.

Where fill is imported to the site, the following shall also apply:

- a. A site grading plan shall be prepared for the proposed work prior to the deposit of any soil to the property (if any) specifying the total amount of soil to be imported;
- b. The Property Owner will be required to enter into an agreement with the Township based on the amount of soil to be imported to site utilizing the Township of Essa road network. This agreement will include provisions with respect to our Site Alternation and Fill By-law at a rate of \$1.80 per cubic meters of soil brought to the property, along with a letter of credit to be filed with the Township in a form and nature to the satisfaction of the Township. The letter of credit shall be for the purpose of any and all damages, remediation or repairs required as a result of the activities which may be permitted and not covered by the tipping fees. The Letter of Credit shall continue for the entire duration of the fill activities (if any);
- c. The letter of credit amount will be based on the site grading plan confirming the amount of soil to imported to site and the duration to complete the proposed work to better understand the anticipated damages to our road network;

Corporation of the Township of Essa
5786 Simcoe County Road #21
Utopia, Essa Township, Ontario
LOM 1T0



Telephone: (705) 424-9917
Fax: (705) 424-2367
Web: www.essatownship.on.ca
Email: shaniff@essatownship.on.ca

4a

- d. The designated haul route (if any) shall be agreed upon by the Township, acting reasonably. Any modifications or alterations to the haul route shall be approved in writing in advance by the Township; and
- e. The Property Owner shall prepare a Fill Management Plan in accordance with all Applicable Law including but not limited to O.Reg. 406/19 and the Ministry of Environment, Conservation and Parks' Management of Excess Soil – A Guide for Best Management Practices.

I trust the above is satisfactory. Should you have any questions, please do not hesitate to call.

Regards,

A handwritten signature in black ink, appearing to read "S. Haniff".

Samuel Haniff, BURPI, MCIP, RPP
Manager of Planning
Township of Essa

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MEMO

KITCHENER
WOODBRIDGE
LONDON
BARRIE
BURLINGTON

To:	Samuel Haniff, Township of Essa
From:	Jamie Robinson, BES, MCIP, RPP and Lee Bull, B.A., MCIP, RPP
Date:	April 25, 2023
File:	0675H
Subject:	Proposed 2023 Provincial Planning Statement

PURPOSE:

To provide a high level overview of the proposed 2023 Provincial Planning Statement that was released for comments on April 6, 2023. The overview focuses mainly on the proposed changes that apply to the Township of Essa.

2023 PROVINCIAL PLANNING STATEMENT - PURPOSE AND OVERVIEW:

The purpose of the proposed 2023 Provincial Planning Statement is to repeal the Growth Plan and 2020 Provincial Policy Statement (PPS) and replace these documents with an integrated policy statement. Similar to the current PPS, all decisions would be required to be consistent with this new Statement. The new Statement is expected to come into force and effect this fall (2023).

Comments are being accepted through the ERO posting (#019-6813) until June 5, 2023. Upon review of this memorandum, if you are considering submitting comments on the ERO posting we would be happy to provide you with policy guidance for your submission.

The following is a brief overview of the applicable policy changes within the proposed 2023 Provincial Planning Statement.

1. Growth Targets (Former Policy 1.1.2 and Proposed Policy 2.1.1)

When updating Official Plans, Municipalities will be required to have enough land designated for **at least** 25 years (a change from up to 25 years). Planning Authorities are permitted to extend beyond this horizon for infrastructure, employment areas and strategic growth areas (where applicable).

For instances where the Minister has made a zoning order, the resulting development potential shall be in addition to projected needs over the planning horizon established in the Official Plan and is to be incorporated at the next Official Plan update.

The Growth Plan required Municipalities to plan to specific population and employment targets for a horizon year. The Province expects that municipalities will continue to use the 2051 targets at a minimum. Over time, Municipalities will be expected to carry out their own forecasting.

2. Intensification (Former Policy 1.1.3.3 through 1.1.3.7 and proposed Policy 2.3.3)

The Growth Plan contained minimum intensification targets that municipalities were required to plan for within the delineated built up area (Growth Plan Policy 2.2.2), these targets have not been carried forward in the proposed PPS, 2023.

The proposed PPS, 2023 continues to support intensification by directing planning authorities to support general intensification and redevelopment to support complete communities as well as broader permissions for residential intensification.

The terms designated growth area and residential intensification have been removed from the PPS. The term delineated built-up area from the Growth Plan was not carried forward to the proposed PPS, 2023.

3. Comprehensive Review (Former Policy 1.1.3.8 and 1.1.3.9)

The concept of comprehensive reviews of Official Plans has not been carried forward into the proposed 2023 Provincial Planning Statement and the definition has been removed.

4. Settlement Area Expansions (Former Policy 1.1.3 and proposed Policy 2.3)

Settlement areas continue to be focus of growth and development and with the removal of the comprehensive review requirement municipalities have the ability to consider settlement area expansions at any time. In addition, landowners can apply for expansions. The tests to be applied when considering applications for expansion include: consideration of adequacy of servicing, phasing and avoiding impacts to agricultural lands including avoiding specialty crop areas and meeting the minimum distance separation formula. Previously, a Municipality was required to demonstrate that there were insufficient opportunities to accommodate the forecasted growth, before expanding its settlement area boundaries or identifying new settlement areas. This "needs test" has been removed in the proposed 2023 Provincial Planning Statement.

Planning Authorities are encouraged to establish density targets for new settlement areas or settlement area expansions based on local conditions. For reference, "Large and fast-growing municipalities" are encouraged to plan for a minimum density target of 50 residents and jobs per gross hectare. For reference this minimum density target is the same target from the Growth Plan for designated greenfield areas in policy 2.2.7.2.

5. Rural Areas in Municipalities (Former Policy 1.1.4 and Proposed Policy 2.5)

In rural areas, the policy to have rural settlement areas be the focus of growth and development has been removed, however, Policy 2.3 of the proposed 2023 Provincial Planning Statement still continues to direct growth and development to settlement areas. It is understood that this policy may have been removed as it is redundant. The policy to encourage the conservation and redevelopment of existing rural housing stock on rural lands has also been removed.

6. Rural Lands in Municipalities (Former Policy 1.1.5 and Proposed Policy 2.6)

Additional policy criteria has been added to the permitted uses on rural lands. Resource based recreational uses continue to include recreational dwellings however it states that recreational dwellings are not be intended as permanent residences.

The residential lot creation policies no longer require new lots to be “locally appropriate”. Multi-lot residential development on rural lands is proposed to be permitted where the site conditions are suitable for sewage and water services.

Former policy 1.1.5.3 has been removed (Recreational, tourism and other economic opportunities should be promoted).

Development is no longer required to be “compatible with the rural landscape” (former Policy 1.1.5.4). The policy now only requires development to be sustained by rural service levels.

7. Employment Areas (Former Policy 1.3.2 and Proposed Policy 2.8.2)

The definition of ‘employment areas’ is proposed to be changed in both the Planning Act (“Area of Employment”) and the proposed PPS, 2023. Uses that cannot locate in mixed use areas, such as heavy industry, manufacturing and large scale warehousing are permitted in employment areas while residential, public service facilities, institutional, commercial, and retail and office not associated with the primary employment use are prohibited. This term is now defined in the proposed PPS, 2023 as:

means those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. Uses that are excluded from *employment areas* are institutional and commercial, including retail and office not associated with the primary employment use listed above.

In addition, the term Provincially Significant Employment Zones found the Growth Plan is not carried over to the proposed PPS, 2023.

8. Employment Land Conversions (Former Policy 1.3.2.4 and Proposed Policy 2.8.2.4)

Municipalities can consider (and landowners can apply for) the removal of land from employment areas. The tests to be met include that there is a need for the removal, and the land is not required for employment uses over the long term, the proposed uses would not negatively impact the overall viability of the employment area by: avoiding, minimizing and mitigating potential impacts to existing or planned employment uses and maintaining access to major goods movement facilities and corridors. It is understood that long-term employment targets will come from Official Plans.

9. Agriculture (Former Policy 2.3 and Proposed Policy 4.3)

The agricultural system approach that was utilized in the Growth Plan is proposed to be carried forward to the PPS, 2023. This approach maintains and enhances geographically continuous agricultural land base. Within the agricultural land base prime agriculture area (including specialty crop areas) are to be designated and protected for long-term agricultural use.

Within prime agricultural areas a principal dwelling associated with an agricultural operation may be permitted as an agricultural use in accordance with provincial guidance except where residential dwellings are prohibited on remnant parcels of farmland created by severances. In addition, two additional residential units that are subordinate to the principal dwelling may be permitted in prime agricultural areas subject to meeting certain policy criteria.

Residential lot creation is no longer discouraged in prime agricultural areas. Subject to meeting certain policy criteria the total number of lots created from a lot or parcel of land as it existed on January 1, 2023 cannot exceed three. Policy criteria include the requirement for agriculture to be the principal use on the existing lot or parcel of land, any new residential use is to be compatible with and would not hinder existing agriculture operations, new lot is to be outside of a specialty crop area, comply with MDS formulae, limited to the size to accommodate the use and sewage and water services, has existing access on a public road with appropriate frontage for ingress and egress and is adjacent to existing non-agricultural land uses or lower priority agricultural lands.

Official Plans and Zoning By-laws are not permitted to be more restrictive than the new residential lot creation policies in the proposed PPS, 2023 except to address public health or safety concerns.

Residential lot creation for a residence surplus to an agricultural operation as a result of a farm consolidation continues to be permitted.

10. Energy Conservation, Air Quality and Climate Change (Former Policy 1.1.5 and Proposed Policy 2.9)

The climate change policies are more directed to specific actions in comparison to the current policies that are more high level. The policies include incorporating climate change considerations in planning for the development of infrastructure and public service facilities as well as supporting the achievement of compact, transit supportive and complete communities.

Compact built form and complete communities are terms that were formerly utilized in the Growth Plan. The definitions that have been added to the proposed PPS, 2023.

11. Natural Heritage (Former Policy 2.1 and Proposed Policy 4.0)

As of April 6, 2023, natural heritage policies and related definitions **remain under consideration** by the government. Once proposed policies and definitions are ready for review and input, they will be made available through a separate posting on the Environmental Registry of Ontario. ERO# 019-6813 will be updated with a link to the relevant posting once it is available.

12. Other Notable Changes

- A new term has been included "large and fast-growing municipalities". These municipalities are listed on Schedule 1 of the proposed 2023 Provincial Planning Statement and are comprised of 29 municipalities that make a large portion of Ontario's current population. Effectively these municipalities are: Toronto, York, southern Durham, Peel, Halton, Hamilton, London, Waterloo, Kitchener, Ottawa, Brantford, Guelph, Kingston, Niagara Falls and St. Catharines. These municipalities are required to identify and focus growth in strategic growth areas through specific policy requirements such as minimum density targets. (Proposed Policy 2.4.1).

- The term “affordable” as it relates to housing has been removed.
- The term “housing options” has been revised to include: laneway housing, garden suites, rooming houses, additional needs housing, multi-generational housing, student housing, farm worker housing, culturally appropriate housing, supportive, community and transitional housing.
- When planning for lands for employment outside of *employment areas*, and taking into account the transition of uses to prevent *adverse effects*, a diverse mix of land uses, including residential, employment, *public service facilities* and other institutional uses shall be permitted to support the achievement of *complete communities*. Official Plans and Zoning By-laws cannot be more restrictive than the above noted policy except for purposes of public health and safety (Proposed Policy 2.8.1.3 and 2.8.1.4).
- All Municipal decisions, including Zoning By-laws and permitting processes, must be consistent with the proposed 2023 Provincial Planning Statement, even before a Municipality’s Official Plan has been updated (Proposed Policy 6.1.6 and 6.1.7).
- Bill 97 gives the Minister several new powers which allow the Minister to directly intervene in certain planning functions.

Below is an excerpt taken from:

[Bill 97 and proposed Provincial Planning Statement | BLG](#)

The Minister is allowed to make Regulations and orders related to planning functions that previously would solely have been directed by local municipalities – Bill 97 gives the Minister several new powers which allow him to directly intervene in certain planning functions. Both the *City of Toronto Act* and the *Municipal Act, 2001* are amended through Bill 97 to provide the Minister with authority to make wide-ranging regulations which govern municipal powers. These regulations can:

- impose restrictions, limits, and conditions on the powers of municipalities to regulate the demolition and conversion of residential rental properties;
- prescribe requirements to be contained in by-laws;
- prescribe conditions that must be included as requirements for obtaining a permit; and
- prescribe requirements the municipality must impose on owners of land.

One regulation under the *Planning Act* and the *City of Toronto Act* has already been posted on the ERO for comment. This regulation would prescribe areas where site plan control could apply to developments containing 10 or fewer residential units, specifically, within 120 metres of a shoreline and within 400 metres of a railway line.

Changes to the *Ministry of Municipal Affairs and Housing Act* now allow the Minister to appoint up to four Deputy Facilitators, along with the Provincial Land and Development Facilitator, to advise and make recommendations to the Minister in respect of growth, land use and other matters, including Provincial interests. Once the Minister has appointed the Provincial Land and Development Facilitator or a Deputy Facilitator to advise, make recommendations, or perform any other functions with respect to land, he may access new powers granted pursuant to the *Planning Act*. The Minister may require

landowners to enter agreements with the Minister or a municipality concerning "any matters that the Minister considers necessary for the appropriate development of the land" (Section 49.2(1)). Landowners are restricted in terms of using their land or erecting new buildings or structures until they enter all agreements required by the order (Section 49.2(3)).

The *Planning Act* is also amended to allow the Minister to make regulations for transitional matters related to policy statements issued under subsection 3(1). Further, the Minister may now make orders under subsection 47(1)(a) of the Act to provide that policy statements, provincial plans, and official plans do not apply in respect of a license, permit, approval, or permission that is required before a use permitted by the order may be established.



5a

TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PR008-23
DATE: May 3, 2023
TO: Committee of the Whole
FROM: Jason Coleman – Manager of Parks and Recreation
SUBJECT: Award of Tender – 2023 Tennis Court Resurfacing

RECOMMENDATION

That Staff Report PR008-23 be received; and

That the quotation received from Sport Court Specialists for the 2023 Tennis Court Resurfacing RFP be accepted in the amount of \$131,376 (excluding HST) as per Township specifications, contingent upon WSIB Clearance Certificate and a copy of Insurance being provided to the Municipality.

BACKGROUND

The RFP for the 2023 Tennis Court Resurfacing was posted on the Township's website, digital board, and circulated in accordance with Essa's Procurement Policy A05-01. The closing date for this was April 19, 2023, at 2:00 pm.

Included in the 2023 budget, Council approved \$217,000 for this project to be completed along with other playground amenities.

COMMENTS AND CONSIDERATIONS

The following is a summary of results:

BIDDER	Price (Plus HST)
Sport Court Specialists	\$131,376
Arenes Construction	\$164,421

FINANCIAL IMPACT

The 2023 approved Capital budget is \$217,000 for parks and recreation for playgrounds and amenities. The lowest bid submitted for the Tennis Court Resurfacing is \$134,333.

Manager of Finance

SUMMARY/OPTIONS

Council may:

1. Take no action.
2. Award the Quotation to the lowest bidder, Sport Court Specialists in the amount of \$131,376 excluding HST.
3. Direct Staff in another course of action

CONCLUSION

Staff recommends that **Option 2** be approved based on the fact that all components and criteria are met that have been outlined in the scope of work.

Respectfully submitted,

Jason Coleman
Manager of Parks and Recreation



Colleen Healey-Dowdall
Chief Administrative Officer



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PR009-23

DATE: May 3, 2023

TO: Committee of the Whole

FROM: Jason Coleman – Manager of Parks and Recreation

SUBJECT: Award of Tender – 2023 Admin Centre, Public Works, OPP Cleaning Tender

RECOMMENDATION

That Staff Report PR009-23 be received; and

That the quotation received from Super Clean Building Maintenance Inc. for the 2023 Janitorial Quotation RFQ be accepted in the amount of \$27,545.40 (excluding HST) as per Township specifications, contingent upon WSIB Clearance Certificate and a copy of Insurance being provided to the Municipality.

BACKGROUND

The RFQ for the 2023 Janitorial Service Contract was posted on the Township’s website, digital board, biddingo, and circulated in accordance with Essa’s Procurement Policy A05-01. The closing date for this was April 19, 2023, at 4:30 pm.

Included in the 2023 Operating budget, Council approved \$31,438 for these services to be completed.

COMMENTS AND CONSIDERATIONS

The following is a summary of results:



BIDDER	TOTAL MONTHLY TENDER (Not including HST)	TOTAL ANNUAL TENDER (Not including HST)
Clean Crysta Services Inc	\$2,236.00	\$26,832.00
C.A. Sellers Cleaning Services Ltd.	\$3,965.00	\$47,580.00
SQM Janitorial Service Inc	\$3,245.08	\$38,940.96
2781203 Ontario Inc	\$2,850.00	\$34,200.00
Super Clean Building Maintenance Inc	\$2,295.45	\$27,545.40
Green Maples Environmental Inc	\$2,752.50	\$33,030.00

FINANCIAL IMPACT

2023 approved budget - \$31,438. The lowest bid not necessarily accepted.

Manager of Finance

SUMMARY/OPTIONS

Council may:

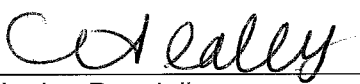
1. Take no action.
2. Award the Quotation to Super Clean Building Maintenance Inc. in the amount of \$27,545.40 excluding HST.
3. Direct Staff in another course of action

CONCLUSION

Staff recommends that **Option 2** be approved on the basis that Super Clean Building Maintenance Inc has previous municipal operation experience with cleaning facilities. There are no previous problems/complaints that this municipality is aware of and Super Clean Building Maintenance Inc is aware of the required expectations of the municipality.

Respectfully submitted,

Jason Coleman
Manager of Parks and Recreation


Colleen Healey-Dowdall
Chief Administrative Officer



Qa

TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C010-23
DATE: May 3, 2023
TO: Committee of the Whole
FROM: Lisa Lehr, Manager of Legislative Services
Michael Mikael, Manager of Public Works
SUBJECT: ATV / ORV By-law

RECOMMENDATION

That Staff Report C010-23 be received; and

That Council approve the allowance of ATVs / ORVs on the paved or unpaved vehicular driving surface of roads under municipal jurisdiction during the designated season of May 1st to November 1st each calendar year, on a permanent basis; and

That Council approve the Draft By-law to amend Essa's ATV / ORV By-law 2021-16.

BACKGROUND

At its meeting of May 5, 2021, Council passed By-law 2021-16 (Attachment No. 1) to allow ATVs / ORVs to be driven on roads under municipal jurisdiction on a trial basis (Pilot Project). The Pilot Project was extended by Council into 2022, with Council requesting that a further Staff Report be provided in an effort to re-evaluate the merits of the ATV Pilot Program in 2023.

The current ATV Pilot Project By-law allows for off-road vehicles (ATVs) to travel on the paved or unpaved vehicular driving surface of all urban and/or rural roads under municipal jurisdiction between the hours of 7:00 a.m. to 11:00 p.m. from May 1st to November 1st in each calendar year.

COMMENTS AND CONSIDERATIONS

The Clerk has consulted with Municipal Law Enforcement Officers (MLEO), the Manager of Public Works and the Nottawasaga OPP and can confirm that there has been a decrease in the number of calls requesting assistance and/or complaints received by the municipality and the OPP about ATVs/ORVs on municipal roads than that which was filed previous to commencing the Pilot Project in 2021.

MLEOs – 1 Official Complaint Filed in 2023

The general nature of the one official complaint filed with Municipal Law Enforcement Officers between May 1st and November 1, 2022 was:

- Noise
- Trespassing on private property



****Please Note: The above-noted complaint was not in regard to ATVs on municipal roads, but rather ATVs riding on private property.**

Public Works – 0 complaints

OPP Complaints / Charges / Warnings - 6

The following is a breakdown of ATV Traffic Complaints and MVCs (Motor Vehicle Collisions) involving ATVs/ORVs (does NOT include dirt bikes) in Essa Township that were received and attended to by the OPP during 2022:

Incidents	Location	Breakdown	Other
6 Complaints	Public (Simcoe County Forest, Hydro Property, Parks)	0	1 MVC involving ATV (Please Note – the breakdown of warnings/charges was not provided by OPP at this time)
	Private Property	0	
	Streets	6	

[NOTE: A copy of Staff Report C026-21 has been attached for Council’s reference (Attachment No. 2). The Staff Report provides a breakdown of complaints received by OPP for 2020 and 2021.]

Since the Pilot Project was implemented in 2021, it should be noted that there has been a significant decrease in calls/complaints filed with Municipal Law Enforcement Officers; the complaints are now being directed to the proper authority and the general public is much better educated on Essa’s By-law and the Off Road Vehicles Act. Staff have worked with OPP to provide joint media release(s) to ensure that the general public has a better understanding of the rules relating to ATVs / ORVs.

At this time, it is recommended that Council allow ATVs / ORVs permission to drive on the paved or unpaved vehicular driving surfaces on a permanent basis during the designated season (May 1st to November 1st each calendar year; 7:00 am to 11:00 pm).

A copy of the DRAFT By-law has been attached for Council’s consideration (Attachment No. 3).

FINANCIAL IMPACT

None.


 Manager of Finance Approval

9a

SUMMARY/OPTIONS


Council may:

1. Take no further action.
2. **Approve the allowance of ATVs / ORVs on the paved or unpaved vehicular driving surface of roads under municipal jurisdiction during the designated season of May 1st to November 1st each calendar year, on a permanent basis.**
3. **Approve the DRAFT By-law to amend Essa's ATV/ORV By-law 2021-16.**
4. Direct staff to extend the ATV Pilot Program into 2023, thereby allowing ATVs to drive on municipal roads during the designated season of May 1st to November 1st, 2023, and that a further Staff Report be brought forward in 2023 prior to the end of the designated season for Council to re-evaluate the merits of the ATV Pilot Program.
5. Direct staff to amend Essa's ATV By-law 2021-16 to allow for ATVs and ORVs to drive on roads under municipal jurisdiction on a permanent basis going forward, twelve months per year.
6. Direct staff to rescind Essa's ATV By-law 2021-16 and draft a By-law to prohibit all ATVs and ORVs from driving on roads under municipal jurisdiction.
7. Direct staff as Council deems appropriate.

CONCLUSION

It is recommended that Council approve Option No. 2 and 3.

Recommendation Supported
by:



Michael Mikael
Manager of Public Works

Respectfully submitted:



Lisa Lehr
Manager of Legislative Services

Reviewed by:



Colleen Healey-Dowdall
Chief Administrative Officer

Attachments:

- 1 – Essa By-law 2021-16 "ATV / ORV By-law"
- 2 – Copy of Staff Report C026-21 "ATV / ORV By-law"
- 3 – DRAFT By-law to Amend By-law 2021-16

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THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2021 – 16

Being a By-law to permit all-terrain, multi-purpose off highway utility and recreational off-highway vehicles (off-road vehicles) on the shoulder of all municipal roads and to repeal By-law 2005-24.

Whereas the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Section 191.8(1), provides that no person shall drive an off-road vehicle on a highway except in accordance with the *Highway Traffic Act* regulations and any applicable Municipal By-law; and

Whereas the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Section 191.8(3), provides that a municipality may pass by-laws permitting certain off-road vehicles on highways under the jurisdiction of the municipality and providing speed limits for such vehicles; and

Whereas the operation of off-road vehicles on highways is a privilege and not a right; and

Whereas the *Municipal Act*, S.O. 2001, Chapter 25, Section 11.(3), provides that a municipality may pass by-laws with respect to municipally owned roads, including parking and traffic on such highways; and

Whereas requests have been received to permit off-road vehicles on certain municipally owned highways within the boundary of the Township of Essa; and

Whereas Council of the Corporation of the Township of Essa is desirous of permitting ATVs and ORVs access to roads under its municipal jurisdiction as part of a Pilot Project in 2021 to run from May 1, 2021 to November 1, 2021, at which time Council will re-evaluate the merits of the Pilot Project;

Now Therefore Council of the Corporation of the Township of Essa hereby enacts as follows:

I. **DEFINITIONS**

In this By-law,

"*Boulevard*" shall mean that part of the highway situated between the curb line and the property line of the lot abutting the highway, but does not include a sidewalk or shoulder.

"*Highway*" includes a common and public highway, street avenue, parkway, driveway, square, place, bridge, viaduct or 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 lines thereof.

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"*Multi-purpose off-highway utility vehicle*" means an off-road vehicle that,

- a) has four or more wheels, the tires of which are all in contact with the ground,
- b) has a steering wheel for steering control,
- c) has seats that are not designed to be straddled, and
- d) has a minimum cargo capacity of 159 kilograms;

"*Municipality*" shall mean the Township of Essa.

"*Off-Road Vehicle*" shall mean an off-road vehicle intended for off-road and within the meaning of the *Off-Road Vehicles Act*, and as defined by the *Highway Traffic Act* and or the regulations thereto and includes off-road vehicles as defined as follows:

"*All-Terrain Vehicle*" means an off-road vehicle that,

- a) has four wheels, the tires of which are all in contact with the ground,
- b) has steering handlebars,
- c) has a seat that is designed to be straddled by the driver, and
- d) is designed to carry,
 - (i) a driver only and no passengers, or
 - (ii) a driver and only one passenger, if the vehicle,
 - a) has one passenger seat that is designed to be straddled by the passenger while sitting facing forward behind the driver, and
 - b) is equipped with foot rests for the passenger that is separate from the foot rests for the driver;

"*Recreational off-highway vehicle*" means an off-road vehicle that,

- a) has four or more wheels, the tires of which are all in contact with the ground,
- b) has a steering wheel for steering control,
- c) has seats that are not designed to be straddled, and
- d) has an engine displacement equal to or less than 1,000 cubic centimetres;

"*Recognized Agency*" shall be the Ontario Federation of All-Terrain Vehicle Clubs and the Central Ontario ATV Club.

"*Seat belt assembly*" means a device or assembly composed of a strap or straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person.

"*Highway*" shall mean any and all public highways assumed and maintained under the jurisdiction and ownership of the Township of Essa.

II. REGULATION OF OFF-ROAD VEHICLES ON HIGHWAYS

1. Off-road vehicles shall be permitted upon the highways under the jurisdiction of the Township of Essa, in accordance with Ontario Regulation 316/03 of the *Highway Traffic Act*, as amended, and the *Off Roads Vehicle Act*, as amended.
2. Unless such lands form part of a trail route approved and maintained by a recognized agency, no person shall operate an off-road vehicle over or upon the following areas:
 - a) Any Community Centre under the jurisdiction of the municipality;
 - b) Any park, open space lands, sport field, playground or trail under the jurisdiction of the municipality;
 - c) Any cemetery within the jurisdiction of the municipality;
 - d) Any municipal public property in the Township without the consent of the municipality;
 - e) Any unopened road allowance unless such vehicle is required for emergency response purposes or unless prior permission has been obtained from the Township;
 - f) Upon any sidewalk or boulevard within the municipality;
 - g) In any settlement area except as a means of direct access to the approved trail routes or to obtain core services.
3. No person shall operate an off-road vehicle on highways unless it meets the equipment requirements of Section 7 to 15 of O. Reg. 316/03, as amended, and it is operated in accordance with Sections 16 to 24 of O. Reg. 316/03, as amended.
4. No person shall drive an off-road vehicle at a rate of speed greater than:
 - a) 20 kilometres per hour, if the speed limit established under the *Highway Traffic Act* or by municipal by-law for that part of the highway is not greater than 50 kilometres per hour, or
 - b) 50 kilometres per hour, if the speed limit established under the *Highway Traffic Act* or by municipal by-law for that part of the highway is greater than 50 kilometres per hour.
5. No person shall operate an off-road vehicle within the Township of Essa between the hours of 11:00 p.m. and 7:00 a.m. the following day, except where approved in advance by Council in association with a special event or other activity.
6. No person shall operate an off-road vehicle in such a way as to disrupt or destroy the natural environment, create a nuisance by method or frequency of operation on any municipal property or upon any highway within the municipality.

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7. No person shall leave an off-road vehicle within the municipal road allowance unless it is within designated parking lot spaces and or designated on-street parking spaces or where otherwise authorized signage is displayed indicating that off-road vehicle parking is permitted.
8. No person shall operate an off-road vehicle on roads under municipal jurisdiction between November 1st to April 30th in each calendar year.

III. ENFORCEMENT

1. Where applicable, the provisions of this By-law shall be enforceable by a Police Officer, Municipal Law Enforcement Officer, or other such persons appointed by the municipality.
2. No person shall obstruct, hinder, or otherwise interfere with a Police Officer, Municipal Law Enforcement Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this By-law.
3. Failure to stop when directed by a Police Officer or Municipal Law Enforcement Officer shall be an offence of obstruction.
4. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine provided for by the *Provincial Offences Act*, R.S.O, 1990, Chapter P.33, as amended.

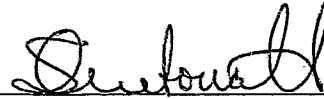
IV. GENERAL

1. That in the event any provisions of this By-law are found by a Court of competent jurisdiction to be without effect under Section 14.(1) of the *Municipal Act*, S.O. 2001, as amended, such provisions shall be deemed to be severed and the remainder of this By-law shall remain in full force and effect.
2. That this By-law shall apply in addition to the provisions of any other Township By-law and the *Municipal Act*, 2001, S.O. 2001 c. 25, as amended, provided that in the event of conflict, the provisions of any other Township By-law or the *Municipal Act*, 2001, S.O. 2001 c. 25, as amended, shall not be paramount over this By-law, provided such provisions are not contrary to law.
3. That By-law 2005-24 be and is hereby repealed.
4. That it is hereby recognized this By-law may be revoked and repealed at any time.
5. That nothing in this By-law shall limit any other statutory or common law rights or powers of the municipality or any Officer to enter on land.

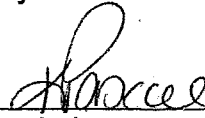
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6. That this By-law shall be cited as the "Off Road Vehicles By-law".
 7. That this By-law shall come into force and take effect on the date of final passing thereof.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY
PASSED 5th day of May, 2021.



Sandie Macdonald
Mayor



Lisa Lehr
Manager of Legislative Services

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THE HONOURABLE ESTHER ROSENBERG
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
CENTRAL EAST REGION
50 EAGLE STREET WEST
NEWMARKET, ONTARIO L3Y 6B1



L'HONORABLE ESTHER ROSENBERG
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU CENTRE-EST
50, RUE EAGLE OUEST
NEWMARKET (ONTARIO) L3Y 6B1
TELEPHONE/TÉLÉPHONE (905) 853-4890
FAX/TÉLÉCOPIEUR (905) 853-4891

May 10, 2021

Ms. Krista Pascoe
Clerk
5786 County Road 21
Utopia, Ontario
L0M 1T0

Dear Ms. Pascoe,

Re: Set Fines for the Township of Essa

Enclosed herewith please find the Order and the schedule of set fines.

The setting of the fines does not constitute my approval of the short form of the wording used to describe the offences.

I have forwarded copies of the Orders and the Schedules of the set fines to the POA Court in Barrie.

Yours truly,

Esther Rosenberg
Regional Senior Justice
Central East Region

/bmw
Enclosures

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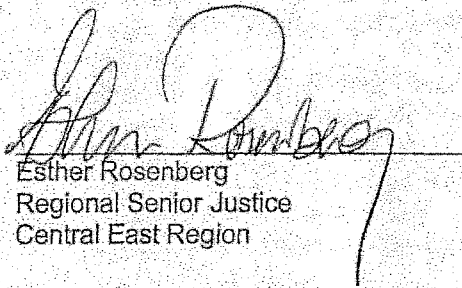
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PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the attached schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By Law 2021-16, for the Township of Essa, attached hereto is the set fine for that offence. This Order is to take effect May 10, 2021.

DATED at Newmarket this 10th
day of May, 2021


Esther Rosenberg
Regional Senior Justice
Central East Region

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PART I PROVINCIAL OFFENCES ACT

TOWNSHIP OF ESSA

BY-LAW 2021-16
"Off Road Vehicles By-law"

A By-law to permit all-terrain, multi-purpose off highway utility and recreational off-highway vehicles (off-road vehicles) on the shoulder of all municipal roads

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Operating an Off-Road Vehicle in a prohibited area	II(2)	\$150.00
2.	Fail to meet equipment requirements	II(3)	\$150.00
3.	Drive an Off-Road Vehicle at a speed greater than 20 km/h if established speed limit is not greater than 50 km/h	II(4a)	\$150.00
4.	Drive an Off-Road Vehicle at a speed greater than 50 km/h if established speed limit is greater than 50 km/h	II(4b)	\$150.00
5.	Operate an Off-Road Vehicle during prohibited times	II(5)	\$150.00
6.	Operate an Off-Road Vehicle in a way as to disrupt or destroy natural environment on municipal property or highway	II(6)	\$150.00
7.	Operate an Off-Road Vehicle on municipal roads between November 1 st to April 30 th	II(8)	\$150.00
8.	Obstruct, hinder or interfere with a Police Officer, Municipal Law Enforcement Officer or other duly appointed individual	III(2)	\$200.00
9.	Fail to stop when directed.	III(3)	\$200.00

NOTE: The penalty provisions for offences listed above are Section III (4) of By-law 2021-16, certified copy of which has been filed.

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Attachment #2



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C026-21
DATE: October 6, 2021
TO: Committee of the Whole
FROM: Lisa Lehr, Manager of Legislative Services
SUBJECT: ATV / ORV By-law

RECOMMENDATION

That Staff Report C026-21 be received; and

That Council direct staff to extend the ATV Pilot Program into 2022, thereby allowing ATVs to drive on municipal roads only during the designated season of May 1st to November 1st, 2022; and

That a further Staff Report be brought forward in 2022 prior to the end of the designated season for Council to re-evaluate the merits of the ATV Pilot Program.

BACKGROUND

At its meeting of May 5, 2021, Council passed By-law 2021-16, that being a *By-law to permit all-terrain, multi-purpose off highway utility and recreational off-highway vehicles (off-road vehicles) on the shoulder of all municipal roads.*

The current By-law allows for off-road vehicles (ATVs) to travel on the paved or unpaved vehicular driving surface of all urban and/or rural roads under municipal jurisdiction between the hours of 7:00 a.m. to 11:00 p.m. from May 1st to November 1st in each calendar year. The "season", that being May 1st to November 1st, was proposed in an effort to allow for a Pilot Program to run in 2021, whereby Council could re-evaluate the merits of the Program upon the end of the first "season".

Upon passage of the By-law, Council requested that Staff provide a follow-up report of which would summarize complaints/concerns/requests for service that the municipality and OPP received during the Pilot Program, of which would assist Council in their consideration of allowing for road access to ATVs on a permanent basis as opposed to restricting access to the "season" of May 1st to November 1st each calendar year.

COMMENTS AND CONSIDERATIONS

The Clerk has consulted with Municipal Law Enforcement Officers (MLEO), the Manager of Public Works and the Nottawasaga OPP and can confirm that there has been a decrease in the number of calls requesting assistance and/or complaints received by the municipality and the OPP about ATVs/ORVs on municipal roads.

Of the 3 complaints that were officially filed with MLEOs and Council between May 1st and September 27, 2021, the following is the breakdown in the nature of the complaints:

- Noise
- ATVs trespassing on private property

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****Please Note: The above complaints were not in regards to ATVs on municipal roads, but rather ATVs riding on private property.**

In respect of enforcement, Section 17 of the *Off Road Vehicles Act* (ORVA) authorizes the following individuals to stop persons who are driving an off-road vehicle:

- (1) A peace officer may stop any person driving an off-road vehicle;
- (2) The owner or occupier of land may stop any person driving an off-road vehicle on the land;

As Municipal Law Enforcement Officers are not authorized to stop persons driving off-road vehicles under the ORVA, the municipality refers ATV complaints and activities to the Nottawasaga Detachment of the OPP.

The following is a breakdown of ATV Traffic Calls and MVCs (Motor Vehicle Collisions) that were received and attended to by the OPP during the specified timeframes indicated in the chart, with a comparative to the same timeframes in 2020:

2021 TRAFFIC COMPLAINTS			
Timeframe	Request(s) for Assistance filed with OPP	Charges / Warnings	Trespass to Property Act (TPA) or Off Road Vehicles Act (ORVA)
May 1 – Sept 27 2021	6	3 warnings	3 warnings under TPA
Jan 1 – Sept 27 2021	9	6 warnings	4 warnings under TPA 2 warnings under ORVA
2020 TRAFFIC COMPLAINTS			
May 1 – Sept 27 2020	7	3 warnings	2 charges under ORVA 1 warning under ORVA
Jan 1 to Dec 31 2020	14	2 charges 2 warnings	2 charges under ORVA 1 warning under ORVA 1 warning TPA

2021 MVC CALLS			
Timeframe	Request(s) for Assistance filed with OPP	Charges / Warnings	Trespass to Property Act (TPA) or Off Road Vehicles Act (ORVA)
May 1 – Sept 27 2021	0	0	0
Jan 1 – Sept 27 2021	1	1 charge	1 charge under TPA
2020 MVC CALLS			
May 1 – Sept 27 2020	1	2 charges	1 charge under TPA 1 charge under ORVA
Jan 1 to Dec 31 2020	2	4 charges	3 charges under TPA 1 charge under ORVA

As can be seen in the charts above, there has been a decrease in the requests for service from the OPP since the passage of Essa's ATV By-law (May 2021). In respect of Traffic Complaints, warnings that were issued to riders appear to be for trespassing on private property; not for ATV riders not following the rules of the road. No charges were laid under the *Off Road Vehicles Act* or the *Trespass to Property Act* in respect to traffic complaints. As well, it appears as though there has been a decrease in OPP assistance for MVCs involving ATVs.

In respect of allowing ATVs access to roads under municipal jurisdiction on a permanent basis (12 months/year), Council may want to consider mirroring that which is permitted by our municipal partners (Town of New Tecumseth and the Township of Adjala-Tosorontio). As the Nottawasaga Detachment of the OPP enforces ATV By-laws for the three municipalities that participate in the Tri-Municipal Policing Agreement, having the same "rules" in our By-law as that which is in New Tecumseth and Adjala-Tosorontio will allow for ease of enforcement by the OPP. It will also ensure that communications are clear and concise to residents and visitors of Essa. Uniform rules between the three municipalities for ATV By-laws will secure consistent

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communication and enforcement by the OPP, which will assist not only Essa ATV riders, but riders travelling Essa roads from New Tecumseth as well as Adjala-Tosorontio. In regards to allowing for ATVs/ORVs on municipal roads all year round, the following should also be considered by Council prior to extending the "season" to allow for road-riding in winter months:

- Public safety concerns during winter months due to unfavorable driving conditions, reduced visibility and wet soft shoulder that may promote accidents especially on rural roads
- Potential interference with the snow removal operations during winter months which may result into the need to increase the level of service with respect to the MTO minimum standards for snow removal operations (potential higher cost)
- Off Road Vehicles do not offer the same protection as cars/trucks (windshield for visibility, enclosed interior, seatbelts, etc.)
- ATVs lack lateral stability and crush protection for riders – the accumulation of snow and dips on roads can greatly reduce traction and stability especially on wet granular shoulders (rural roads) which may lead to collisions / injuries and potential liability exposure for future civil claims

Having taken everything into consideration, the author of this Report is of the opinion that it would be in Council's best interest to extend the Pilot Program into 2022, thereby limiting ATV riders from accessing roads under municipal jurisdiction to a designated "season" (that being May 1st to November 1st, 2022; if Council wishes they could consider lengthening the "season" to start April 1st instead of May 1st). It is felt that the data gathered and submitted to Council in respect of ATV complaints and requests for assistance analyzes issues for too short a period of time (only 5 months) for changes to be recommended at this stage. The Clerk believes that, at this time, it would be premature for Council to consider allowing ATVs on roads under municipal jurisdiction on a permanent basis, or removing the dedicated "season". Extending the Pilot Program into 2022 will allow for staff to gather more information that could assist Council in making a more informed decision, in addition to allowing for staff to organize and launch a public education session for ATV riders. This public education session could be coordinated by staff with the OPP and ATV groups (ie: OFATV and/or COATV), and would work towards ensuring that ATV motorists are safe on our roads.

FINANCIAL IMPACT

None.

SUMMARY/OPTIONS

Council may:

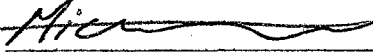
1. Take no further action.
2. **Direct staff to extend the ATV Pilot Program into 2022, thereby allowing ATVs to drive on municipal roads during the designated season of May 1st to November 1st, 2022, and that a further Staff Report be brought forward in 2022 prior to the end of the designated season for Council to re-evaluate the merits of the ATV Pilot Program.**
3. Direct staff to extend the Pilot Program into 2022 and amend the designated season as outlined in By-law 2021-16 to run from April 1st to November 1st, 2022.
4. Direct staff to amend Essa's ATV By-law 2021-16 to allow for ATVs and ORVs to drive on roads under municipal jurisdiction on a permanent basis going forward, twelve months per year.
5. Direct staff to rescind Essa's ATV By-law 2021-16 and draft a By-law to prohibit all ATVs and ORVs from driving on roads under municipal jurisdiction.
6. Direct staff as Council deems appropriate.

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CONCLUSION

It is recommended that Council approve Option No. 2.

Recommendation Supported by:



Michael Mikael
Manager of Public Works

Respectfully submitted:



Lisa Lehr
Manager of Legislative Services

Reviewed by:



Colleen Healey-Dowdall
Chief Administrative Officer

Attachments:
None.

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THE CORPORATION OF THE TOWNSHIP OF ESSA

BY-LAW 2023 – xx

Being a By-law to amend Essa's ATV/ORV By-law 2021-16.

WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Section 191.8(1), provides that no person shall drive an off-road vehicle on a highway except in accordance with the *Highway Traffic Act* regulations and any applicable Municipal By-law; and

WHEREAS the *Highway Traffic Act*, R.S.O. 1990, Chapter H.8, Section 191.8(3), provides that a municipality may pass by-laws permitting certain off-road vehicles on highways under the jurisdiction of the municipality and providing speed limits for such vehicles; and

WHEREAS the operation of off-road vehicles on highways is a privilege and not a right; and

WHEREAS the *Municipal Act*, S.O. 2001, Chapter 25, Section 11.(3), provides that a municipality may pass by-laws with respect to municipally owned roads, including parking and traffic on such highways; and

WHEREAS at its meeting of May 5, 2021, Council of the Township of Essa commenced a Pilot Program to allow ATVs / ORVs to drive on the paved or unpaved vehicular driving surface of roads under the municipal jurisdiction of Essa Township, with the Pilot Program being extended into 2022 via the passage of Resolution CW127-21; and

WHEREAS Council of the Corporation of the Township of Essa is desirous of permitting ATVs and ORVs access to roads under its municipal jurisdiction on a permanent basis during the designated season of May 1st to November 1st each calendar year;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESSA HEREBY ENACTS as follows:

1. That By-law 2021-16 be and is hereby amended as follows:

Preface of By-law

- strike "*on the shoulder of all municipal roads*" and replace with "***on the paved and unpaved vehicular driving surface of roads under the municipal jurisdiction of Essa Township***".

Pretext of By-law – para 6

- Strike para 6 and replace with:

"WHEREAS Council of the Corporation of the Township of Essa is desirous of permitting ATVs and ORVs access to the paved and

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unpaved driving surface of roads under its municipal jurisdiction during the designated season of May 1st to November 1st each calendar year"

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

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED xx day of May, 2023.

Sandie Macdonald
Mayor

Lisa Lehr
Manager of Legislative Services

DRAFT